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2022 Regular Session

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CHAPTER 1**(HB 172)**

AN ACT relating to elections and declaring an emergency.

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

➔Section 1. (1) Notwithstanding any other provision of law, effective for the 2022 primary and for no other election, the filing deadline for candidates under KRS 83A.045, 118.125, 118.165, and 118A.060 shall be January 25, 2022. All nomination papers shall be filed no later than 4 p.m. local time on the last date on which the papers may be filed.

(2) Notwithstanding any other provision of law, effective for the 2022 primary and for no other election, the time of the drawing for ballot positions and the certification of candidates shall be suspended and shall be held at a time determined by the Secretary of State or the county clerk, as appropriate, following the filing deadline established under subsection (1) of this section.

(3) Any other necessary election deadlines for the 2022 primary and for no other election, excluding the date of the primary under KRS 118.025, shall be established by the Secretary of State or county clerk, as appropriate.

➔Section 2. Whereas it is necessary for the 2022 filing deadline for the 2022 primary to be extended and for other applicable election deadlines to be determined by the Secretary of State or county clerk, as appropriate, pending the passage of redistricting legislation by the General Assembly, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor January 6, 2022.

CHAPTER 2**(HB 5)**

AN ACT relating to fiscal matters providing funding for disaster recovery and relief, making an appropriation therefor, and declaring an emergency.

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

➔Section 1. There is hereby appropriated General Fund moneys in the amount of \$155,000,000 in fiscal year 2021-2022 to the West Kentucky State Aid Funding for Emergencies (SAFE) Fund.

➔Section 2. There is hereby appropriated General Fund moneys in the amount of \$45,000,000 in fiscal year 2021-2022 to the West Kentucky State Aid Funding for Emergencies (SAFE) Fund to be allocated as follows:

(a) \$30,000,000 to the Kentucky Department of Education for school districts impacted by the December 2021 storms and tornadoes, including:

1. Providing the necessary wrap-around services for school children and their families in recovering from the impact of the storms and tornadoes, including after-school services and activities held at the school facilities or elsewhere in the community, mental health counseling services, and outside-of-school tutoring and other services to advance the scholastic progress of students;

2. Assisting school districts in addressing the additional transportation costs to provide transportation to students that are displaced from their district or county; and

3. Transferring a portion to the School Facilities Construction Commission to offer funding for the construction and repairs of school building facilities that have been destroyed or severely damaged by the storms and tornadoes. If a school district receives insurance funds for the facility, the school district shall reimburse the fund an amount equal to the amount received from insurance proceeds; and

(b) \$15,000,000 to the Department of Military Affairs, Division of Emergency Management, to be used for procuring temporary FEMA-eligible housing units.

➔Section 3. Notwithstanding KRS 48.630 or any other statute to the contrary, except as provided for in Section 2 of this Act, the funds appropriated or deposited into the West Kentucky State Aid Funding for Emergencies

(SAFE) Fund shall not be expended, allocated, or appropriated without the express authority of the General Assembly.

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

- (1) *The West Kentucky State Aid Funding for Emergencies (SAFE) fund is established and shall be:*
- (a) *Administered by the Department of Military Affairs, Division of Emergency Management, in accordance with this section;*
 - (b) *A separate fund to provide financial assistance for those impacted by the December 2021 storms and tornadoes that occurred in the west Kentucky region; and*
 - (c) *Used to provide financial support to the west Kentucky region to recover from the devastation caused by the storms and tornadoes.*
- (2) *The Department of Military Affairs or the Division of Emergency Management shall not publicly advertise or solicit contributions from the general public that could potentially impact fundraising efforts of not-for-profit disaster relief agencies.*
- (3) *The fund may receive state appropriations, gifts, grants, federal funds, and any other funds both public and private.*
- (4) *Moneys in the fund as of June 30, 2022, and June 30, 2023, shall not lapse and shall carry forward until June 30, 2024.*
- (5) *Any interest earnings of the fund shall become a part of the fund and shall not lapse.*
- (6) (a) *Eligibility to receive financial support from the fund shall be limited to a:*
1. *City, county, urban-county government, consolidated local government, unified local government, or charter county government;*
 2. *Nonprofit or public utility service provider;*
 3. *State agency; or*
 4. *School district;*
- that has disaster-related needs as a result of the devastation experienced from the December 2021 storms and tornadoes.*
- (b) *An eligible recipient may receive moneys for expenses to provide disaster and recovery relief if the recipient:*
1. *Is located in the areas named in a Presidential Declaration of Emergency relating to the storms and tornadoes that occurred in December 2021; and*
 2. *Has disaster-related needs in response to the storms and tornadoes that occurred in December 2021.*
- (c) *Eligible expenses shall be those used to support disaster and recovery relief, including but not limited to:*
1. *Replacement or renovation of public buildings damaged by the storms and tornadoes;*
 2. *Reimbursement for services, personnel, and equipment provided during the response and recovery to communities impacted by the storms and tornadoes;*
 3. *Funding to cities, counties, and publicly owned utilities for the costs of replacement or repair of publicly owned buildings and their contents due to the damage from the storms and tornadoes;*
 4. *Assistance to cities and counties for expenses related to planning efforts for rebuilding and recovering from the damage;*
 5. *Assistance to utilities serving Graves, Caldwell, Muhlenberg, and Hopkins Counties for resilient response and future risk reduction through the burying of utility wires that will enhance power reliability, reduce power loss, and lessen risk to human life; and*

6. *Assistance to support disaster recovery and relief needs of local school districts, including but not limited to:*
- a. *Financial support for school districts that will experience a default in bond payments; and*
 - b. *Financial support to assist school districts with building needs.*
- (7) *Each recipient of moneys from the fund, including any agency of Kentucky state government, shall:*
- (a) *Timely apply for federal emergency disaster grant assistance, other financial disaster assistance, and insurance proceeds; and*
 - (b) *Adhere to the terms of the fund regarding reimbursement to the Commonwealth if funds from other sources are subsequently received after the receipt of financial assistance from the state.*
- (8) (a) *Moneys in the fund may be used for the advancement of moneys to cities and counties experiencing strained fiscal liquidity while awaiting reimbursement from federal emergency management assistance or insurance claims.*
- (b) *Reimbursement of the advancement under paragraph (a) of this subsection shall:*
1. *Be determined by the Department for Local Government's state-local finance officer; and*
 2. *Include a quarterly accounting of the advancement released and the outstanding balance through June 30, 2024.*
- (9) (a) *If a recipient of moneys from the fund subsequently receives moneys from any other source, the recipient shall reimburse the Commonwealth for the amount of the moneys received from the fund.*
- (b) *All moneys reimbursed to the Commonwealth under paragraph (a) of this subsection shall be deposited in the general fund within thirty (30) days.*
- (10) *The Division of Emergency Management shall promulgate administrative regulations to carry out this section.*
- (11) *The following reports shall be submitted to the Interim Joint Committee on Appropriations and Revenue by the tenth day of each month, beginning February 10, 2022, and ending July 10, 2024:*
- (a) *A report from the Office of State Budget Director that includes:*
 1. *The name of each recipient of moneys from the fund;*
 2. *The dollar amount of moneys received; and*
 3. *A description of how the moneys were used; and*
 - (b) *A report from the Department of Education that includes:*
 1. *The name of each school district receiving moneys from the fund;*
 2. *The dollar amount of moneys received; and*
 3. *A description of how the moneys were used.*

➔Section 5. Whereas support and relief efforts are imperative for the Commonwealth to recover from the considerable damage caused by deadly storms and tornadoes, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor January 13, 2022.

CHAPTER 3

(HJR 29)

A JOINT RESOLUTION extending emergency executive actions related to severe weather and declaring an emergency.

WHEREAS, emergency executive orders, administrative regulations, and other directives have been issued by the Governor in response to severe weather in the state; and

WHEREAS, the application of KRS 39A.090 to a number of severe weather-related emergency executive orders and administrative regulations is debatable, but the Governor has requested that they be extended past 30 days and continued in order to protect the citizens of Kentucky; and

WHEREAS, the General Assembly agrees to extend the deadlines for the requested executive orders in the interest of aiding the citizens devastated by the December storms in Kentucky;

NOW, THEREFORE,

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

➔Section 1. The General Assembly hereby extends the following executive orders and administrative regulations issued in response to the severe weather in Kentucky, and declares that the same shall be in effect until and expire on April 14, 2022:

- (1) 2021 Executive Order 2021-923, declaring a state of emergency following the December 10, 2021, storms;
- (2) 2021 Executive Order 2021-925, establishing the Team Western Kentucky Tornado Relief Fund;
- (3) 2021 Executive Order 2021-936, relating to the suspension of KRS 257.160;
- (4) 2021 Executive Order 2021-939, relating to the suspension of KRS 186.531;
- (5) 2021 Executive Order 2021-967, relating to unemployment insurance claims and benefits;
- (6) 2021 Executive Order 2021-969, relating to price gouging;
- (7) 2022 Executive Order 2022-001, declaring a state of emergency following the December 31, 2021, storms; and
- (8) 800 KAR 1:020E, Team Western Kentucky Tornado Relief Fund.

➔Section 2. All executive orders, cabinet and agency orders, guidances, memoranda, directives, or actions identified herein shall be forwarded to the Secretary of State for posting prominently on the Secretary's Web site until the conclusion of the December 10, 2021, and December 31, 2021, storm emergencies.

➔Section 3. If any suspension of statutes is included in the executive or administrative actions identified herein, or in any executive or administrative action contemplated after April 14, 2022, prior approval of the Attorney General shall be obtained as required by KRS 39A.180.

➔Section 4. It is not the intention of the General Assembly that this Resolution should impair or delay the ability of the Commonwealth to receive any federal disaster relief funds.

➔Section 5. Whereas, the General Assembly desires to ensure that the citizens of the Commonwealth are protected during their recovery from the December 10, 2021, and December 31, 2021, storms, an emergency is declared to exist, and this Resolution takes effect upon its passage and approval by the Governor or upon its otherwise becoming law.

Signed by Governor January 13, 2022.

CHAPTER 4

(SB 25)

AN ACT relating to actions in response to the SARS-CoV-2 virus and declaring an emergency.

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

➔Section 1. All SARS-CoV-2-related executive orders issued by the Governor and all executive actions and administrative orders, administrative regulations, or other administrative actions not specifically extended by this Act are of no further force or effect as of the effective date of this Act.

➔Section 2. The General Assembly hereby approves, extends, and in some cases modifies as stated, the following executive orders and declares that the same shall be in effect until and expire on April 14, 2022:

- (1) 2020 Executive Order 2020-215 only to the extent necessary to:
 - (a) Secure current or future federal funding, including reimbursements, related to the SARS-CoV-2 virus;
 - (b) Preserve the protections and status afforded by 2021 RS SB 5, 2021 Ky. Acts ch. 205; and
 - (c) Extend 2020 RS SB 150, 2020 Ky. Acts ch. 73, until April 14, 2022, to the extent the provisions are not superseded by statute or administrative regulation, except that Section 1(4) of 2020 RS SB 150, 2020 Ky. Acts ch. 73, shall be in effect until and expire on May 15, 2022, to the extent the provisions are not superseded by statute or administrative regulation;
- (2) 2020 Executive Order 2020-220, related to health insurers waiving costs for certain screening, testing, and immunizations;
- (3) 2020 Executive Order 2020-243 only to the extent set forth herein:
 - (a) Encourages social distancing among citizens; and
 - (b) Allows state agencies to:
 1. Encourage social distancing;
 2. Provide and conduct services by mail, Internet, phone, and/or video conferencing;
 3. Extend licenses, credentials, or certificates that require in-person appearances or education for renewal;
 4. Permit education and continuing education to be satisfied online;
 5. Extend deadlines for statutory or regulatory reporting; and
 6. Extend deadlines for payments of fees, taxes, and assessments, and waive late payment penalties incurred;
- (4) 2020 Executive Order 2020-265, allowing retired first responders returning to work;
- (5) 2020 Executive Order 2020-266, allowing retired state employees returning to work, except the provisions in paragraphs 8 and 9;
- (6) 2020 Executive Order 2020-277, providing temporary disability from certain occupational exposures, except the provisions in paragraph 3;
- (7) Notwithstanding any statutory provisions to the contrary, 2021 Executive Order 2021-665, related to price gouging;
- (8) Notwithstanding any statutory provisions to the contrary, 2021 Executive Order 2021-666, related to the dispensing of pharmaceuticals; and
- (9) Secretary of the Governor's Executive Cabinet Order, dated April 24, 2020, related to the "practice of pharmacy" including initiating, ordering, and administering certain testing.

➔Section 3. The General Assembly hereby approves, ratifies, modifies, and extends the following executive actions and administrative regulations issued by a cabinet, agency, or department until April 14, 2022:

- (1) Labor Cabinet Administrative Order 2020-001, dated April 10, 2020, related to the allowing of digital signatures to facilitate workers' compensation matters;
- (2) Cabinet for Health and Family Services Order, dated July 8, 2021, eliminating the requirement of a clinician's order to administer, bill, or insure certain testing and prohibiting cost-sharing;
- (3) Education and Workforce Development Administrative Order 2020-02, dated March 25, 2020, paragraphs 5, 7, 9, and 10 only, related to the filing of unemployment claims, access to benefits, and funding the Unemployment Insurance Trust Fund;
- (4) Education and Workforce Development Administrative Order 2020-07, dated July 30, 2020, related to unemployment insurance clarification that Education and Workforce Development Administrative Order 2020-02 does not supersede federal law;
- (5) Labor Cabinet Administrative Order 2021-02, dated May 24, 2021, related to permitting auto industry employers to file electronically for unemployment insurance benefits for employees with recall rights;

- (6) Personnel Cabinet Memorandum No. 21-14, dated August 5, 2021, except that the annual leave shall be leave only and shall not be credited for compensation;
- (7) Cabinet for Health and Family Services Directive, dated August 18, 2021, related to out-of-state medical providers providing certain services;
- (8) Cabinet for Health and Family Services Directive, dated August 8, 2021, related to certain testing waivers;
- (9) The Department of Financial Institutions Guidance for conducting business during a pandemic issued June 5, 2021, and any extension, but not including Section 2 of the Guidance;
- (10) The Department of Financial Institutions Guidance, undated, related to waiving the requirement for physical signatures on U4 forms and updates on annual filings;
- (11) 201 KAR 8:505E, Administration of certain immunizations;
- (12) Energy and Environment Cabinet Emergency Bulletin to all solid waste management facilities from the secretary of the Energy and Environment Cabinet, dated March 26, 2020, related to the response to the request of the National Waste and Recycling Association dated March 24, 2020, asking that the Department for Environmental Protection consider granting relief or flexibility to certain administrative regulations concerning the handling, storage, and disposal of solid waste and recycling materials;
- (13) Energy and Environment Cabinet Memorandum to the staff of the Department of Environmental Protection, for dissemination, from the secretary of the Energy and Environment Cabinet, dated March 26, 2020, related to waste water operators certification;
- (14) Energy and Environment Cabinet Memorandum to Department of Natural Resources staff, for dissemination, from the secretary of the Energy and Environment Cabinet, dated May 4, 2020, related to the extension of miner training deadlines;
- (15) Energy and Environment Cabinet Memorandum to the Department for Natural Resources staff, for dissemination, from the secretary of the Energy and Environment Cabinet, dated January 25, 2021, related to temporary master logger designations and master logger designations;
- (16) Public Protection Cabinet Order dated April 7, 2020, related to the temporary suspension of the building code for hospital overflow areas;
- (17) Department of Insurance Order, dated March 18, 2020, related to telehealth remote communications and the prior relationship requirement;
- (18) Cabinet for Health and Family Services, Office of the Secretary Order, dated April 6, 2020, related to Cabinet approval for a waiver if state law requirements are more stringent than HHS 1135 blanket waivers; and
- (19) Labor Cabinet Administrative Order 2020-04, dated December 15, 2020, related to unemployment insurance reserve ratios for employers with 100 or fewer employees, but not including section 3.

➔Section 4. The General Assembly intends that the Commonwealth's boards and commissions return to normal operations, especially with respect to licensing and continuing education, and hereby approves, ratifies, and extends until April 14, 2022, and no further, the following administrative actions issued by boards, commissions, corporations, and authorities in response to the SARS-CoV-2 virus, which extension will give the boards and commissions listed below a period of time to transition back to normal operations:

- (1) Board of Veterinary Examiners Order, dated April 16, 2020, only to the extent that the order fulfills the objectives of subsection (3) of Section 2 of this Act;
- (2) Kentucky Applied Behavior Analysis Licensing Board Order, dated March 23, 2020, related to telehealth services;
- (3) Kentucky Board of Alcohol and Drug Counselors Order, dated April 2, 2020, related to licensure renewal deadlines;
- (4) Kentucky Board of Licensed Diabetes Educators Order, dated July 21, 2020, related to social distancing and telework;
- (5) Kentucky Board of Licensure for Long-Term Care Administrators Orders, dated May 29, 2020, and March 26, 2021, related to continuing education and licensure;

- (6) Kentucky Board of Licensed Professional Counselors Order, dated April 2, 2020, allowing distance counseling;
- (7) Kentucky Board of Licensure for Marriage and Family Therapists Order, dated March 31, 2020, allowing telework;
- (8) Kentucky Board of Licensure for Occupational Therapy Order, dated March 24, 2020, allowing telehealth;
- (9) Kentucky Board of Licensure for Private Investigators Order, dated June 10, 2020, allowing a grace period for licensure;
- (10) Kentucky Board of Examiners of Psychology Orders, dated March 25, 2020, June 8, 2020, and August 3, 2020, related to licensure, continuing education, and telehealth;
- (11) Kentucky Board of Speech-Language Pathology and Audiology Orders, dated March 25, 2020, and June 25, 2020, related to licensure and telehealth;
- (12) Kentucky Board of Interpreters for Deaf and Hard of Hearing Order, dated April 27, 2020, related to fees, licensure, and continuing education;
- (13) Kentucky Licensing Board for Specialists in Hearing Instruments Order, dated May 21, 2021, related to licensure and continuing education;
- (14) Kentucky Board of Barbering Order, to the extent that the order fulfills the objectives of subsection (3) of Section 2 of this Act;
- (15) Kentucky Board of Licensure for Massage Therapy Order, dated May 11, 2020, related to licensure;
- (16) Board of Pharmacy Order, dated April 24, 2020, related to the suspension of administrative regulations which relate to in-person work;
- (17) Board of Dentistry Order, dated April 17, 2020, to the extent that the order fulfills the objectives of subsection (3) of Section 2 of this Act;
- (18) Board of Nursing Emergency Memoranda, dated March 5, 2021, August 26, 2020, April 17, 2020, and March 27, 2020, related to clinical education, APRN licensure, and temporary licensure;
- (19) Board of Social Work Memorandum, dated March 30, 2020, related to licensure and out-of-state practitioners;
- (20) Board of Licensure for Pastoral Counselors action, dated April 24, 2020, related to licensure;
- (21) Board of Licensure for Dietitians and Nutritionists actions, dated March 30, 2020, March 25, 2020, and October 30, 2019, related to licensure, telehealth, and continuing education;
- (22) Board of Durable Medical Equipment Suppliers action, dated May 19, 2020, related to license renewals;
- (23) Kentucky Board of Podiatry actions, dated April 13, 2021, and July 28, 2020, related to a fee waiver;
- (24) Board of Prosthetics, Orthotics, and Pedorthics action, dated May 26, 2020, related to telehealth and continuing education;
- (25) Board of Respiratory Care undated action premised on the August 18, 2021, Cabinet for Health and Family Services directive, related to licensure;
- (26) Board of Licensure for Professional Art Therapists action, dated May 13, 2020, related to licensure;
- (27) Board of Emergency Medical Services:
 - (a) 202 KAR 7:201, First responders;
 - (b) 202 KAR 7:301, EMT;
 - (c) 202 KAR 7:330, Requirements for examination, certification, and recertification of the advanced emergency medical technician;
 - (d) 202 KAR 7:401, Paramedics;
 - (e) 202 KAR 7:501, Ambulance agency licensure;
 - (f) 202 KAR 7:510, Air ambulance services;

- (g) 202 KAR 7:540, EMS data collection, management, and compliance;
 - (h) 202 KAR 7:545, License classifications;
 - (i) 202 KAR 7:550, Required equipment and vehicle standards;
 - (j) 202 KAR 7:555, Ground agencies;
 - (k) 202 KAR 7:560, Ground vehicle staff;
 - (l) 202 KAR 7:601, Training, education, and continuing education;
 - (m) 202 KAR 7:701, Scope of practice matters; and
 - (n) 202 KAR 7:801, Medical directors; and
- (28) Kentucky Board of Home Inspectors action, dated August 18, 2020, related to licensure.

➔Section 5. The General Assembly hereby approves, ratifies, modifies, and extends 803 KAR 25:305E, Workers' compensation expedited hearing pursuant to occupational exposure, issued by the Department of Workers' Claims, until June 25, 2022.

➔Section 6. The General Assembly hereby approves, ratifies, modifies, and extends the following executive actions and administrative regulations issued by a cabinet, agency, or department until June 28, 2022:

(1) 200 KAR 17:110E Guidelines for Kentucky Infrastructure Authority Drinking Water and Wastewater Grant Program, unless it is replaced earlier by an ordinary administrative regulation pursuant to KRS 13A.190, in which case it should expire upon the ordinary administrative regulation becoming effective;

(2) 201 KAR 12:082E, Education requirements and school administration, unless it is replaced earlier by an ordinary administrative regulation pursuant to KRS 13A.190, in which case it should expire upon the ordinary administrative regulation becoming effective;

- (3) 803 KAR 2:330E, Occupational exposure to COVID-19;
- (4) 902 KAR 2:230E, COVID-19 antibody administration center;
- (5) 902 KAR 2:240E, COVID-19 test acquisition and distribution;
- (6) 902 KAR 2:250E, COVID-19 vaccine storage; and
- (7) 902 KAR 20:460E, Essential visitor programs; visitation guidelines for long-term care facilities.

➔Section 7. The General Assembly hereby approves, ratifies, modifies, and extends 201 KAR 2:412E, Ordering and administering vaccinations, issued by the Board of Pharmacy, until July 9, 2022.

➔Section 8. The General Assembly hereby approves, ratifies, modifies, and extends 921 KAR 4:122E, Assistance for low-income households with water or wastewater utility arrears, issued by the Department for Community Based Services pursuant to KRS 13A.190, until:

- (1) August 28, 2022;
- (2) September 28, 2022, if the statement of consideration filing date is extended for the ordinary administrative regulation; or
- (3) It is replaced earlier by an ordinary administrative regulation, in which case it should expire upon the ordinary administrative regulation becoming effective.

➔Section 9. All executive orders, cabinet and agency orders, guidances, memoranda, directives, or actions identified herein but not identified in 2021 SS HJR 1 shall be forwarded to the Secretary of State for posting prominently on the Secretary of State's Web site.

➔Section 10. Upon the expiration of a SARS-CoV-2-related executive order, other directive, or administrative regulation declaring an emergency or other implementation of powers under KRS Chapter 39A, the Governor shall not declare a new SARS-CoV-2-related emergency or continue to implement any of the powers under KRS Chapter 39A based upon the same or substantially similar facts and circumstances as the original declaration or implementation without the prior approval of the General Assembly.

➔Section 11. If any suspension of statutes is included in the executive or administrative actions identified herein, prior approval of the Attorney General shall be obtained as required by KRS 39A.180.

➔Section 12. (1) Notwithstanding any other statute or administrative regulation to the contrary, a school district may temporarily assign students at the school, grade, classroom, or student group level to remote instruction due to significant absences of students or staff related to the COVID-19 pandemic until June 30, 2022.

(2) With prior authorization from the local board of education, the decision to temporarily assign students to remote instruction shall be at the discretion of the superintendent. The temporary assignment to remote instruction shall be no longer than is necessary to alleviate student and staff absences due to COVID-19.

(3) Remote instruction may be provided to each school in a school district, including to a particular grade, classroom, or group of students within the school, for up to 10 days per school under this section. A school district shall not temporarily assign every student in the district to remote instruction under this section, unless all students in the school district are located in a single school facility.

(4) Students temporarily assigned to remote instruction shall receive at least the minimum daily instruction required pursuant to KRS 158.060, which shall include the content standards as provided in the Kentucky Academic Standards.

(5) Remote instruction provided under this section shall not be counted against student attendance days authorized under a school district's approved nontraditional instruction plan.

(6) The provisions of this section shall be retroactive to January 1, 2022.

➔Section 13. (1) Notwithstanding 2021 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 9, and notwithstanding any provision of KRS 161.605 or 161.612 to the contrary, for the time period occurring on or after the effective date of this Act and until June 30, 2022, the following shall apply to retirees who retired from the Teachers' Retirement System on or before August 1, 2021, and who subsequently return to employment for a local board of education in a full-time or part-time certified or classified position, or in a position providing substitute certified or classified services:

(a) The separation of service required shall be a bona fide separation of at least one month for retirees returning to work in a full-time, part-time, or substitute certified or classified position with a local board of education. The system shall not be able to extend the break in employment as provided by this paragraph unless an extension is needed due to a conflict with federal law as described in subsection (4) of this section;

(b) The critical shortage program limitations on the number of retirees reemployed under the program by a local school district as provided by KRS 161.605(8)(a) shall be increased to a maximum number of 10 percent of the total active members employed by the local school district on a full-time basis as defined under KRS 161.220(21); and

(c) Other than the temporary adjustments provided in this subsection, all other provisions of KRS 161.220 to 161.716 and 161.990 shall apply.

(2) The provisions of subsection (1) of this section shall expire on June 30, 2022. Upon expiration of these temporary provisions, any future reemployment or ongoing reemployment of retirees subject to the provisions of subsection (1) of this section shall, for such future or ongoing reemployment occurring after June 30, 2022, be subject to KRS 161.605, including the existing limitations on the critical shortage program, except that a retiree who is reemployed according to the provisions of subsection (1) of this section shall not be required to observe any additional separation of service beyond the one month specified by subsection (1)(a) of this section if he or she remains employed or is reemployed on or after June 30, 2022.

(3) Additional costs incurred to school districts under this section for the hiring of critical shortage teachers to meet the educational challenges of the COVID-19 pandemic are deemed a qualified expense by the General Assembly for purposes of utilizing federal pandemic funds and shall be authorized for use by school districts for this purpose unless in conflict with federal law.

(4) Any provision of subsection (1) and (2) of this section in conflict with federal law as determined by the system shall be void. The school districts shall be notified of any provision in conflict that is voided.

➔Section 14. (1) Notwithstanding 2021 (1st Extra. Sess.) Ky. Acts ch. 4, sec. 10, and notwithstanding any provision of KRS 61.637 or 78.5540 to the contrary, for the time period occurring on or after the effective date of this Act and until June 30, 2022, the following shall apply to retirees who retired from the systems on or before August 1, 2021, and who subsequently return to employment for a local board of education in a full-time or part-time certified or classified position, or in a position providing substitute classified or certified services:

(a) The separation of service required shall be a bona fide separation of at least one month for retirees returning to work in a full-time, substitute, or part-time certified or classified position with a local board of education.

The systems shall not be able to extend the break in employment as provided by this paragraph unless an extension is needed due to a conflict with federal law as described in subsection (3) of this section; and

(b) Other than the temporary adjustments provided in this subsection, all other provisions of KRS 61.510 to 61.705 and 78.510 to 78.852 shall apply.

(2) The provisions of subsection (1) of this section shall expire on June 30, 2022. Upon expiration of these temporary provisions, any future reemployment or ongoing reemployment of retirees hired under the provisions of subsection (1) of this section shall, for such future or ongoing reemployment occurring after June 30, 2022, be subject to KRS 61.637 or 78.5540, as applicable, except that a retiree who is reemployed according to the provisions of subsection (1) of this section shall not be required to observe any additional separation of service beyond the one month specified by subsection (1)(a) of this section if he or she remains employed or is reemployed on or after June 30, 2022.

(3) Any provision of this section in conflict with federal law as determined by the systems shall be void. The school districts shall be notified of any provision in conflict that is voided.

➔Section 15. Nothing in this Act shall be interpreted to allow state agencies to remain closed for regular in-person business.

➔Section 16. It is not the intention of the General Assembly that this Act should impair or delay the ability of the Commonwealth to receive any federal stimulus or pandemic-related funds.

➔Section 17. Whereas, the General Assembly desires to ensure that the school children of the Commonwealth remain in school with live instruction and that the citizens of the Commonwealth go about their personal and professional business to the extent possible while remaining protected during the pandemic, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming law.

Signed by Governor January 14, 2022.

CHAPTER 5

(HB 179)

AN ACT relating to districts of the Supreme Court and declaring an emergency.

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

➔Section 1. KRS 21A.010 is amended to read as follows:

The Commonwealth is divided into seven (7) Supreme Court districts composed as follows:

- (1) First District: ~~{Allen,}~~ Ballard, ~~{Butler,}~~ Caldwell, Calloway, Carlisle, Christian, Crittenden, ~~Daviess~~~~{Edmonson,}~~ Fulton, Graves, **Henderson**, Hickman, Hopkins, Livingston, Logan, Lyon, Marshall, McCracken, McLean, Muhlenberg, ~~{Simpson,}~~ Todd, Trigg, **Union**, and Webster Counties.
- (2) Second District: **Allen**, Barren, Breckinridge, Bullitt, **Butler**, **Edmonson**~~{Davies,}~~ Grayson, Hancock, Hardin, Hart, ~~{Henderson,}~~ Larue, Meade, **Monroe**, **Simpson**, **Spencer**, Ohio, ~~{Union,}~~ and Warren Counties.
- (3) Third District: Adair, **Anderson**, Bell, **Boyle**, Casey, ~~{Clay,}~~ Clinton, Cumberland, ~~{Estill,}~~ Garrard, Green, ~~{Jackson,}~~ **Harlan**, Knox, Laurel, ~~{Lee, Leslie,}~~ Lincoln, Marion, McCreary, **Mercer**, Metcalfe, ~~{Monroe,}~~ Nelson, Pulaski, Rockcastle, Russell, Taylor, Washington, Wayne, and Whitley Counties.
- (4) Fourth District: Jefferson County.
- (5) Fifth District: ~~{Anderson,}~~ Bourbon, ~~{Boyle,}~~ Clark, Fayette, Franklin, Jessamine, ~~{Madison, Mercer,}~~ Scott, and Woodford Counties.
- (6) Sixth District: ~~{Bath,}~~ Boone, Bracken, Campbell, Carroll, ~~{Fleming,}~~ Gallatin, Grant, ~~{Harrison,}~~ Henry, Kenton, ~~{Lewis, Mason, Nicholas,}~~ Oldham, Owen, Pendleton, ~~{Robertson,}~~ Shelby, ~~{Spencer,}~~ and Trimble Counties.

- (7) Seventh District: *Bath*, Boyd, Breathitt, Carter, *Clay*, Elliott, *Estill*, *Fleming*, Floyd, Greenup, ~~*Harrison*~~~~[*Harlan*]~~, *Jackson*, Johnson, Knott, Lawrence, *Lee*, *Leslie*, Letcher, *Lewis*, Magoffin, Martin, *Mason*, Menifee, Montgomery, Morgan, *Nicholas*, Owsley, Perry, Pike, Powell, *Robertson*, Rowan, and Wolfe Counties.

➔Section 2. (1) Notwithstanding any other provision of law, effective for the 2022 primary and for no other election, the filing deadline for candidates seeking election to the Supreme Court in the newly redistricted First, Second, or Sixth Supreme Court District in compliance with Section 110 of the Constitution of Kentucky, any candidate seeking election to the Supreme Court in the Fourth Supreme Court District, and any candidate seeking election to the Court of Appeals, shall be January 25, 2022. All nomination papers shall be filed no later than 4 p.m. local time on the last date on which the papers may be filed.

(2) Notwithstanding any other provision of law, effective for the 2022 primary and for no other election, the time of the drawing for ballot positions and the certification of candidates shall be suspended and shall be held at a time determined by the Secretary of State or the county clerk, as appropriate, following the filing deadline established under subsection (1) of this section.

(3) Any other necessary election deadlines for the 2022 primary and for no other election, excluding the date of the primary under KRS 118.025, shall be established by the Secretary of State or county clerk, as appropriate.

➔Section 3. Whereas the provisions of this Act will affect judicial elections to be held in November 2022, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor January 18, 2022.

CHAPTER 6

(SB 20)

AN ACT relating to legislative redistricting challenges and declaring an emergency.

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

➔Section 1. KRS 5.005 is amended to read as follows:

- (1) An action challenging the constitutionality of any legislative district created by this chapter shall be brought *in the Circuit Court of the county where the plaintiff resides*~~[before a Circuit Court panel of three (3) judges, as convened pursuant to this section, which shall have exclusive jurisdiction in all matters relating to redistricting].~~
- (2) The Secretary of State shall be named as a defendant in any action challenging the constitutionality of any legislative district created by this chapter.
- (3) The Legislative Research Commission may intervene as a matter of right in any action challenging the constitutionality of any legislative district created by this chapter.
- ~~{(4) (a) Petitions to challenge the constitutionality of any legislative district created by this chapter may be filed with the Circuit Court clerk in the judicial circuit where the petitioner resides.~~
- ~~(b) The circuit clerk shall at once certify the challenge to the Chief Justice of the Kentucky Supreme Court. Within twenty (20) days of the certification, the Chief Justice shall randomly select three (3) current or retired Circuit Judges to convene as a panel. No judge serving on the panel shall be from the same Supreme Court district as any other judge serving on the panel.~~
- ~~(c) Any judge selected for the panel shall have all the powers and responsibilities of a regular judge of the court. In addition, one (1) of the randomly selected judges shall be named by the Chief Justice as the chief judge for the panel.~~
- ~~(d) 1. The chief judge may grant a temporary restraining order on a specific finding, based on evidence submitted, that specified irreparable damage will result if the order is not granted. The order shall remain in force only until the full panel hears and determines any petition for a preliminary injunction.~~

- ~~2. Any action of a single judge pursuant to this section may be reviewed by the full panel at any time before a final judgment is issued in the challenge for which the panel was convened.~~
- ~~(e) 1. The challenge shall be heard and any orders shall be entered in the judicial circuit in which the petition was filed.~~
- ~~2. If subsequent challenges to the same legislative redistricting plan are filed in the same or any other Circuit Court while the initial challenge is pending, the challenges shall be consolidated and tried together.~~
- ~~(f) The panel shall decide the challenge by concurring vote of a majority of its judges, and the decision shall be subject to the same rights of appeal as in other civil actions.~~
- ~~(g) A retired justice or judge serving on a panel convened under this section shall be compensated as provided by KRS 21A.110.]~~

➔Section 2. Whereas a legislative redistricting plan is constitutionally required to be enacted in the 2022 Regular Session of the Kentucky General Assembly, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor January 18, 2022.

CHAPTER 7

(HB 2)

AN ACT relating to redistricting and declaring an emergency.

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

House Plan (HH002C03)

(Geographic integrity verified: yes)

Part I - House Plan (HH002C03)

➔SECTION 1. KRS 5.201 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The First Representative District shall consist of the following territory:

County: Ballard KY

County: Carlisle KY

County: Fulton KY

County: Hickman KY

County: McCracken KY (part)

A102 - Kennedy

A119 - Jetton

B120 - Rolling Hills

B121 - Lone Oak #1

B124 - Lone Oak #2

B125 - Massac Milan

B134 - Peppers Mill

B135 - Highland

C102 - Gallman

C106 - Williams

C107 - Cecil

C110 - Maxon

C112 - Lamont

C113 - Grahamville

C114 - Woodville

C115 - Ragland

➔SECTION 2. KRS 5.202 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Second Representative District shall consist of the following territory:

County: Graves KY

County: McCracken KY (part)

A120 - Harper #1

A121 - Hendron #3

A122 - Hendron #1

B117 - Hendron #2

B119 - Melber

B122 - Harper #2

B127 - New Hope

B129 - Hendron #4

➔SECTION 3. KRS 5.203 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Third Representative District shall consist of the following territory:

County: Livingston KY

County: McCracken KY (part)

A104 - Union Station

A106 - Butler-Farley

A112 - Reidland #1

A113 - Reidland #2

A114 - Clarks River #1

A115 - Woodlawn

A116 - Hovekamp

A124 - Oakdale

A134 - Rosebower

B103 - Savage

B113 - Paxton Park

B116 - Yancy

B118 - Emma Morgan

B123 - Cherokee

B126 - Lone Oak #3

B131 - Bernhard

B132 - Wallace Park

C108 - Lang 1

C109 - Concord

C119 - Cardinal Point

C120 - Carson Park

C121 - Avondale

C122 - Country Club

C123 - Reed

C125 - Gott

C128 - Lang 2

C129 - Strawberry Hill

➔SECTION 4. KRS 5.204 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Fourth Representative District shall consist of the following territory:

County: Hopkins KY

➔SECTION 5. KRS 5.205 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Fifth Representative District shall consist of the following territory:

County: Calloway KY

County: Trigg KY (part)

A102 - Hamtown

B101 - West Cadiz

B102 - Canton #2

F101 - Linton-Maggie

F102 - Canton 1

G101 - Bethesda

G102 - Northwest Cadiz

X002 - X002

➔SECTION 6. KRS 5.206 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Sixth Representative District shall consist of the following territory:

County: Lyon KY

County: Marshall KY

County: McCracken KY (part)

A110 - Clarks River #2

A117 - Oaks Station

A118 - Florence Station

➔SECTION 7. KRS 5.207 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Seventh Representative District shall consist of the following territory:

County: Daviess KY (part)

A101 - Owensboro #1

A102 - Owensboro #2

A105 - Owensboro #5

A108 - Owensboro #8
A110 - Owensboro #10
A129 - Owensboro #29
A130 - Owensboro #30
A135 - Owensboro #35
A136 - Owensboro #36
A138 - Owensboro #38
A139 - Owensboro #39
A140 - Owensboro #40
A143 - Owensboro #43
A146 - Owensboro #46
A150 - Owensboro #50 - No Voters
B101 - Southtown
B102 - Northtown
B103 - Rome
B104 - Westside
C101 - Sorgho
C102 - Stanley
D102 - Saint Joseph
D103 - West Louisville
E104 - Southern Oaks
F102 - Masonville
H101 - Fields
H113 - Windridge
H117 - Lake Forest

➔SECTION 8. KRS 5.208 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Eighth Representative District shall consist of the following territory:

County: Caldwell KY

County: Christian KY (part)

A101 - Courthouse
A103 - Walnut St Center #2
B101 - Christian Co Mi School #1
B102 - Christian Co Mi School #2
B103 - New Palestine Baptist Ch
C101 - Recreation Department
C102 - Senior Citizens Center
C103 - Friendship House
C104 - New Work Fellowship
C105 - Sinking Fork Elementary

C106 - Millbrooke Elementary #1

D104 - Herndon Vol Fire Dept

D105 - Lafayette Vol Fire Dept

D106 - Living Hope Baptist

D107 - Millbrooke Elem School #2

E101 - Pennyrite Rural Electric

E102 - St John #1

E105 - St John #2

County: Trigg KY (part)

A101 - South Cadiz #1

C101 - North Cadiz #1

D101 - Cerulean-Wallonia

D102 - East Montgomery

D103 - North Cadiz 2

E101 - Roaring Springs

E102 - West Montgomery

E104 - South Cadiz 2

X001 - X001

➔SECTION 9. KRS 5.209 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Ninth Representative District shall consist of the following territory:

County: Christian KY (part)

A102 - Walnut St Center #1

A104 - Walnut St Center #3

A105 - Hillcrest Baptist Church

B104 - Life Tabernacle Church #1

D101 - Indian Hills Elementar #1

D102 - Indian Hills Elementar #2

D103 - Hopkinsville Mi School #1

E103 - Hopkinsville Mi School #2

E104 - Stadium of Champions

F101 - Lakeview Baptist Church

F102 - Pembroke Baptist Church

F103 - Salem Baptist Church

F104 - Valor Hall #1

G101 - Southside Ch of Christ

G102 - Valor Hall #2

G103 - Christian Co Ag Ext Offic

G104 - Bruce Convention Ctr. #1

G105 - Valor Hall #3

G106 - Bruce Convention Ctr. #2

H101 - Life Tabernacle Church #2

H103 - Concord Baptist Church

➔SECTION 10. KRS 5.210 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Tenth Representative District shall consist of the following territory:

County: Breckinridge KY

County: Hardin KY (part)

A007 - Veterans

D005 - Helmwood Heights

G006 - Cecilia

G007 - Saint John

G008 - Howe valley

G009 - Rineyville South

H001 - Rineyville North

H003 - Grandview

H004 - Rineyville West

H005 - Vine Grove East

H006 - Vine Grove West

H007 - Vine Grove South

H008 - Yates

➔SECTION 11. KRS 5.211 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Eleventh Representative District shall consist of the following territory:

County: Henderson KY

➔SECTION 12. KRS 5.212 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Twelfth Representative District shall consist of the following territory:

County: Crittenden KY

County: McLean KY

County: Union KY

County: Webster KY

➔SECTION 13. KRS 5.213 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Thirteenth Representative District shall consist of the following territory:

County: Daviess KY (part)

A103 - Owensboro #3

A106 - Owensboro #6

A107 - Owensboro #7

A111 - Owensboro #11

A112 - Owensboro #12

A113 - Owensboro #13

A114 - Owensboro #14

A115 - Owensboro #15
A119 - Owensboro #19
A120 - Owensboro #20
A122 - Owensboro #22
A128 - Owensboro #28
H102 - North Seven Hills
H103 - Philpot West
H104 - Lockhart
H105 - Tollgate
H107 - Ensor
H109 - Thorobred East
H112 - Pleasant Valley
H114 - Thorobred West
H115 - Heartlands
H116 - Islandview

➔SECTION 14. KRS 5.214 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Fourteenth Representative District shall consist of the following territory:

County: Daviess KY (part)
E102 - Pleasant Ridge
E103 - Utica
F101 - Whitesville South
F103 - Habit
G101 - Knottsville South
G102 - Maceo
G103 - Yelvington South

County: Hancock KY

County: Ohio KY

➔SECTION 15. KRS 5.215 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Fifteenth Representative District shall consist of the following territory:

County: Butler KY
County: Muhlenberg KY

➔SECTION 16. KRS 5.216 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Sixteenth Representative District shall consist of the following territory:

County: Christian KY (part)
H102 - Crofton Elementary
H104 - New Barren Springs

County: Logan KY

County: Todd KY

➔SECTION 17. KRS 5.217 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Seventeenth Representative District shall consist of the following territory:

County: Warren KY (part)

B107 - Greenmeadows

B111 - Central

B112 - Stonehenge

B113 - Jennings

B114 - Douglas

B115 - Valleyview

B202 - 17-2-2

B203 - 17-2-3

B204 - 17-2-4

B205 - 17-2-5

C102 - Carver Harris

C104 - Mcneill

C105 - Cabell

C106 - Crestmoor

C107 - Hunting Creek

C109 - Csx Railroad

C111 - Hidden River

C112 - Three Springs

E101 - Blue Level

E106 - Browning

E107 - Cedar Grove

E108 - Hadley

E110 - Millers

E111 - Whispering Hills

E112 - Springhill

E113 - Res-Care

E201 - 19-5-1

E203 - 19-5-3

E204 - 19-5-4

E205 - 19-5-5

E206 - 19-5-6

E208 - 19-5-8

E209 - 16-5-9

F101 - Woodburn

F104 - Rockfield

F105 - Richpond

F113 - Hunters Crossing

F114 - Sutherland Farms

F115 - Greystone

F117 - Windover

F201 - 17-6-1

➔SECTION 18. KRS 5.218 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Eighteenth Representative District shall consist of the following territory:

County: Grayson KY

County: Hardin KY (part)

E006 - Vanmeter City

F001 - Vanmeter

F003 - Country Club

F004 - Glendale

F005 - South Dixie

F006 - Sonora

F007 - Upton

F008 - Cash

G001 - East View

G002 - Stephensburg

G003 - Meeting Creek

G004 - White Mills

➔SECTION 19. KRS 5.219 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Nineteenth Representative District shall consist of the following territory:

County: Edmonson KY

County: Warren KY (part)

B104 - Church Street

B105 - Delafield

B108 - Octagon Castle

D101 - Smiths Grove

D102 - Plum Springs

D103 - Hydro

D104 - Oakland

D105 - Gott

D106 - Warren East Middle Sch

D107 - Three Forks

D108 - Mt Victor

D111 - Northgate

D113 - Bristow

D114 - Countryside

E102 - Sandhill

E103 - Richardsville

E104 - Davenport

E105 - Riverside

E109 - Meadowland

F107 - Motley

F108 - Alvaton

F109 - Trammel Creek

F110 - Hardcastle

F111 - Olde Stone

➔SECTION 20. KRS 5.220 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Twentieth Representative District shall consist of the following territory:

County: Warren KY (part)

A101 - Peachtree

A102 - Crossridge

A103 - Municipal Park

A104 - Potter Gray

A105 - Natcher

A106 - Grider Pond

A107 - Briarwood

A108 - Shive Kiel

A109 - Greenwood

A110 - Eastwood

A111 - Airport

A112 - Middle Bridge

A113 - Campbell

A114 - Hartland

A115 - Watts Mill

A116 - Steeplechase

A117 - Wrenwood

A118 - Mooreland

A201 - 19-1-1

A202 - 19-1-2

A203 - 19-1-3

A204 - 19-1-4

A205 - 19-1-5

B101 - B.G. Towers

B102 - West 11th Street

B103 - Hillview

B106 - Reels

B109 - Fairview

B110 - Broadway

C101 - Bg Jr High

C103 - Tc Cherry

C108 - Cedarwood

C110 - Big Red

D109 - Cumberland Trace

D110 - Hillside

D112 - Riverview

D115 - Smith

D116 - Fruit of The Loom

D201 - 20-4-1

D202 - 20-4-2

D203 - 20-4-3

D204 - 20-4-4

D206 - 20-4-6

D207 - 20-4-7

F112 - Drakes Creek

F116 - Bluegrass

F119 - Jfs

➔SECTION 21. KRS 5.221 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Twenty-first Representative District shall consist of the following territory:

County: Adair KY

County: Cumberland KY

County: Metcalfe KY

County: Monroe KY

➔SECTION 22. KRS 5.222 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Twenty-second Representative District shall consist of the following territory:

County: Allen KY

County: Simpson KY

County: Warren KY (part)

F102 - Plano

F103 - Drake

F106 - Matlock

F118 - Larmon Mill

➔SECTION 23. KRS 5.223 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Twenty-third Representative District shall consist of the following territory:

County: Barren KY

➔SECTION 24. KRS 5.224 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Twenty-fourth Representative District shall consist of the following territory:

County: Green KY

County: Hart KY

County: Larue KY

➔SECTION 25. KRS 5.225 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Twenty-fifth Representative District shall consist of the following territory:

County: Hardin KY (part)

B003 - Shelton

B004 - Woodland

B005 - Longview

C001 - Highlands

C002 - City Park

C003 - Colesburg

C004 - Tunnel Hill

C005 - Lincoln Trail North

C006 - Lincoln Trail South

C007 - E-Town East

D001 - Mantle

D002 - Freeman

D003 - Oaklawn

D004 - Pinevalley

D006 - Helm

E001 - Central

E002 - E-Town North

E003 - E-Town West

E004 - Valley Creek

E005 - Memorial

E007 - Haycraft

F002 - Chelf

➔SECTION 26. KRS 5.226 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Twenty-sixth Representative District shall consist of the following territory:

County: Bullitt KY (part)

A101 - Shepherdsville #1

A102 - Shepherdsville #1a

A105 - Cupio #13

A106 - Shepherdsville #2a

A107 - Brooks #12

A108 - Brooks #12a

B111 - Mt. Washington #9-B

C101 - Hebron #5
C103 - Zoneton # 11-A
C104 - Maryville South #19
C105 - Hebron #5a
C106 - Hebron #5b
C108 - Zoneton #11-B
C109 - Zoneton #11 North
C110 - Hebron #20
C111 - Hebron #21
C112 - Maryville South #19a
C113 - Zoneton #11
D101 - Lebanon Junction #14
D104 - Beech Grove #17
D108 - Shepherdsville #2
D113 - Beech Grove #17b
D114 - Beech Grove #17c
X001 - Ft. Knox

County: Hardin KY (part)

A001 - West Point
A009 - Fort Knox 26
B002 - Radcliff Southeast

➔SECTION 27. KRS 5.227 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Twenty-seventh Representative District shall consist of the following territory:

County: Hardin KY (part)

A002 - Radcliff East
A003 - Radcliff North
A004 - Radcliff Northwest
A005 - Radcliff West
A006 - Red Hill
A008 - Radcliff Southwest
A010 - Fort Knox 27
B001 - Radcliff South
B006 - Parkway

County: Meade KY

➔SECTION 28. KRS 5.228 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Twenty-eighth Representative District shall consist of the following territory:

County: Jefferson KY (part)

A107 - Precinct 107 28 District
A108 - Precinct 108 28 District

A111 - Precinct 111 28 District
A113 - Precinct 113 28 District
A114 - Precinct 114 28 District
A115 - Precinct 115 28 District
A118 - Precinct 118 28 District
A119 - Precinct 119 28 District
A121 - Precinct 121 28 District
A124 - Precinct 124 28 District
A125 - Precinct 125 28 District
A126 - Precinct 126 28 District
A127 - Precinct 127 28 District
A128 - Precinct 128 28 District
A129 - Precinct 129 28 District
A134 - Precinct 134 28 District
A136 - Precinct 136 28 District
A139 - Precinct 139 28 District
A141 - Precinct 141 28 District
A142 - Precinct 142 28 District
A143 - Precinct 143 28 District
J144 - Precinct 144 38 District
K128 - Precinct 128 40 District
K132 - Precinct 132 40 District
O114 - Precinct 114 44 District
O115 - Precinct 115 44 District
O128 - Precinct 128 44 District
O129 - Precinct 129 44 District
O133 - Precinct 133 44 District
O134 - Precinct 134 44 District
O137 - Precinct 137 44 District
O143 - Precinct 143 44 District

➔SECTION 29. KRS 5.229 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Twenty-ninth Representative District shall consist of the following territory:

County: Jefferson KY (part)

B124 - Precinct 124 29 District
B134 - Precinct 134 29 District
B149 - Precinct 149 29 District
B153 - Precinct 153 29 District
B154 - Precinct 154 29 District
B158 - Precinct 158 29 District

B159 - Precinct 159 29 District
B160 - Precinct 160 29 District
B161 - Precinct 161 29 District
B162 - Precinct 162 29 District
B163 - Precinct 163 29 District
B166 - Precinct 166 29 District
B168 - Precinct 168 29 District
B169 - Precinct 169 29 District
B172 - Precinct 172 29 District
B173 - Precinct 173 29 District
B175 - Precinct 175 29 District
B177 - Precinct 177 29 District
B183 - Precinct 183 29 District
B184 - Precinct 184 29 District
H147 - Precinct 147 37 District
H148 - Precinct 148 37 District
H155 - Precinct 155 37 District
Q119 - Precinct 119 46 District
Q139 - Precinct 139 46 District
V102 - Precinct 102 36 District
V103 - Precinct 103 36 District
V132 - Precinct 132 36 District

➔SECTION 30. KRS 5.230 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Thirtieth Representative District shall consist of the following territory:

County: Jefferson KY (part)

C101 - Precinct 101 30 District
C102 - Precinct 102 30 District
C103 - Precinct 103 30 District
C104 - Precinct 104 30 District
C105 - Precinct 105 30 District
C106 - Precinct 106 30 District
C108 - Precinct 108 30 District
C109 - Precinct 109 30 District
C110 - Precinct 110 30 District
C111 - Precinct 111 30 District
C113 - Precinct 113 30 District
C115 - Precinct 115 30 District
C123 - Precinct 123 30 District
C124 - Precinct 124 30 District

C126 - Precinct 126 30 District
C128 - Precinct 128 30 District
C129 - Precinct 129 30 District
C130 - Precinct 130 30 District
C131 - Precinct 131 30 District
C134 - Precinct 134 30 District
C137 - Precinct 137 30 District
C138 - Precinct 138 30 District
C144 - Precinct 144 30 District
C151 - Precinct 151 30 District
H127 - Precinct 127 35 District
Q101 - Precinct 101 46 District
Q122 - Precinct 122 46 District
Q123 - Precinct 123 46 District
Q124 - Precinct 124 46 District
Q134 - Precinct 134 46 District

➔SECTION 31. KRS 5.231 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Thirty-first Representative District shall consist of the following territory:

County: Jefferson KY (part)

B181 - Precinct 181 29 District
B182 - Precinct 182 29 District
D114 - Precinct 114 31 District
D116 - Precinct 116 31 District
D117 - Precinct 117 31 District
D120 - Precinct 120 31 District
D122 - Precinct 122 31 District
D132 - Precinct 132 31 District
D137 - Precinct 137 31 District
D139 - Precinct 139 31 District
D141 - Precinct 141 31 District
D142 - Precinct 142 31 District
E160 - Precinct 160 32 District
E161 - Precinct 161 32 District
E163 - Precinct 163 32 District
E164 - Precinct 164 32 District
E165 - Precinct 165 32 District
E166 - Precinct 166 32 District
E167 - Precinct 167 32 District
E168 - Precinct 168 32 District

E169 - Precinct 169 32 District

E177 - Precinct 177 32 District

E178 - Precinct 178 32 District

E179 - Precinct 179 32 District

E180 - Precinct 180 32 District

F156 - Precinct 156 33 District

F161 - Precinct 161 33 District

F166 - Precinct 166 33 District

V115 - Precinct 115 36 District

V117 - Precinct 117 36 District

V119 - Precinct 119 36 District

➔SECTION 32. KRS 5.232 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Thirty-second Representative District shall consist of the following territory:

County: Jefferson KY (part)

E139 - Precinct 139 32 District

E141 - Precinct 141 32 District

E142 - Precinct 142 32 District

E143 - Precinct 143 32 District

E144 - Precinct 144 32 District

E145 - Precinct 145 32 District

E154 - Precinct 154 32 District

E155 - Precinct 155 32 District

E157 - Precinct 157 32 District

E162 - Precinct 162 32 District

E171 - Precinct 171 32 District

E173 - Precinct 173 32 District

E175 - Precinct 175 32 District

E176 - Precinct 176 32 District

E181 - Precinct 181 32 District

E183 - Precinct 183 32 District

E185 - Precinct 185 32 District

F181 - Precinct 181 33 District

F182 - Precinct 182 33 District

F185 - Precinct 185 33 District

F186 - Precinct 186 33 District

F187 - Precinct 187 33 District

L153 - Precinct 153 41 District

N143 - Precinct 143 43 District

N144 - Precinct 144 43 District

S119 - Precinct 119 48 District
S131 - Precinct 131 48 District
S132 - Precinct 132 48 District
S135 - Precinct 135 48 District
S141 - Precinct 141 48 District
S142 - Precinct 142 48 District
S146 - Precinct 146 48 District
S150 - Precinct 150 48 District
S152 - Precinct 152 48 District
S156 - Precinct 156 48 District
S164 - Precinct 164 48 District

➔SECTION 33. KRS 5.233 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Thirty-third Representative District shall consist of the following territory:

County: Jefferson KY (part)

F106 - Precinct 106 33 District
F145 - Precinct 145 33 District
F151 - Precinct 151 33 District
F152 - Precinct 152 33 District
F153 - Precinct 153 33 District
F154 - Precinct 154 33 District
F155 - Precinct 155 33 District
F158 - Precinct 158 33 District
F163 - Precinct 163 33 District
F164 - Precinct 164 33 District
F167 - Precinct 167 33 District
F169 - Precinct 169 33 District
F170 - Precinct 170 33 District
F171 - Precinct 171 33 District
F172 - Precinct 172 33 District
F176 - Precinct 176 33 District
F179 - Precinct 179 33 District
F180 - Precinct 180 33 District
F183 - Precinct 183 33 District
F184 - Precinct 184 33 District
V124 - Precinct 124 36 District
V128 - Precinct 128 36 District

County: Oldham KY (part)

E101 - East Worth
E102 - West Worth

E103 - South Pewee Valley

E104 - Bernard

E105 - Worth

E106 - Northwood

H103 - North Pewee Valley

H104 - Crestwood

H106 - South Crestwood

County: Shelby KY (part)

F104 - Long Run

F105 - Persimmon Ridge

➔SECTION 34. KRS 5.234 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Thirty-fourth Representative District shall consist of the following territory:

County: Jefferson KY (part)

D101 - Precinct 101 31 District

D104 - Precinct 104 31 District

D106 - Precinct 106 31 District

D108 - Precinct 108 31 District

D109 - Precinct 109 31 District

D115 - Precinct 115 31 District

D129 - Precinct 129 31 District

E158 - Precinct 158 32 District

E159 - Precinct 159 32 District

G140 - Precinct 140 34 District

G141 - Precinct 141 34 District

G142 - Precinct 142 34 District

G143 - Precinct 143 34 District

G144 - Precinct 144 34 District

G145 - Precinct 145 34 District

G146 - Precinct 146 34 District

G150 - Precinct 150 34 District

G156 - Precinct 156 34 District

G157 - Precinct 157 34 District

G158 - Precinct 158 34 District

G159 - Precinct 159 34 District

G160 - Precinct 160 34 District

G161 - Precinct 161 34 District

G162 - Precinct 162 34 District

G163 - Precinct 163 34 District

G164 - Precinct 164 34 District

G165 - Precinct 165 34 District
G168 - Precinct 168 34 District
G169 - Precinct 169 34 District
L117 - Precinct 117 41 District
L118 - Precinct 118 41 District
L119 - Precinct 119 41 District
L134 - Precinct 134 41 District
L135 - Precinct 135 41 District
L136 - Precinct 136 41 District
L138 - Precinct 138 41 District
L139 - Precinct 139 41 District
L146 - Precinct 146 41 District
L151 - Precinct 151 41 District
L152 - Precinct 152 41 District
M137 - Precinct 137 42 District
M138 - Precinct 138 42 District
M164 - Precinct 164 42 District
N125 - Precinct 125 43 District
N142 - Precinct 142 43 District
N146 - Precinct 146 43 District

➔SECTION 35. KRS 5.235 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Thirty-fifth Representative District shall consist of the following territory:

County: Jefferson KY (part)

C143 - Precinct 143 30 District
H117 - Precinct 117 35 District
H120 - Precinct 120 35 District
H121 - Precinct 121 35 District
H123 - Precinct 123 35 District
H124 - Precinct 124 35 District
H125 - Precinct 125 35 District
H126 - Precinct 126 35 District
H130 - Precinct 130 35 District
H138 - Precinct 138 35 District
H144 - Precinct 144 35 District
H146 - Precinct 146 35 District
H147 - Precinct 147 35 District
H154 - Precinct 154 35 District
H155 - Precinct 155 35 District
H161 - Precinct 161 35 District

I112 - Precinct 112 37 District
I115 - Precinct 115 37 District
I120 - Precinct 120 37 District
I123 - Precinct 123 37 District
I124 - Precinct 124 37 District
I138 - Precinct 138 37 District
I142 - Precinct 142 37 District
I149 - Precinct 149 37 District
I150 - Precinct 150 37 District
J114 - Precinct 114 38 District
J148 - Precinct 148 38 District
J149 - Precinct 149 38 District
J151 - Precinct 151 38 District
K149 - Precinct 149 40 District
Q104 - Precinct 104 46 District
Q112 - Precinct 112 46 District
Q116 - Precinct 116 46 District
Q136 - Precinct 136 46 District

➔SECTION 36. KRS 5.236 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Thirty-sixth Representative District shall consist of the following territory:

County: Jefferson KY (part)

B151 - Precinct 151 29 District
B170 - Precinct 170 29 District
V101 - Precinct 101 36 District
V104 - Precinct 104 36 District
V105 - Precinct 105 36 District
V106 - Precinct 106 36 District
V107 - Precinct 107 36 District
V108 - Precinct 108 36 District
V109 - Precinct 109 36 District
V110 - Precinct 110 36 District
V111 - Precinct 111 36 District
V112 - Precinct 112 36 District
V113 - Precinct 113 36 District
V114 - Precinct 114 36 District
V116 - Precinct 116 36 District
V118 - Precinct 118 36 District
V120 - Precinct 120 36 District
V121 - Precinct 121 36 District

V122 - Precinct 122 36 District
V123 - Precinct 123 36 District
V125 - Precinct 125 36 District
V126 - Precinct 126 36 District
V127 - Precinct 127 36 District
V129 - Precinct 129 36 District
V130 - Precinct 130 36 District
V131 - Precinct 131 36 District

➔SECTION 37. KRS 5.237 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Thirty-seventh Representative District shall consist of the following territory:

County: Bullitt KY (part)

C102 - Maryville #6
C107 - Maryville #6a

County: Jefferson KY (part)

A130 - Precinct 130 28 District
H145 - Precinct 145 35 District
H148 - Precinct 148 35 District
H156 - Precinct 156 35 District
H159 - Precinct 159 35 District
H160 - Precinct 160 35 District
H162 - Precinct 162 35 District
I126 - Precinct 126 37 District
I130 - Precinct 130 37 District
I133 - Precinct 133 37 District
I135 - Precinct 135 37 District
I141 - Precinct 141 37 District
I143 - Precinct 143 37 District
I144 - Precinct 144 37 District
I145 - Precinct 145 37 District
I146 - Precinct 146 37 District
I151 - Precinct 151 37 District
I152 - Precinct 152 37 District
I153 - Precinct 153 37 District
I154 - Precinct 154 37 District
J141 - Precinct 141 38 District
J155 - Precinct 155 38 District
O142 - Precinct 142 44 District
Q105 - Precinct 105 46 District
Q113 - Precinct 113 46 District

Q114 - Precinct 114 46 District

Q117 - Precinct 117 46 District

Q126 - Precinct 126 46 District

Q131 - Precinct 131 46 District

➔SECTION 38. KRS 5.238 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Thirty-eighth Representative District shall consist of the following territory:

County: Jefferson KY (part)

A123 - Precinct 123 28 District

A131 - Precinct 131 28 District

A135 - Precinct 135 28 District

A140 - Precinct 140 28 District

I110 - Precinct 110 37 District

I111 - Precinct 111 37 District

I122 - Precinct 122 37 District

I125 - Precinct 125 37 District

I140 - Precinct 140 37 District

I156 - Precinct 156 37 District

J105 - Precinct 105 38 District

J108 - Precinct 108 38 District

J111 - Precinct 111 38 District

J113 - Precinct 113 38 District

J117 - Precinct 117 38 District

J119 - Precinct 119 38 District

J120 - Precinct 120 38 District

J122 - Precinct 122 38 District

J123 - Precinct 123 38 District

J135 - Precinct 135 38 District

J137 - Precinct 137 38 District

J138 - Precinct 138 38 District

J140 - Precinct 140 38 District

J142 - Precinct 142 38 District

J143 - Precinct 143 38 District

J145 - Precinct 145 38 District

J150 - Precinct 150 38 District

J152 - Precinct 152 38 District

J153 - Precinct 153 38 District

K138 - Precinct 138 40 District

K139 - Precinct 139 40 District

K144 - Precinct 144 40 District

K145 - Precinct 145 40 District

K146 - Precinct 146 40 District

K147 - Precinct 147 40 District

K148 - Precinct 148 40 District

➔SECTION 39. KRS 5.239 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Thirty-ninth Representative District shall consist of the following territory:

County: Fayette KY (part)

B179 - Fairhaven

B202 - Pinnacle

B204 - Atwood

B209 - Charwood

B210 - Fiddler Creek

B218 - Laurelwood

B221 - Magnolia Gardens

B224 - Windstar

B227 - Silverbell

C179 - Brandywine

C182 - Kenesaw Village

C190 - Amherst

C215 - Four Wynds

County: Jessamine KY (part)

A101 - East Nicholasville #1

A102 - East Nicholasville #2

A103 - West Nicholasville #1

A104 - West Nicholasville #2

A105 - West Nicholasville #3

A106 - Keene Place #1

A107 - Keene Place #2

B101 - Marble Creek #1

B102 - Marble Creek #2

B103 - Marble Creek #3

B104 - The Vineyard

B105 - The Orchard

C103 - Maple Leaf

C104 - S.E. Nicholasville #1

C105 - Southbrook

D102 - Paddock

F101 - S.W. Nicholasville #1

F105 - S.W. Nicholasville #5

➔SECTION 40. KRS 5.240 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Fortieth Representative District shall consist of the following territory:

County: Jefferson KY (part)

H114 - Precinct 114 35 District

H115 - Precinct 115 35 District

H153 - Precinct 153 35 District

I107 - Precinct 107 37 District

I109 - Precinct 109 37 District

J101 - Precinct 101 38 District

J104 - Precinct 104 38 District

J107 - Precinct 107 38 District

J130 - Precinct 130 38 District

J146 - Precinct 146 38 District

J147 - Precinct 147 38 District

J154 - Precinct 154 38 District

K110 - Precinct 110 40 District

K111 - Precinct 111 40 District

K112 - Precinct 112 40 District

K113 - Precinct 113 40 District

K114 - Precinct 114 40 District

K116 - Precinct 116 40 District

K117 - Precinct 117 40 District

K118 - Precinct 118 40 District

K119 - Precinct 119 40 District

K122 - Precinct 122 40 District

K123 - Precinct 123 40 District

K125 - Precinct 125 40 District

K131 - Precinct 131 40 District

K134 - Precinct 134 40 District

K135 - Precinct 135 40 District

K136 - Precinct 136 40 District

K137 - Precinct 137 40 District

K140 - Precinct 140 40 District

K141 - Precinct 141 40 District

K142 - Precinct 142 40 District

K143 - Precinct 143 40 District

K150 - Precinct 150 40 District

K151 - Precinct 151 40 District

M105 - Precinct 105 42 District

M130 - Precinct 130 42 District

M148 - Precinct 148 42 District

M166 - Precinct 166 42 District

M169 - Precinct 169 42 District

M170 - Precinct 170 42 District

M171 - Precinct 171 42 District

O123 - Precinct 123 44 District

➔SECTION 41. KRS 5.241 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Forty-first Representative District shall consist of the following territory:

County: Jefferson KY (part)

C122 - Precinct 122 30 District

C125 - Precinct 125 30 District

D110 - Precinct 110 31 District

D130 - Precinct 130 31 District

D131 - Precinct 131 31 District

D135 - Precinct 135 31 District

D144 - Precinct 144 31 District

G103 - Precinct 103 34 District

G104 - Precinct 104 34 District

G106 - Precinct 106 34 District

G107 - Precinct 107 34 District

G108 - Precinct 108 34 District

G109 - Precinct 109 34 District

G111 - Precinct 111 34 District

G112 - Precinct 112 34 District

G116 - Precinct 116 34 District

G117 - Precinct 117 34 District

G119 - Precinct 119 34 District

G120 - Precinct 120 34 District

G121 - Precinct 121 34 District

G122 - Precinct 122 34 District

G123 - Precinct 123 34 District

G124 - Precinct 124 34 District

G126 - Precinct 126 34 District

G129 - Precinct 129 34 District

G147 - Precinct 147 34 District

G148 - Precinct 148 34 District

G149 - Precinct 149 34 District

G151 - Precinct 151 34 District

G154 - Precinct 154 34 District
G155 - Precinct 155 34 District
G166 - Precinct 166 34 District
G167 - Precinct 167 34 District
H103 - Precinct 103 35 District
H110 - Precinct 110 35 District
H111 - Precinct 111 35 District
H112 - Precinct 112 35 District
H113 - Precinct 113 35 District
H116 - Precinct 116 35 District
H118 - Precinct 118 35 District
H150 - Precinct 150 35 District
H151 - Precinct 151 35 District
H152 - Precinct 152 35 District
H157 - Precinct 157 35 District
M140 - Precinct 140 42 District
M141 - Precinct 141 42 District
M142 - Precinct 142 42 District
M143 - Precinct 143 42 District
M150 - Precinct 150 42 District
M162 - Precinct 162 42 District
M163 - Precinct 163 42 District
M165 - Precinct 165 42 District
M174 - Precinct 174 42 District
M175 - Precinct 175 42 District

➔ SECTION 42. KRS 5.242 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Forty-second Representative District shall consist of the following territory:

County: Jefferson KY (part)

H102 - Precinct 102 35 District
H105 - Precinct 105 35 District
H106 - Precinct 106 35 District
H109 - Precinct 109 35 District
H141 - Precinct 141 35 District
H158 - Precinct 158 35 District
K104 - Precinct 104 40 District
K105 - Precinct 105 40 District
K129 - Precinct 129 40 District
K133 - Precinct 133 40 District
L140 - Precinct 140 41 District

L145 - Precinct 145 41 District

L147 - Precinct 147 41 District

L148 - Precinct 148 41 District

L149 - Precinct 149 41 District

L150 - Precinct 150 41 District

L154 - Precinct 154 41 District

L156 - Precinct 156 41 District

L157 - Precinct 157 41 District

L158 - Precinct 158 41 District

L159 - Precinct 159 41 District

L160 - Precinct 160 41 District

L161 - Precinct 161 41 District

L162 - Precinct 162 41 District

M107 - Precinct 107 42 District

M110 - Precinct 110 42 District

M121 - Precinct 121 42 District

M123 - Precinct 123 42 District

M124 - Precinct 124 42 District

M129 - Precinct 129 42 District

M131 - Precinct 131 42 District

M145 - Precinct 145 42 District

M159 - Precinct 159 42 District

M160 - Precinct 160 42 District

M168 - Precinct 168 42 District

N108 - Precinct 108 43 District

N109 - Precinct 109 43 District

N110 - Precinct 110 43 District

N111 - Precinct 111 43 District

N112 - Precinct 112 43 District

N113 - Precinct 113 43 District

N137 - Precinct 137 43 District

N138 - Precinct 138 43 District

N139 - Precinct 139 43 District

N149 - Precinct 149 43 District

N150 - Precinct 150 43 District

➔SECTION 43. KRS 5.243 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Forty-third Representative District shall consist of the following territory:

County: Jefferson KY (part)

H131 - Precinct 131 35 District

H132 - Precinct 132 35 District
H133 - Precinct 133 35 District
L104 - Precinct 104 41 District
L108 - Precinct 108 41 District
L110 - Precinct 110 41 District
L111 - Precinct 111 41 District
L112 - Precinct 112 41 District
L113 - Precinct 113 41 District
L115 - Precinct 115 41 District
L141 - Precinct 141 41 District
L142 - Precinct 142 41 District
L143 - Precinct 143 41 District
L144 - Precinct 144 41 District
L155 - Precinct 155 41 District
L163 - Precinct 163 41 District
L164 - Precinct 164 41 District
M139 - Precinct 139 42 District
M144 - Precinct 144 42 District
M146 - Precinct 146 42 District
M147 - Precinct 147 42 District
M172 - Precinct 172 42 District
N101 - Precinct 101 43 District
N102 - Precinct 102 43 District
N103 - Precinct 103 43 District
N104 - Precinct 104 43 District
N105 - Precinct 105 43 District
N106 - Precinct 106 43 District
N107 - Precinct 107 43 District
N115 - Precinct 115 43 District
N117 - Precinct 117 43 District
N124 - Precinct 124 43 District
N127 - Precinct 127 43 District
N128 - Precinct 128 43 District
N130 - Precinct 130 43 District
N134 - Precinct 134 43 District
N135 - Precinct 135 43 District
N136 - Precinct 136 43 District
N145 - Precinct 145 43 District
N147 - Precinct 147 43 District

N148 - Precinct 148 43 District

➔SECTION 44. KRS 5.244 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Forty-fourth Representative District shall consist of the following territory:

County: Jefferson KY (part)

A105 - Precinct 105 28 District

K126 - Precinct 126 40 District

K127 - Precinct 127 40 District

K130 - Precinct 130 40 District

M102 - Precinct 102 42 District

M103 - Precinct 103 42 District

M104 - Precinct 104 42 District

M133 - Precinct 133 42 District

M149 - Precinct 149 42 District

M167 - Precinct 167 42 District

M173 - Precinct 173 42 District

O105 - Precinct 105 44 District

O107 - Precinct 107 44 District

O109 - Precinct 109 44 District

O111 - Precinct 111 44 District

O112 - Precinct 112 44 District

O113 - Precinct 113 44 District

O117 - Precinct 117 44 District

O119 - Precinct 119 44 District

O121 - Precinct 121 44 District

O124 - Precinct 124 44 District

O126 - Precinct 126 44 District

O127 - Precinct 127 44 District

O130 - Precinct 130 44 District

O131 - Precinct 131 44 District

O135 - Precinct 135 44 District

O136 - Precinct 136 44 District

O138 - Precinct 138 44 District

O139 - Precinct 139 44 District

O141 - Precinct 141 44 District

➔SECTION 45. KRS 5.245 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Forty-fifth Representative District shall consist of the following territory:

County: Fayette KY (part)

A138 - The Colony

A157 - Harrods Hill

A158 - Armory

A176 - Sungale

A180 - Beaumont Centre

A182 - Ashbrooke

A188 - Dunbar

A189 - Westmorland

A192 - Cardinal Run

A193 - Hemingway

B101 - Clemens Hts.

B117 - Keithshire

B129 - Monticello

B141 - Stone

B142 - Stonewall

B150 - Robinwood

B156 - Bayswater

B163 - Plantation

B172 - Shillito

B183 - Cave Hill

B184 - Palomar

B185 - Scenicview

B186 - Glenview

B187 - Stone Creek

B191 - Waverly

B192 - Palmetto

B199 - Indian Hills

B200 - White Pine

B201 - Harrods View

B203 - Wyndsong

B205 - Blackhorse

B208 - English Station

B212 - Bay Meadows

B213 - Beaver Place

B215 - Copper Creek

B216 - Foleys Trail

B219 - Lee Adams

B222 - Wellington Gardens

B223 - Willow Oak

B225 - Goldon Trophy

B226 - Hollyberry

County: Jessamine KY (part)

D101 - N.E. Us 68

D104 - N.E. Wilmore #1

E101 - North Keene

E102 - Bellerive

E103 - Southland Christian Ch

➔SECTION 46. KRS 5.246 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Forty-sixth Representative District shall consist of the following territory:

County: Jefferson KY (part)

B132 - Precinct 132 29 District

B133 - Precinct 133 29 District

B155 - Precinct 155 29 District

B156 - Precinct 156 29 District

B157 - Precinct 157 29 District

B185 - Precinct 185 29 District

C133 - Precinct 133 30 District

C135 - Precinct 135 30 District

C136 - Precinct 136 30 District

C139 - Precinct 139 30 District

C141 - Precinct 141 30 District

C142 - Precinct 142 30 District

C145 - Precinct 145 30 District

C146 - Precinct 146 30 District

C147 - Precinct 147 30 District

C148 - Precinct 148 30 District

C149 - Precinct 149 30 District

C150 - Precinct 150 30 District

D113 - Precinct 113 31 District

D121 - Precinct 121 31 District

D126 - Precinct 126 31 District

D136 - Precinct 136 31 District

D138 - Precinct 138 31 District

D140 - Precinct 140 31 District

D145 - Precinct 145 31 District

Q103 - Precinct 103 46 District

Q107 - Precinct 107 46 District

Q109 - Precinct 109 46 District

Q115 - Precinct 115 46 District

Q125 - Precinct 125 46 District

Q127 - Precinct 127 46 District

Q132 - Precinct 132 46 District

Q137 - Precinct 137 46 District

Q138 - Precinct 138 46 District

➔SECTION 47. KRS 5.247 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Forty-seventh Representative District shall consist of the following territory:

County: Carroll KY

County: Henry KY

County: Owen KY

County: Trimble KY

➔SECTION 48. KRS 5.248 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Forty-eighth Representative District shall consist of the following territory:

County: Jefferson KY (part)

E148 - Precinct 148 32 District

E152 - Precinct 152 32 District

E182 - Precinct 182 32 District

E184 - Precinct 184 32 District

N126 - Precinct 126 43 District

N131 - Precinct 131 43 District

N141 - Precinct 141 43 District

S116 - Precinct 116 48 District

S118 - Precinct 118 48 District

S125 - Precinct 125 48 District

S126 - Precinct 126 48 District

S128 - Precinct 128 48 District

S129 - Precinct 129 48 District

S130 - Precinct 130 48 District

S139 - Precinct 139 48 District

S140 - Precinct 140 48 District

S143 - Precinct 143 48 District

S144 - Precinct 144 48 District

S153 - Precinct 153 48 District

S160 - Precinct 160 48 District

S161 - Precinct 161 48 District

S165 - Precinct 165 48 District

S166 - Precinct 166 48 District

S167 - Precinct 167 48 District

S168 - Precinct 168 48 District

County: Oldham KY (part)

G102 - Briar Hill

G103 - North 22

G105 - Clore

H101 - North Crestwood

➔SECTION 49. KRS 5.249 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Forty-ninth Representative District shall consist of the following territory:

County: Bullitt KY (part)

A103 - Shepherdsville #3

A104 - Pleasant Grove #4n

A111 - Shepherdsville #3a

A112 - Pleasant Grove 4a

A113 - Shepherdsville #2n

B101 - Mt. Washington #7

B102 - Mt. Washington #8

B103 - Mt. Washington #9

B104 - Mt. Washington #10

B108 - Mt. Washington #8a

B109 - Mt. Washington #7-A

B110 - Mt. Washington #9-North

B112 - Mt. Washington #7b

B113 - Mt. Washington #8-B

B114 - Mt Washington 9c

D102 - Lebanon Junction #15

D103 - Bernheim #16

D105 - Cedar Grove #18

D106 - Bernheim #16a

D107 - Cedar Grove #18a

D110 - Pleasant Grove #4

D111 - Salt River #17a

➔SECTION 50. KRS 5.250 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Fiftieth Representative District shall consist of the following territory:

County: Nelson KY

➔SECTION 51. KRS 5.251 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Fifty-first Representative District shall consist of the following territory:

County: Marion KY

County: Taylor KY

➔SECTION 52. KRS 5.252 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Fifty-second Representative District shall consist of the following territory:

County: McCreary KY

County: Pulaski KY (part)

A106 - Firebrook 11f

E101 - Burnside City 36

E103 - Burnside County 36a

E107 - West Burnside County 36w

E108 - Gamblin 37

E109 - Bronston North 38

E111 - Bronston South 38

County: Wayne KY

➔SECTION 53. KRS 5.253 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Fifty-third Representative District shall consist of the following territory:

County: Anderson KY

County: Spencer KY

➔SECTION 54. KRS 5.254 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Fifty-fourth Representative District shall consist of the following territory:

County: Boyle KY

County: Casey KY

➔SECTION 55. KRS 5.255 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Fifty-fifth Representative District shall consist of the following territory:

County: Jessamine KY (part)

C101 - Sulphur Well

C102 - Little Hickman

D103 - Bethel

D107 - High Bridge

F102 - S.W. Nicholasville #2

F103 - S.W. Nicholasville #3

F104 - S.W. Nicholasville #4

County: Mercer KY

County: Washington KY

➔SECTION 56. KRS 5.256 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Fifty-sixth Representative District shall consist of the following territory:

County: Franklin KY (part)

B106 - Station Springs

C108 - Forks of Elkhorn

D101 - Swallowfield

D102 - Owenton Rd

D103 - Peaks Mill

D104 - Switzer

D108 - Thorn Hill

County: Jessamine KY (part)

D105 - East Wilmore

D106 - South Wilmore

E104 - N.W. U.S. 68

E105 - Clear Creek

E106 - Northwest Wilmore #1

E107 - North Wilmore

County: Woodford KY

➔SECTION 57. KRS 5.257 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Fifty-seventh Representative District shall consist of the following territory:

County: Franklin KY (part)

A101 - Farmdale

A102 - Cloverdale

A103 - Vogler-Coleman

A104 - Thistleton

A105 - Bridge-Glenns

A106 - Green Wilson

A107 - Capitol

A108 - Evergreen

B101 - Jett

B102 - Country Club

B103 - Sunset

B105 - Franklin Heights

B108 - Tierra Linda

B109 - Bellview

C101 - Green Hill

C102 - Schenkel Lane

C105 - Arnold

C106 - Scruggs

C107 - Silver Lake

C109 - Ridgeview

C110 - Russell

D105 - Glenwood

D106 - Gains-Holmes

D107 - Crestwood

D109 - Fairview

E101 - Louisville Rd

E102 - South Benson

E108 - Collins Lane

E109 - Westgate

E110 - North Westgate

F101 - Bald Knob

F102 - Courthouse

F103 - St John

F104 - Bellepoint

F105 - Hickory Hills

F106 - Choateville

F108 - Bridgeport-Botkins

➔SECTION 58. KRS 5.258 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Fifty-eighth Representative District shall consist of the following territory:

County: Shelby KY (part)

A101 - West Finchville

A102 - South Shelby

A103 - Charleston

A104 - East Finchville

A105 - Adams Station

B101 - Southville

B102 - Waddy

B103 - Rockbridge

B104 - Weissinger

B105 - Hooper Station

C101 - North East Shelby

C102 - Clayvillage

C103 - East Shelby

C104 - Guist Creek

C105 - Osprey Cove

D101 - East Bagdad

D102 - Cropper

D103 - Jail Hill

D104 - West Bagdad

D105 - Boone Station

E101 - Town N Country

E102 - Marshall Doaks

E103 - North Shelby

E104 - Todds Point

E105 - West Shelby

F101 - Simpsonville

F102 - South Simpsonville

F103 - Garden Station

G101 - Shelbyville #1

G102 - Shelbyville #2

G103 - Shelbyville #3

G104 - Shelbyville #4

➔SECTION 59. KRS 5.259 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Fifty-ninth Representative District shall consist of the following territory:

County: Oldham KY (part)

A101 - North Goshen

A103 - Harmony

A104 - South Harmony

B101 - Skylight

B102 - South Goshen

B104 - West Buckner

B105 - Northeast Buckner

B106 - Covered Bridge

C101 - Covington

C102 - North Lagrange

C103 - Central West

C105 - Westport

C106 - Central East

D101 - Southeast Lagrange

D103 - East Ballardsville

D104 - West Ballardsville

D106 - Main

F101 - West Lagrange

F102 - East Buckner

F103 - Glenarm

F104 - Centerfield

F105 - South Lagrange

F106 - Carriage Hill

G101 - West Brownsboro

H105 - East Brownsboro

➔SECTION 60. KRS 5.260 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Sixtieth Representative District shall consist of the following territory:

County: Boone KY (part)

A118 - Hamilton

B115 - Glenview

B117 - Hopeful

B120 - Pleasant Valley

B122 - Union #1

B123 - Union #2

B125 - Union #4

B129 - Union #5

B130 - Union #6

B131 - Summitview

B133 - Florence #15

B135 - Union #7

C102 - Devon #1

C110 - Devon #2

C117 - Devon #3

C121 - Shamrock

C131 - Florence #8 (part)

210150703181000

C133 - Florence #10

C134 - Florence #11

C136 - Florence #13

C137 - Florence #14

➔SECTION 61. KRS 5.261 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Sixty-first Representative District shall consist of the following territory:

County: Boone KY (part)

B114 - Beaver

B121 - Richwood

B124 - Union #3

B126 - Verona

County: Gallatin KY

County: Grant KY

County: Kenton KY (part)

B101 - Bracht

➔SECTION 62. KRS 5.262 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Sixty-second Representative District shall consist of the following territory:

County: Scott KY (part)

A100 - Porter

A102 - Sadieville

A104 - Stonehedge

A106 - Mallard Point

A110 - Moonlake

A112 - Eagle Creek

B101 - Colony
B103 - West Stamping Ground
B105 - East Stamping Ground
B109 - Cardinal
B111 - North Stamping Ground
B113 - Derby
C108 - Galloway
C110 - Ironworks
C112 - Lancelot
C114 - West Cane Run
C116 - Fishers Mill
D111 - Oxford
D113 - Cherry Blossom
E118 - Peninsula
E120 - Courthouse
E122 - Ed Davis
E124 - College
F117 - White Oak
F119 - Royal Springs
F121 - Rucker
F123 - Indian Hills
F125 - Bradshaw
F127 - McClelland Springs
F129 - Copperfield
F131 - Indian Acres
G128 - Suffoletta
G130 - Southpoint
G132 - Marketplace
G136 - Hambrick Place

➔SECTION 63. KRS 5.263 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Sixty-third Representative District shall consist of the following territory:

County: Boone KY (part)

A107 - Constance
A119 - Limaburg
B116 - Greenview
B118 - Linkview
B119 - Oakbrook
C123 - Airport
C126 - Florence #3

County: Kenton KY (part)*A105 - Covington #11**A125 - Bromley**A126 - Ludlow #1**A128 - Ludlow #2**C101 - Crescent Springs #1**C102 - Crescent Springs #2**C113 - Erlanger #7**C114 - Erlanger #8**C115 - Erlanger #9**C116 - Ft Mitchell #2**C117 - Ft Mitchell #3**C118 - Ft Mitchell #4**C119 - Ft Mitchell #5**C121 - Ft. Mitchell #7**C127 - Lakeside Park #1**C128 - Lakeside Park #2**C133 - Villa Hills #1**C134 - Villa Hills #2**C135 - Villa Hills #3**C136 - Villa Hills #4**C137 - Villa Hills #5**C138 - Crescent Springs #3**C140 - Ft. Mitchell #1**X001 - X001**X002 - X002***➔SECTION 64. KRS 5.264 IS REPEALED AND REENACTED TO READ AS FOLLOWS:*****The Sixty-fourth Representative District shall consist of the following territory:*****County: Kenton KY (part)***A110 - Covington #20**A115 - Covington #26**A116 - Covington #27**A117 - Covington #30**A121 - Covington #36**A122 - Covington #39**A123 - Covington #41**A124 - Covington #42**A130 - Taylor Mill #4**A136 - Taylor Mill #1*

A137 - Taylor Mill #2
A138 - Taylor Mill #3
B105 - Decoursey
B109 - Edgewood #4
B115 - Independence #1
B116 - Independence #2
B118 - Independence #4
B122 - Covington #45
B132 - Independence #6
B133 - Independence #7
B136 - Independence #9
B138 - Erlanger #13
B140 - Independence #11
B142 - Decoursey #1.5

➔SECTION 65. KRS 5.265 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Sixty-fifth Representative District shall consist of the following territory:

County: Kenton KY (part)

A101 - Covington #1
A102 - Covington #3
A103 - Covington #7
A104 - Covington #10
A106 - Covington #12
A107 - Covington #13
A108 - Covington #15
A109 - Covington #19
A111 - Covington #21
A112 - Covington #23
A113 - Covington #24
A114 - Covington #25
A118 - Covington #31
A119 - Covington #33
A120 - Covington #34
A131 - Covington #43
A132 - Park Hills #1
A133 - Park Hills #2
A135 - Covington #44
B106 - Edgewood #1
B107 - Edgewood #2
B108 - Edgewood #3

B110 - Edgewood #5

B111 - Edgewood #6

B112 - Edgewood #7

C122 - Ft Wright #1

C124 - Ft Wright #2

C125 - Ft Wright #3

C131 - Crestview Hills #2

C143 - Ft. Wright #4.5

➔SECTION 66. KRS 5.266 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Sixty-sixth Representative District shall consist of the following territory:

County: Boone KY (part)

A102 - Belleview

A103 - Bullittsville

A104 - Burlington #1

A105 - Burlington #2

A106 - Carlton

A108 - Hebron #1

A109 - Hebron #2

A110 - Petersburg

A111 - Burlington #3

A112 - Burlington #4

A113 - Burlington #5

A114 - Hebron #3

A115 - Burlington #6

A116 - Burlington #7

A117 - Hebron #4

A120 - Burlington #8

A121 - Hebron #5

A122 - Burlington #9

A123 - Camp Ernst

B132 - Hearthstone

➔SECTION 67. KRS 5.267 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Sixty-seventh Representative District shall consist of the following territory:

County: Campbell KY (part)

A412 - Ft Thomas N

A419 - Ft Thomas S

A502 - Southgate B

A503 - Southgate C

A504 - Southgate D

A602 - Highland Hts B
A603 - Highland Hts C
A604 - Highland Hts D
A605 - Highland Hts E
B704 - Cold Spring D
B909 - Johns Hill
B913 - Wilder
C101 - Dayton A
C102 - Dayton B
C103 - Dayton C
C201 - Bellevue A
C202 - Bellevue B
C203 - Bellevue C
C204 - Bellevue D
C301 - Newport A
C302 - Newport B
C303 - Newport C
C304 - Newport D
C305 - Newport E
C306 - Newport F
C307 - Newport G
C308 - Newport H
C309 - Newport I
C310 - Newport J
C311 - Newport K
C416 - Ft Thomas J
C501 - Southgate A

➔SECTION 68. KRS 5.268 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Sixty-eighth Representative District shall consist of the following territory:

County: Campbell KY (part)

A402 - Ft Thomas B
A403 - Ft Thomas C
A405 - Ft Thomas E
A406 - Ft Thomas F
A408 - Ft Thomas H
A409 - Ft Thomas K
A410 - Ft Thomas L
A411 - Ft Thomas M
A414 - Ft Thomas P

A415 - Ft Thomas I
A417 - Ft Thomas T
A418 - Ft Thomas R
A601 - Highland Hts A
A701 - Cold Spring A
A703 - Cold Spring C
A801 - Alexandria A
A802 - Alexandria B
A803 - Alexandria C
A804 - Alexandria D
B702 - Cold Spring B
B705 - Cold Spring E
B706 - Cold Spring F
B805 - Alexandria E
B806 - Alexandria F
B901 - Mentor
B902 - California
B903 - Sun Valley
B906 - Camp Springs
B907 - Ross
B910 - Melbourne
B912 - Silver Grove
C401 - Ft Thomas A

➔SECTION 69. KRS 5.269 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Sixty-ninth Representative District shall consist of the following territory:

County: Boone KY (part)

C124 - Florence #1

C125 - Florence #2

C127 - Florence #4

C128 - Florence #5

C129 - Florence #6

C130 - Florence #7

C131 - Florence #8 (part)

<i>210150702022006,</i>	<i>210150702022012,</i>	<i>210150702022013,</i>	<i>210150702022014,</i>
<i>210150703011004,</i>	<i>210150703011005,</i>	<i>210150703011006,</i>	<i>210150703121010,</i>
<i>210150703121011,</i>	<i>210150703151000,</i>	<i>210150703151001,</i>	<i>210150703151003,</i>
<i>210150703151004,</i>	<i>210150703151005,</i>	<i>210150703151009,</i>	<i>210150703151010,</i>
<i>210150703151011,</i>	<i>210150703151012,</i>	<i>210150703151013,</i>	<i>210150703151014,</i>
<i>210150703151015,</i>	<i>210150703151016,</i>	<i>210150703151019,</i>	<i>210150703151020,</i>
<i>210150703151021, 210150703152006, 210150703152007, 210150703152008</i>			

C132 - Florence #9

C135 - Florence #12

County: Kenton KY (part)

B117 - Independence #3

B125 - Erlanger #11

B131 - Independence #5

B134 - Independence #8

B135 - Erlanger #12

B139 - Edgewood #1.5

C103 - Elsmere #1

C104 - Elsmere #2

C105 - Elsmere #3

C106 - Elsmere #4

C107 - Erlanger #1

C108 - Erlanger #2

C109 - Erlanger #3

C110 - Erlanger #4

C111 - Erlanger #5

C112 - Erlanger #6

C130 - Crestview Hills #1

C139 - Elsmere #5

C141 - Erlanger #10

C142 - Crescent Springs #3.5

➔SECTION 70. KRS 5.270 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Seventieth Representative District shall consist of the following territory:

County: Bracken KY

County: Harrison KY

County: Mason KY

County: Robertson KY

➔SECTION 71. KRS 5.271 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Seventy-first Representative District shall consist of the following territory:

County: Laurel KY (part)

D101 - East Bernstadt #1

E103 - Colony

E107 - Colony #2

County: Madison KY (part)

A101 - Big Hill-Blue Lick

A102 - East Berea

A103 - Gay-Stephens

A104 - North Berea

A105 - South Berea

A106 - West Berea-Mayde

A108 - Silver Creek

A110 - Walker Branch

D104 - Menelaus Todd East

County: Pulaski KY (part)

B111 - Estesburg 26

C105 - Price 27

C106 - Goodhope-Hazeldell 28

C111 - Catron 31

County: Rockcastle KY

➔SECTION 72. KRS 5.272 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Seventy-second Representative District shall consist of the following territory:

County: Bourbon KY

County: Fleming KY

County: Nicholas KY

➔SECTION 73. KRS 5.273 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Seventy-third Representative District shall consist of the following territory:

County: Clark KY

County: Fayette KY (part)

C160 - Walnut Hill

C164 - East Hills

C173 - Buckhorn

C187 - Chilesburg

C198 - Mt. Rushmore

C225 - Boone Station

C229 - Raven Run

➔SECTION 74. KRS 5.274 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Seventy-fourth Representative District shall consist of the following territory:

County: Bath KY

County: Menifee KY

County: Montgomery KY

➔SECTION 75. KRS 5.275 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Seventy-fifth Representative District shall consist of the following territory:

County: Fayette KY (part)

A101 - Alexandria

A102 - Barker

A103 - Beaumont

A106 - Cardinal Valley

A113 - Garden Springs

A114 - Gibson Park

A118 - Holiday Hills

A121 - Keys

A123 - Lane Allen

A128 - Meadowthorpe

A131 - Oxford

A132 - Pine Meadows

A136 - Skycrest

A139 - Turfland

A140 - Versailles Rd

A143 - West Main

A145 - Wolf Run

A151 - Clays Mill

A156 - Pershing

A163 - Fairgrounds

A166 - Twin Oaks

A167 - Pasadena

A173 - Imperial

A178 - Caywood

A181 - Headley Green

A184 - Bunker

A185 - Lawrence

B102 - Barkley

B108 - Deerfield

B113 - Goodrich

B114 - Hill-N-Dale

B118 - Lafayette

B130 - Open Gates

B132 - Picadome

B159 - Southview

C105 - Aylesford

➔SECTION 76. KRS 5.276 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Seventy-sixth Representative District shall consist of the following territory:

County: Fayette KY (part)

A111 - Fairlawn

A168 - Blue Acres

A169 - Castlewood

A170 - Meadow Lane

A171 - Northern
A172 - Warfield Place
A174 - Arlington
B139 - Clays Spring
B151 - Blairmore
C103 - Ashland Avenue
C109 - Bryan Station
C113 - Chevy Chase
C118 - Deep Springs
C120 - Duke
C121 - Eastland
C124 - Fontaine
C126 - Kingswood
C127 - Hermitage
C129 - Idle Hour
C130 - Julia R Ewan
C132 - Johnson Heights
C137 - Rookwood
C138 - Victory
C140 - Walton
C142 - Woodland
C143 - Woodspoint
C144 - Alsab
C148 - Delaware
C153 - Kingston
C155 - Mary Todd
C159 - Shandon Park
C170 - Breckinridge
C195 - Liberty Station
C205 - Crystal Falls
C207 - North Pointe
C211 - Biloxi
C213 - Chatsworth
C219 - Market Garden
C221 - Ridgebrook
C222 - Rosewood
C226 - Burkewood
C230 - Red Leaf
C231 - Rockminster

C238 - Villa

➔SECTION 77. KRS 5.277 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Seventy-seventh Representative District shall consist of the following territory:

County: Fayette KY (part)

A109 - Douglas-Washington

A115 - Green Acres

A116 - Trailside

A117 - Hampton Court

A120 - Julius Marks

A126 - Marlboro

A130 - Oakwood

A133 - Preston Inn

A134 - Radcliffe

A135 - St. Martins

A144 - Winburn

A146 - Triangle Park

A148 - Alabama

A149 - Aspendale-Bluegrass

A150 - Campsie

A152 - Highlands

A155 - Ohio-Walnut

A161 - Coolavin

A164 - Hollow Creek

A165 - Griffin Gate

A177 - Phoenix Park

A179 - Valley Farm

A183 - Silver Creek

A190 - Greenway

A191 - Kenova Trace

A194 - Majestic View

A195 - Coventry

A196 - Stallion Run

A197 - Valley Brook

A198 - Whiteberry

A199 - Ferndale

A200 - Red Clover

A201 - Winding Oak

A204 - Locust Blossom

A205 - Fieldrush

➔SECTION 78. KRS 5.278 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Seventy-eighth Representative District shall consist of the following territory:

County: Boone KY (part)

B127 - Walton #1

B128 - Walton #2

B134 - Kensington

County: Campbell KY (part)

B807 - Alexandria G

B904 - Grants Lick

B905 - Claryville

County: Kenton KY (part)

B119 - Morningview

B120 - Nicholson #1

B121 - Nicholson #2

B123 - Piner

B129 - Visalia

B130 - Whites Tower

B137 - Independence #10

B141 - Nicholson #3

County: Pendleton KY

➔SECTION 79. KRS 5.279 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Seventy-ninth Representative District shall consist of the following territory:

County: Fayette KY (part)

B105 - Brookhaven

B112 - Glendover

B119 - Laketower

B120 - Lansdowne

B121 - Leawood

B123 - Ecton Park

B125 - Malabu

B128 - Chinoe

B133 - Cedar Run

B135 - Seven Parks

B137 - Shadeland

B138 - Shady Lane

B147 - Zandale

B152 - Edgewater

B157 - Kirklevington

B165 - Oaks

B166 - Lakeview
B167 - Gray Hawk
B168 - Montavesta
B182 - Montclair
B188 - Castlegate
B190 - Laredo
B197 - Aqueduct
B211 - Rhodora Ridge
B229 - Complex
C115 - Clifton
C128 - Hollywood
C150 - Winter Garden
C151 - Cove Lake
C156 - Patchen Village
C157 - Richmond Rd.
C165 - Crestview
C167 - Rio Dosa
C171 - Groves Point
C189 - Saddlebrook
C191 - Plainview
C196 - Mapleleaf
C203 - Gingermill
C212 - Brookwind

➔SECTION 80. KRS 5.280 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Eightieth Representative District shall consist of the following territory:

County: Garrard KY
County: Lincoln KY
County: Pulaski KY (part)
B110 - Eubank 25

➔SECTION 81. KRS 5.281 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Eighty-first Representative District shall consist of the following territory:

County: Madison KY (part)
A107 - Clay
B102 - North Chenault
B103 - South Chenault
B104 - Newby Jones-Valley View
B105 - West Richmond-College-Bre
B106 - Greenway
B107 - Killarney

B108 - North Whitehall-Daniel Bo

B109 - South Whitehall-Daniel Bo

B110 - Forest Hill

B111 - Clays Ferry

C101 - Lost Fork

C102 - Redhouse

D101 - Tevis Cottonburg Poosey

D102 - Burnam Highpoint

D103 - Menelaus Todd West

D105 - South Richmond

D106 - Kingston

D107 - Army Depot

D108 - Battlefield

D110 - Eastern Campus

D111 - Deacon Hills

D112 - South Crutcher

D113 - North Crutcher

➔SECTION 82. KRS 5.282 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Eighty-second Representative District shall consist of the following territory:

County: Laurel KY (part)

F101 - Campbell

F104 - Level Green

F105 - Keavy

County: Whitley KY

➔SECTION 83. KRS 5.283 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Eighty-third Representative District shall consist of the following territory:

County: Clinton KY

County: Pulaski KY (part)

A101 - West Somerset 5b

A102 - Saline 11

A103 - Nancy 15

A104 - Harrison 17

A108 - Oak Hill 11

A110 - Okalona 16

A111 - Naomi East 44

A112 - Naomi West 44

B101 - Girdler 12

B102 - Hickory Nut 19

B103 - Ansel 21

B109 - Mt Zion 47

B112 - Fall Branch 18

E105 - Bourbon West 10 W

E110 - Som 5d Neighborhood

County: Russell KY

➔SECTION 84. KRS 5.284 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Eighty-fourth Representative District shall consist of the following territory:

County: Breathitt KY

County: Owsley KY

County: Perry KY

➔SECTION 85. KRS 5.285 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Eighty-fifth Representative District shall consist of the following territory:

County: Laurel KY (part)

A106 - Sublimity #2

C109 - London #6

D107 - London #7

D108 - Liberty

E101 - London #5

E104 - London #4

E105 - Hart

E106 - Hart #2

E108 - Liberty #2

F102 - Cold Hill

F103 - Independence

F106 - Rockhouse

County: Pulaski KY (part)

A105 - Som 3b Courthouse

B104 - Science Hill City 22

B105 - Science Hill Co 23

B106 - Buncombe 24

B107 - Som 1 Courthouse

B108 - Som 3a Huffaker

B113 - Norwood 42

C101 - Som 2 City Hall

C102 - Caney Fork 13

C103 - Som 4a Rocky Hollow

C104 - Som 4b Meece Middle

C110 - Vaught 43

C112 - Dallas 45

C113 - Som 3c Saddlebrook
D101 - Som 5a Memorial
D102 - Rush Branch 14
D103 - Parker 9
D104 - Mark 30
D105 - Bourbon East 10 E
D106 - Mayfield 32
D107 - Mt Victory 33
D108 - Ferguson 8
D109 - Colo 35
D110 - Gilliland 40
D111 - Som 5c Mall
D113 - Som 5e Grand Central
D115 - Som 6 South End
E104 - East Burnside County 36e
E112 - Sloans Valley 39

➔SECTION 86. KRS 5.286 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Eighty-sixth Representative District shall consist of the following territory:

County: Knox KY

County: Laurel KY (part)

A102 - Campground
A105 - Stansberry
A108 - Mchargue
B102 - Lily
B103 - Felts
B106 - Spring Cut
C101 - Blackwater
C103 - Lake
F107 - South Laurel

➔SECTION 87. KRS 5.287 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Eighty-seventh Representative District shall consist of the following territory:

County: Bell KY

County: Harlan KY (part)

A101 - Harlan
B102 - Ages
B103 - Verda
B104 - North Evarts
B105 - S Evarts
B106 - Brittain's Creek

B107 - Shields
B109 - Klondyke
C104 - Cumb Black Motor East
C106 - Blair
C107 - Cumberland New York
C109 - Benham
C111 - Lynch
D101 - Elcomb
D103 - Sunshine
D104 - Grays Knob
D106 - Cawood/Hiram
D108 - Smith
D109 - Cranks
E105 - Wallins-City Hall
E106 - Wallins-School
E107 - Coldiron
E108 - Pathfork

➔SECTION 88. KRS 5.288 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Eighty-eighth Representative District shall consist of the following territory:

County: Fayette KY (part)

A104 - Bell School House
A175 - Horse Park
A187 - Town Branch
A203 - Enterprise
C114 - Autumn Ridge
C125 - Helm
C154 - Man O War
C163 - Greenbrier
C180 - Broadmoor
C185 - N Elkhorn
C192 - Chetford
C193 - Sheffield Place
C194 - Chestnut Hill
C200 - Deer Crossing
C201 - Telluride
C209 - Shaker Run
C210 - Mint Hill
C217 - Denali
C218 - Levi Todd

C223 - Wilkes Run
C224 - Bay Springs Park
C227 - Fortune Hill
C228 - Many Oaks Park
C232 - Turtle Creek
C233 - Walnut Creek
C235 - Red Stone
C236 - Passage Mound
C237 - Orchard Grass
C239 - Needlerush

County: Scott KY (part)

A114 - Falls Creek
A116 - Pavilion
C118 - East Cane Run
D115 - Newtown
D119 - Rocky Creek
D121 - Leesburg
D123 - Elkhorn Green
E126 - Old Mill
E128 - Stables
G134 - Lemons Mill
G138 - Old Depot

➔SECTION 89. KRS 5.289 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Eighty-ninth Representative District shall consist of the following territory:

County: Jackson KY

County: Laurel KY (part)

C108 - Mcwhorter
D102 - East Bernstadt #2
D103 - Viva
D104 - Oakley
D105 - Cross Roads
D106 - Pittsburg

County: Lee KY

County: Madison KY (part)

A109 - Bobtown Redlick
C105 - Waco
C106 - Brassfield Bearwallow
C107 - Moberly
C108 - Kavanaugh

C109 - East Richmond***County: Wolfe KY*****➔SECTION 90. KRS 5.290 IS REPEALED AND REENACTED TO READ AS FOLLOWS:*****The Ninetieth Representative District shall consist of the following territory:******County: Clay KY******County: Laurel KY (part)******A101 - Sublimity******A103 - London #3******A104 - Rough Creek******A107 - London East******B101 - Fariston******B104 - Rough Creek #2******B105 - Fariston #2******C102 - Bush******C104 - London #1******C105 - Maplesville******C106 - Johnson******C110 - London #2******County: Leslie KY*****➔SECTION 91. KRS 5.291 IS REPEALED AND REENACTED TO READ AS FOLLOWS:*****The Ninety-first Representative District shall consist of the following territory:******County: Estill KY******County: Madison KY (part)******B101 - Saratoga-Arlington-Roseda******C103 - McCreary******C104 - College Hill******C110 - Dillingham******C112 - Courthouse-Central******C113 - Watertower******C114 - City Hall-Telford******D109 - Francis******County: Powell KY*****➔SECTION 92. KRS 5.292 IS REPEALED AND REENACTED TO READ AS FOLLOWS:*****The Ninety-second Representative District shall consist of the following territory:******County: Knott KY******County: Magoffin KY******County: Pike KY (part)******A107 - By Pass******B101 - Caney***

B102 - Yeager
B103 - Old Shelby
B104 - Long Fork
B106 - Elwood
B107 - Island Creek
C105 - Raccoon
C106 - Rasnick
C111 - Burning Fork
D101 - Millard
D102 - Greasy Creek
D103 - Upper Chloe
D104 - Marrowbone
D105 - Rockhouse
D106 - New Shelby
D107 - Garden Village
D108 - Henry Clay
D110 - York

➔SECTION 93. KRS 5.293 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Ninety-third Representative District shall consist of the following territory:

County: Fayette KY (part)

B103 - Sayre Village
B104 - Brigadoon
B106 - Wildwood
B110 - Fairway
B111 - Gainesway
B127 - Merrick
B140 - Southeastern Hills
B143 - Tates Creek
B146 - Kenlock
B155 - Ascot
B158 - Park Hills
B164 - Blueberry Hills
B169 - Mt. Rainier
B170 - Baffin Bay
B174 - Whispering Hills
B181 - Taborlake
B189 - Kittiwake
B195 - Walden Grove
B196 - Springhouse

B198 - Bridgemont
B206 - Rolling Creek
B207 - Fox Harbour
B217 - Cobblestone Knoll
B231 - Spencer Park
B232 - River Oak
C152 - Hartland
C161 - Tatesbrook
C162 - Niagara
C174 - Century Hills
C175 - East Lake
C176 - Squire Oak
C177 - Summerhill
C178 - Pleasant Grove
C183 - Millcreek
C184 - Mt Foraker
C186 - Old Farm
C188 - Stephen Foster
C197 - Mooreland
C199 - Woodfield
C208 - Rothbury
C216 - Heartwood
C220 - Park Place

➔SECTION 94. KRS 5.294 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Ninety-fourth Representative District shall consist of the following territory:

County: Harlan KY (part)

A108 - Baxter
A110 - Putney
A111 - Pine Mountain
A112 - Bledsoe
C101 - Totz
C102 - Green Morris
C103 - Cumberland City Hall
E102 - Loyall
E104 - Fresh Meadows

County: Letcher KY

County: Pike KY (part)

B105 - Dorton
C101 - Mouthcard

C102 - Upper Elkhorn
C103 - Elkhorn City Hall
C104 - Belcher
C107 - Lick Creek
C109 - Feds Creek
C110 - Looney
D109 - Hellier
D111 - Ashcamp
E101 - Phelps
E102 - Blackberry
E104 - Freeburn
E105 - Majestic
E106 - Wolford
E109 - Mccarr
F101 - Belfry
F103 - Dr. J. E. Johnson
F105 - Runyon
F108 - Old Pond

➔SECTION 95. KRS 5.295 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Ninety-fifth Representative District shall consist of the following territory:

County: Floyd KY

County: Pike KY (part)

A101 - Bessie Riddle Arnold
A102 - Hurricane
A103 - Pikeville High School
A104 - Lower Pike
A105 - Myers Towers
A106 - Coal Run
A108 - Mullins School
C112 - Stone Coal

➔SECTION 96. KRS 5.296 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Ninety-sixth Representative District shall consist of the following territory:

County: Boyd KY (part)

A109 - East Fork
A119 - Fannin 2
A121 - Cannonsburg
A122 - Marsh Run
C102 - Princess
C110 - Pyramid

C111 - Willow

C114 - Meads 1

C117 - Meads 2

County: Carter KY

County: Lewis KY

➔SECTION 97. KRS 5.297 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Ninety-seventh Representative District shall consist of the following territory:

County: Johnson KY

County: Martin KY

County: Pike KY (part)

A109 - Brushy

A110 - Lower Johns Creek

C108 - Grapevine

E103 - Deskins

E107 - Meta

E108 - Joes Creek

F102 - Lower Big Creek

F104 - Bevins School

F106 - Turkey Creek

F107 - Huddy

➔SECTION 98. KRS 5.298 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Ninety-eighth Representative District shall consist of the following territory:

County: Boyd KY (part)

B102 - Pollard

B103 - Lewis

B106 - Barber

C104 - Hoods Creek

C105 - Fairview

C106 - Buckley

C107 - Westwood

C108 - Millseat

C112 - Sandy Creek

C116 - Winslow-Ironville

County: Greenup KY

➔SECTION 99. KRS 5.299 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Ninety-ninth Representative District shall consist of the following territory:

County: Elliott KY

County: Morgan KY

County: Rowan KY

➔SECTION 100. KRS 5.300 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The One Hundredth Representative District shall consist of the following territory:

County: Boyd KY (part)

A101 - Catlettsburg

A105 - Rush

A106 - Ashland Oil

A107 - England Hill

A108 - Durbin

A110 - Elmwood-Hill Top

A111 - Gartrell

A113 - Gartin

A114 - Carp

A115 - South Ashland

A116 - Ratcliff

A118 - Fannin 1

B101 - Central

B105 - Debord-Tannery

B107 - Vincent

B108 - Mt Adams

B109 - Prichard

B110 - Forest Hills

B114 - Beech

B115 - Grayson-Springhill

B116 - Avondale

B117 - Hillendale

B118 - Rice # 1

B119 - Rice # 2

B121 - Poage

C103 - Kyova

C109 - Moore

C113 - Green Hill

C115 - Rockdale-Summitt

County: Lawrence KY

➔Section 101. KRS 5.010 is amended to read as follows:

For the purpose of this chapter:

- (1) The boundaries of the legislative districts created by this chapter shall be those shown on the maps generated by the Legislative Research Commission's geographic information system to accompany a redistricting plan enacted into law. The official copies of these maps shall be on file with the State Board of Elections. A duplicate set of maps and associated population information shall be retained by the Legislative Research Commission.

- (2) (a) Designated precincts are those precincts in existence on *January 1, 2020*~~[July 15, 2010]~~. Precinct boundaries shown in the maps referred to in subsection (1) of this section are taken from county precinct maps and verified and corrected by the Legislative Research Commission staff in consultation with county election officials.
- (b) Census tracts and blocks shown in the maps referred to in subsection (1) of this section are those utilized for the making of the *2020*~~[2010]~~ United States Census.
- (c) Population data utilized for redistricting is the *2020*~~[2010]~~ United States Census Pub. L. 94-171 population data that was deemed to be official by the United States Secretary of Commerce on or before July 15, *2021*~~[2011]~~, and election precinct population data prepared by the Legislative Research Commission staff from the official Pub. L. 94-171 population data.

➔Section 102. (1) Notwithstanding any other provision of law, effective for the 2022 primary and for no other election, the filing deadline for candidates under KRS 83A.045, 118.125, 118.165, and 118A.060 shall be January 25, 2022. All nomination papers shall be filed no later than 4 p.m. local time on the last date on which the papers may be filed.

(2) Notwithstanding any other provision of law, effective for the 2022 primary and no other election, the time of the drawing for ballot positions and the certification of candidates shall be suspended and shall be held at a time determined by the Secretary of State or the county clerk, as appropriate, following the filing deadline in subsection (1) of this section.

(3) Any other necessary election deadlines for the 2022 primary and for no other election, excluding the date of the primary under KRS 118.025, shall be established by the Secretary of State.

➔Section 103. The Speaker of the House, on behalf of the House of Representatives, shall have standing to defend any legal challenge to this Act, if challenged in a court of law or any other legal proceeding, without waiver of any privileges or immunities.

➔Section 104. In the legislative districts given in this Act, the single listing of a county or a precinct within a county indicates that all of the territory of that county or precinct is within the specified district.

➔Section 105. County boards of elections shall meet immediately following the effective date of this Act for the purpose of reviewing the district boundaries established by the General Assembly in this Act. In the review process, the county boards of elections shall ensure that each county precinct boundary does not cross the district boundaries established in this Act. If a county board of elections determines that any precinct boundary crosses a district boundary, or is so informed by the State Board of Elections in consultation with the Legislative Research Commission, the county board of elections shall issue a proposed precinct establishment order to the State Board of Elections altering the precinct boundary, or creating, dividing, or combining one or more precincts, so that no county precinct boundary crosses any boundary listed in KRS 117.055(1)(a) to (g). Any alteration of precinct boundaries required by this section shall comply with the provisions of KRS 117.055 to 117.058 and shall be completed by the county boards of elections and approved by the State Board of Elections no later than 45 days after the effective date of this Act, KRS 117.055(3), 117.0553, and 117.056 to the contrary notwithstanding. If a county board of elections fails to comply with the requirements of this section, the State Board of Elections shall apply to the Circuit Court of the county for a summary mandatory order requiring the county board to perform the duties of this section and shall not submit claims for payments to the county under KRS 117.343 and 117.345 until the State Board of Elections in consultation with the Legislative Research Commission determines in writing that the duty has been performed.

➔Section 106. Whereas the districts established by this Act shall be effective for the primary and general elections to be held in 2022, and certain statutory and other deadlines that impact the 2022 primary and general elections occur prior to the normal effective date of legislation enacted at this legislative session, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming law.

Veto Overridden and Signed by Secretary of State January 20, 2022.

AN ACT relating to redistricting and declaring an emergency.

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

Congressional Plan (C1278B01)

(Geographic integrity verified: yes)

Part I - Congressional Plan (C1278B01)

➔SECTION 1. KRS 118B.110 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The First Congressional District shall consist of the following territory:

County: Adair KY

County: Allen KY

County: Anderson KY (part)

E101 - Alton (part)

210059501011001, 210059501011002, 210059501011003, 210059501011010,
210059501011018, 210059501012000, 210059501012001

E103 - West Alton (part)

210059501012002, 210059501012003, 210059503001000, 210059503001001,
210059503001002, 210059503001003, 210059503001004, 210059503001005,
210059503001006, 210059503001007, 210059503001009, 210059503001032,
210059503001033, 210059503001034, 210059503001035

F102 - Western

F103 - Rutherford (part)

210059504001058, 210059504001084, 210059504001086, 210059504002040,
210059504002041, 210059504002042, 210059504002043, 210059504002060,
210059504002061, 210059504002062, 210059504002063, 210059504002064,
210059504002065, 210059504002066, 210059504002067, 210059504002068,
210059504002069, 210059504002070, 210059504002071

F104 - Birdie (part)

210059503001008, 210059503001010, 210059503001011, 210059503001012,
210059503001013, 210059503001014, 210059503001015, 210059503001016,
210059503001017, 210059503001018, 210059503001019, 210059503001020,
210059503001021, 210059503001022, 210059503001023, 210059503001024,
210059503001025, 210059503001026, 210059503001027, 210059503001028,
210059503001029, 210059503001030, 210059503001031, 210059503001036,
210059503001037, 210059503001038, 210059503001039, 210059503001040,
210059503001041, 210059503001042, 210059503001043, 210059503001044,
210059503001045, 210059503001046, 210059503001047, 210059503001048,
210059503001049, 210059503001050, 210059503001051, 210059503001052,
210059503001053, 210059503001054, 210059503001055, 210059503001056,
210059503001057, 210059503001058, 210059503001059, 210059503001060,
210059503001061, 210059503001066, 210059503001067, 210059503001068,
210059503001069

County: Ballard KY

County: Boyle KY

County: Caldwell KY

County: Calloway KY

County: Carlisle KY

County: Casey KY

County: Christian KY

County: Clinton KY

County: Crittenden KY

County: Cumberland KY

County: Franklin KY

County: Fulton KY

County: Graves KY

County: Henderson KY

County: Hickman KY

County: Hopkins KY

County: Livingston KY

County: Logan KY (part)

A101 - New National Guard Armory

A104 - Stevenson Elementary Schl

A105 - Logan Co Crthouse (City)

B101 - Adairville Middle School

B102 - Adairville Fire Station

B103 - Legacy Center

B104 - Russellville Fire Station

C101 - Logan Co Crthouse (Cnty)

C102 - Olmstead Middle School

C103 - Old National Guard Armory

C104 - Greenridge Community Cntr

D101 - Lewisburg School

D102 - Lewisburg Fire Station

D103 - Chandlers Elementary

E101 - Masonic Lodge

E102 - Auburn School (part)

<i>211419601002051,</i>	<i>211419601002052,</i>	<i>211419601002053,</i>	<i>211419601002054,</i>
<i>211419601002056,</i>	<i>211419601002057,</i>	<i>211419601002061,</i>	<i>211419601002062,</i>
<i>211419601002063,</i>	<i>211419601002064,</i>	<i>211419601002065,</i>	<i>211419601002071,</i>
<i>211419601002072,</i>	<i>211419601002073,</i>	<i>211419601002074,</i>	<i>211419601002087,</i>
<i>211419601002088,</i>	<i>211419601002090,</i>	<i>211419601002091,</i>	<i>211419601003013,</i>
<i>211419603001062,</i>	<i>211419603001066,</i>	<i>211419603001067,</i>	<i>211419603001070,</i>
<i>211419603001071,</i>	<i>211419603001072,</i>	<i>211419603001073,</i>	<i>211419603001074,</i>
<i>211419603001075, 211419603001076</i>			

E103 - Auburn City Hall (part)

<i>211419601003006,</i>	<i>211419601003007,</i>	<i>211419601003008,</i>	<i>211419601003009,</i>
<i>211419601003010,</i>	<i>211419601003011,</i>	<i>211419601003012,</i>	<i>211419601003014,</i>
<i>211419601003015,</i>	<i>211419601003020,</i>	<i>211419601003022,</i>	<i>211419601003023,</i>
<i>211419601003024,</i>	<i>211419601003025,</i>	<i>211419601003026,</i>	<i>211419601003027,</i>
<i>211419601003028,</i>	<i>211419601003029,</i>	<i>211419601003030,</i>	<i>211419601003031,</i>
<i>211419601003032,</i>	<i>211419601003033,</i>	<i>211419601003034,</i>	<i>211419601003036,</i>
<i>211419601003039</i>			

F101 - New Natl Guard Armory

F102 - Logan County High School

F103 - Municipal Housing Comm.

County: Lyon KY

County: Marion KY

County: Marshall KY

County: McCracken KY

County: Metcalfe KY

County: Monroe KY

County: Russell KY

County: Simpson KY

County: Taylor KY

County: Todd KY

County: Trigg KY

County: Union KY

County: Washington KY

County: Webster KY

➔SECTION 2. KRS 118B.120 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Second Congressional District shall consist of the following territory:

County: Barren KY

County: Breckinridge KY

County: Bullitt KY

County: Butler KY

County: Daviess KY

County: Edmonson KY

County: Grayson KY

County: Green KY

County: Hancock KY

County: Hardin KY

County: Hart KY

County: Jefferson KY (part)

B153 - Precinct 153 29 District

B158 - Precinct 158 29 District

B159 - Precinct 159 29 District (part)

211110116033001

B161 - Precinct 161 29 District

B162 - Precinct 162 29 District (part)

211110116031011,

211110116031012,

211110116031013,

211110116031014,

211110116031015,

211110116032005,

211110116032006,

211110116032010,

211110116032011,

211110116032012,

211110116032013,

211110116032014,

211110116032015, 211110116032016, 211110116032017, 211110116032018,
211110116032041, 211110116032054, 211110117083004, 211110117083009

B175 - Precinct 175 29 District (part)

211110117083001

B177 - Precinct 177 29 District

VI02 - Precinct 102 36 District (part)

211110115202012, 211110116041016, 211110116041017, 211110116041018

VI03 - Precinct 103 36 District

VI04 - Precinct 104 36 District

VI05 - Precinct 105 36 District (part)

211110116041008,	211110116041009,	211110116041010,	211110116041011,
211110116041012,	211110116041013,	211110116041014,	211110116041015,
211110116041029,	211110116041031,	211110116041032,	211110116041033,
211110116041034,	211110116041037,	211110116041038,	211110116041039,
211110116041040,	211110116041041,	211110116041043,	211110116041044,
211110116041045,	211110116042000,	211110116042001,	211110116042002,
211110116042003,	211110116042004,	211110116042005,	211110116042006,
211110116042007,	211110116042011,	211110116061028,	211110116061029,
211110116061030,	211110116061031,	211110116061034,	211110116061035,
211110116061039			

VI07 - Precinct 107 36 District

VI08 - Precinct 108 36 District

VI10 - Precinct 110 36 District

VI11 - Precinct 111 36 District

VI12 - Precinct 112 36 District

VI13 - Precinct 113 36 District (part)

211110116051000,	211110116051001,	211110116051002,	211110116051003,
211110116051004,	211110116051005,	211110116051006,	211110116051007,
211110116051008,	211110116051009,	211110116051010,	211110116052009,
211110116052012,	211110116052013,	211110116061008,	211110116061009,
211110116061010,	211110116061011,	211110116061012,	211110116061013,
211110116061014,	211110116061015,	211110116061016,	211110116061017,
211110116061018,	211110116061019,	211110116061036,	211110116061037,
211110116061038,	211110116061040		

VI14 - Precinct 114 36 District

VI19 - Precinct 119 36 District (part)

211110116061021,	211110116061022,	211110116061023,	211110116061024,
211110116061026,	211110116061033		

VI21 - Precinct 121 36 District

VI24 - Precinct 124 36 District (part)

211110103162006, 211110103162007

VI25 - Precinct 125 36 District

VI27 - Precinct 127 36 District (part)

211110103161007,	211110103161008,	211110103161009,	211110103161016,
211110103161017,	211110103161018,	211110103161019,	211110103162001,
211110103162002,	211110103162008,	211110103162009,	211110103162010,

211110103162011,	211110103162013,	211110103162014,	211110103162015,
211110103162016,	211110103162017,	211110103163004,	211110103163005,
211110103163010,	211110103163011,	211110103163012,	211110103163013,
211110103163016			

VI29 - Precinct 129 36 District

VI31 - Precinct 131 36 District

County: Larue KY

County: Logan KY (part)

E102 - Auburn School (part)

211419601001008,	211419601001009,	211419601001010,	211419601001011,
211419601001012,	211419601001013,	211419601001014,	211419601001015,
211419601001016,	211419601001017,	211419601001018,	211419601001019,
211419601001020,	211419601001021,	211419601001022,	211419601001023,
211419601001024,	211419601001025,	211419601001026,	211419601001027,
211419601001028,	211419601001029,	211419601001030,	211419601001031,
211419601001032,	211419601001033,	211419601001034,	211419601001035,
211419601001036,	211419601001037,	211419601001038,	211419601001039,
211419601001045,	211419601001049,	211419601001050,	211419601001051,
211419601001052,	211419601001053,	211419601001054,	211419601001055,
211419601001056,	211419601001057,	211419601001058,	211419601001059,
211419601001060,	211419601001061,	211419601001062,	211419601001063,
211419601001064,	211419601001065,	211419601001066,	211419601001067,
211419601001068,	211419601001069,	211419601001070,	211419601001071,
211419601001072,	211419601001073,	211419601001074,	211419601001075,
211419601001076,	211419601001077,	211419601001087,	211419601001088,
211419601001090,	211419601001091,	211419601001092,	211419601001093,
211419601001094,	211419601001095,	211419601001096,	211419601001097,
211419601001098,	211419601001099,	211419601001100,	211419601001101,
211419601001102,	211419601001103,	211419601001104,	211419601001105,
211419601001106,	211419601001107,	211419601001108,	211419601001109,
211419601001110,	211419601001112,	211419601001113,	211419601001114,
211419601001116,	211419601002055,	211419601002059,	211419601002060,
211419601002066,	211419601002067,	211419601002068,	211419601002069,
211419601002070,	211419601002075,	211419601002076,	211419601002077,
211419601002078,	211419601002079,	211419601002080,	211419601002081,
211419601002082,	211419601002083,	211419601002084,	211419601002085,
211419601002086,	211419601002089,	211419601002093	

E103 - Auburn City Hall (part)

211419601001078,	211419601001079,	211419601001080,	211419601001081,
211419601001082,	211419601001083,	211419601001084,	211419601001085,
211419601001086,	211419601001089,	211419601001115,	211419601003000,
211419601003001,	211419601003002,	211419601003003,	211419601003004,
211419601003005,	211419601003016,	211419601003017,	211419601003037,
211419601003038			

County: McLean KY

County: Meade KY

County: Muhlenberg KY

County: Nelson KY (part)

A101 - A1

A102 - A2

A103 - A3

A104 - A4

A105 - A5 (part)

211799304001035, 211799304001036, 211799304001037, 211799304001038,
 211799304001039, 211799304001040, 211799304001041, 211799304001042,
 211799304002024, 211799304002025, 211799304002026, 211799304002027,
 211799304002028, 211799304002029, 211799304002030, 211799304002031,
 211799304002032, 211799304002054, 211799305001008, 211799305001009,
 211799305001010, 211799305001011, 211799305001012, 211799305001013,
 211799305001014, 211799305001015, 211799305001016, 211799305001017,
 211799305001018, 211799305001019, 211799305001020, 211799305001021,
 211799305001022, 211799305001023, 211799305001024, 211799305001025,
 211799305001026, 211799305001027, 211799305001028, 211799305001029,
 211799305001030, 211799305001031, 211799305001032, 211799305001033,
 211799305001034, 211799305001035, 211799305001036

B102 - B2

B103 - B3 (part)

211799304001000, 211799304001001, 211799304001002, 211799304001003,
 211799304001005, 211799304001008, 211799304001021, 211799304001022,
 211799304001023, 211799304001024, 211799304001025, 211799304001026,
 211799304001027, 211799304001028, 211799304001029, 211799304001033,
 211799304001034, 211799305001000, 211799305003026, 211799305003027

C101 - C1

C102 - C2

C103 - C3

C104 - C4

C105 - C5

D101 - D1

D105 - D5 (part)

211799302011008, 211799302011016, 211799302011020, 211799303011002,
 211799303011003, 211799303011004, 211799303011008, 211799303011021,
 211799303011058, 211799303011059, 211799303011060

E105 - E5 (part)

211799303044007

County: Ohio KY

County: Warren KY

➔SECTION 3. KRS 118B.130 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Third Congressional District shall consist of the following territory:

County: Jefferson KY (part)

A105 - Precinct 105 28 District

A107 - Precinct 107 28 District

A108 - Precinct 108 28 District

A111 - Precinct 111 28 District

A113 - Precinct 113 28 District

A114 - Precinct 114 28 District

A115 - Precinct 115 28 District

A118 - Precinct 118 28 District

A119 - Precinct 119 28 District

A121 - Precinct 121 28 District

A123 - Precinct 123 28 District

A124 - Precinct 124 28 District

A125 - Precinct 125 28 District

A126 - Precinct 126 28 District

A127 - Precinct 127 28 District

A128 - Precinct 128 28 District

A129 - Precinct 129 28 District

A130 - Precinct 130 28 District

A131 - Precinct 131 28 District

A134 - Precinct 134 28 District

A135 - Precinct 135 28 District

A136 - Precinct 136 28 District

A139 - Precinct 139 28 District

A140 - Precinct 140 28 District

A141 - Precinct 141 28 District

A142 - Precinct 142 28 District

A143 - Precinct 143 28 District

B124 - Precinct 124 29 District

B132 - Precinct 132 29 District

B133 - Precinct 133 29 District

B134 - Precinct 134 29 District

B149 - Precinct 149 29 District

B151 - Precinct 151 29 District

B154 - Precinct 154 29 District

B155 - Precinct 155 29 District

B156 - Precinct 156 29 District

B157 - Precinct 157 29 District

B159 - Precinct 159 29 District (part)

211110115192000, 211110115192001, 211110115192002, 211110115192003,
 211110115192004, 211110115192005, 211110115192006, 211110115192007,
 211110115192008, 211110115192009, 211110116033000, 211110116033002,
 211110116033003, 211110116033004, 211110116033005, 211110116033006

B160 - Precinct 160 29 District

B162 - Precinct 162 29 District (part)

211110117093000, 211110117093011

B163 - Precinct 163 29 District

B166 - Precinct 166 29 District

B168 - Precinct 168 29 District

B169 - Precinct 169 29 District

B170 - Precinct 170 29 District

B172 - Precinct 172 29 District

B173 - Precinct 173 29 District

B175 - Precinct 175 29 District (part)

211110117083000, 211110117083002, 211110117083003, 211110117083005,
 211110117083006, 211110117083007, 211110117083008, 211110117083010,
 211110117084000, 211110117084001, 211110117084012, 211110117084013

B181 - Precinct 181 29 District

B182 - Precinct 182 29 District

B183 - Precinct 183 29 District

B184 - Precinct 184 29 District

B185 - Precinct 185 29 District

C101 - Precinct 101 30 District

C102 - Precinct 102 30 District

C103 - Precinct 103 30 District

C104 - Precinct 104 30 District

C105 - Precinct 105 30 District

C106 - Precinct 106 30 District

C108 - Precinct 108 30 District

C109 - Precinct 109 30 District

C110 - Precinct 110 30 District

C111 - Precinct 111 30 District

C113 - Precinct 113 30 District

C115 - Precinct 115 30 District

C122 - Precinct 122 30 District

C123 - Precinct 123 30 District

C124 - Precinct 124 30 District

C125 - Precinct 125 30 District

C126 - Precinct 126 30 District

C128 - Precinct 128 30 District

C129 - Precinct 129 30 District

C130 - Precinct 130 30 District

C131 - Precinct 131 30 District

C133 - Precinct 133 30 District

C134 - Precinct 134 30 District

C135 - Precinct 135 30 District

C136 - Precinct 136 30 District

C137 - Precinct 137 30 District

C138 - Precinct 138 30 District
C139 - Precinct 139 30 District
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C145 - Precinct 145 30 District
C146 - Precinct 146 30 District
C147 - Precinct 147 30 District
C148 - Precinct 148 30 District
C149 - Precinct 149 30 District
C150 - Precinct 150 30 District
C151 - Precinct 151 30 District
D101 - Precinct 101 31 District
D104 - Precinct 104 31 District
D106 - Precinct 106 31 District
D108 - Precinct 108 31 District
D109 - Precinct 109 31 District
D110 - Precinct 110 31 District
D113 - Precinct 113 31 District
D114 - Precinct 114 31 District
D115 - Precinct 115 31 District
D116 - Precinct 116 31 District
D117 - Precinct 117 31 District
D120 - Precinct 120 31 District
D121 - Precinct 121 31 District
D122 - Precinct 122 31 District
D126 - Precinct 126 31 District
D129 - Precinct 129 31 District
D130 - Precinct 130 31 District
D131 - Precinct 131 31 District
D132 - Precinct 132 31 District
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E139 - Precinct 139 32 District
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E148 - Precinct 148 32 District
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E166 - Precinct 166 32 District
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E173 - Precinct 173 32 District
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E184 - Precinct 184 32 District
E185 - Precinct 185 32 District

F106 - Precinct 106 33 District
F145 - Precinct 145 33 District
F151 - Precinct 151 33 District
F152 - Precinct 152 33 District
F153 - Precinct 153 33 District
F154 - Precinct 154 33 District
F155 - Precinct 155 33 District
F156 - Precinct 156 33 District
F158 - Precinct 158 33 District
F161 - Precinct 161 33 District
F163 - Precinct 163 33 District
F164 - Precinct 164 33 District
F166 - Precinct 166 33 District
F167 - Precinct 167 33 District
F169 - Precinct 169 33 District
F170 - Precinct 170 33 District
F171 - Precinct 171 33 District
F172 - Precinct 172 33 District
F176 - Precinct 176 33 District
F179 - Precinct 179 33 District
F180 - Precinct 180 33 District
F181 - Precinct 181 33 District
F182 - Precinct 182 33 District
F183 - Precinct 183 33 District
F184 - Precinct 184 33 District
F185 - Precinct 185 33 District
F186 - Precinct 186 33 District
F187 - Precinct 187 33 District
G103 - Precinct 103 34 District
G104 - Precinct 104 34 District
G106 - Precinct 106 34 District
G107 - Precinct 107 34 District
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G141 - Precinct 141 34 District
G142 - Precinct 142 34 District
G143 - Precinct 143 34 District
G144 - Precinct 144 34 District
G145 - Precinct 145 34 District
G146 - Precinct 146 34 District
G147 - Precinct 147 34 District
G148 - Precinct 148 34 District
G149 - Precinct 149 34 District
G150 - Precinct 150 34 District
G151 - Precinct 151 34 District
G154 - Precinct 154 34 District
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G156 - Precinct 156 34 District
G157 - Precinct 157 34 District
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G160 - Precinct 160 34 District
G161 - Precinct 161 34 District
G162 - Precinct 162 34 District
G163 - Precinct 163 34 District
G164 - Precinct 164 34 District
G165 - Precinct 165 34 District
G166 - Precinct 166 34 District
G167 - Precinct 167 34 District
G168 - Precinct 168 34 District
G169 - Precinct 169 34 District
H102 - Precinct 102 35 District
H103 - Precinct 103 35 District
H105 - Precinct 105 35 District
H106 - Precinct 106 35 District

H109 - Precinct 109 35 District
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H116 - Precinct 116 35 District
H117 - Precinct 117 35 District
H118 - Precinct 118 35 District
H120 - Precinct 120 35 District
H121 - Precinct 121 35 District
H123 - Precinct 123 35 District
H124 - Precinct 124 35 District
H125 - Precinct 125 35 District
H126 - Precinct 126 35 District
H127 - Precinct 127 35 District
H130 - Precinct 130 35 District
H131 - Precinct 131 35 District
H132 - Precinct 132 35 District
H133 - Precinct 133 35 District
H138 - Precinct 138 35 District
H141 - Precinct 141 35 District
H144 - Precinct 144 35 District
H145 - Precinct 145 35 District
H146 - Precinct 146 35 District
H147 - Precinct 147 35 District
H148 - Precinct 148 35 District
H150 - Precinct 150 35 District
H151 - Precinct 151 35 District
H152 - Precinct 152 35 District
H153 - Precinct 153 35 District
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H161 - Precinct 161 35 District
H162 - Precinct 162 35 District
I107 - Precinct 107 37 District
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I115 - Precinct 115 37 District
I120 - Precinct 120 37 District
I122 - Precinct 122 37 District
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I125 - Precinct 125 37 District
I126 - Precinct 126 37 District
I130 - Precinct 130 37 District
I133 - Precinct 133 37 District
I135 - Precinct 135 37 District
I138 - Precinct 138 37 District
I140 - Precinct 140 37 District
I141 - Precinct 141 37 District
I142 - Precinct 142 37 District
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I145 - Precinct 145 37 District
I146 - Precinct 146 37 District
I147 - Precinct 147 37 District
I148 - Precinct 148 37 District
I149 - Precinct 149 37 District
I150 - Precinct 150 37 District
I151 - Precinct 151 37 District
I152 - Precinct 152 37 District
I153 - Precinct 153 37 District
I154 - Precinct 154 37 District
I155 - Precinct 155 37 District
I156 - Precinct 156 37 District
J101 - Precinct 101 38 District
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J123 - Precinct 123 38 District
J130 - Precinct 130 38 District
J135 - Precinct 135 38 District
J137 - Precinct 137 38 District
J138 - Precinct 138 38 District
J140 - Precinct 140 38 District
J141 - Precinct 141 38 District
J142 - Precinct 142 38 District
J143 - Precinct 143 38 District
J144 - Precinct 144 38 District
J145 - Precinct 145 38 District
J146 - Precinct 146 38 District
J147 - Precinct 147 38 District
J148 - Precinct 148 38 District
J149 - Precinct 149 38 District
J150 - Precinct 150 38 District
J151 - Precinct 151 38 District
J152 - Precinct 152 38 District
J153 - Precinct 153 38 District
J154 - Precinct 154 38 District
J155 - Precinct 155 38 District
K104 - Precinct 104 40 District
K105 - Precinct 105 40 District
K110 - Precinct 110 40 District
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K136 - Precinct 136 40 District
K137 - Precinct 137 40 District
K138 - Precinct 138 40 District
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K142 - Precinct 142 40 District
K143 - Precinct 143 40 District
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K145 - Precinct 145 40 District
K146 - Precinct 146 40 District
K147 - Precinct 147 40 District
K148 - Precinct 148 40 District
K149 - Precinct 149 40 District
K150 - Precinct 150 40 District
K151 - Precinct 151 40 District
L104 - Precinct 104 41 District
L108 - Precinct 108 41 District
L110 - Precinct 110 41 District
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L117 - Precinct 117 41 District
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L142 - Precinct 142 41 District
L143 - Precinct 143 41 District
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L146 - Precinct 146 41 District
L147 - Precinct 147 41 District
L148 - Precinct 148 41 District
L149 - Precinct 149 41 District
L150 - Precinct 150 41 District
L151 - Precinct 151 41 District
L152 - Precinct 152 41 District
L153 - Precinct 153 41 District
L154 - Precinct 154 41 District
L155 - Precinct 155 41 District
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L162 - Precinct 162 41 District
L163 - Precinct 163 41 District
L164 - Precinct 164 41 District
M102 - Precinct 102 42 District
M103 - Precinct 103 42 District
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M105 - Precinct 105 42 District
M107 - Precinct 107 42 District
M110 - Precinct 110 42 District
M121 - Precinct 121 42 District
M123 - Precinct 123 42 District

M124 - Precinct 124 42 District
M129 - Precinct 129 42 District
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M137 - Precinct 137 42 District
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M140 - Precinct 140 42 District
M141 - Precinct 141 42 District
M142 - Precinct 142 42 District
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M170 - Precinct 170 42 District
M171 - Precinct 171 42 District
M172 - Precinct 172 42 District
M173 - Precinct 173 42 District
M174 - Precinct 174 42 District
M175 - Precinct 175 42 District
N101 - Precinct 101 43 District
N102 - Precinct 102 43 District
N103 - Precinct 103 43 District
N104 - Precinct 104 43 District

N105 - Precinct 105 43 District
N106 - Precinct 106 43 District
N107 - Precinct 107 43 District
N108 - Precinct 108 43 District
N109 - Precinct 109 43 District
N110 - Precinct 110 43 District
N111 - Precinct 111 43 District
N112 - Precinct 112 43 District
N113 - Precinct 113 43 District
N115 - Precinct 115 43 District
N117 - Precinct 117 43 District
N124 - Precinct 124 43 District
N125 - Precinct 125 43 District
N126 - Precinct 126 43 District
N127 - Precinct 127 43 District
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N134 - Precinct 134 43 District
N135 - Precinct 135 43 District
N136 - Precinct 136 43 District
N137 - Precinct 137 43 District
N138 - Precinct 138 43 District
N139 - Precinct 139 43 District
N141 - Precinct 141 43 District
N142 - Precinct 142 43 District
N143 - Precinct 143 43 District
N144 - Precinct 144 43 District
N145 - Precinct 145 43 District
N146 - Precinct 146 43 District
N147 - Precinct 147 43 District
N148 - Precinct 148 43 District
N149 - Precinct 149 43 District
N150 - Precinct 150 43 District
O105 - Precinct 105 44 District
O107 - Precinct 107 44 District
O109 - Precinct 109 44 District
O111 - Precinct 111 44 District
O112 - Precinct 112 44 District

O113 - Precinct 113 44 District
O114 - Precinct 114 44 District
O115 - Precinct 115 44 District
O117 - Precinct 117 44 District
O119 - Precinct 119 44 District
O121 - Precinct 121 44 District
O123 - Precinct 123 44 District
O124 - Precinct 124 44 District
O126 - Precinct 126 44 District
O127 - Precinct 127 44 District
O128 - Precinct 128 44 District
O129 - Precinct 129 44 District
O130 - Precinct 130 44 District
O131 - Precinct 131 44 District
O133 - Precinct 133 44 District
O134 - Precinct 134 44 District
O135 - Precinct 135 44 District
O136 - Precinct 136 44 District
O137 - Precinct 137 44 District
O138 - Precinct 138 44 District
O139 - Precinct 139 44 District
O141 - Precinct 141 44 District
O142 - Precinct 142 44 District
O143 - Precinct 143 44 District
Q101 - Precinct 101 46 District
Q103 - Precinct 103 46 District
Q104 - Precinct 104 46 District
Q105 - Precinct 105 46 District
Q107 - Precinct 107 46 District
Q109 - Precinct 109 46 District
Q112 - Precinct 112 46 District
Q113 - Precinct 113 46 District
Q114 - Precinct 114 46 District
Q115 - Precinct 115 46 District
Q116 - Precinct 116 46 District
Q117 - Precinct 117 46 District
Q119 - Precinct 119 46 District
Q122 - Precinct 122 46 District
Q123 - Precinct 123 46 District

Q124 - Precinct 124 46 District
Q125 - Precinct 125 46 District
Q126 - Precinct 126 46 District
Q127 - Precinct 127 46 District
Q131 - Precinct 131 46 District
Q132 - Precinct 132 46 District
Q134 - Precinct 134 46 District
Q136 - Precinct 136 46 District
Q137 - Precinct 137 46 District
Q138 - Precinct 138 46 District
Q139 - Precinct 139 46 District
S116 - Precinct 116 48 District
S118 - Precinct 118 48 District
S119 - Precinct 119 48 District
S125 - Precinct 125 48 District
S126 - Precinct 126 48 District
S128 - Precinct 128 48 District
S129 - Precinct 129 48 District
S130 - Precinct 130 48 District
S131 - Precinct 131 48 District
S132 - Precinct 132 48 District
S135 - Precinct 135 48 District
S139 - Precinct 139 48 District
S140 - Precinct 140 48 District
S141 - Precinct 141 48 District
S142 - Precinct 142 48 District
S143 - Precinct 143 48 District
S144 - Precinct 144 48 District
S146 - Precinct 146 48 District
S150 - Precinct 150 48 District
S152 - Precinct 152 48 District
S153 - Precinct 153 48 District
S156 - Precinct 156 48 District
S160 - Precinct 160 48 District
S161 - Precinct 161 48 District
S164 - Precinct 164 48 District
S165 - Precinct 165 48 District
S166 - Precinct 166 48 District
S167 - Precinct 167 48 District

*S168 - Precinct 168 48 District**VI01 - Precinct 101 36 District**VI02 - Precinct 102 36 District (part)*

211110115202004, 211110115202005, 211110115202006, 211110115202007,
 211110115202009, 211110115202011, 211110115203000, 211110115203001,
 211110115203002, 211110115203003, 211110115203004, 211110115203005,
 211110115203006, 211110115203007, 211110115203008, 211110115203009

VI05 - Precinct 105 36 District (part)

211110111162000, 211110111162001, 211110111162002, 211110111162014,
 211110111162015, 211110115202000

*VI06 - Precinct 106 36 District**VI09 - Precinct 109 36 District**VI13 - Precinct 113 36 District (part)*

211110116053000, 211110116053002, 211110116053003, 211110116053004,
 211110116053008, 211110116053009, 211110116053010, 211110116053011,
 211110116053012, 211110116053013, 211110116053014, 211110116053015,
 211110116053016, 211110116053017, 211110116053018, 211110116053019,
 211110116053020, 211110116053021, 211110116053022, 211110116053023,
 211110116053024, 211110116053025, 211110116053026, 211110116053027,
 211110116053028, 211110116053029, 211110116053030, 211110116053031,
 211110116053032, 211110116053033, 211110116053034, 211110116053035,
 211110116053037

*VI15 - Precinct 115 36 District**VI16 - Precinct 116 36 District**VI17 - Precinct 117 36 District**VI18 - Precinct 118 36 District**VI19 - Precinct 119 36 District (part)*

211110104071001, 211110104071005, 211110104071006, 211110104071007,
 211110104071008, 211110104071013, 211110104071014, 211110104071015,
 211110104071016, 211110104071017, 211110104071018, 211110104071019,
 211110104071020, 211110104071021, 211110104071022, 211110104071023,
 211110104071024, 211110104071025, 211110104071026, 211110104071027,
 211110104071028, 211110104072029, 211110107062005, 211110111163003,
 211110111163004, 211110111163005, 211110111163006, 211110111163007,
 211110111163008, 211110111163009, 211110111163010, 211110111163011,
 211110111163012, 211110111163013, 211110111163014, 211110111163015,
 211110111163016, 211110111163017, 211110111163018, 211110111163019,
 211110111163020, 211110111163021, 211110111163022, 211110111163023,
 211110111163024, 211110111163025, 211110111163026, 211110111163027,
 211110111163028, 211110111163029, 211110111163030, 211110111163031,
 211110111163032, 211110111163033, 211110111163036, 211110111163037,
 211110111163039, 211110111163040, 211110111163041, 211110111163042,
 211110111163043, 211110111163044, 211110111163045, 211110111163046,
 211110111163047, 211110111163048, 211110111163049, 211110111163050,
 211110111163051

*VI20 - Precinct 120 36 District**VI22 - Precinct 122 36 District**VI23 - Precinct 123 36 District**VI24 - Precinct 124 36 District (part)*

211110103162003, 211110103162004, 211110103162005, 211110103162018,
 211110104064003, 211110104064004, 211110104064005, 211110104064006,
 211110104064007, 211110104064009, 211110104064010, 211110104064011,
 211110104064012, 211110104064013, 211110104064014, 211110104064018,
 211110104064022, 211110104064023, 211110104064024, 211110104064025,
 211110104064026, 211110104064027, 211110104064028

VI26 - Precinct 126 36 District

VI27 - Precinct 127 36 District (part)

211110103152000, 211110103152001, 211110103152002, 211110103152003,
 211110103152004, 211110103152005, 211110103152006, 211110103152007,
 211110103152008, 211110103152009, 211110103152010, 211110103152011,
 211110103163019, 211110104063000, 211110104063001, 211110104063002,
 211110104063003, 211110104063004, 211110104063005, 211110104063006,
 211110104063007, 211110104063008, 211110104063015, 211110104063016,
 211110104064000, 211110104064001, 211110104064002

VI28 - Precinct 128 36 District

VI30 - Precinct 130 36 District

VI32 - Precinct 132 36 District

➔SECTION 4. KRS 118B.140 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Fourth Congressional District shall consist of the following territory:

County: Boone KY

County: Bracken KY

County: Campbell KY

County: Carroll KY

County: Carter KY (part)

A103 - Iron Hill (part)

210439603002006, 210439603002014, 210439604001000, 210439604001001,
 210439604001002, 210439604001003, 210439604001004, 210439604001005,
 210439604001006, 210439604001007, 210439604001008, 210439604001009,
 210439604001010, 210439604001011, 210439604001012, 210439604001013,
 210439604001014, 210439604001015, 210439604001016, 210439604001017,
 210439604001018, 210439604001019, 210439604001020, 210439604001026,
 210439604001027, 210439604001028, 210439604001029, 210439604001030,
 210439604001031, 210439604001033, 210439604001034, 210439604001049,
 210439604001050, 210439604001051, 210439604001052, 210439604001053,
 210439604001054, 210439604001055, 210439604001058, 210439604001059,
 210439604001060, 210439605002007, 210439605002008, 210439605002009,
 210439605002010, 210439605002011, 210439605002012, 210439605002013,
 210439605002014, 210439605002027

D106 - Pleasant Valley (part)

210439602001000, 210439602001001, 210439602001002, 210439604002025,
 210439604002033, 210439604002034, 210439604002035, 210439604002039

E101 - Brickyard (part)

210439602001022

E102 - Buffalo

E104 - Smokey Valley (part)

210439602001003, 210439602001004, 210439602001005, 210439602001006,
 210439602001007, 210439602001008, 210439602001009, 210439602001014,

210439602001015,	210439602001016,	210439602001017,	210439602001019,
210439602001020,	210439602001021,	210439602001023,	210439604002017,
210439604002018,	210439604002019,	210439604002023,	210439604002030,
210439604002031			

E105 - Upper Tygart (part)

210439601001000,	210439601001001,	210439601001002,	210439601001004,
210439601001005,	210439601001006,	210439601001007,	210439601001008,
210439601001009,	210439601001023,	210439602001024,	210439602001025,
210439602001026,	210439602001027		

*County: Gallatin KY**County: Grant KY**County: Greenup KY**County: Harrison KY**County: Henry KY**County: Kenton KY**County: Lewis KY**County: Mason KY**County: Nelson KY (part)**A105 - A5 (part)*

211799305001007

*B101 - B1**B103 - B3 (part)*

211799303043001,	211799303043002,	211799303043003,	211799303043005,
211799303043006,	211799303043009,	211799303043010,	211799303043011,
211799303043012,	211799303043013,	211799303043014,	211799303043015,
211799303043016,	211799303043017,	211799303043018,	211799303043019,
211799303043020,	211799303043021,	211799303043022,	211799303043023,
211799303043024,	211799303043025,	211799303043026,	211799303043027,
211799303043028,	211799303043029,	211799303043030,	211799303043031,
211799303043032,	211799305001001,	211799305001006,	211799305002007,
211799305002008,	211799305002029,	211799305002030,	211799305002037,
211799305002038,	211799305003002,	211799305003003,	211799305003006,
211799305003007,	211799305003008,	211799305003009,	211799305003017,
211799305003019,	211799305003020,	211799305003021,	211799305003022,
211799305003023,	211799305003024,	211799305003025,	211799305003031

*B104 - B4**D102 - D2**D103 - D3**D104 - D4**D105 - D5 (part)*

211799302011004,	211799302011005,	211799302011006,	211799302011007,
211799302011009,	211799302011010,	211799302011011,	211799302011015,
211799303011014,	211799303011015,	211799303011016,	211799303011017,
211799303011018,	211799303011020,	211799303011029,	211799303011033,
211799303011034,	211799303011035,	211799303011036,	211799303011037,
211799303011038,	211799303011039,	211799303011040,	211799303011041,
211799303011046,	211799303011047,	211799303011048,	211799303011049,
211799303011050,	211799303011051,	211799303011055,	211799303012000,

211799303012001**E101 - E1****E102 - E2****E103 - E3****E104 - E4****E105 - E5 (part)**

211799303041000,	211799303041001,	211799303041002,	211799303041003,
211799303041005,	211799303041006,	211799303041007,	211799303041008,
211799303041013,	211799303042010,	211799303042011,	211799303044000,
211799303044001,	211799303044002,	211799303044003,	211799303044004,
211799303044005,	211799303044006,	211799303044008,	211799303044010,
211799303044011,	211799303044012,	211799303051019,	211799303051020,
211799303051022, 211799303051023			

County: Oldham KY**County: Owen KY****County: Pendleton KY****County: Robertson KY****County: Shelby KY****County: Spencer KY****County: Trimble KY****➔SECTION 5. KRS 118B.150 IS REPEALED AND REENACTED TO READ AS FOLLOWS:****The Fifth Congressional District shall consist of the following territory:****County: Bath KY (part)****A101 - Sharpsburg No. 1 (part)**

210119701002016,	210119701002017,	210119701002027,	210119701002028,
210119701002029,	210119701002030,	210119701002031,	210119701002032,
210119701002033,	210119701002034,	210119701002035,	210119701002036,
210119701002037,	210119701002038,	210119701002041,	210119701002044,
210119702021003, 210119702021004, 210119702021008			

A102 - Sharpsburg No. 2 (part)

210119701001036,	210119701001038,	210119701001039,	210119701001040,
210119701002003,	210119701002004,	210119701002015,	210119701002018,
210119701002019,	210119701002020,	210119701002021,	210119701002022,
210119701002023, 210119701002024, 210119701002025, 210119701002026			

A105 - Owingsville No. 1 (part)

210119702021033,	210119702021034,	210119702021035,	210119702021036,
210119702021037,	210119702021038,	210119702021039,	210119702021040,
210119702021041,	210119702021042,	210119702021044,	210119702021045,
210119702021046, 210119702021049, 210119702021075			

B102 - Owingsville No. 2**B103 - Owingsville No. 3****C101 - Salt Lick No. 1****C102 - Salt Lick No. 2****C103 - White Sulphur****C104 - Olympia**

County: Bell KY

County: Boyd KY

County: Breathitt KY

County: Carter KY (part)

A101 - Courthouse

A102 - Gregoryville

A103 - Iron Hill (part)

210439605002020

A104 - North Midland Trail

A105 - Oakland

B101 - East Grayson/Stinson

B102 - North Rush

B103 - South Midland Trail

B104 - South Rush

B105 - Stovall

C101 - Alpha Hall

C102 - Denton

C103 - Hitchins

C104 - Willard

D101 - Cedar Grove

D102 - Clark Hill

D103 - Eagle Hall

D104 - Grahn

D105 - Pleasant Hill

D106 - Pleasant Valley (part)

<i>210439603001000,</i>	<i>210439603001001,</i>	<i>210439603001002,</i>	<i>210439603001011,</i>
<i>210439603001012,</i>	<i>210439603002002,</i>	<i>210439603002004,</i>	<i>210439603002011,</i>
<i>210439603002012,</i>	<i>210439603002013,</i>	<i>210439603002015,</i>	<i>210439603002016,</i>
<i>210439603002019,</i>	<i>210439603002021,</i>	<i>210439603002022,</i>	<i>210439603002023,</i>
<i>210439603002025, 210439603002037</i>			

D107 - Soldier

E101 - Brickyard (part)

<i>210439602001028,</i>	<i>210439602001029,</i>	<i>210439602001030,</i>	<i>210439602001031,</i>
<i>210439602001032,</i>	<i>210439602001033,</i>	<i>210439602001035,</i>	<i>210439602001037,</i>
<i>210439602001038,</i>	<i>210439602001039,</i>	<i>210439602001040,</i>	<i>210439602001041,</i>
<i>210439602001042,</i>	<i>210439602001043,</i>	<i>210439602001044,</i>	<i>210439602001045,</i>
<i>210439602001051,</i>	<i>210439602001052,</i>	<i>210439602001053,</i>	<i>210439602001054,</i>
<i>210439602001055,</i>	<i>210439602001056,</i>	<i>210439602001057,</i>	<i>210439602001058,</i>
<i>210439602001059, 210439602001062, 210439602001074</i>			

E103 - Olive Hill Courthouse

E104 - Smokey Valley (part)

<i>210439602001018,</i>	<i>210439602003003,</i>	<i>210439602003004,</i>	<i>210439602003005,</i>
<i>210439602003011,</i>	<i>210439602003013,</i>	<i>210439602003016,</i>	<i>210439602003018,</i>

210439602003019, 210439602003020, 210439602003021, 210439602003022,
 210439602003023, 210439602003024, 210439602003025, 210439602003026,
 210439602003027, 210439602003028, 210439602003029, 210439602003030,
 210439602003031, 210439602003032, 210439602003033, 210439602003034,
 210439602003040, 210439602003041

E105 - Upper Tygart (part)

210439601001003, 210439601001010, 210439601001011, 210439601001012,
 210439601001013, 210439601001014, 210439601001015, 210439601001016,
 210439601001017, 210439601001018, 210439601001019, 210439601001020,
 210439601001021, 210439601001022, 210439601001024, 210439601001025,
 210439601001026, 210439601001027, 210439601001028, 210439601001029,
 210439601001030, 210439601001031, 210439601001032, 210439601001033,
 210439601001034, 210439601001035, 210439601001036, 210439601001037,
 210439601001038, 210439601001039, 210439601001040, 210439601001041,
 210439601001042, 210439601001043, 210439601001044, 210439601001045,
 210439601001046, 210439601001048, 210439601001049, 210439601001050

County: Clay KY

County: Elliott KY

County: Floyd KY

County: Harlan KY

County: Jackson KY

County: Johnson KY

County: Knott KY

County: Knox KY

County: Laurel KY

County: Lawrence KY

County: Lee KY

County: Leslie KY

County: Letcher KY

County: Lincoln KY

County: Magoffin KY

County: Martin KY

County: McCreary KY

County: Menifee KY

County: Morgan KY

County: Owsley KY

County: Perry KY

County: Pike KY

County: Pulaski KY

County: Rockcastle KY

County: Rowan KY

County: Wayne KY

County: Whitley KY

County: Wolfe KY

➔SECTION 6. KRS 118B.160 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Sixth Congressional District shall consist of the following territory:

County: Anderson KY (part)

A101 - East Lawrenceburg

A102 - Duncan

B101 - West Lawrenceburg

B102 - West Duncan

C101 - Lillard

C102 - Witherspoon

D101 - Mcbrayer

D102 - South Lillard

E101 - Alton (part)

<i>210059501011000,</i>	<i>210059501011004,</i>	<i>210059501011005,</i>	<i>210059501011006,</i>
<i>210059501011007,</i>	<i>210059501011008,</i>	<i>210059501011009,</i>	<i>210059501011011,</i>
<i>210059501011012,</i>	<i>210059501011013,</i>	<i>210059501011014,</i>	<i>210059501011015,</i>
<i>210059501011016,</i>	<i>210059501011017,</i>	<i>210059501011019,</i>	<i>210059501021000,</i>
<i>210059501021001,</i>	<i>210059501021002,</i>	<i>210059501021003,</i>	<i>210059501021004,</i>
<i>210059501021005,</i>	<i>210059501021006,</i>	<i>210059501021007,</i>	<i>210059501021008,</i>
<i>210059501021009,</i>	<i>210059501021010,</i>	<i>210059501021011,</i>	<i>210059501021012,</i>
<i>210059501021013,</i>	<i>210059501021014,</i>	<i>210059501021015,</i>	<i>210059501022000,</i>
<i>210059501022001,</i>	<i>210059501022002,</i>	<i>210059501023000,</i>	<i>210059501023001,</i>
<i>210059501023002, 210059501023003, 210059501023004</i>			

E103 - West Alton (part)

<i>210059501012004,</i>	<i>210059501012005,</i>	<i>210059501012006,</i>	<i>210059501012007,</i>
<i>210059501012008,</i>	<i>210059501012009,</i>	<i>210059501012010,</i>	<i>210059501012011,</i>
<i>210059501012012,</i>	<i>210059501012013,</i>	<i>210059501012014,</i>	<i>210059501012015,</i>
<i>210059501012016, 210059501022004</i>			

F101 - Hickory Grove

F103 - Rutherford (part)

<i>210059504001052,</i>	<i>210059504001053,</i>	<i>210059504001054,</i>	<i>210059504001055,</i>
<i>210059504001057,</i>	<i>210059504001063,</i>	<i>210059504001064,</i>	<i>210059504001065,</i>
<i>210059504001069,</i>	<i>210059504001070,</i>	<i>210059504001071,</i>	<i>210059504001072,</i>
<i>210059504001073,</i>	<i>210059504001074,</i>	<i>210059504001075,</i>	<i>210059504001076,</i>
<i>210059504001077, 210059504001078</i>			

F104 - Birdie (part)

210059503001062, 210059503001063, 210059503001064, 210059503001065

County: Bath KY (part)

A101 - Sharpsburg No. 1 (part)

<i>210119701002039,</i>	<i>210119701002040,</i>	<i>210119701002042,</i>	<i>210119701002043,</i>
<i>210119701002047,</i>	<i>210119701002048,</i>	<i>210119701002049,</i>	<i>210119701002053,</i>
<i>210119701002055,</i>	<i>210119701002056,</i>	<i>210119701002057,</i>	<i>210119701002058,</i>
<i>210119701002059,</i>	<i>210119701002061,</i>	<i>210119701002062,</i>	<i>210119701002063,</i>
<i>210119701002064, 210119702021009</i>			

A102 - Sharpsburg No. 2 (part)

<i>210119701002000,</i>	<i>210119701002001,</i>	<i>210119701002002,</i>	<i>210119701002005,</i>
<i>210119701002006,</i>	<i>210119701002007,</i>	<i>210119701002008,</i>	<i>210119701002009,</i>
<i>210119701002010,</i>	<i>210119701002011,</i>	<i>210119701002012,</i>	<i>210119701002013,</i>

210119701002014, 210119701002045, 210119701002046, 210119701002050,
210119701002051, 210119701002052, 210119701002054, 210119701002060

A103 - Bethel

A104 - South Sherburne

A105 - Owingsville No. 1 (part)

210119702021005,	210119702021006,	210119702021007,	210119702021014,
210119702021015,	210119702021016,	210119702021017,	210119702021018,
210119702021019,	210119702021020,	210119702021021,	210119702021022,
210119702021023,	210119702021024,	210119702021028,	210119702021029,
210119702021030,	210119702021031,	210119702021032,	210119702021052,
210119702021053,	210119702021054,	210119702021055,	210119702021056,
210119702021057,	210119702021058,	210119702021059,	210119702021060,
210119702021061,	210119702021062,	210119702021063,	210119702021064,
210119702021065,	210119702021066,	210119702021071,	210119702021072,
210119702022021,	210119702022022,	210119702022023,	210119702022047,
210119702022048			

B104 - Preston

County: Bourbon KY

County: Clark KY

County: Estill KY

County: Fayette KY

County: Fleming KY

County: Garrard KY

County: Jessamine KY

County: Madison KY

County: Mercer KY

County: Montgomery KY

County: Nicholas KY

County: Powell KY

County: Scott KY

County: Woodford KY

➔Section 7. KRS 118B.010 is amended to read as follows:

For the purpose of this chapter:

- (1) The boundaries of the congressional districts created by this chapter shall be those shown on the maps generated by the Legislative Research Commission's geographic information system to accompany the redistricting plan enacted into law. The official copies of these maps shall be on file with the State Board of Elections. A duplicate set of maps and associated population information shall be retained by the Legislative Research Commission.
- (2)
 - (a) Designated precincts are those precincts in existence on ***January 1, 2020***~~*July 15, 2010*~~. Precinct boundaries shown in the maps referred to in subsection (1) of this section are taken from county precinct maps and verified and corrected by the Legislative Research Commission staff in consultation with county election officials.
 - (b) Census tracts and blocks shown in the maps referred to in subsection (1) of this section are those utilized for the making of the ***2020***~~*2010*~~ United States Census.
 - (c) Population data utilized for redistricting is the ***2020***~~*2010*~~ United States Census Pub. L. 94-171 population data that was deemed to be official by the United States Secretary of Commerce on or before

July 15, 2021~~[2014]~~, and election precinct population data prepared by the Legislative Research Commission staff from the official Pub. L. 94-171 population data.

➔Section 8. In the tables for legislative districts given in this Act, the single listing of a county or a precinct within a county indicates that all of the territory of that county or precinct is within the specified district.

➔Section 9. County boards of elections shall meet immediately following the effective date of this Act for the purpose of reviewing the district boundaries established by the General Assembly in this Act. In the review process, the county boards of elections shall ensure that each county precinct boundary does not cross the district boundaries established in this Act. If a county board of elections determines that any precinct boundary crosses a district boundary, or is so informed by the State Board of Elections in consultation with the Legislative Research Commission, the county board of elections shall issue a proposed precinct establishment order to the State Board of Elections altering the precinct boundary, or creating, dividing, or combining one or more precincts, so that no county precinct boundary crosses any boundary listed in KRS 117.055(1)(a) to (g). Any alteration of precinct boundaries required by this section shall comply with the provisions of KRS 117.055 to 117.058 and shall be completed by the county boards of elections and approved by the State Board of Elections no later than 45 days after the effective date of this Act, KRS 117.055(3), 117.0553, and 117.056 to the contrary notwithstanding. If a county board of elections fails to comply with the requirements of this section, the State Board of Elections shall apply to the Circuit Court of the county for a summary mandatory order requiring the county board to perform the duties of this section and shall not submit claims for payments to the county under KRS 117.343 and 117.345 until the State Board in consultation with the Legislative Research Commission determines in writing that the duty has been performed.

➔Section 10. Whereas the districts established by this Act shall be effective for the primary and general elections to be held in 2022, and certain statutory and other deadlines that impact the 2022 primary and general elections occur prior to the normal effective date of legislation enacted at this legislative session, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming law.

Veto Overridden and Signed by Secretary of State January 20, 2022.

CHAPTER 9

(SB 2)

AN ACT relating to redistricting and declaring an emergency.

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

Senate Plan (S1301B01)

(Geographic integrity verified: yes)

Part I - Senate Plan (S1301B01)

➔SECTION 1. KRS 5.101 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The First Senatorial District shall consist of the following territory:

County: Calloway KY

County: Crittenden KY

County: Fulton KY

County: Graves KY

County: Hickman KY

County: Lyon KY

County: Trigg KY

➔SECTION 2. KRS 5.102 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Second Senatorial District shall consist of the following territory:

County: Ballard KY

County: Carlisle KY

County: Livingston KY

County: Marshall KY

County: McCracken KY

➔SECTION 3. KRS 5.103 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Third Senatorial District shall consist of the following territory:

County: Caldwell KY

County: Christian KY

County: Muhlenberg KY

➔SECTION 4. KRS 5.104 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Fourth Senatorial District shall consist of the following territory:

County: Henderson KY

County: Hopkins KY

County: Union KY

County: Webster KY

➔SECTION 5. KRS 5.105 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Fifth Senatorial District shall consist of the following territory:

County: Breckinridge KY

County: Butler KY

County: Grayson KY

County: Meade KY

County: Ohio KY

➔SECTION 6. KRS 5.106 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Sixth Senatorial District shall consist of the following territory:

County: Jefferson KY (part)

E182 - Precinct 182 32 District

F172 - Precinct 172 33 District

F179 - Precinct 179 33 District

F181 - Precinct 181 33 District

F182 - Precinct 182 33 District

F185 - Precinct 185 33 District

F186 - Precinct 186 33 District

F187 - Precinct 187 33 District

S118 - Precinct 118 48 District

S125 - Precinct 125 48 District

S126 - Precinct 126 48 District

S128 - Precinct 128 48 District

S130 - Precinct 130 48 District

S131 - Precinct 131 48 District

S132 - Precinct 132 48 District

S135 - Precinct 135 48 District

S141 - Precinct 141 48 District

S142 - Precinct 142 48 District

S143 - Precinct 143 48 District

S144 - Precinct 144 48 District

S146 - Precinct 146 48 District

S150 - Precinct 150 48 District (part)

211110103093010, 211110103094000, 211110103094001, 211110103094002,
211110103094003, 211110103094005, 211110103094006, 211110103094007,
211110103094008, 211110103094009

S153 - Precinct 153 48 District

S156 - Precinct 156 48 District

S161 - Precinct 161 48 District

County: Oldham KY

County: Trimble KY

➔SECTION 7. KRS 5.107 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Seventh Senatorial District shall consist of the following territory:

County: Anderson KY

County: Henry KY

County: Jefferson KY (part)

B151 - Precinct 151 29 District

B154 - Precinct 154 29 District

B157 - Precinct 157 29 District

B158 - Precinct 158 29 District

B159 - Precinct 159 29 District

B161 - Precinct 161 29 District

B162 - Precinct 162 29 District

B168 - Precinct 168 29 District

B170 - Precinct 170 29 District

B177 - Precinct 177 29 District (part)

211110116032007, 211110116032008, 211110116032009, 211110116032043,
211110116032044, 211110116032045, 211110116032046, 211110117093010,
211110117094000

B182 - Precinct 182 29 District

D122 - Precinct 122 31 District (part)

211110111105002, 211110111105008, 211110111105009, 211110111105010,
211110111105011

D126 - Precinct 126 31 District

D137 - Precinct 137 31 District (part)

211110111106006, 211110111106007

D142 - Precinct 142 31 District (part)

211110111105003, 211110111105004

V101 - Precinct 101 36 District (part)

211110115172000, 211110115172001, 211110115172004, 211110115175000,
211110115175001, 211110115175002, 211110115175007

V103 - Precinct 103 36 District

V105 - Precinct 105 36 District (part)

211110116041031, 211110116041032, 211110116041037, 211110116041038,
211110116041039, 211110116041040, 211110116041041, 211110116041043,
211110116041044, 211110116041045, 211110116042000, 211110116042001,
211110116042002, 211110116042003, 211110116042004, 211110116042005,
211110116042006, 211110116042007, 211110116042011

V106 - Precinct 106 36 District (part)

211110115171006, 211110115171009, 211110115172002, 211110115172003,
211110115174000, 211110115174001

V107 - Precinct 107 36 District (part)

211110116041000, 211110116041001, 211110116041002, 211110116041003,
211110116041004, 211110116041042, 211110116041046, 211110116041047,
211110116041048, 211110116041049, 211110116041050, 211110116041051,
211110116041052, 211110116061050, 211110116061051, 211110116061052,
211110116061053, 211110116061054, 211110116061055, 211110116061056,
211110116061057, 211110116061058, 211110116061059, 211110116061060,
211110116061061, 211110116061062

County: Shelby KY

➔SECTION 8. KRS 5.108 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Eighth Senatorial District shall consist of the following territory:

County: Daviess KY

County: Hancock KY

County: McLean KY

➔SECTION 9. KRS 5.109 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Ninth Senatorial District shall consist of the following territory:

County: Barren KY

County: Edmonson KY

County: Green KY

County: Hart KY

County: Warren KY (part)

A103 - Municipal Park (part)

212270106001012, 212270106001014, 212270106001018, 212270106001019,
212270106001020, 212270106001021, 212270106001022, 212270106001023,
212270106001024, 212270106001025, 212270106001026, 212270106001027,
212270106001028, 212270114012027, 212270114012028

A104 - Potter Gray (part)

212270106001010, 212270106001011, 212270106001015

A114 - Hartland (part)

212270114012025

B101 - B.G. Towers (part)

212270101001000,	212270101001001,	212270101001002,	212270101001003,
212270101001004,	212270101001005,	212270101001006,	212270101001007,
212270101001008,	212270101001009,	212270101001010,	212270101001011,
212270101001012,	212270101001018,	212270101002000,	212270101002001,
212270101002002,	212270101002003,	212270101002004,	212270101002005,
212270101002006,	212270101002007,	212270101002008,	212270101002009,
212270101002010,	212270101002011,	212270101002012,	212270101002013,
212270101002014,	212270101002015,	212270101002016,	212270101002017,
212270101002018,	212270101002019,	212270101002020,	212270101002021,
212270102001002,	212270102001003,	212270102001004,	212270102001005,
212270102001006,	212270102001007,	212270102001008,	212270102001009,
212270102001010,	212270102001011,	212270102001012,	212270102001013,
212270102001023,	212270102001024,	212270102001025,	212270102001026,
212270102001027,	212270102001031,	212270102001033,	212270102002016,
212270102002020, 212270104001002			

B102 - West 11th Street (part)

212270102003027,	212270102003028,	212270102003037,	212270102003038,
212270103001001,	212270103001002,	212270103001003,	212270103001004,
212270103001005,	212270103001006,	212270103001010,	212270103001011,
212270103001012,	212270103001013,	212270103001014,	212270103001015,
212270103001016,	212270103001017,	212270103001019,	212270103001020,
212270103001021,	212270103001022,	212270103001023,	212270103001024,
212270103002001,	212270103002002,	212270103002003,	212270103002004,
212270103002010,	212270103002011,	212270103002012,	212270103002018,
212270103002019,	212270103002020,	212270103002021,	212270103002022,
212270112001010			

B103 - Hillview**B106 - Reels****B107 - Greenmeadows****B108 - Octagon Castle****B109 - Fairview (part)**

212270101001013,	212270101001014,	212270101001015,	212270102001014,
212270102001015,	212270102001016,	212270102001017,	212270102001018,
212270102001019,	212270102001020,	212270102001021,	212270102001022,
212270102001028,	212270102001029,	212270102001030,	212270102001032,
212270102001034,	212270102001035,	212270102001036,	212270102001037,
212270102001038,	212270102001039,	212270102001040,	212270102001041,
212270102001042,	212270105002000,	212270105002001,	212270105002002,
212270105002003,	212270105002004,	212270105002005,	212270105002006,
212270105002007,	212270105002008,	212270105002009,	212270105002013,
212270105002021,	212270105002022,	212270105002023,	212270105002024,
212270105002038, 212270105002039			

B110 - Broadway (part)

212270101001016,	212270101001017,	212270101001019,	212270101001020,
212270101001021,	212270101001022,	212270101001023,	212270101001024,
212270105002010,	212270105002011,	212270105002012,	212270105002014,
212270105002015,	212270105002016,	212270105002017,	212270105002018,
212270105002019,	212270105002020,	212270105002025,	212270105002026,
212270105002027,	212270105002029,	212270105002042,	212270105002043,

212270105002044, 212270105002045

B111 - Central

B112 - Stonehenge

B113 - Jennings

B114 - Douglas

B115 - Valleyview

B202 - 17-2-2

B203 - 17-2-3

B204 - 17-2-4

B205 - 17-2-5

E101 - Blue Level (part)

212270111001000,	212270111001001,	212270111001002,	212270111001003,
212270111001004,	212270111001005,	212270111001006,	212270111001007,
212270111001008,	212270111001009,	212270111001010,	212270111001011,
212270111001012,	212270111001013,	212270111001014,	212270111001015,
212270111001016,	212270111001017,	212270111001018,	212270111001019,
212270111001020,	212270111001021,	212270111001023,	212270111001024,
212270111001025,	212270111001026,	212270111001027,	212270111001028,
212270111001029,	212270111001042,	212270111001043,	212270111001048,
212270111004000,	212270111004003,	212270118022000,	212270118022001,
212270118022002,	212270118022003,	212270118022004,	212270118022005,
212270118022006,	212270118022007,	212270118022008,	212270118022038,
212270118022039, 212270118022040, 212270118022068			

E102 - Sandhill

E103 - Richardsville (part)

212270102004001,	212270102004003,	212270102004006,	212270102004025,
212270113001000,	212270113001001,	212270113001002,	212270113001003,
212270113001004,	212270113001005,	212270113001006,	212270113001007,
212270113001008,	212270113001010,	212270113001022,	212270118011004,
212270118011005,	212270118011006,	212270118011011,	212270118011012,
212270118011013,	212270118011020,	212270118011023,	212270118011024,
212270118011025,	212270118011026,	212270118011030,	212270118011031,
212270118011032, 212270118011033			

E104 - Davenport (part)

212270112002000,	212270112002001,	212270112004000,	212270112004001,
212270112004002,	212270112004003,	212270112004004,	212270112004005,
212270112004006,	212270112004007,	212270112004008,	212270112004009,
212270112004010,	212270112004011,	212270112004012,	212270112004013,
212270112004014,	212270112004016,	212270112004017,	212270112004019,
212270112004020,	212270112004021,	212270112004022,	212270112004027,
212270118013004,	212270118013005,	212270118013006,	212270118013007,
212270118013008,	212270118013009,	212270118013010,	212270118013040,
212270118013041,	212270118013044,	212270118013045,	212270118013046,
212270118013047,	212270118013048,	212270118013049,	212270118013050,
212270118013051, 212270118013052, 212270118013053			

E105 - Riverside

E106 - Browning

E107 - Cedar Grove

E108 - Hadley

E110 - Millers

E111 - Whispering Hills

E112 - Springhill

E113 - Res-Care

E201 - 19-5-1

E203 - 19-5-3

E204 - 19-5-4

E205 - 19-5-5

E206 - 19-5-6

E208 - 19-5-8

➔SECTION 10. KRS 5.110 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Tenth Senatorial District shall consist of the following territory:

County: Hardin KY

County: Jefferson KY (part)

A130 - Precinct 130 28 District

O142 - Precinct 142 44 District

➔SECTION 11. KRS 5.111 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Eleventh Senatorial District shall consist of the following territory:

County: Boone KY (part)

A102 - Belleview

A103 - Bullittsville

A104 - Burlington #1

A105 - Burlington #2

A106 - Carlton

A107 - Constance

A108 - Hebron #1

A109 - Hebron #2

A110 - Petersburg

A111 - Burlington #3

A112 - Burlington #4

A113 - Burlington #5

A114 - Hebron #3

A115 - Burlington #6

A116 - Burlington #7

A117 - Hebron #4

A119 - Limaburg

A120 - Burlington #8

A121 - Hebron #5

A122 - Burlington #9

A123 - Camp Ernst

B115 - Glenview

B116 - Greenview

B117 - Hopeful

B118 - Linkview

B119 - Oakbrook

B120 - Pleasant Valley

B122 - Union #1

B123 - Union #2

B124 - Union #3 (part)

210150706051001, 210150706051002, 210150706051003, 210150706051004,
210150706051005, 210150706051006

B125 - Union #4

B129 - Union #5

B130 - Union #6

B131 - Summitview

B132 - Hearthstone

B133 - Florence #15

B135 - Union #7

C102 - Devon #1

C117 - Devon #3

C121 - Shamrock

C123 - Airport

C124 - Florence #1

C125 - Florence #2

C126 - Florence #3

C127 - Florence #4

C128 - Florence #5

C129 - Florence #6

C130 - Florence #7

C131 - Florence #8

C132 - Florence #9

C133 - Florence #10

C134 - Florence #11

C135 - Florence #12

C136 - Florence #13

C137 - Florence #14

➔SECTION 12. KRS 5.112 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Twelfth Senatorial District shall consist of the following territory:

County: Boyle KY

County: Fayette KY (part)

A103 - Beaumont

A138 - The Colony

A157 - Harrods Hill

A158 - Armory

A166 - Twin Oaks

A167 - Pasadena (part)

*210670029003001, 210670029003003, 210670029003004, 210670029003010,
210670029003011, 210670029003012, 210670029003013*

A176 - Sungale

A182 - Ashbrooke

A188 - Dunbar

A192 - Cardinal Run

A193 - Hemingway

B101 - Clemens Hts.

B104 - Brigadoon

B117 - Keithshire

B129 - Monticello

B130 - Open Gates

B133 - Cedar Run

B141 - Stone

B142 - Stonewall

B150 - Robinwood

B156 - Bayswater

B159 - Southview

B163 - Plantation

B172 - Shillito (part)

*210670042041016, 210670042041017, 210670042041028, 210670042041029,
210670042041030, 210670042041042, 210670042041043, 210670042041044,
210670042041045, 210670042041048, 210670042042000, 210670042042014,
210670042043014, 210670042043015, 210670042043016, 210670042043017,
210670042043018, 210670042101000, 210670042101001*

B183 - Cave Hill

B184 - Palomar

B185 - Scenicview

B186 - Glenview

B187 - Stone Creek

B191 - Waverly

B192 - Palmetto

B199 - Indian Hills

B200 - White Pine

B201 - Harrods View

B203 - Wyndsong

B205 - Blackhorse

B208 - English Station

B212 - Bay Meadows

B213 - Beaver Place

B215 - Copper Creek

B216 - Foleys Trail

B219 - Lee Adams

B222 - Wellington Gardens

B223 - Willow Oak

B226 - Hollyberry

County: Mercer KY

County: Woodford KY

➔SECTION 13. KRS 5.113 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Thirteenth Senatorial District shall consist of the following territory:

County: Fayette KY (part)

A101 - Alexandria

A106 - Cardinal Valley

A109 - Douglas-Washington

A111 - Fairlawn

A113 - Garden Springs

A114 - Gibson Park

A117 - Hampton Court

A118 - Holiday Hills

A121 - Keys

A123 - Lane Allen

A131 - Oxford

A132 - Pine Meadows

A133 - Preston Inn

A136 - Skycrest

A139 - Turfland

A140 - Versailles Rd

A143 - West Main

A145 - Wolf Run

A146 - Triangle Park

A148 - Alabama

A149 - Aspendale-Bluegrass

A150 - Campsie

A151 - Clays Mill

A155 - Ohio-Walnut

A156 - Pershing

A161 - Coolavin

A163 - Fairgrounds

A167 - Pasadena (part)

210670029003000, 210670029003002

A169 - Castlewood

A170 - Meadow Lane

A171 - Northern

A172 - Warfield Place

A173 - Imperial

A174 - Arlington

A177 - Phoenix Park

A178 - Caywood

A180 - Beaumont Centre

A181 - Headley Green

A184 - Bunker

A185 - Lawrence

B102 - Barkley

B105 - Brookhaven

B108 - Deerfield

B110 - Fairway

B112 - Glendover

B113 - Goodrich

B114 - Hill-N-Dale

B118 - Lafayette

B119 - Laketower

B120 - Lansdowne

B121 - Leawood

B123 - Ecton Park

B125 - Malabu

B127 - Merrick

B128 - Chinoe

B132 - Picadome

B135 - Seven Parks

B137 - Shadeland

B138 - Shady Lane

B139 - Clays Spring
B147 - Zandale
B151 - Blairmore
B152 - Edgewater
B158 - Park Hills
B166 - Lakeview
B167 - Gray Hawk
B168 - Montavesta
B181 - Taborlake
B182 - Montclair
B188 - Castlegate
B197 - Aqueduct
B229 - Complex
C103 - Ashland Avenue
C105 - Aylesford
C113 - Chevy Chase
C115 - Clifton
C120 - Duke
C124 - Fontaine
C126 - Kingswood
C128 - Hollywood
C129 - Idle Hour
C130 - Julia R Ewan
C132 - Johnson Heights
C137 - Rookwood
C138 - Victory
C140 - Walton
C142 - Woodland
C143 - Woodspoint
C144 - Alsab
C148 - Delaware
C150 - Winter Garden
C156 - Patchen Village
C157 - Richmond Rd.
C167 - Rio Dosa
C170 - Breckinridge
C171 - Groves Point
C189 - Saddlebrook
C191 - Plainview

C195 - Liberty Station

C221 - Ridgebrook

C226 - Burkewood

C231 - Rockminster

➔SECTION 14. KRS 5.114 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Fourteenth Senatorial District shall consist of the following territory:

County: Larue KY

County: Marion KY

County: Nelson KY

County: Spencer KY

County: Washington KY

➔SECTION 15. KRS 5.115 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Fifteenth Senatorial District shall consist of the following territory:

County: Clinton KY

County: Cumberland KY

County: Pulaski KY

County: Russell KY

County: Wayne KY

➔SECTION 16. KRS 5.116 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Sixteenth Senatorial District shall consist of the following territory:

County: Adair KY

County: Allen KY

County: Metcalfe KY

County: Monroe KY

County: Taylor KY

County: Warren KY (part)

A101 - Peachtree (part)

212270114022025

A103 - Municipal Park (part)

212270114012024

A104 - Potter Gray (part)

<i>212270106001003,</i>	<i>212270106001005,</i>	<i>212270106001006,</i>	<i>212270106001007,</i>
<i>212270106001008,</i>	<i>212270106001009,</i>	<i>212270106001013,</i>	<i>212270106001016,</i>
<i>212270106001017,</i>	<i>212270114012000,</i>	<i>212270114012005,</i>	<i>212270114012006,</i>
<i>212270114012015,</i>	<i>212270114012037,</i>	<i>212270114014006,</i>	<i>212270114014007,</i>
<i>212270114014013, 212270114014014</i>			

A107 - Briarwood

A110 - Eastwood

A111 - Airport

A112 - Middle Bridge (part)

212270107011000, 212270107011001, 212270107011002, 212270107011003,
 212270107011004, 212270107011005, 212270107011021, 212270114011063,
 212270114022023, 212270114022024

A114 - Hartland (part)

212270114012016, 212270114012019, 212270114012020, 212270114012021,
 212270114012022, 212270114012023, 212270114012026, 212270114012033,
 212270114012035, 212270114012036, 212270114012039

A116 - Steeplechase

A117 - Wrenwood

A118 - Mooreland

A201 - 19-1-1

A202 - 19-1-2

A203 - 19-1-3

A204 - 19-1-4

A205 - 19-1-5

B101 - B.G. Towers (part)

212270102001000, 212270102001001, 212270102002014, 212270102002015

B102 - West 11th Street (part)

212270102003024, 212270102003026

B104 - Church Street

B105 - Delafield

B109 - Fairview (part)

212270106001000, 212270106001001, 212270106001002, 212270106001004,
 212270114013027, 212270114013028, 212270114013029, 212270114013030

D101 - Smiths Grove

D102 - Plum Springs

D103 - Hydro

D104 - Oakland

D105 - Gott

D106 - Warren East Middle Sch

D107 - Three Forks

D108 - Mt Victor

D109 - Cumberland Trace

D110 - Hillside

D111 - Northgate

D112 - Riverview

D113 - Bristow

D114 - Countryside

D115 - Smith

D116 - Fruit of The Loom

D201 - 20-4-1

D202 - 20-4-2

D203 - 20-4-3

D204 - 20-4-4

D206 - 20-4-6

D207 - 20-4-7

E103 - Richardsville (part)

212270113001020, 212270113001021

E104 - Davenport (part)

212270102004023, 212270102004035, 212270102004037, 212270112004018

E109 - Meadowland

F110 - Hardcastle

➔SECTION 17. KRS 5.117 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Seventeenth Senatorial District shall consist of the following territory:

County: Fayette KY (part)

A104 - Bell School House

A116 - Trailside

A183 - Silver Creek (part)

*210670037031006, 210670037031017, 210670037041013, 210670037041018,
210670037041019, 210670037041020, 210670037041021, 210670037041022,
210670037041023, 210670037041024, 210670037041025, 210670037041026*

A187 - Town Branch

A189 - Westmorland

A190 - Greenway

A194 - Majestic View

A196 - Stallion Run

A197 - Valley Brook

A198 - Whiteberry

A204 - Locust Blossom (part)

210670037012027

County: Grant KY

County: Kenton KY (part)

B101 - Bracht (part)

*211170637012005, 211170637012006, 211170637012007, 211170637012008,
211170637012009, 211170637012011, 211170637012012, 211170637012020,
211170637012025, 211170637012026, 211170637012027, 211170637012028,
211170637012029, 211170637012030, 211170637012031, 211170637012032,
211170637012033, 211170637012034, 211170637012035, 211170637012041,
211170637012042, 211170637012043, 211170637012044, 211170637012045,
211170637012046, 211170637012047, 211170637012048*

B105 - Decoursey (part)

211170659002006, 211170659002009, 211170659002017, 211170659002027

B115 - Independence #1

B116 - Independence #2

B118 - Independence #4

B119 - Morningview

B120 - Nicholson #1 (part)

211170637011044, 211170637011045

B121 - Nicholson #2

B123 - Piner

B125 - Erlanger #11 (part)

211170636043009, 211170636043011

B129 - Visalia

B130 - Whites Tower

B131 - Independence #5

B132 - Independence #6 (part)

211170658001000,	211170658001015,	211170658001020,	211170658001021,
211170658001022,	211170658001023,	211170658001025,	211170658001026,
211170658002000,	211170658002001,	211170658002002,	211170658002013,
211170658002016,	211170658002017,	211170658002027,	211170659002010,
211170659002011,	211170659002012,	211170659002013,	211170659002014,
211170659002016,	211170668022000,	211170668022001,	211170668022002,
211170668022003,	211170668022004,	211170668022005,	211170668022006,
211170668022007,	211170668022008,	211170668022009,	211170668022010,
211170668022011, 211170668022012, 211170668022013			

B133 - Independence #7

B136 - Independence #9

B137 - Independence #10 (part)

211170636092015,	211170636093008,	211170636093015,	211170636093016,
211170636093019,	211170636093021,	211170636102001,	211170636102002,
211170636102003,	211170636102004,	211170636102005,	211170636102006,
211170636102007, 211170636102008, 211170636102009			

B140 - Independence #11

County: Scott KY

➔SECTION 18. KRS 5.118 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Eighteenth Senatorial District shall consist of the following territory:

County: Boyd KY

County: Carter KY

County: Greenup KY

County: Lewis KY

➔SECTION 19. KRS 5.119 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Nineteenth Senatorial District shall consist of the following territory:

County: Jefferson KY (part)

B124 - Precinct 124 29 District

B132 - Precinct 132 29 District

B133 - Precinct 133 29 District

B156 - Precinct 156 29 District
B160 - Precinct 160 29 District
B185 - Precinct 185 29 District
C115 - Precinct 115 30 District
C122 - Precinct 122 30 District
C123 - Precinct 123 30 District
C124 - Precinct 124 30 District
C125 - Precinct 125 30 District
C126 - Precinct 126 30 District
C128 - Precinct 128 30 District
C129 - Precinct 129 30 District
C130 - Precinct 130 30 District
C131 - Precinct 131 30 District
C133 - Precinct 133 30 District
C134 - Precinct 134 30 District
C135 - Precinct 135 30 District
C136 - Precinct 136 30 District
C137 - Precinct 137 30 District
C138 - Precinct 138 30 District
C139 - Precinct 139 30 District
C141 - Precinct 141 30 District
C142 - Precinct 142 30 District
C144 - Precinct 144 30 District
C145 - Precinct 145 30 District
C146 - Precinct 146 30 District
C147 - Precinct 147 30 District
C148 - Precinct 148 30 District
C149 - Precinct 149 30 District
C150 - Precinct 150 30 District
C151 - Precinct 151 30 District
D101 - Precinct 101 31 District
D104 - Precinct 104 31 District
D106 - Precinct 106 31 District
D110 - Precinct 110 31 District
D113 - Precinct 113 31 District
D129 - Precinct 129 31 District
D130 - Precinct 130 31 District
D131 - Precinct 131 31 District
D136 - Precinct 136 31 District

D144 - Precinct 144 31 District
D145 - Precinct 145 31 District
G108 - Precinct 108 34 District
G109 - Precinct 109 34 District
G111 - Precinct 111 34 District
G112 - Precinct 112 34 District
G116 - Precinct 116 34 District
G117 - Precinct 117 34 District
G119 - Precinct 119 34 District
G120 - Precinct 120 34 District
G121 - Precinct 121 34 District
G122 - Precinct 122 34 District
G123 - Precinct 123 34 District
G124 - Precinct 124 34 District
G126 - Precinct 126 34 District
G129 - Precinct 129 34 District
G142 - Precinct 142 34 District
G143 - Precinct 143 34 District
G144 - Precinct 144 34 District
G145 - Precinct 145 34 District
G146 - Precinct 146 34 District
G147 - Precinct 147 34 District
G148 - Precinct 148 34 District
G149 - Precinct 149 34 District
G151 - Precinct 151 34 District
G154 - Precinct 154 34 District
G155 - Precinct 155 34 District
G156 - Precinct 156 34 District
G157 - Precinct 157 34 District
G158 - Precinct 158 34 District
G159 - Precinct 159 34 District
G160 - Precinct 160 34 District
G161 - Precinct 161 34 District
G162 - Precinct 162 34 District
G166 - Precinct 166 34 District
G167 - Precinct 167 34 District
G168 - Precinct 168 34 District
H102 - Precinct 102 35 District
H103 - Precinct 103 35 District

H105 - Precinct 105 35 District
H106 - Precinct 106 35 District
H109 - Precinct 109 35 District
H110 - Precinct 110 35 District
H111 - Precinct 111 35 District
H112 - Precinct 112 35 District
H113 - Precinct 113 35 District
H114 - Precinct 114 35 District
H115 - Precinct 115 35 District
H116 - Precinct 116 35 District
H117 - Precinct 117 35 District
H118 - Precinct 118 35 District
H120 - Precinct 120 35 District
H121 - Precinct 121 35 District
H133 - Precinct 133 35 District
H141 - Precinct 141 35 District
H148 - Precinct 148 35 District
H150 - Precinct 150 35 District
H151 - Precinct 151 35 District
H152 - Precinct 152 35 District
H153 - Precinct 153 35 District
H156 - Precinct 156 35 District
H157 - Precinct 157 35 District
H159 - Precinct 159 35 District
K129 - Precinct 129 40 District
K134 - Precinct 134 40 District
M144 - Precinct 144 42 District
M145 - Precinct 145 42 District
M159 - Precinct 159 42 District
M160 - Precinct 160 42 District
M165 - Precinct 165 42 District
Q107 - Precinct 107 46 District
Q109 - Precinct 109 46 District
Q115 - Precinct 115 46 District
Q125 - Precinct 125 46 District
Q131 - Precinct 131 46 District
Q132 - Precinct 132 46 District
Q139 - Precinct 139 46 District

➔SECTION 20. KRS 5.120 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Twentieth Senatorial District shall consist of the following territory:

County: Boone KY (part)

A118 - Hamilton

B114 - Beaver

B121 - Richwood

B124 - Union #3 (part)

210150706051009,	210150706072001,	210150706072002,	210150706072003,
210150706072005,	210150706072011,	210150706072012,	210150706072013,
210150706072014			

B126 - Verona

B127 - Walton #1

B128 - Walton #2

B134 - Kensington

C110 - Devon #2

County: Carroll KY

County: Franklin KY

County: Gallatin KY

County: Kenton KY (part)

B101 - Bracht (part)

211170637011019,	211170637011020,	211170637011021,	211170637011022,
211170637011023,	211170637011024,	211170637011025,	211170637011026,
211170637011027,	211170637011028,	211170637011029,	211170637011030,
211170637011031,	211170637011032,	211170637011036,	211170637011037,
211170637011038,	211170637011039,	211170637011040,	211170637011041,
211170637011042,	211170637011043,	211170637012000,	211170637012001,
211170637012002,	211170637012003,	211170637012010,	211170637012013,
211170637012014,	211170637012015,	211170637012016,	211170637012017,
211170637012018,	211170637012019,	211170637012021,	211170637012022,
211170637012023,	211170637012024,	211170637012049,	211170637012055,
211170637012056			

B117 - Independence #3

B120 - Nicholson #1 (part)

211170636092029,	211170636092030,	211170636092031,	211170636092032,
211170636092033,	211170636092034,	211170636092037,	211170636092038,
211170636092039,	211170636092040,	211170636093009,	211170636093010,
211170636093011,	211170636093017,	211170636093018,	211170636093020,
211170637011000,	211170637011001,	211170637011002,	211170637011003,
211170637011004,	211170637011005,	211170637011006,	211170637011007,
211170637011008,	211170637011009,	211170637011010,	211170637011011,
211170637011012,	211170637011013,	211170637011014,	211170637011015,
211170637011016,	211170637011017,	211170637011018,	211170637011033,
211170637011034,	211170637011035,	211170637011046	

B134 - Independence #8

B137 - Independence #10 (part)

211170636093012

B141 - Nicholson #3

County: Owen KY

➔SECTION 21. KRS 5.121 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Twenty-first Senatorial District shall consist of the following territory:

County: Casey KY

County: Laurel KY

County: Lincoln KY

County: Rockcastle KY

➔SECTION 22. KRS 5.122 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Twenty-second Senatorial District shall consist of the following territory:

County: Fayette KY (part)

B103 - Sayre Village

B106 - Wildwood

B111 - Gainesway

B140 - Southeastern Hills

B143 - Tates Creek

B146 - Kenlock

B155 - Ascot

B157 - Kirklevington

B164 - Blueberry Hills

B165 - Oaks

B169 - Mt. Rainier

B170 - Baffin Bay

B172 - Shillito (part)

210670042101015, 210670042101016

B174 - Whispering Hills

B179 - Fairhaven

B189 - Kittiwake

B190 - Laredo

B195 - Walden Grove

B196 - Springhouse

B198 - Bridgemont

B202 - Pinnacle

B204 - Atwood

B206 - Rolling Creek

B207 - Fox Harbour

B209 - Charwood

B210 - Fiddler Creek

B211 - Rhodora Ridge

B217 - Cobblestone Knoll

B224 - Windstar

B225 - Goldon Trophy

B227 - Silverbell

B231 - Spencer Park

B232 - River Oak

C161 - Tatesbrook

C162 - Niagara

C174 - Century Hills

C175 - East Lake

C177 - Summerhill

C179 - Brandywine

C182 - Kenesaw Village

C183 - Millcreek

C184 - Mt Foraker

C186 - Old Farm

C188 - Stephen Foster

C190 - Amherst

C198 - Mt. Rushmore

C215 - Four Wynds

C216 - Heartwood

C220 - Park Place

County: Garrard KY

County: Jessamine KY

➔SECTION 23. KRS 5.123 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Twenty-third Senatorial District shall consist of the following territory:

County: Kenton KY (part)

A103 - Covington #7

A104 - Covington #10

A105 - Covington #11

A106 - Covington #12

A107 - Covington #13

A108 - Covington #15

A109 - Covington #19

A110 - Covington #20

A111 - Covington #21

A112 - Covington #23

A113 - Covington #24

A114 - Covington #25

A115 - Covington #26

A116 - Covington #27

A117 - Covington #30

A119 - Covington #33

A120 - Covington #34

A121 - Covington #36

A122 - Covington #39

A123 - Covington #41

A124 - Covington #42

A125 - Bromley

A126 - Ludlow #1

A128 - Ludlow #2

A130 - Taylor Mill #4

A131 - Covington #43

A132 - Park Hills #1

A133 - Park Hills #2

A135 - Covington #44

A136 - Taylor Mill #1

A137 - Taylor Mill #2

A138 - Taylor Mill #3

B105 - Decoursey (part)

<i>211170653001007,</i>	<i>211170653001008,</i>	<i>211170653001009,</i>	<i>211170653001010,</i>
<i>211170653004012,</i>	<i>211170653004014,</i>	<i>211170653004015,</i>	<i>211170653005039,</i>
<i>211170653005040,</i>	<i>211170653005041,</i>	<i>211170658001004,</i>	<i>211170658001027,</i>
<i>211170659001003,</i>	<i>211170659001004,</i>	<i>211170659001005,</i>	<i>211170659001006,</i>
<i>211170659001007,</i>	<i>211170659001008,</i>	<i>211170659001009,</i>	<i>211170659001010,</i>
<i>211170659001011,</i>	<i>211170659001012,</i>	<i>211170659001013,</i>	<i>211170659001014,</i>
<i>211170659001015,</i>	<i>211170659001016,</i>	<i>211170659001017,</i>	<i>211170659001018,</i>
<i>211170659001019,</i>	<i>211170659001020,</i>	<i>211170659001021,</i>	<i>211170659001022,</i>
<i>211170659001023,</i>	<i>211170659001024,</i>	<i>211170659001025,</i>	<i>211170659001026,</i>
<i>211170659001027,</i>	<i>211170659001028,</i>	<i>211170659001029,</i>	<i>211170659001030,</i>
<i>211170659001031,</i>	<i>211170659001032,</i>	<i>211170659001033,</i>	<i>211170659001034,</i>
<i>211170659001035,</i>	<i>211170659001036,</i>	<i>211170659001037,</i>	<i>211170659001038,</i>
<i>211170659001039,</i>	<i>211170659001040,</i>	<i>211170659001041,</i>	<i>211170659001042,</i>
<i>211170659001043,</i>	<i>211170659001044,</i>	<i>211170659001045,</i>	<i>211170659001046,</i>
<i>211170659001047,</i>	<i>211170659001048,</i>	<i>211170659001049,</i>	<i>211170659001050,</i>
<i>211170659001051,</i>	<i>211170659001052,</i>	<i>211170659001053,</i>	<i>211170659001054,</i>
<i>211170659001055,</i>	<i>211170659001056,</i>	<i>211170659001057,</i>	<i>211170659001058,</i>
<i>211170659001059,</i>	<i>211170659001060,</i>	<i>211170659001061,</i>	<i>211170659001065,</i>
<i>211170659001066,</i>	<i>211170659001067,</i>	<i>211170659001068,</i>	<i>211170659001069,</i>
<i>211170659001070,</i>	<i>211170659001071,</i>	<i>211170659002000,</i>	<i>211170659002001,</i>
<i>211170659002002,</i>	<i>211170659002003,</i>	<i>211170659002004,</i>	<i>211170659002005,</i>
<i>211170659002007,</i>	<i>211170659002008</i>		

B106 - Edgewood #1

B107 - Edgewood #2

B108 - Edgewood #3

B109 - Edgewood #4

B110 - Edgewood #5

B111 - Edgewood #6

B112 - Edgewood #7

B122 - Covington #45

B125 - Erlanger #11 (part)

211170636081020, 211170636081021, 211170636081022, 211170636081023,
211170636082030, 211170636082031, 211170636082033, 211170636082047,
211170636083000, 211170636083001, 211170636083002, 211170636083008

B132 - Independence #6 (part)

211170658001016

B135 - Erlanger #12

B138 - Erlanger #13

B139 - Edgewood #1.5

B142 - Decoursey #1.5

C101 - Crescent Springs #1

C102 - Crescent Springs #2

C103 - Elsmere #1

C104 - Elsmere #2

C105 - Elsmere #3

C106 - Elsmere #4

C107 - Erlanger #1

C108 - Erlanger #2

C109 - Erlanger #3

C110 - Erlanger #4

C111 - Erlanger #5

C112 - Erlanger #6

C113 - Erlanger #7

C114 - Erlanger #8

C115 - Erlanger #9

C116 - Ft Mitchell #2

C117 - Ft Mitchell #3

C118 - Ft Mitchell #4

C119 - Ft Mitchell #5

C121 - Ft. Mitchell #7

C122 - Ft Wright #1

C124 - Ft Wright #2

C125 - Ft Wright #3

C127 - Lakeside Park #1

C128 - Lakeside Park #2

C130 - Crestview Hills #1

C131 - Crestview Hills #2
C133 - Villa Hills #1
C134 - Villa Hills #2
C135 - Villa Hills #3
C136 - Villa Hills #4
C137 - Villa Hills #5
C138 - Crescent Springs #3
C139 - Elsmere #5
C140 - Ft. Mitchell #1
C141 - Erlanger #10
C142 - Crescent Springs #3.5
C143 - Ft. Wright #4.5
X001 - X001
X002 - X002

➔SECTION 24. KRS 5.124 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Twenty-fourth Senatorial District shall consist of the following territory:

County: Bracken KY

County: Campbell KY

County: Kenton KY (part)

A101 - Covington #1

A102 - Covington #3

A118 - Covington #31

County: Pendleton KY

➔SECTION 25. KRS 5.125 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Twenty-fifth Senatorial District shall consist of the following territory:

County: Clay KY

County: Jackson KY

County: Knox KY

County: McCreary KY

County: Owsley KY

County: Whitley KY

➔SECTION 26. KRS 5.126 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Twenty-sixth Senatorial District shall consist of the following territory:

County: Jefferson KY (part)

B149 - Precinct 149 29 District

B155 - Precinct 155 29 District

B163 - Precinct 163 29 District

B166 - Precinct 166 29 District

B169 - Precinct 169 29 District

B181 - Precinct 181 29 District

B184 - Precinct 184 29 District

D108 - Precinct 108 31 District

D109 - Precinct 109 31 District

D114 - Precinct 114 31 District

D115 - Precinct 115 31 District

D116 - Precinct 116 31 District

D117 - Precinct 117 31 District

D120 - Precinct 120 31 District

D121 - Precinct 121 31 District

D122 - Precinct 122 31 District (part)

<i>211110111105000,</i>	<i>211110111105001,</i>	<i>211110111181002,</i>	<i>211110111181003,</i>
<i>211110111181004,</i>	<i>211110111181005,</i>	<i>211110111181006,</i>	<i>211110111181009,</i>
<i>211110111181010,</i>	<i>211110111181011,</i>	<i>211110111182000,</i>	<i>211110111182001,</i>
<i>211110111182003</i>			

D132 - Precinct 132 31 District

D135 - Precinct 135 31 District

D137 - Precinct 137 31 District (part)

<i>211110111102002,</i>	<i>211110111102003,</i>	<i>211110111102008,</i>	<i>211110111104002,</i>
<i>211110111104004,</i>	<i>211110111104005,</i>	<i>211110111106001,</i>	<i>211110111106002,</i>
<i>211110111106003, 211110111106004, 211110111106008</i>			

D138 - Precinct 138 31 District

D139 - Precinct 139 31 District

D140 - Precinct 140 31 District

D141 - Precinct 141 31 District

D142 - Precinct 142 31 District (part)

<i>211110111104001,</i>	<i>211110111182002,</i>	<i>211110111183004,</i>	<i>211110111184000,</i>
<i>211110111184001, 211110111184010</i>			

E139 - Precinct 139 32 District

E141 - Precinct 141 32 District

E142 - Precinct 142 32 District

E143 - Precinct 143 32 District

E148 - Precinct 148 32 District

E152 - Precinct 152 32 District

E154 - Precinct 154 32 District

E155 - Precinct 155 32 District

E158 - Precinct 158 32 District

E159 - Precinct 159 32 District

E166 - Precinct 166 32 District

E167 - Precinct 167 32 District

E169 - Precinct 169 32 District (part)

211110107023026, 211110107023027

E171 - Precinct 171 32 District

E175 - Precinct 175 32 District

E177 - Precinct 177 32 District

E181 - Precinct 181 32 District

E183 - Precinct 183 32 District

E184 - Precinct 184 32 District

E185 - Precinct 185 32 District

G140 - Precinct 140 34 District

G141 - Precinct 141 34 District

G150 - Precinct 150 34 District

G163 - Precinct 163 34 District

G164 - Precinct 164 34 District

G165 - Precinct 165 34 District

G169 - Precinct 169 34 District

H160 - Precinct 160 35 District

I151 - Precinct 151 37 District

I155 - Precinct 155 37 District

L111 - Precinct 111 41 District (part)

211110049001014,	211110050002000,	211110050002013,	211110050002014,
211110050002018,	211110062001013,	211110062002001,	211110062002002,
211110062002003,	211110062002004,	211110062002005,	211110062002006,
211110062002007,	211110062002008,	211110062002009,	211110062002010,
211110062002011,	211110062002012,	211110062002013,	211110062002014,
211110062002015,	211110062002020,	211110062002021,	211110062002027,
211110062002028,	211110062002029,	211110062002030,	211110062002031,
211110062002032,	211110062002033,	211110062002034,	211110062002035,
211110062002036,	211110062002037,	211110062002038,	211110062002039,
211110062002040,	211110062002041,	211110062002046,	211110062002047,
211110062002048,	211110062002049		

L112 - Precinct 112 41 District (part)

211110062001017,	211110062001026,	211110062001027,	211110062001028,
211110062001029,	211110062001031,	211110062001032,	211110062001033,
211110062001034,	211110062001035,	211110062001036,	211110062001037,
211110062002026,	211110062002042,	211110062002043,	211110062002044,
211110062002050,	211110062002051,	211110062002052,	211110062002053,
211110062002054,	211110062002055,	211110062002056,	211110062002057,
211110062002058,	211110065001000,	211110065001001,	211110065001009,
211110065001011			

L113 - Precinct 113 41 District (part)

211110059021079,	211110059022002,	211110059022003,	211110059022004,
211110059022005,	211110059022008,	211110059022009,	211110059022010,
211110059022011,	211110059022012,	211110059022013,	211110059022014,
211110059023000,	211110059023001,	211110059023002,	211110059023003,
211110059023007,	211110059023008,	211110059023009,	211110059023011,
211110059023014			

L115 - Precinct 115 41 District

L117 - Precinct 117 41 District

L118 - Precinct 118 41 District

L119 - Precinct 119 41 District

L134 - Precinct 134 41 District

L135 - Precinct 135 41 District

L136 - Precinct 136 41 District

L138 - Precinct 138 41 District

L139 - Precinct 139 41 District

L141 - Precinct 141 41 District (part)

211110049001008, 211110049001009, 211110049001010, 211110049001015,
211110049002017, 211110050002001, 211110050002002

L142 - Precinct 142 41 District (part)

211110050001000, 211110050002003, 211110050002004, 211110050002005,
211110050002006, 211110050002007

L146 - Precinct 146 41 District

L151 - Precinct 151 41 District

L152 - Precinct 152 41 District

L153 - Precinct 153 41 District

L164 - Precinct 164 41 District (part)

211110074002010, 211110074002017, 211110074002018, 211110074002020,
211110074002021, 211110074002022, 211110074002023, 211110074002029,
211110074002030, 211110074002031, 211110074002032, 211110074002033,
211110074002034, 211110074002035, 211110074002042, 211110076021005,
211110076021008, 211110076021009

M137 - Precinct 137 42 District

M138 - Precinct 138 42 District

M139 - Precinct 139 42 District

M140 - Precinct 140 42 District

M143 - Precinct 143 42 District

M150 - Precinct 150 42 District

M164 - Precinct 164 42 District

M172 - Precinct 172 42 District

M174 - Precinct 174 42 District

M175 - Precinct 175 42 District

N125 - Precinct 125 43 District

N126 - Precinct 126 43 District

N130 - Precinct 130 43 District

N131 - Precinct 131 43 District

N135 - Precinct 135 43 District (part)

211110074000003, 211110074002006, 211110074002007, 211110074002008,
211110074002009, 211110074002024, 211110074002025, 211110074002026,
211110074002027, 211110074002028, 211110074002036, 211110074002065

N141 - Precinct 141 43 District
N142 - Precinct 142 43 District
N143 - Precinct 143 43 District
N144 - Precinct 144 43 District
N146 - Precinct 146 43 District
Q119 - Precinct 119 46 District
Q137 - Precinct 137 46 District
Q138 - Precinct 138 46 District
S116 - Precinct 116 48 District
S119 - Precinct 119 48 District
S166 - Precinct 166 48 District
S167 - Precinct 167 48 District
V115 - Precinct 115 36 District

➔SECTION 27. KRS 5.127 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Twenty-seventh Senatorial District shall consist of the following territory:

County: Bourbon KY

County: Fayette KY (part)

A102 - Barker

A128 - Meadowthorpe

A130 - Oakwood

A135 - St. Martins

A152 - Highlands

A175 - Horse Park

A183 - Silver Creek (part)

210670037041010, 210670037041011

A191 - Kenova Trace

A195 - Coventry

A199 - Ferndale

A200 - Red Clover

A201 - Winding Oak

A203 - Enterprise

A204 - Locust Blossom (part)

210670037012028, 210670037042000, 210670037042001, 210670037042002,
210670037042003, 210670037042004, 210670037042005, 210670037042006,
210670037042007, 210670037042008, 210670037042009, 210670037042010,
210670037042011, 210670037042012

A205 - Fieldrush

C154 - Man O War

C159 - Shandon Park

County: Fleming KY

County: Harrison KY

County: Mason KY

County: Nicholas KY

County: Robertson KY

County: Rowan KY

➔SECTION 28. KRS 5.128 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Twenty-eighth Senatorial District shall consist of the following territory:

County: Bath KY

County: Clark KY

County: Fayette KY (part)

A115 - Green Acres

A120 - Julius Marks

A126 - Marlboro

A134 - Radcliffe

A144 - Winburn

A164 - Hollow Creek

A165 - Griffin Gate

A168 - Blue Acres

A179 - Valley Farm

C109 - Bryan Station

C118 - Deep Springs

C121 - Eastland

C125 - Helm

C127 - Hermitage

C153 - Kingston

C155 - Mary Todd

C163 - Greenbrier

C185 - N Elkhorn

C187 - Chilesburg

C200 - Deer Crossing

C207 - North Pointe

C209 - Shaker Run

C211 - Biloxi

C213 - Chatsworth

C217 - Denali

C218 - Levi Todd

C222 - Rosewood

C223 - Wilkes Run

C224 - Bay Springs Park

C225 - Boone Station (part)

210670039182023, 210670039182037, 210670039182038, 210670039182039,
 210670039182041, 210670039182042, 210670039182043, 210670039182044,
 210670039182045, 210670039182046, 210670039182047, 210670039182048,
 210670039182049, 210670039182050, 210670039182051, 210670039182052,
 210670039182053, 210670039182054, 210670039182055, 210670039182056,
 210670039182057, 210670039182058, 210670039182059, 210670039182060,
 210670039182061, 210670040071007, 210670040071008, 210670040071009,
 210670040071010, 210670040072021, 210670040072022, 210670040072023,
 210670040072024, 210670040072025, 210670040072026, 210670040072027,
 210670040072028, 210670040072029, 210670040072036, 210670040072037,
 210670040072038, 210670040072039, 210670040072040, 210670040072041,
 210670040072042, 210670040072043, 210670040072044, 210670040072045,
 210670040072046, 210670040072047, 210670040072048, 210670040072049,
 210670040072050, 210670040072051, 210670040072053, 210670040072054

*C228 - Many Oaks Park**C232 - Turtle Creek**C236 - Passage Mound**C237 - Orchard Grass**C239 - Needlerush**County: Menifee KY**County: Montgomery KY*

➔SECTION 29. KRS 5.129 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Twenty-ninth Senatorial District shall consist of the following territory:

*County: Bell KY**County: Floyd KY**County: Harlan KY**County: Knott KY**County: Letcher KY*

➔SECTION 30. KRS 5.130 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Thirtieth Senatorial District shall consist of the following territory:

*County: Breathitt KY**County: Estill KY**County: Lee KY**County: Leslie KY**County: Magoffin KY**County: Morgan KY**County: Perry KY**County: Powell KY**County: Wolfe KY*

➔SECTION 31. KRS 5.131 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Thirty-first Senatorial District shall consist of the following territory:

*County: Elliott KY**County: Johnson KY*

County: Lawrence KY

County: Martin KY

County: Pike KY

➔SECTION 32. KRS 5.132 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Thirty-second Senatorial District shall consist of the following territory:

County: Logan KY

County: Simpson KY

County: Todd KY

County: Warren KY (part)

A101 - Peachtree (part)

212270108011001, 212270108011002, 212270108011003, 212270108011004,
212270108011007, 212270108011011, 212270108011013, 212270108011014,
212270108011015, 212270108011016, 212270108011017, 212270108011018

A102 - Crossridge

A105 - Natcher

A106 - Grider Pond

A108 - Shive Kiel

A109 - Greenwood

A112 - Middle Bridge (part)

212270107011007, 212270107011008, 212270107011009, 212270107011010,
212270107011011, 212270107011012, 212270107011013, 212270107011014,
212270107011015, 212270107011016, 212270107011017, 212270108011005,
212270108011006, 212270108011008, 212270108011009, 212270108011010,
212270108011012

A113 - Campbell

A115 - Watts Mill

B110 - Broadway (part)

212270105001002, 212270105001003, 212270105001004, 212270105001005,
212270105001011, 212270105001012, 212270105001013, 212270105001014,
212270105001015, 212270105002028, 212270105002030, 212270105002031,
212270105002032, 212270105002033, 212270105002034, 212270105002035,
212270105002036, 212270105002037, 212270105002040, 212270105002041,
212270105002046, 212270105002047

C101 - Bg Jr High

C102 - Carver Harris

C103 - Tc Cherry

C104 - Mcneill

C105 - Cabell

C106 - Crestmoor

C107 - Hunting Creek

C108 - Cedarwood

C109 - Csx Railroad

C110 - Big Red

C111 - Hidden River

C112 - Three Springs

E101 - Blue Level (part)

<i>212270111001022,</i>	<i>212270111001030,</i>	<i>212270111001031,</i>	<i>212270111001032,</i>
<i>212270111001033,</i>	<i>212270111001036,</i>	<i>212270111001037,</i>	<i>212270111001038,</i>
<i>212270111001039,</i>	<i>212270111001040,</i>	<i>212270111001041,</i>	<i>212270111001044,</i>
<i>212270111001045,</i>	<i>212270111001046,</i>	<i>212270111001047,</i>	<i>212270111001049,</i>
<i>212270111001050</i>			

E209 - 16-5-9

F101 - Woodburn

F102 - Plano

F103 - Drake

F104 - Rockfield

F105 - Richpond

F106 - Matlock

F107 - Motley

F108 - Alvaton

F109 - Trammel Creek

F111 - Olde Stone

F112 - Drakes Creek

F113 - Hunters Crossing

F114 - Sutherland Farms

F115 - Greystone

F116 - Bluegrass

F117 - Windover

F118 - Larmon Mill

F119 - Jfs

F201 - 17-6-1

➔SECTION 33. KRS 5.133 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Thirty-third Senatorial District shall consist of the following territory:

County: Jefferson KY (part)

A118 - Precinct 118 28 District

A119 - Precinct 119 28 District

A121 - Precinct 121 28 District

A127 - Precinct 127 28 District

A129 - Precinct 129 28 District

A134 - Precinct 134 28 District

A135 - Precinct 135 28 District

A139 - Precinct 139 28 District

A140 - Precinct 140 28 District

A142 - Precinct 142 28 District

A143 - Precinct 143 28 District

J138 - Precinct 138 38 District

K123 - Precinct 123 40 District

K130 - Precinct 130 40 District

K131 - Precinct 131 40 District

K137 - Precinct 137 40 District (part)

211110043012000, 211110043012001, 211110043012002, 211110043012003,
211110043012004

L104 - Precinct 104 41 District

L108 - Precinct 108 41 District

L110 - Precinct 110 41 District

L111 - Precinct 111 41 District (part)

211110049001000, 211110049001012, 211110049001013, 211110059011008,
211110059011009, 211110059011010, 211110059011011, 211110059011012,
211110059011013, 211110059011014, 211110059011015, 211110059011016,
211110059011017, 211110059011018, 211110059011019, 211110059011020,
211110059011022, 211110059011023, 211110059011024, 211110059011025,
211110059011026, 211110059011027, 211110059012011, 211110059012012,
211110059012013, 211110059012014, 211110059012015, 211110059012016,
211110059012017, 211110059012018, 211110059012019, 211110059012020,
211110062001006, 211110062001014, 211110062001018, 211110062001019,
211110062001020, 211110062001021, 211110062001022, 211110062002000,
211110062002016, 211110062002017, 211110062002018, 211110062002019,
211110062002022

L112 - Precinct 112 41 District (part)

211110062001023, 211110062001024, 211110062001025, 211110062001030,
211110062002023, 211110062002024, 211110062002025, 211110062002045

L113 - Precinct 113 41 District (part)

211110059012002, 211110059012005, 211110059012006, 211110059012007,
211110059012008, 211110059012009, 211110059012010, 211110059021025,
211110059021026, 211110059021027, 211110059021028, 211110059021029,
211110059021030, 211110059021031, 211110059021054, 211110059021055,
211110059021056, 211110059021057, 211110059021058, 211110059021059,
211110059021060, 211110059021061, 211110059021062, 211110059021065,
211110059021066, 211110059021067, 211110059021068, 211110059021069,
211110059021075, 211110059022000, 211110059022001, 211110059022006,
211110059022007

L140 - Precinct 140 41 District

L141 - Precinct 141 41 District (part)

211110049001001, 211110049001002, 211110049001003, 211110049001004,
211110049001005, 211110049001006, 211110049001007, 211110049001011,
211110049002000, 211110049002016

L144 - Precinct 144 41 District

L145 - Precinct 145 41 District

L147 - Precinct 147 41 District

L149 - Precinct 149 41 District

L150 - Precinct 150 41 District

L154 - Precinct 154 41 District

L155 - Precinct 155 41 District

L157 - Precinct 157 41 District

L158 - Precinct 158 41 District

L159 - Precinct 159 41 District

L160 - Precinct 160 41 District

L161 - Precinct 161 41 District

L162 - Precinct 162 41 District

L163 - Precinct 163 41 District

L164 - Precinct 164 41 District (part)

<i>211110074002019,</i>	<i>211110074002039,</i>	<i>211110074002040,</i>	<i>211110074002041,</i>
<i>211110074002043,</i>	<i>211110074002044,</i>	<i>211110074002046,</i>	<i>211110074002047,</i>
<i>211110074002048,</i>	<i>211110074002049,</i>	<i>211110074002050,</i>	<i>211110074002051,</i>
<i>211110074002053, 211110074002063</i>			

M102 - Precinct 102 42 District

M103 - Precinct 103 42 District

M104 - Precinct 104 42 District

M105 - Precinct 105 42 District

M107 - Precinct 107 42 District

M110 - Precinct 110 42 District

M129 - Precinct 129 42 District

M130 - Precinct 130 42 District

M133 - Precinct 133 42 District

M141 - Precinct 141 42 District

M142 - Precinct 142 42 District

M148 - Precinct 148 42 District

M149 - Precinct 149 42 District

M167 - Precinct 167 42 District

M169 - Precinct 169 42 District

M170 - Precinct 170 42 District

M171 - Precinct 171 42 District

M173 - Precinct 173 42 District

N101 - Precinct 101 43 District

N102 - Precinct 102 43 District

N103 - Precinct 103 43 District

N104 - Precinct 104 43 District

N105 - Precinct 105 43 District

N106 - Precinct 106 43 District

N107 - Precinct 107 43 District

N108 - Precinct 108 43 District

N109 - Precinct 109 43 District

N110 - Precinct 110 43 District

N111 - Precinct 111 43 District

N112 - Precinct 112 43 District

N113 - Precinct 113 43 District

N115 - Precinct 115 43 District

N117 - Precinct 117 43 District

N124 - Precinct 124 43 District

N127 - Precinct 127 43 District

N128 - Precinct 128 43 District

N134 - Precinct 134 43 District

N135 - Precinct 135 43 District (part)

211110059021000, 211110059021001, 211110059021003, 211110059021024,
211110074002037, 211110074002038, 211110074002045

N136 - Precinct 136 43 District

N137 - Precinct 137 43 District

N138 - Precinct 138 43 District

N139 - Precinct 139 43 District

N145 - Precinct 145 43 District

N147 - Precinct 147 43 District

N148 - Precinct 148 43 District

N149 - Precinct 149 43 District

N150 - Precinct 150 43 District

O105 - Precinct 105 44 District

O107 - Precinct 107 44 District

O109 - Precinct 109 44 District

O111 - Precinct 111 44 District

O112 - Precinct 112 44 District

O113 - Precinct 113 44 District

O117 - Precinct 117 44 District

O119 - Precinct 119 44 District

O121 - Precinct 121 44 District

O123 - Precinct 123 44 District

O133 - Precinct 133 44 District

O134 - Precinct 134 44 District

O135 - Precinct 135 44 District

O139 - Precinct 139 44 District

O141 - Precinct 141 44 District

➔SECTION 34. KRS 5.134 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Thirty-fourth Senatorial District shall consist of the following territory:

County: Fayette KY (part)

B218 - Laurelwood

B221 - Magnolia Gardens

C114 - Autumn Ridge

C151 - Cove Lake

C152 - Hartland

C160 - Walnut Hill

C164 - East Hills

C165 - Crestview

C173 - Buckhorn

C176 - Squire Oak

C178 - Pleasant Grove

C180 - Broadmoor

C192 - Chetford

C193 - Sheffield Place

C194 - Chestnut Hill

C196 - Mapleleaf

C197 - Mooreland

C199 - Woodfield

C201 - Telluride

C203 - Gingermill

C205 - Crystal Falls

C208 - Rothbury

C210 - Mint Hill

C212 - Brookewind

C219 - Market Garden

C225 - Boone Station (part)

*210670040072000, 210670040072001, 210670040072002, 210670040072003,
210670040072004, 210670040072005, 210670040072006, 210670040072007,
210670040072008, 210670040072020, 210670040072052*

C227 - Fortune Hill

C229 - Raven Run

C230 - Red Leaf

C233 - Walnut Creek

C235 - Red Stone

C238 - Villa

County: Madison KY

➔SECTION 35. KRS 5.135 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Thirty-fifth Senatorial District shall consist of the following territory:

County: Jefferson KY (part)

C101 - Precinct 101 30 District

C102 - Precinct 102 30 District

C103 - Precinct 103 30 District

C104 - Precinct 104 30 District

C105 - Precinct 105 30 District

C106 - Precinct 106 30 District

C108 - Precinct 108 30 District

C109 - Precinct 109 30 District

C110 - Precinct 110 30 District

C111 - Precinct 111 30 District

C113 - Precinct 113 30 District

C143 - Precinct 143 30 District

G103 - Precinct 103 34 District

G104 - Precinct 104 34 District

G106 - Precinct 106 34 District

G107 - Precinct 107 34 District

H123 - Precinct 123 35 District

H124 - Precinct 124 35 District

H125 - Precinct 125 35 District

H126 - Precinct 126 35 District

H127 - Precinct 127 35 District

H130 - Precinct 130 35 District

H131 - Precinct 131 35 District

H132 - Precinct 132 35 District

H138 - Precinct 138 35 District

H144 - Precinct 144 35 District

H146 - Precinct 146 35 District

H147 - Precinct 147 35 District

H154 - Precinct 154 35 District

H155 - Precinct 155 35 District

H158 - Precinct 158 35 District

H161 - Precinct 161 35 District

I122 - Precinct 122 37 District

I123 - Precinct 123 37 District

I124 - Precinct 124 37 District

I125 - Precinct 125 37 District

I126 - Precinct 126 37 District

I130 - Precinct 130 37 District

I138 - Precinct 138 37 District

I142 - Precinct 142 37 District

I149 - Precinct 149 37 District

I150 - Precinct 150 37 District

I156 - Precinct 156 37 District

J152 - Precinct 152 38 District

J153 - Precinct 153 38 District

K104 - Precinct 104 40 District

K105 - Precinct 105 40 District

K110 - Precinct 110 40 District

K112 - Precinct 112 40 District

K113 - Precinct 113 40 District

K116 - Precinct 116 40 District

K122 - Precinct 122 40 District

K133 - Precinct 133 40 District

K135 - Precinct 135 40 District

K136 - Precinct 136 40 District

K140 - Precinct 140 40 District

K141 - Precinct 141 40 District

K142 - Precinct 142 40 District

K149 - Precinct 149 40 District

K150 - Precinct 150 40 District

L142 - Precinct 142 41 District (part)

211110050002008, 211110050002009, 211110050002010, 211110050002011,
211110050002012, 211110050002015, 211110050002016, 211110050002017

L143 - Precinct 143 41 District

L148 - Precinct 148 41 District

L156 - Precinct 156 41 District

M121 - Precinct 121 42 District

M123 - Precinct 123 42 District

M124 - Precinct 124 42 District

M131 - Precinct 131 42 District

M146 - Precinct 146 42 District

M147 - Precinct 147 42 District

M162 - Precinct 162 42 District

M163 - Precinct 163 42 District

M166 - Precinct 166 42 District

M168 - Precinct 168 42 District

Q101 - Precinct 101 46 District
Q103 - Precinct 103 46 District
Q104 - Precinct 104 46 District
Q105 - Precinct 105 46 District
Q112 - Precinct 112 46 District
Q113 - Precinct 113 46 District
Q114 - Precinct 114 46 District
Q116 - Precinct 116 46 District
Q117 - Precinct 117 46 District
Q122 - Precinct 122 46 District
Q123 - Precinct 123 46 District
Q124 - Precinct 124 46 District
Q126 - Precinct 126 46 District
Q127 - Precinct 127 46 District
Q134 - Precinct 134 46 District
Q136 - Precinct 136 46 District

➔SECTION 36. KRS 5.136 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Thirty-sixth Senatorial District shall consist of the following territory:

County: Jefferson KY (part)

B153 - Precinct 153 29 District
B172 - Precinct 172 29 District
B183 - Precinct 183 29 District
E144 - Precinct 144 32 District
E145 - Precinct 145 32 District
E157 - Precinct 157 32 District
E160 - Precinct 160 32 District
E161 - Precinct 161 32 District
E162 - Precinct 162 32 District
E163 - Precinct 163 32 District
E164 - Precinct 164 32 District
E165 - Precinct 165 32 District
E168 - Precinct 168 32 District
E169 - Precinct 169 32 District (part)

<i>211110107021004,</i>	<i>211110107021005,</i>	<i>211110107021007,</i>	<i>211110107021008,</i>
<i>211110107021009,</i>	<i>211110107023000,</i>	<i>211110107023001,</i>	<i>211110107023007,</i>
<i>211110107023008,</i>	<i>211110107023009,</i>	<i>211110107023014,</i>	<i>211110107023015,</i>
<i>211110107023016,</i>	<i>211110107023017,</i>	<i>211110107023024,</i>	<i>211110107023025,</i>
<i>211110107023038, 211110107023039, 211110107023040</i>			

E173 - Precinct 173 32 District
E176 - Precinct 176 32 District

E178 - Precinct 178 32 District

E179 - Precinct 179 32 District

E180 - Precinct 180 32 District

F106 - Precinct 106 33 District

F145 - Precinct 145 33 District

F151 - Precinct 151 33 District

F152 - Precinct 152 33 District

F153 - Precinct 153 33 District

F154 - Precinct 154 33 District

F155 - Precinct 155 33 District

F156 - Precinct 156 33 District

F158 - Precinct 158 33 District

F161 - Precinct 161 33 District

F163 - Precinct 163 33 District

F164 - Precinct 164 33 District

F166 - Precinct 166 33 District

F167 - Precinct 167 33 District

F169 - Precinct 169 33 District

F170 - Precinct 170 33 District

F171 - Precinct 171 33 District

F176 - Precinct 176 33 District

F180 - Precinct 180 33 District

F183 - Precinct 183 33 District

F184 - Precinct 184 33 District

S129 - Precinct 129 48 District

S139 - Precinct 139 48 District

S140 - Precinct 140 48 District

S150 - Precinct 150 48 District (part)

211110103093004, 211110103093005, 211110103093006, 211110103093007,
 211110103093008, 211110103093009, 211110103093011, 211110103093012,
 211110103093013, 211110103094004

S152 - Precinct 152 48 District

S160 - Precinct 160 48 District

S164 - Precinct 164 48 District

S165 - Precinct 165 48 District

S168 - Precinct 168 48 District

VI01 - Precinct 101 36 District (part)

211110111161047, 211110111161048, 211110111161057

VI02 - Precinct 102 36 District

VI04 - Precinct 104 36 District

V105 - Precinct 105 36 District (part)

211110111162000, 211110111162001, 211110111162002, 211110111162014,
 211110111162015, 211110115202000, 211110116041008, 211110116041009,
 211110116041010, 211110116041011, 211110116041012, 211110116041013,
 211110116041014, 211110116041015, 211110116041029, 211110116041033,
 211110116041034, 211110116061028, 211110116061029, 211110116061030,
 211110116061031, 211110116061034, 211110116061035, 211110116061039

V106 - Precinct 106 36 District (part)

211110111161039, 211110111161040, 211110111161049, 211110111161050,
 211110111161051, 211110111161052, 211110111161053, 211110115171000,
 211110115171001, 211110115171002, 211110115171003, 211110115171004,
 211110115171005

V107 - Precinct 107 36 District (part)

211110116041005, 211110116041006, 211110116041007, 211110116041035,
 211110116041036, 211110116061005, 211110116061042, 211110116061044,
 211110116061047, 211110116061048, 211110116061049, 211110116061063,
 211110116061064, 211110116061065, 211110116061066, 211110116061067,
 211110116061068, 211110116061069, 211110116061070

*V108 - Precinct 108 36 District**V109 - Precinct 109 36 District**V110 - Precinct 110 36 District**V111 - Precinct 111 36 District**V112 - Precinct 112 36 District**V113 - Precinct 113 36 District**V114 - Precinct 114 36 District**V116 - Precinct 116 36 District**V117 - Precinct 117 36 District**V118 - Precinct 118 36 District**V119 - Precinct 119 36 District**V120 - Precinct 120 36 District**V121 - Precinct 121 36 District**V122 - Precinct 122 36 District**V123 - Precinct 123 36 District**V124 - Precinct 124 36 District**V125 - Precinct 125 36 District**V126 - Precinct 126 36 District**V127 - Precinct 127 36 District**V128 - Precinct 128 36 District**V129 - Precinct 129 36 District**V130 - Precinct 130 36 District**V131 - Precinct 131 36 District**V132 - Precinct 132 36 District*

➔SECTION 37. KRS 5.137 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Thirty-seventh Senatorial District shall consist of the following territory:

County: Jefferson KY (part)

A105 - Precinct 105 28 District

A107 - Precinct 107 28 District

A108 - Precinct 108 28 District

A111 - Precinct 111 28 District

A113 - Precinct 113 28 District

A114 - Precinct 114 28 District

A115 - Precinct 115 28 District

A123 - Precinct 123 28 District

A124 - Precinct 124 28 District

A125 - Precinct 125 28 District

A126 - Precinct 126 28 District

A128 - Precinct 128 28 District

A131 - Precinct 131 28 District

A136 - Precinct 136 28 District

A141 - Precinct 141 28 District

I107 - Precinct 107 37 District

I109 - Precinct 109 37 District

I110 - Precinct 110 37 District

I111 - Precinct 111 37 District

I112 - Precinct 112 37 District

I115 - Precinct 115 37 District

I120 - Precinct 120 37 District

I140 - Precinct 140 37 District

J101 - Precinct 101 38 District

J104 - Precinct 104 38 District

J105 - Precinct 105 38 District

J107 - Precinct 107 38 District

J108 - Precinct 108 38 District

J111 - Precinct 111 38 District

J113 - Precinct 113 38 District

J114 - Precinct 114 38 District

J117 - Precinct 117 38 District

J119 - Precinct 119 38 District

J120 - Precinct 120 38 District

J122 - Precinct 122 38 District

J123 - Precinct 123 38 District (part)

211110120031000,

211110120031009,

211110120031010,

211110120031011,

211110120031019, 211110120034000, 211110120034001, 211110120034002,
 211110120034003, 211110120034004, 211110120034005, 211110120034006,
 211110120034007, 211110120034008, 211110120034012

J130 - Precinct 130 38 District

J135 - Precinct 135 38 District

J137 - Precinct 137 38 District

J140 - Precinct 140 38 District

J142 - Precinct 142 38 District

J143 - Precinct 143 38 District

J144 - Precinct 144 38 District

J145 - Precinct 145 38 District

J146 - Precinct 146 38 District

J147 - Precinct 147 38 District

J148 - Precinct 148 38 District

J149 - Precinct 149 38 District

J150 - Precinct 150 38 District

J151 - Precinct 151 38 District

J154 - Precinct 154 38 District

K111 - Precinct 111 40 District

K114 - Precinct 114 40 District

K117 - Precinct 117 40 District

K118 - Precinct 118 40 District

K119 - Precinct 119 40 District

K125 - Precinct 125 40 District

K126 - Precinct 126 40 District

K127 - Precinct 127 40 District

K128 - Precinct 128 40 District

K132 - Precinct 132 40 District

K137 - Precinct 137 40 District (part)

211110039002011, 211110039002012, 211110043013003, 211110043013004,
 211110043013005, 211110043013006

K138 - Precinct 138 40 District

K139 - Precinct 139 40 District

K143 - Precinct 143 40 District

K144 - Precinct 144 40 District

K145 - Precinct 145 40 District

K146 - Precinct 146 40 District

K147 - Precinct 147 40 District

K148 - Precinct 148 40 District

K151 - Precinct 151 40 District

O114 - Precinct 114 44 District
O115 - Precinct 115 44 District
O124 - Precinct 124 44 District
O126 - Precinct 126 44 District
O127 - Precinct 127 44 District
O128 - Precinct 128 44 District
O129 - Precinct 129 44 District
O130 - Precinct 130 44 District
O131 - Precinct 131 44 District
O136 - Precinct 136 44 District
O137 - Precinct 137 44 District
O138 - Precinct 138 44 District
O143 - Precinct 143 44 District

➔SECTION 38. KRS 5.138 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

The Thirty-eighth Senatorial District shall consist of the following territory:

County: Bullitt KY

County: Jefferson KY (part)

B134 - Precinct 134 29 District

B173 - Precinct 173 29 District

B175 - Precinct 175 29 District

B177 - Precinct 177 29 District (part)

<i>211110116032047,</i>	<i>211110116032048,</i>	<i>211110116032049,</i>	<i>211110116032050,</i>
<i>211110117094001,</i>	<i>211110117094002,</i>	<i>211110117094003,</i>	<i>211110117094004,</i>
<i>211110117094005,</i>	<i>211110117094006,</i>	<i>211110117094007,</i>	<i>211110117094008,</i>
<i>211110117094010,</i>	<i>211110117094011,</i>	<i>211110117094012,</i>	<i>211110117094013,</i>
<i>211110117094014, 211110117094015, 211110117094016</i>			

H145 - Precinct 145 35 District

H162 - Precinct 162 35 District

I133 - Precinct 133 37 District

I135 - Precinct 135 37 District

I141 - Precinct 141 37 District

I143 - Precinct 143 37 District

I144 - Precinct 144 37 District

I145 - Precinct 145 37 District

I146 - Precinct 146 37 District

I147 - Precinct 147 37 District

I148 - Precinct 148 37 District

I152 - Precinct 152 37 District

I153 - Precinct 153 37 District

I154 - Precinct 154 37 District

J123 - Precinct 123 38 District (part)

***211110120031001, 211110120031002, 211110120031003, 211110120031004,
211110120032019***

J141 - Precinct 141 38 District***J155 - Precinct 155 38 District***

➔Section 39. KRS 5.010 is amended to read as follows:

For the purpose of this chapter:

- (1) The boundaries of the legislative districts created by this chapter shall be those shown on the maps generated by the Legislative Research Commission's geographic information system to accompany a redistricting plan enacted into law. The official copies of these maps shall be on file with the State Board of Elections. A duplicate set of maps and associated population information shall be retained by the Legislative Research Commission.
- (2)
 - (a) Designated precincts are those precincts in existence on ***January 1, 2020***~~*July 15, 2010*~~. Precinct boundaries shown in the maps referred to in subsection (1) of this section are taken from county precinct maps and verified and corrected by the Legislative Research Commission staff in consultation with county election officials.
 - (b) Census tracts and blocks shown in the maps referred to in subsection (1) of this section are those utilized for the making of the ***2020***~~*2010*~~ United States Census.
 - (c) Population data utilized for redistricting is the ***2020***~~*2010*~~ United States Census Pub. L. 94-171 population data that was deemed to be official by the United States Secretary of Commerce on or before July 15, ***2021***~~*2011*~~, and election precinct population data prepared by the Legislative Research Commission staff from the official Pub. L. 94-171 population data.

➔Section 40. In the tables for legislative districts given in this Act, the single listing of a county or a precinct within a county indicates that all of the territory of that county or precinct is within the specified district.

➔Section 41. County boards of elections shall meet immediately following the effective date of this Act for the purpose of reviewing the district boundaries established by the General Assembly in this Act. In the review process, the county boards of elections shall ensure that each county precinct boundary does not cross the district boundaries established in this Act. If a county board of elections determines that any precinct boundary crosses a district boundary, or is so informed by the State Board of Elections in consultation with the Legislative Research Commission, the county board of elections shall issue a proposed precinct establishment order to the State Board of Elections altering the precinct boundary, or creating, dividing, or combining one or more precincts, so that no county precinct boundary crosses any boundary listed in KRS 117.055(1)(a) to (g). Any alteration of precinct boundaries required by this section shall comply with the provisions of KRS 117.055 to 117.058 and shall be completed by the county boards of elections and approved by the State Board of Elections no later than 45 days after the effective date of this Act, KRS 117.055(3), 117.0553, and 117.056 to the contrary notwithstanding. If a county board of elections fails to comply with the requirements of this section, the State Board of Elections shall apply to the Circuit Court of the county for a summary mandatory order requiring the county board to perform the duties of this section and shall not submit claims for payments to the county under KRS 117.343 and 117.345 until the State Board in consultation with the Legislative Research Commission determines in writing that the duty has been performed.

➔Section 42. Whereas the districts established by this Act shall be effective for the primary and general elections to be held in 2022, and certain statutory and other deadlines that impact the 2022 primary and general elections occur prior to the normal effective date of legislation enacted at this legislative session, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming law.

Became law without Governor's signature January 21, 2022.

AN ACT relating to essential caregivers and declaring an emergency.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 216 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section:*
- (a) *"Community" means assisted-living community as defined in KRS 194A.700;*
 - (b) *"Facility" includes long-term care facilities as defined in KRS 216A.010 and residential long-term care facilities as defined in KRS 216.510; and*
 - (c) *"Mental hospital" means a state-owned or operated mental or psychiatric hospital.*
- (2) *Notwithstanding any state law to the contrary, the Cabinet for Health and Family Services shall require a community, a facility, and a mental hospital to permit in-person resident visitation by at least one (1) essential personal care visitor, including a family member, legal guardian, outside caregiver, friend, or volunteer who is important to the mental, physical, or social well-being of the resident.*
- (3) *The cabinet shall, within fourteen (14) days of the effective date of this Act, promulgate administrative regulations in accordance with KRS Chapter 13A that, subject to applicable federal requirements:*
- (a) *Establish procedures for a resident to designate at least one (1) essential personal care visitor and procedures to change the designated essential personal care visitor;*
 - (b) *Exempt an essential personal care visitor from any prohibitions on visiting a resident of a community, a facility, or a mental hospital other than the requirements in this subsection;*
 - (c) *Require an essential personal care visitor to follow safety protocols of the community, the facility, or the mental hospital;*
 - (d) *Require an essential personal care visitor to assume a risk of contracting communicable diseases, provided the community, the facility, or the mental hospital is compliant with the Kentucky Department for Public Health guidelines;*
 - (e) *Permit a community, a facility, or a mental hospital to require a written visitation agreement with an essential personal care visitor;*
 - (f) *Permit a community, facility, or mental hospital to limit visitation of an essential personal care visitor to the resident or residents he or she is approved to visit;*
 - (g) *Permit a community, facility, or mental hospital to limit the total number of essential personal care visitors allowed in the community, facility, or mental hospital at any one (1) time; and*
 - (h) *Except as provided in this section, do not require a community, facility, or mental hospital to permit an in-person visitor at all times.*

➔Section 2. Whereas, the General Assembly recognizes that the mental, physical, and social well-being of residents in long-term care facilities, assisted-living communities, and mental hospitals is greatly enhanced by assistance from essential personal care visitors, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor February 7, 2022.

CHAPTER 11

(HB 212)

AN ACT relating to county reapportionment and declaring an emergency.

WHEREAS, 2021 Ky. Acts ch. 152, sec. 4, requires fiscal courts to reapportion legislative districts of a county for the 2022 election of county officers in May of the second year following the decennial census of the United States; and

WHEREAS, fiscal court reapportionment could result in changes to district lines after the primary and prior to the general election;

NOW, THEREFORE,

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

➔Section 1. Notwithstanding the provisions of KRS 67.045, 117.055(3), and 2021 Ky. Acts ch. 152, sec. 4, fiscal courts shall initiate reapportionment proceedings in May of the third year following the 2020 decennial census of the United States.

➔Section 2. Whereas, KRS 67.045 requires fiscal courts to initiate reapportionment proceedings in May of the first year following the decennial census of the United States, and 2021 Ky. Acts ch. 152, sec. 4, requires fiscal courts to initiate reapportionment proceedings in May of the second year following the decennial census of the United States, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor February 25, 2022.

CHAPTER 12

(SB 6)

AN ACT relating to athletics and declaring an emergency.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

As used in Sections 1 to 6 of this Act, unless context otherwise requires:

- (1) *"Affiliated organization" means an entity whose primary purpose includes supporting or benefitting an institution or an institution's intercollegiate athletics program or an officer, director, or employee of such an entity;*
- (2) *"Agency contract" has the same meaning as in Section 7 of this Act;*
- (3) *"Compensation" means anything of value, monetary or otherwise, including but not limited to cash, gifts, in-kind items of value, social media compensation, payments for licensing or use of publicity rights, payments for other intellectual or intangible property rights under federal or state law, and any other form of payment or remuneration, but shall exclude:*
 - (a) *Tuition, room, board, books, fees, and personal expenses that a postsecondary educational institution provides a student athlete in accordance with the rules of the intercollegiate athletic association of which the institution is a member;*
 - (b) *Federal Pell Grants and other state and federal grants or scholarships unrelated to and not awarded because of a student athlete's participation in intercollegiate athletics or sports competitions;*
 - (c) *Any other financial aid, benefits, or awards that an institution provides a student athlete in accordance with the rules of the intercollegiate athletic association of which the institution is a member; or*
 - (d) *The payment of wages and benefits to a student athlete by an institution for work actually performed, but not for athletic ability or participation in intercollegiate athletics, at a rate commensurate with the prevailing rate for similar work in the locality of the institution;*
- (4) *"Athlete agent" has the same meaning as in Section 7 of this Act;*
- (5) *"Enrolled" has the same meaning as in Section 7 of this Act;*
- (6) *"Image" means a picture or video of the student athlete;*
- (7) *"Intercollegiate athletic association" or "association" means any athletic association, athletic conference, or other similar organization which acts as an organizing, sanctioning, scheduling, or rule-making body of*

intercollegiate athletic events in which postsecondary educational institutions take part, or an officer, director, or employee of such entities;

- (8) *"Intercollegiate athletics" has the same meaning as "intercollegiate sport" in Section 7 of this Act;*
- (9) *"Likeness" means a physical, digital, or other depiction or representation of the student athlete;*
- (10) *"Name" means the first, middle, or last name, or nickname of the student athlete when used in a context that reasonably identifies the student athlete with particularity, which may include a team number, symbol, logo, or brand;*
- (11) *"Name, image, and likeness agreement" or "NIL agreement" means a written contract or agreement between a student athlete and a third party that gives compensation to the athlete in exchange for the use of the athlete's name, image, or likeness;*
- (12) *"Official team activities" means activities a postsecondary educational institution requires a student athlete to participate in as part of a written team contract that includes but is not limited to games, practices, exhibitions, scrimmages, trainings, meetings, team appearances, team photograph and video sessions, individual photograph and video sessions, media interviews and appearances, marketing activities, team travel, and institutional camps and clinics;*
- (13) *"Postsecondary educational institution" or "institution" means a public or private Kentucky college, university, or community college that participates in intercollegiate athletics, or an officer, director, or employee of such institutions;*
- (14) *"Prevailing market rate" means a rate that is tethered to the value of the consideration the student athlete provides in a NIL agreement and that is reasonable based on a comparison with:*
 - (a) *Student athletes of similar skill and experience in that sport;*
 - (b) *Student athletes of similar notoriety; and*
 - (c) *NIL agreement compensation in similar markets;*
- (15) *"Prospective student athlete" means a person who is not currently enrolled in a postsecondary educational institution but has been identified by that institution for possible recruitment and participation in intercollegiate athletics;*
- (16) *"Recruit" or "recruitment" means to attempt to influence a person's choice of postsecondary educational institution;*
- (17) *"Student athlete" means a person who:*
 - (a) *Has entered into a contract to enroll and participate in intercollegiate athletics as an athlete at an institution; or*
 - (b) *Is enrolled and participates as an athlete in intercollegiate athletics at an institution; and*
- (18) *"Third party" means a person or entity, other than an institution, affiliated organization, or an association, that offers, solicits, or enters into a NIL agreement.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

- (1) *An institution or an association shall not prohibit a student athlete from lawfully earning compensation through a name, image, and likeness agreement with a third party or from obtaining an athlete agent and shall not penalize an athlete for doing so.*
- (2) *An institution shall not revoke a student athlete's scholarship or allow eligibility for a scholarship to be adversely impacted because of an athlete lawfully earning compensation through a NIL agreement or obtaining an athlete agent, unless the athlete has violated a reasonable restriction imposed by the institution under Section 4 of this Act. However, a student athlete's need-based financial assistance or an academic scholarship based in part on financial need may be affected by the income generated by a NIL agreement.*
- (3) *An association shall not prohibit an institution from participating in intercollegiate athletics due to an institution's student athlete lawfully earning compensation through a NIL agreement with a third party or obtaining an athlete agent and shall not penalize an institution for its student athlete doing so.*

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

- (1) *A student athlete may receive compensation for the use of the athlete's name, image, or likeness through a name, image, and likeness agreement with a third party. Such compensation shall be consistent with prevailing market rate of the authorized use of the athlete's name, image, or likeness.*
- (2) (a) *A person or entity shall not give or promise compensation for the use of the name, image, or likeness of a current or prospective student athlete to recruit or induce the athlete to enroll at any Kentucky institution.*
- (b) *A person or entity, regardless of residence, shall not give or promise compensation for the use of the name, image, or likeness of a student athlete enrolled at a Kentucky institution or of a prospective student athlete who has entered into an enrollment contract with a Kentucky institution with the purpose of recruiting or inducing the student athlete to enroll at another postsecondary educational institution, regardless of the institution's location.*
- (3) *An institution, association, or affiliated organization shall not:*
- (a) *Give or promise compensation for the use of an athlete's name, image, or likeness;*
- (b) *Direct compensation to be given for the use of the athlete's name, image or likeness; or*
- (c) *Negotiate any part of a NIL agreement on behalf of a prospective student athlete.*
- (4) *A student athlete shall not enter into a NIL agreement to receive compensation from a third party relating to the endorsement or promotion of:*
- (a) *Sports betting;*
- (b) *A controlled substance;*
- (c) *A substance the student athlete's intercollegiate athletic association forbids the athlete from using;*
- (d) *Adult entertainment; or*
- (e) *Products or services that would be illegal for the student athlete to possess or receive.*

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

- (1) *Due to the critical mission of postsecondary educational institutions and the importance of integrity in an institution's participation in intercollegiate athletics, the governing board of an institution may adopt a policy governing the name, image, and likeness agreements of the institution's student athletes. Any restrictions included in the policy shall be reasonable and shall not be an undue burden on the student athlete's ability to earn compensation through NIL agreements. Reasonable restrictions shall be in writing and provided to all student athletes. The institution's policy shall ensure the equitable enforcement of restrictions. Reasonable restrictions that an institution may choose to impose include but are not limited to:*
- (a) *Prohibiting a student athlete from entering into a NIL agreement for products or services that are reasonably considered to conflict with the mission of the institution, in the same manner as any other student would be prohibited;*
- (b) *Forbidding or establishing the conditions for the institution's student athletes' use of the institution's intellectual property, such as trademarks, trade dress, and copyrights, in NIL agreement activities. These conditions may include preferential conditions for activities involving the institution's partner entities;*
- (c) *Prohibiting a student athlete from entering into any NIL agreement that would cause the athlete to miss an official team activity;*
- (d) *Restricting a student athlete's NIL agreement activities during official team activities;*
- (e) *Requiring a student athlete to participate in official team activities pursuant to the written team contract, which may include the use of the name, image, or likeness of the athlete; and*
- (f) *Imposing disciplinary action under team, institution, or athletic association rules if a student athlete violates the provisions of Sections 1 to 6 of this Act or violates a reasonable restriction.*
- (2) (a) *A student athlete who wishes to enter into a NIL agreement shall submit the potential agreement to an official designated by the institution in which the student is enrolled in a manner designated by the institution. The institution shall have up to three (3) business days to review the potential NIL agreement for conflicts with the provisions of Sections 1 to 6 of this Act or the institution's*

reasonable restrictions and provide the student athlete with a written notice of any conflicts identified by the institution. The written notice from the institution may include recommendations or identify concerns. After any conflicts are resolved, the student athlete may then enter into the agreement. Any subsequent proposed modifications to the agreement shall be submitted for review in the same manner.

- (b) *The governing board of the institution shall adopt a policy to carry out the provisions of this subsection that:*
1. *Designates the official to receive NIL agreement submissions;*
 2. *Establishes NIL agreement review procedures;*
 3. *Provides student athletes with a process to appeal conflict determinations; and*
 4. *Ensures review of appeals in a timely manner.*
- (3) *An institution's employees, including athletics coaching staff, shall not be liable for any damages to a student athlete's ability to earn compensation through a NIL agreement resulting from decisions and actions routinely taken in the course of intercollegiate athletics. However, nothing in this subsection shall protect the institution or its employees from acts of gross negligence, or wanton, willful, malicious, or intentional misconduct.*
- (4) *An institution shall provide the institution's student athletes with a financial literacy and life skills education workshop for a minimum of five (5) hours at the beginning of the athlete's first and third academic years. The education shall, at a minimum, include information concerning financial aid, debt management, saving and budgeting best practices, time management, available academic resources, and the skills necessary for success as a student athlete. The workshop shall also provide social media and brand management education. The workshop shall not include any marketing, advertising, or referral for, or solicitation by, providers of financial, marketing, branding, or other NIL agreement products or services.*
- (5) *An institution's governing board may establish a program to provide NIL agreement resources and ongoing support to the institution's student athletes. The mission and the extent of the program shall be established by the governing board and may include:*
- (a) *Providing impartial analysis of potential NIL agreements;*
 - (b) *Referring third parties soliciting potential NIL agreements to student athletes or their athlete agents; and*
 - (c) *Maintaining educational resources on name, image, and likeness for student athlete use.*
- (6) *An institution's governing board may establish a program to provide NIL agreement resources as it relates to student athletes to the general public and potential third-party licensees.*
- (7) *For the purposes of the Kentucky Open Records Act, KRS 61.870 to 61.884, a NIL agreement submitted pursuant to subsection (2) of this section to a public postsecondary institution and the information obtained from the agreement shall be considered as containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy under KRS 61.878 and not subject to disclosure.*

➔SECTION 5. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

Nothing in Sections 1 to 6 of this Act shall be interpreted as:

- (1) *Waiving the immunity of any public postsecondary educational institution, its employees, agents, or authorized volunteers;*
- (2) *Granting name, image, or likeness rights or requiring compensation for the use of the name, image, or likeness of any student athlete prior to the effective date of this Act;*
- (3) *Establishing student athletes as employees or independent contractors of an institution or an association; or*
- (4) *Modifying the powers or waiving the rules or regulations of the Kentucky Board of Education or the agency designated to manage interscholastic athletics under Section 8 of this Act.*

➔SECTION 6. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

- (1) *For the purposes of this section, "student-athlete" shall have the same meaning as in Section 7 of this Act.*

- (2) *For all student-athletes enrolled in institutions within the Commonwealth, all NIL agreements and agency contracts shall be governed by the laws of the Commonwealth.*
- (3) *The parent or guardian of a minor student-athlete may enter the minor into a NIL agreement or an agency contract on the minor's behalf. However, the minor shall reaffirm the NIL agreement or agency contract within thirty (30) days of reaching the age of eighteen (18) or the contract or agreement shall be revoked.*
- (4) *A student-athlete shall reaffirm a NIL agreement or an agency contract, either of which was formed or reaffirmed while the student-athlete was participating in intercollegiate athletics at an institution, within thirty (30) days of the student-athlete no longer participating in intercollegiate athletics at that institution or the contract or agreement shall be revoked.*

➔Section 7. KRS 164.6903 is amended to read as follows:

As used in KRS 164.6901 to 164.6935, unless the context requires otherwise:

- (1) "Agency contract" means an agreement in which a student-athlete authorizes a person to negotiate or solicit on behalf of the student-athlete a professional-sports-services contract; ***a name, image, and likeness agreement as defined by Section 1 of this Act***; or an endorsement contract;
- (2) "Athlete agent":
 - (a) Means an individual, whether registered under KRS 164.6901 to 164.6935 or not, who:
 1. Directly or indirectly, recruits or solicits a student-athlete to enter into an agency contract or, for compensation, procures employment or offers, promises, attempts, or negotiates to obtain employment for a student-athlete as a professional athlete or member of a professional sports team or organization;
 2. For compensation or in anticipation of compensation related to a student-athlete's participation in athletics:
 - a. Serves the student-athlete in an advisor capacity on a matter related to finances, business pursuits, or career management decisions, unless the individual is an employee of an educational institution acting exclusively as an employee of the institution for the benefit of the institution; or
 - b. Manages the business affairs of the student-athlete by providing assistance with bills, payments, contracts or taxes; or
 3. In anticipation of representing a student-athlete for a purpose related to the student-athlete's participation in athletics:
 - a. Gives consideration to the student-athlete or another person;
 - b. Serves the student-athlete in an advisory capacity on a matter related to finances, business pursuits, or career management decisions; or
 - c. Manages the business affairs of the student-athlete by providing assistance with bills, payments, contracts, or taxes; and
 - (b) Does not include an individual who:
 1. Acts solely on behalf of a professional sports team or organization; or
 2. Is a licensed, registered, or certified professional and offers or provides services to a student-athlete customarily provided by members of the profession, unless the individual:
 - a. Also recruits or solicits the student-athlete to enter into an agency contract;
 - b. For compensation, procures employment or offers, promises, attempts, or negotiates to obtain employment for the student-athlete as a professional athlete or member of a professional sports team or organization; or
 - c. Receives consideration for providing the services calculated using a different method than for an individual who is not a student-athlete; or
 3. Is a parent or guardian of a student-athlete, unless the parent or guardian for compensation, or any form of valuable consideration or reasonable expectation thereof, influences or attempts to influence the student-athlete to enter into an agency contract, or procures employment or offers,

promises, attempts, or negotiates to obtain employment for the student-athlete as a professional athlete or member of a professional sports team or organization;

- (3) "Athletic director" means an individual responsible for administering the overall athletic program of an educational institution or, if an educational institution has separately administered athletic programs for male and female students, the athletic program for males or the athletic program for females, as appropriate;
- (4) "Contact" means a communication, direct or indirect, between an athlete agent and a student-athlete, to recruit or solicit the student-athlete to enter into an agency contract;
- (5) "Department" means the Department of Professional Licensing in the Public Protection Cabinet;
- (6) "Educational institution" includes a public or private elementary school, secondary school, technical or vocational school, community college, college, and university;
- (7) "Endorsement contract" means an agreement under which a student-athlete is employed or receives consideration to use on behalf of the other party any value that the student-athlete may have because of publicity, reputation, following, or fame obtained because of athletic ability or performance;
- (8) "Enrolled" means registered for courses and attending athletic practice or class;
- (9) "Intercollegiate sport" means a sport played at the collegiate level for which eligibility requirements for participation by a student-athlete are established by a national association that promotes or regulates collegiate athletics;
- (10) "Interscholastic sport" means a sport played between educational institutions that are not community colleges, colleges, or universities;
- (11) "Licensed, registered, or certified professional" means an individual licensed, registered, or certified as an attorney, dealer in securities, financial planner, insurance agent, real estate broker or sales agent, tax consultant, accountant, or member of a profession other than that of an athlete agent who is licensed, registered, or certified by the state or a nationally recognized organization that licenses, registers, or certifies members of the profession on the basis of experience, education, or testing;
- (12) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, or government; governmental subdivision, agency, or instrumentality; public corporation, or any other legal or commercial entity;
- (13) "Professional-sports-services contract" means an agreement under which an individual is employed, or agrees to render services, as a player on a professional sports team, with a professional sports organization, or as a professional athlete;
- (14) "Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form;
- (15) "Recruit or solicit" means to attempt to influence the choice of an athlete agent by a student-athlete or, if the student-athlete is a minor, a parent or guardian of the student-athlete. The term does not include giving advice on the selection of a particular agent in a family, coaching, or social situation unless the individual giving the advice does so because of the receipt or anticipated receipt of an economic benefit, directly or indirectly, from the agent;
- (16) "Registration" means registration as an athlete agent pursuant to KRS 164.6901 to 164.6935;
- (17) "Sign" means with present intent to authenticate or adopt a record:
 - (a) To execute or adopt a tangible symbol; or
 - (b) To attach to or logically associate with the record an electronic symbol, sound, or process;
- (18) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States; and
- (19) "Student-athlete" means an individual who is eligible to attend an educational institution and engages in, is eligible to engage in, or may be eligible in the future to engage in, any interscholastic or intercollegiate sport. "Student-athlete" does not include an individual permanently ineligible to participate in a particular interscholastic or intercollegiate sport for that sport.

➔Section 8. KRS 156.070 is amended to read as follows:

- (1) The Kentucky Board of Education shall have the management and control of the common schools and all programs operated in these schools, including interscholastic athletics, the Kentucky School for the Deaf, the Kentucky School for the Blind, and community education programs and services.
- (2) The Kentucky Board of Education may designate an organization or agency to manage interscholastic athletics in the common schools, provided that the rules, regulations, and bylaws of any organization or agency so designated shall be approved by the board, and provided further that any administrative hearing conducted by the designated managing organization or agency shall be conducted in accordance with KRS Chapter 13B.
 - (a) The state board or its designated agency shall assure through promulgation of administrative regulations that if a secondary school sponsors or intends to sponsor an athletic activity or sport that is similar to a sport for which National Collegiate Athletic Association members offer an athletic scholarship, the school shall sponsor the athletic activity or sport for which a scholarship is offered. The administrative regulations shall specify which athletic activities are similar to sports for which National Collegiate Athletic Association members offer scholarships.
 - (b) Beginning with the 2003-2004 school year, the state board shall require any agency or organization designated by the state board to manage interscholastic athletics to adopt bylaws that establish as members of the agency's or organization's board of control one (1) representative of nonpublic member schools who is elected by the nonpublic school members of the agency or organization from regions one (1) through eight (8) and one (1) representative of nonpublic member schools who is elected by the nonpublic member schools of the agency or organization from regions nine (9) through sixteen (16). The nonpublic school representatives on the board of control shall not be from classification A1 or D1 schools. Following initial election of these nonpublic school representatives to the agency's or organization's board of control, terms of the nonpublic school representatives shall be staggered so that only one (1) nonpublic school member is elected in each even-numbered year.
 - (c) The state board or any agency designated by the state board to manage interscholastic athletics shall not promulgate rules, administrative regulations, or bylaws that prohibit pupils in grades seven (7) to eight (8) from participating in any high school sports except for high school varsity soccer and football, or from participating on more than one (1) school-sponsored team at the same time in the same sport. The Kentucky Board of Education, or an agency designated by the board to manage interscholastic athletics, may promulgate administrative regulations restricting, limiting, or prohibiting participation in high school varsity soccer and football for students who have not successfully completed the eighth grade.
 - (d)
 1. The state board or any agency designated by the state board to manage interscholastic athletics shall allow a member school's team or students to play against students of a non-member at-home private school, or a team of students from non-member at-home private schools, if the non-member at-home private schools and students comply with this subsection.
 2. A non-member at-home private school's team and students shall comply with the rules for student athletes, including rules concerning:
 - a. Age;
 - b. School semesters;
 - c. Scholarships;
 - d. Physical exams;
 - e. Foreign student eligibility; and
 - f. Amateurs.
 3. A coach of a non-member at-home private school's team shall comply with the rules concerning certification of member school coaches as required by the state board or any agency designated by the state board to manage interscholastic athletics.
 4. This subsection shall not allow a non-member at-home private school's team to participate in a sanctioned:
 - a. Conference;
 - b. Conference tournament;
 - c. District tournament;

- d. Regional tournament; or
 - e. State tournament or event.
5. This subsection does not allow eligibility for a recognition, award, or championship sponsored by the state board or any agency designated by the state board to manage interscholastic athletics.
6. A non-member at-home private school's team or students may participate in interscholastic athletics permitted, offered, or sponsored by the state board or any agency designated by the state board to manage interscholastic athletics.
- (e) Every local board of education shall require an annual medical examination performed and signed by a physician, physician assistant, advanced practice registered nurse, or chiropractor, if performed within the professional's scope of practice, for each student seeking eligibility to participate in any school athletic activity or sport. The Kentucky Board of Education or any organization or agency designated by the state board to manage interscholastic athletics shall not promulgate administrative regulations or adopt any policies or bylaws that are contrary to the provisions of this paragraph.
- (f) Any student who turns nineteen (19) years of age prior to August 1 shall not be eligible for high school athletics in Kentucky. Any student who turns nineteen (19) years of age on or after August 1 shall remain eligible for that school year only. An exception to the provisions of this paragraph shall be made, and the student shall be eligible for high school athletics in Kentucky if the student:
- 1. Qualified for exceptional children services and had an individual education program developed by an admissions and release committee (ARC) while the student was enrolled in the primary school program;
 - 2. Was retained in the primary school program because of an ARC committee recommendation; and
 - 3. Has not completed four (4) consecutive years or eight (8) consecutive semesters of eligibility following initial promotion from grade eight (8) to grade nine (9).
- (g)
- 1. The state board or any agency designated by the state board to manage interscholastic athletics shall promulgate administrative regulations that permit a school district to employ or assign nonteaching or noncertified personnel or personnel without postsecondary education credit hours to serve in a coaching position. The administrative regulations shall give preference to the hiring or assignment of certified personnel in coaching positions.
 - 2. A person employed in a coaching position shall be a high school graduate and at least twenty-one (21) years of age and shall submit to a criminal background check in accordance with KRS 160.380.
 - 3. The administrative regulations shall specify post-hire requirements for persons employed in coaching positions.
 - 4. The regulations shall permit a predetermined number of hours of professional development training approved by the state board or its designated agency to be used in lieu of postsecondary education credit hour requirements.
 - 5. A local school board may specify post-hire requirements for personnel employed in coaching positions in addition to those specified in subparagraph 3. of this paragraph.
- (h) Any student who transfers enrollment from a district of residence to a nonresident district under KRS 157.350(4)(b) shall be ineligible to participate in interscholastic athletics for one (1) calendar year from the date of the transfer.
- (i) ***No member school shall grant a student athlete the right to use the member school's intellectual property, such as trademarks, school uniforms, and copyrights, in the student's earning of compensation through name, image, and likeness activities. No student athlete shall use such intellectual property in earning compensation through name, image, and likeness activities. The state board or any agency designated by the state board to manage interscholastic athletics shall promulgate administrative regulations to govern and enforce this paragraph.***
- (3) (a) The Kentucky Board of Education is hereby authorized to lease from the State Property and Buildings Commission, or others, whether public or private, any lands, buildings, structures, installations, and

facilities suitable for use in establishing and furthering television and related facilities as an aid or supplement to classroom instruction, throughout the Commonwealth, and for incidental use in any other proper public functions. The lease may be for any initial term commencing with the date of the lease and ending with the next ensuing June 30, which is the close of the then-current fiscal biennium of the Commonwealth, with exclusive options in favor of the board to renew the same for successive ensuing bienniums, July 1 in each even year to June 30 in the next ensuing even year; and the rentals may be fixed at the sums in each biennium, if renewed, sufficient to enable the State Property and Buildings Commission to pay therefrom the maturing principal of and interest on, and provide reserves for, any revenue bonds which the State Property and Buildings Commission may determine to be necessary and sufficient, in agreement with the board, to provide the cost of acquiring the television and related facilities, with appurtenances, and costs as may be incident to the issuance of the bonds.

- (b) Each option of the Kentucky Board of Education to renew the lease for a succeeding biennial term may be exercised at any time after the adjournment of the session of the General Assembly at which appropriations shall have been made for the operation of the state government for such succeeding biennial term, by notifying the State Property and Buildings Commission in writing, signed by the chief state school officer, and delivered to the secretary of the Finance and Administration Cabinet as a member of the commission. The option shall be deemed automatically exercised, and the lease automatically renewed for the succeeding biennium, effective on the first day thereof, unless a written notice of the board's election not to renew shall have been delivered in the office of the secretary of the Finance and Administration Cabinet before the close of business on the last working day in April immediately preceding the beginning of the succeeding biennium.
- (c) The Kentucky Board of Education shall not itself operate leased television facilities, or undertake the preparation of the educational presentations or films to be transmitted thereby, but may enter into one (1) or more contracts to provide therefor, with any public agency and instrumentality of the Commonwealth having, or able to provide, a staff with proper technical qualifications, upon which agency and instrumentality the board, through the chief state school officer and the Department of Education, is represented in such manner as to coordinate matters of curriculum with the curricula prescribed for the public schools of the Commonwealth. Any contract for the operation of the leased television or related facilities may permit limited and special uses of the television or related facilities for other programs in the public interest, subject to the reasonable terms and conditions as the board and the operating agency and instrumentality may agree upon; but any contract shall affirmatively forbid the use of the television or related facilities, at any time or in any manner, in the dissemination of political propaganda or in furtherance of the interest of any political party or candidate for public office, or for commercial advertising. No lease between the board and the State Property and Buildings Commission shall bind the board to pay rentals for more than one (1) fiscal biennium at a time, subject to the aforesaid renewal options. The board may receive and may apply to rental payments under any lease and to the cost of providing for the operation of the television or related facilities not only appropriations which may be made to it from state funds, from time to time, but also contributions, gifts, matching funds, devises, and bequests from any source, whether federal or state, and whether public or private, so long as the same are not conditioned upon any improper use of the television or related facilities in a manner inconsistent with the provisions of this subsection.
- (4) The state board may, on the recommendation and with the advice of the chief state school officer, prescribe, print, publish, and distribute at public expense such administrative regulations, courses of study, curriculums, bulletins, programs, outlines, reports, and placards as each deems necessary for the efficient management, control, and operation of the schools and programs under its jurisdiction. All administrative regulations published or distributed by the board shall be enclosed in a booklet or binder on which the words "informational copy" shall be clearly stamped or printed.
- (5) Upon the recommendation of the chief state school officer or his or her designee, the state board shall establish policy or act on all matters relating to programs, services, publications, capital construction and facility renovation, equipment, litigation, contracts, budgets, and all other matters which are the administrative responsibility of the Department of Education.

➔Section 9. The General Assembly hereby declares all name, image, and likeness agreements entered into pursuant to Executive Order 2021-418 to be valid for the duration of one year from this Act becoming law. Upon that date, any contracts entered into pursuant to the order shall become invalid but may be renewed by the student athlete pursuant to the provisions of this Act. Executive Order 2021-418 is hereby nullified and is of no further force or effect.

➔Section 10. Whereas the successful operation of the state's postsecondary educational institutions requires clear guidelines for the regulation of student athlete compensation in intercollegiate athletics, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming law.

Signed by Governor March 9, 2022.

CHAPTER 13

(HB 6)

AN ACT relating to the valuation of motor vehicles for property tax purposes and declaring an emergency.

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

➔Section 1. KRS 132.485 is amended to read as follows:

- (1) (a) **1.** ~~[Except as otherwise provided in paragraph (b) of this subsection,]~~ The registration of a motor vehicle with a county clerk in order to operate it or permit it to be operated upon the highways of the state shall be deemed consent by the registrant for the motor vehicle to be assessed by the property valuation administrator from a standard manual prescribed by the department for valuing motor vehicles for assessment unless:
- a.**~~[1.]~~ The registrant appears before the property valuation administrator to assess the vehicle; or
- b.**~~[2.]~~ The motor vehicle is twenty (20) years old or older, in which case paragraph (b) of this subsection applies regarding its valuation.
- 2.** The standard value of motor vehicles shall be the average trade-in value, ***not the rough or clean trade-in values***, prescribed by the valuation manual~~[unless information is available that warrants any deviation from the standard value].~~
- 3.** ***The property valuation administrator may adjust the value of a motor vehicle when the registrant has provided evidence that the standard value does not reflect the motor vehicle's condition, options, mileage, or certificate of title issued.***
- (b) In the case of motor vehicles that are twenty (20) years old or older:
- 1.** It shall not be presumed that a vehicle has been maintained in, or restored to, the original factory or otherwise classic condition or that its value has increased over the previous year;
- 2.** In assessing motor vehicles under this paragraph and calculating the taxes due thereon, through the AVIS or otherwise, if the registrant does not appear before the property valuation administrator to assess the vehicle, the standard value shall be as follows:
- a.** The actual valuation of the vehicle as was assessed in the vehicle's nineteenth year, if the vehicle was assessed for taxation in the Commonwealth in that year; or
- b.** The average trade-in value prescribed by the applicable edition of the valuation manual for the vehicle in its nineteenth year, if the vehicle was not assessed for taxation in the Commonwealth in that year;
- reduced by ten percent (10%) annually for each year beyond nineteen (19) years; and
- 3.** In the case of any motor vehicle for which the assessment procedure provided in subparagraph 2.b. of this paragraph would apply but cannot be carried out because the applicable edition of the valuation manual is unavailable, the property valuation administrator shall conduct an assessment of the vehicle to determine the value thereof for the given taxable year. The assessment under this subparagraph may be done in person if the vehicle's owner presents the vehicle at the property valuation administrator's office, or the assessment may be done through a review of photographs and other documentary evidence. In subsequent years, that valuation shall be reduced by ten percent (10%) annually.

- (2) The registration of a recreational vehicle with the county clerk in order to operate it or permit it to be operated upon the highways shall be deemed consent by the registrant thereof for the recreational vehicle to be assessed by the property valuation administrator at a valuation determined from a standard manual prescribed by the department for valuing recreational vehicles for assessment unless the registrant appears in person before the property valuation administrator to assess the vehicle.
- (3) The registration of a motor vehicle on or before the date that the registration of the vehicle is required is prima facie evidence of ownership on January 1.
- (4) When a motor vehicle is purchased in one (1) year, but registration takes place after January 1 of the following year through no fault of the owner, the department shall assess the motor vehicle and shall send notice of the assessment to the January 1 owner in accordance with KRS 186A.035. If the month of registration has passed for the current year, the assessment shall be due and payable if not protested to the department within sixty (60) days from the date of the notice. Payments made after the due date shall carry the normal penalty and interest for motor vehicles.
- (5) This section does not apply to motor vehicles or recreational vehicles owned and operated by public service companies, common carriers, or agencies of the state and federal governments.

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 132 IS CREATED TO READ AS FOLLOWS:

- (1) *For the January 1, 2022, and January 1, 2023, assessment dates, when a motor vehicle is assessed under Section 1 of this Act, the portion of property taxes computed on any increase in the motor vehicle's valuation from January 1, 2021, shall be exempt from state and local ad valorem taxes, including the county, city, school, or other taxing district in which the motor vehicle has taxable situs.*
- (2) *Taxpayers who paid motor vehicle property taxes for the January 1, 2022, assessment date on any increase in their motor vehicle's valuation from January 1, 2021, shall be entitled to a refund of the overpayment of taxes under the exemption provided in this section. Notwithstanding KRS 134.590, the department and county clerks shall work together to establish procedures that enable taxpayers to receive refunds without making a written request. Refunds issued under this subsection shall be issued within ninety (90) days of the effective date of this Act.*

➔Section 3. Section 1 of this Act shall apply to motor vehicles assessed on or after January 1, 2024.

➔Section 4. Section 2 of this Act shall apply to motor vehicles assessed on or after January 1, 2022.

➔Section 5. Whereas the valuation of motor vehicles is essential for assessing property taxes and affects citizens throughout the Commonwealth, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor March 10, 2022.

CHAPTER 14

(SB 38)

AN ACT relating to incest.

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

➔Section 1. KRS 439.3401 is amended to read as follows:

- (1) As used in this section, "violent offender" means any person who has been convicted of or pled guilty to the commission of:
 - (a) A capital offense;
 - (b) A Class A felony;
 - (c) A Class B felony involving the death of the victim or serious physical injury to a victim;

- (d) An offense described in KRS 507.040 or 507.050 where the offense involves the killing of a peace officer, firefighter, or emergency medical services personnel while the peace officer, firefighter, or emergency medical services personnel was acting in the line of duty;
- (e) A Class B felony involving criminal attempt to commit murder under KRS 506.010 if the victim of the offense is a clearly identifiable peace officer, firefighter, or emergency medical services personnel acting in the line of duty, regardless of whether an injury results;
- (f) The commission or attempted commission of a felony sexual offense described in KRS Chapter 510;
- (g) Use of a minor in a sexual performance as described in KRS 531.310;
- (h) Promoting a sexual performance by a minor as described in KRS 531.320;
- (i) Unlawful transaction with a minor in the first degree as described in KRS 530.064(1)(a);
- (j) Human trafficking under KRS 529.100 involving commercial sexual activity where the victim is a minor;
- (k) Criminal abuse in the first degree as described in KRS 508.100;
- (l) Burglary in the first degree accompanied by the commission or attempted commission of an assault described in KRS 508.010, 508.020, 508.032, or 508.060;
- (m) Burglary in the first degree accompanied by commission or attempted commission of kidnapping as prohibited by KRS 509.040; ~~for~~
- (n) Robbery in the first degree; *or*
- (o) ***Incest as described in KRS 530.020(2)(b) or (c).***

The court shall designate in its judgment if the victim suffered death or serious physical injury.

- (2) A violent offender who has been convicted of a capital offense and who has received a life sentence (and has not been sentenced to twenty-five (25) years without parole or imprisonment for life without benefit of probation or parole), or a Class A felony and receives a life sentence, or to death and his or her sentence is commuted to a life sentence shall not be released on probation or parole until he or she has served at least twenty (20) years in the penitentiary. Violent offenders may have a greater minimum parole eligibility date than other offenders who receive longer sentences, including a sentence of life imprisonment.
- (3)
 - (a) A violent offender who has been convicted of a capital offense or Class A felony with a sentence of a term of years or Class B felony shall not be released on probation or parole until he has served at least eighty-five percent (85%) of the sentence imposed.
 - (b) A violent offender who has been convicted of a violation of KRS 507.040 where the victim of the offense was clearly identifiable as a peace officer, a firefighter, or emergency medical services personnel, and the victim was acting in the line of duty shall not be released on probation or parole until he or she has served at least eighty-five percent (85%) of the sentence imposed.
 - (c) A violent offender who has been convicted of a violation of KRS 507.040 or 507.050 where the victim of the offense was a peace officer, a firefighter, or emergency medical services personnel, and the victim was acting in the line of duty shall not be released on probation or parole until he or she has served at least fifty percent (50%) of the sentence imposed.
 - (d) Any offender who has been convicted of a homicide or fetal homicide offense under KRS Chapter 507 or 507A in which the victim of the offense died as the result of an overdose of a Schedule I controlled substance and who is not otherwise subject to paragraph (a), (b), or (c) of this subsection shall not be released on probation, shock probation, parole, conditional discharge, or other form of early release until he or she has served at least fifty percent (50%) of the sentence imposed.
- (4) A violent offender shall not be awarded any credit on his sentence authorized by KRS 197.045(1)(b)1. In no event shall a violent offender be given credit on his or her sentence if the credit reduces the term of imprisonment to less than eighty-five percent (85%) of the sentence.
- (5) This section shall not apply to a person who has been determined by a court to have been a victim of domestic violence or abuse pursuant to KRS 533.060 with regard to the offenses involving the death of the victim or serious physical injury to the victim. The provisions of this subsection shall not extend to rape in the first degree or sodomy in the first degree by the defendant.

- (6) This section shall apply only to those persons who commit offenses after July 15, 1998.
- (7) For offenses committed prior to July 15, 1998, the version of this statute in effect immediately prior to that date shall continue to apply.
- (8) The provisions of subsection (1) of this section extending the definition of "violent offender" to persons convicted of or pleading guilty to robbery in the first degree shall apply only to persons whose crime was committed after July 15, 2002.

Signed by Governor March 10, 2022.

CHAPTER 15

(SB 96)

AN ACT relating to the Kentucky Law Enforcement Council.

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

➔Section 1. KRS 15.315 is amended to read as follows:

The Kentucky Law Enforcement Council is hereby established as an independent administrative body of state government to be made up as follows:

- (1) The Attorney General of Kentucky, the commissioner of the Department of Kentucky State Police, the commissioner of the Department of Criminal Justice Training, the chief of police of the Louisville Metro Police Department, the chief of police of the Lexington-Fayette Urban County Division of Police, *the chief of police of the Bowling Green Police Department*, the director of the Southern Police Institute of the University of Louisville, the dean of the College of Justice and Safety of Eastern Kentucky University, the president of the Kentucky Peace Officers Association, the president of the Kentucky Association of Chiefs of Police, the Kentucky president of the Fraternal Order of Police, the president of the Kentucky Women's Law Enforcement Network, and the president of the Kentucky Sheriffs' Association shall be ex officio members of the council, as full voting members of the council by reason of their office. The United States attorneys for the Eastern and Western Districts of Kentucky may confer and designate a local law enforcement liaison who shall serve on the council in an advisory capacity only without voting privileges. Each ex officio member may designate in writing a person to represent him or her and to vote on his or her behalf. Designees of the Department of Kentucky State Police, Department of Criminal Justice Training, Louisville Metro Police Department, *Bowling Green Police Department*, and the Lexington-Fayette Urban County Division of Police shall be the head of the agency's training division or the agency's deputy chief or deputy commissioner.
- (2) Twelve (12) members shall be appointed by the Governor for terms of four (4) years from the following classifications: a city manager or mayor, a county judge/executive, three (3) Kentucky sheriffs, a member of the Kentucky State Bar Association, five (5) chiefs of police, and a citizen of Kentucky not coming within the foregoing classifications. No person shall serve beyond the time he or she holds the office or employment by reason of which he or she was initially eligible for appointment. Vacancies shall be filled in the same manner as the original appointment and the successor shall be appointed for the unexpired term. Any member may be appointed for additional terms.
- (3) No member may serve on the council with the dual membership as the representative of more than one (1) of the aforementioned groups or the holder of more than one (1) of the aforementioned positions. In the event that an existing member of the council assumes a position entitling him to serve on the council in another capacity, the Governor shall appoint an additional member from the group concerned to prevent dual membership.
- (4) Membership on the council does not constitute a public office, and no member shall be disqualified from holding public office by reason of his membership.

➔Section 2. KRS 15.320 is amended to read as follows:

The business of the council shall be conducted in the following manner:

- (1) The council at its initial meeting to be held promptly after the appointment of its members, shall elect a chairman and vice chairman from among its members who shall serve until the first meeting in the succeeding year. Thereafter, the chairman and vice chairman shall be elected at the first meeting of each calendar year.
- (2) *A majority of the* ~~Ten (10)~~ members of the council shall constitute a quorum for the transaction of business.
- (3) The council shall maintain minutes of its meetings and such other records as it deems necessary.
- (4) The council shall report at least annually to the Governor and to the General Assembly as to its activities.

Signed by Governor March 10, 2022.

CHAPTER 16

(SB 30)

AN ACT relating to motor vehicle registration and making an appropriation therefor.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 186 IS CREATED TO READ AS FOLLOWS:

- (1) (a) *Any person applying online for motor vehicle registration renewal shall be requested by the cabinet, at the time of renewal, to make a voluntary donation to promote an organ donor program.*
- (b) *A county clerk may ask any person applying for an initial or renewal motor vehicle registration to make a voluntary donation to promote an organ donor program.*
- (2) *Any donation under this section shall be added to the regular fee for motor vehicle registration renewal.*
- (3) (a) *Any donation made under paragraph (a) of subsection (1) of this section shall be paid to the cabinet and shall be forwarded by the cabinet on a monthly basis to the Kentucky Circuit Court Clerks' Trust for Life, and such moneys are hereby appropriated to be used exclusively for the purpose of promoting an organ donor program. A donation under this section shall be voluntary and may be refused by the applicant at the time of online renewal.*
- (b) *Any donation made under paragraph (b) of subsection (1) of this section shall be paid to the county clerk and forwarded by the county clerk on a monthly basis to the Kentucky Circuit Court Clerks' Trust for Life, and such moneys are hereby appropriated to be used exclusively for the purpose of promoting an organ donor program. A donation under this section shall be voluntary and may be refused by the applicant at the time of application.*
- (4) (a) *The cabinet shall provide an opportunity for any person applying for online motor vehicle registration renewal to express willingness to make an anatomical gift under Section 2 of this Act. If a person who has made a declaration under this subsection wishes to rescind that declaration, that person shall notify the Kentucky Circuit Court Clerks' Trust for Life, which shall remove the person from their records.*
- (b) *A county clerk may provide an opportunity for any person applying for initial or renewal motor vehicle registration, to express willingness to make an anatomical gift under Section 2 of this Act. If a person who has made a declaration under this subsection wishes to rescind that declaration, that person shall notify the Kentucky Circuit Court Clerks' Trust for Life, which shall remove the person from their records.*
- (5) *The Transportation Cabinet may promulgate administrative regulations pursuant to KRS Chapter 13A to implement the provisions of this section.*

➔Section 2. KRS 311.1917 is amended to read as follows:

- (1) A donor may make an anatomical gift:
 - (a) By authorizing a statement or symbol indicating that the donor has made an anatomical gift to be imprinted on the donor's driver's license or identification card;

- (b) *By authorizing a statement through the motor vehicle registration process under Section 1 of this Act;*
- (c)~~(b)~~ In a will;
- (d)~~(c)~~ During a terminal illness or injury of the donor, by any form of communication addressed to at least two (2) adults, at least one (1) of whom is a disinterested witness; or
- (e)~~(d)~~ As provided in subsection (2) of this section.
- (2) A donor or other person authorized to make an anatomical gift under KRS 311.1915 may make a gift by a donor card or other record signed by the donor or other person making the gift or by authorizing that a statement or symbol indicating that the donor has made an anatomical gift be included on a donor registry. If the donor or other person is physically unable to sign a record, the record may be signed by another individual at the direction of the donor or other person and shall:
- (a) Be witnessed by at least two (2) adults, at least one (1) of whom is a disinterested witness, who have signed at the request of the donor or the other person; and
- (b) State that it has been signed and witnessed as provided in paragraph (a) of this subsection.
- (3) Revocation, suspension, expiration, or cancellation of a driver's license or identification card upon which an anatomical gift is indicated does not invalidate the gift.
- (4) An anatomical gift made by will takes effect upon the donor's death whether or not the will is probated. Invalidation of the will after the donor's death does not invalidate the gift.
- (5) The making of an anatomical gift shall not under any circumstances be construed to authorize or direct the denial of health care or hydration and nourishment when the withholding or withdrawal of health care or hydration and nourishment will result in or hasten death.

Signed by Governor March 10, 2022.

CHAPTER 17

(SB 64)

AN ACT relating to peer counseling for public safety employees.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO READ AS FOLLOWS:

(1) *As used in this section:*

- (a) *"Public safety employee" means an individual employed by a public agency who:*
1. *Serves as a police officer as defined by KRS 15.420(2)(a)1.;*
 2. *Serves in a position that is primarily engaged in firefighting activities, whether paid or unpaid;*
 3. *Serves as a certified telecommunicator as provided by KRS 15.560 to 15.565; or*
 4. *Is licensed to provide emergency medical services as provided by KRS Chapter 311A;*
- (b) *"Peer support communication" means any oral or written communication made in the course of, or application for, a peer support counseling session or any communication by a peer support participant regarding the contents of a peer support counseling session to another peer support specialist, staff member of a peer support counseling program, or the supervisor of a peer support specialist;*
- (c) *"Peer support counseling program" means a program provided by a public agency to provide counseling services from a peer support specialist to a public safety employee;*
- (d) *"Peer support counseling session" means any counseling formally provided through a peer support counseling program between a peer support specialist and one (1) or more public safety employees;*

- (e) *"Peer support participant" means a public safety employee who receives counseling services from a peer support specialist;*
 - (f) *"Peer support specialist" means a public safety employee designated by the public agency to provide peer support counseling who has received training in both peer support counseling and in providing emotional and moral support to public safety employees who have been in or exposed to an emotionally traumatic experience in the course of employment; and*
 - (g) *"Public agency" has the same meaning as the entities listed in KRS 65.870 (1).*
- (2) *Any public agency may create and design a peer support counseling program to provide support to public safety employees who have been in or exposed to an emotionally traumatic experience in the course of employment.*
 - (3) *The content of any peer support communication shall remain confidential and shall not be disclosed to any individual who was not party to the peer support counseling session or peer support communication, except when the peer support communication contains:*
 - (a) *An explicit threat of suicide by a participant in which the participant shares an intent to die by suicide, a plan to carry out a suicide attempt, or discloses the means by which the participant intends to carry out a suicide attempt. This paragraph shall not apply to any peer support communication where the participant solely shares that the participant is experiencing suicidal thoughts;*
 - (b) *An explicit threat by a participant of imminent and serious physical and bodily harm or death to a clearly identified or reasonably identifiable victim;*
 - (c) *Information related to the abuse or neglect of a child or an older adult or vulnerable individual that is required by law to be reported;*
 - (d) *An admission of criminal conduct; or*
 - (e) *Information which is required by law to be disclosed.*
 - (4) *A peer support participant shall hold a privilege from disclosure of any peer support communication in any disciplinary proceeding or any civil or criminal proceeding unless it contains information exempted under subsection (3)(b), (c), (d), or (e) of this section. Under this privilege, the peer support communication shall be subject to the same protections as any counselor-client privilege provided under the Kentucky Rules of Evidence in any criminal or civil proceeding.*
 - (5) *Nothing in subsections (3) or (4) of this section shall be interpreted or construed to prohibit:*
 - (a) *The use of or sharing by the public agency of anonymous data for research, statistical analysis, or educational purposes;*
 - (b) *The disclosure of an observation by an employee of the public agency of a peer support participant outside of a peer support counseling session and not contained in peer support communication; or*
 - (c) *The disclosure of knowledge of a law enforcement officer of the public agency about a peer support participant not gained from peer support communication.*

➔Section 2. (1) The Task Force for Public Safety Peer Support Best Practices is hereby created and shall be attached to the Department for Behavioral Health, Developmental and Intellectual Disabilities within the Cabinet for Health and Family Services for administrative purposes. The task force shall:

- (a) Be chaired by the Commissioner of the Department for Behavioral Health, Developmental and Intellectual Disabilities or his or her designee;
- (b) Be composed of twelve (12) additional representatives appointed by the Commissioner of the Department for Behavioral Health, Developmental and Intellectual Disabilities, which shall include:
 1. A representative of the Kentucky Fraternal Order of Police;
 2. A representative of the Kentucky Professional Firefighters Association;
 3. A representative of the Kentucky Department of Criminal Justice Training;
 4. A representative of the Kentucky Fire Commission;
 5. A representative of the Kentucky League of Cities;

6. A representative of the Kentucky Association of Counties;
 7. A representative of the Kentucky Board of Emergency Medical Services;
 8. A representative of the Kentucky Association of Public Safety Communications Officials and Kentucky Emergency Number Association;
 9. An individual licensed to provide emergency medical services under KRS Chapter 311A; and
 10. Three (3) individuals that have experience and expertise in peer counseling services;
- (c) Develop a report on best practices and professional standards for peer support counseling programs within one (1) year of the effective date of this Act. The best practices report shall include:
1. Advice on establishing and operating peer support counseling programs successfully;
 2. Recommendations on minimum standards for the training, certification, and continuing education of peer support specialists;
 3. Recommendations of ethical standards and protocols for peer support specialists;
 4. Advice on disclosures to the public safety employees of their confidentiality rights as a peer support participant under subsection (4) of Section 1 of this Act;
 5. Information on different types of peer support counseling programs in use and available to public safety employees and their agencies; and
 6. Information on the importance of peer support counseling programs and peer support specialists and access to additional mental health resources available to public safety employees.
- (2) The Department for Behavioral Health, Developmental and Intellectual Disabilities shall disseminate and make publicly available the task force's report to employers of public safety employees.

Signed by Governor March 17, 2022.

CHAPTER 18

(HB 284)

AN ACT relating to motor vehicles.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 186A IS CREATED TO READ AS FOLLOWS:

As used in this chapter:

- (1) *"Approved entity" means:*
 - (a) *A motor vehicle dealer licensed under KRS Chapter 190 that applies to and is approved by the Transportation Cabinet to facilitate the title application process through the electronic title application and registration system;*
 - (b) *A state or federal financial institution chartered under the laws of this state, any other state, or the United States as a bank insured by the Federal Deposit Insurance Corporation (FDIC), bank holding company, trust company, credit union, savings and loan association, or a holding company or service corporation subsidiary thereof, or any agent of any of the entities listed in this paragraph;*
 - (c) *An owner of a fleet as defined in this section that applies to and is approved by the Transportation Cabinet to facilitate renewal of registration or maintenance of permanent registration under Section 13 of this Act through the electronic title application and registration system; and*
 - (d) *A retailer of manufactured homes, mobile homes, or recreational vehicles, as defined in KRS 227.550, that applies to and is approved by the Transportation Cabinet to facilitate the title application process through the electronic title application and registration system;*
- (2) *"Cabinet" means the Transportation Cabinet;*

- (3) *"Electronic title application and registration system" means a system established under Section 2 of this Act by which title applications, title lien statements, other supporting documents, signatures, and fees are input and transmitted through the title application and registration process in an electronic format;*
- (4) *"Fleet" means:*
- (a) *A group of at least one hundred fifty (150) U-Drive-It vehicles owned by the holder of a U-Drive-It certificate; or*
 - (b) *A group of at least ten (10) nonapportioned commercial motor vehicles owned by a company and used for business purposes; and*
- (5) *"Title lien statement" means a document, submitted by a secured party or authorized agent, to the cabinet through any county clerk's office in the Commonwealth, to note the security interest on the certificate of title, or to amend or terminate a security interest on the certificate of title.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 186A IS CREATED TO READ AS FOLLOWS:

- (1) *The cabinet shall establish an electronic title application and registration system which allows the submission of the required forms and signatures electronically in lieu of the paper title application process.*
- (2) *The electronic title application and registration system established under this section shall:*
- (a) *Collect all the necessary information required under KRS 186A.060;*
 - (b) *Collect and electronically transmit all fees imposed under KRS 186.040, 186.050, 186.162, and 186A.130, any fees imposed under subsection (6) of this section, and the motor vehicle use tax levied under KRS 138.460;*
 - (c) *Accept electronic signatures which satisfy the requirements of KRS 369.101 to 369.120; and*
 - (d) *Transmit the information in a secure manner.*
- (3) *An approved entity that wishes to use the electronic title application and registration system shall transmit all application documents, required electronic signatures, and fees through the system to the county clerk of the county in which either the purchaser of the vehicle resides or the motor vehicle dealer selling the vehicle is located. A county clerk who receives an application transmitted through the system shall, by 3 p.m. the next business day, either:*
- (a) *Accept the application and forward it to the cabinet; or*
 - (b) *Reject the application and return it to the approved entity.*
- (4) *An entity that wishes to become an approved entity for the purposes of this chapter shall submit an application to the cabinet, along with a one hundred fifty dollar (\$150) application fee. If approved, the entity shall pay an annual registration fee to the cabinet. All fees collected under this subsection shall be deposited into the road fund.*
- (5) *The cabinet shall enter into contracts with qualified third-party providers to integrate with AVIS and other systems to provide software and programs to approved entities to facilitate electronic vehicle registration, titling, and filing of title lien statements. A third party that contracts with the cabinet under this section may act on behalf of the cabinet and county clerks in receiving, processing, and transmitting to the county clerk title and registration applications, title lien statements, and related documents and fees.*
- (6) *Any agreement with the cabinet and a third-party provider under subsection (5) of this section shall authorize an online transaction fee to be charged by the third-party provider to an approved entity. A motor vehicle dealer licensed under KRS Chapter 190 who uses the electronic title application and registration system to file the documentation necessary to obtain a certificate of title or registration for the purchaser of a vehicle shall collect from the purchaser any fees charged for the transaction by the third-party provider. The dealer shall remit fees collected under this subsection to the county clerk through the electronic title application and registration system. Any transaction fee charged under this subsection shall be listed separately on the buyer's order and identified as "on-line system filing fee."*
- (7) *The cabinet shall promulgate administrative regulations in accordance with KRS Chapter 13A to establish qualifications for approved entities and procedures for the electronic title application and registration system.*

➔Section 3. KRS 186A.165 is amended to read as follows:

- (1) **Except as provided in subsection (4) of this section**, not later than 3 p.m. on the next business day after an application for a ~~first~~ certificate of registration or title **and registration** for a vehicle is received ~~by him~~, the county clerk shall **complete a** ~~prepare on forms supplied by the Department of Vehicle Regulation, an application~~ transmittal record.
- (2) ~~(1)~~ The clerk shall indicate thereon in the spaces provided, the name of his **or her** county, the date or time period the transmittal relates to and, in the order they are to be attached to the transmittal record, a notation for each application attached consisting of the applicant's last name and initials or if the applicant is other than an individual, the name commonly used by the applicant and any other information required upon the form as indicated thereon.
- (3) ~~(2)~~ The clerk shall ensure that the original of all applications noted on the transmittal, together with the original of all required supporting documents are attached to the transmittal record in the order shown thereon, and shall thereafter sign and date the original of the transmittal record as of the date the transmittal is being forwarded to Frankfort.
- ~~(3) The county clerk shall place the original of each application record, with the original of each application shown thereon, and its required supporting documents, together with the acknowledgment of the transmittal record, in the envelope or other container provided by the Department of Vehicle Regulation and forward to the Division of Motor Vehicle Licensing in Frankfort.~~
- (4) **This section shall not apply to applications for title using the electronic title application and registration system established under Section 2 of this Act.**

➔Section 4. KRS 186A.120 is amended to read as follows:

- (1) **Except for applications for title using the electronic title application and registration system established under Section 2 of this Act**, application for a first certificate of registration or title and plate ~~;~~ shall be made by the owner to the county clerk of the county in which **the owner** ~~he~~ resides, except that, if a vehicle is purchased from a dealer other than in the county in which the purchaser for use resides, the purchaser, or the dealer on behalf of the purchaser, may make application for registration to the county clerk in either the county in which the purchaser resides, or in the county in which the dealer's principal place of business is located.
- (2) (a) When purchaser of a vehicle upon which a lien is to be recorded is a resident of a county other than that of the dealer, the application for registration or title may be made to the county clerk in either county. The lien must be recorded in the county of the purchaser's residence.
- (b) If vehicle application for registration or title is presented to the county clerk of dealer's location rather than purchaser's residence, the clerk shall process documents in a manner similar to that of any application, with the exception that the AVIS system shall be programmed in a manner that the title shall not be issued from Frankfort until the lien information has been entered by the county clerk of the purchaser's residence.
- (3) (a) A new vehicle, when first registered or titled in this state, shall be registered or titled in the name of the first owner for use rather than in the name of a dealer who held the vehicle for sale.
- (b) Except as otherwise provided in this chapter, a used vehicle not previously registered or titled in this state shall be registered or titled in the name of the first owner for use rather than in the name of a dealer who held the vehicle for resale.
- (4) If the owner of a vehicle required to be registered or titled in this state does not reside in the Commonwealth, the vehicle shall be registered or titled with the county clerk of the county in which the vehicle is principally operated.
- (5) If the owner of a vehicle is other than an individual and resides in the Commonwealth, the vehicle shall be registered or titled with the county clerk in either the county in which the owner resides or in the county in which the vehicle is principally operated.

➔Section 5. KRS 186A.125 is amended to read as follows:

- (1) **Except as provided in subsection (5) of this section**, application for a first certificate of registration, or title, in the name of an owner shall be made on forms prescribed by the Department of Vehicle Regulation consistent with this chapter, which shall be available from any county clerk.
- (2) Application forms shall be completed, except as to required signatures, by legibly printing in ink, or typing all required information.

- (3) The application, when presented to the county clerk, shall contain all required information and be fully executed with all required supporting documentation and fees.
- (4) The county clerk shall reject any application upon which the information provided is not legibly printed or typed, the required information is not supplied, not accompanied by required supporting documents, not properly executed with signatures when required, or when the clerk determines that the application is improper or that the applicant is not entitled to registration or title of the vehicle for which registration or title is sought, or in the absence of the required fees.
- (5) *This section shall not apply to applications for title using the electronic title application and registration system established under Section 2 of this Act.*

➔SECTION 6. KRS 186A.195 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

- (1) *As used in this section, submission of a title lien statement refers to the presentation of a title lien statement, along with the fees required under KRS 64.012(1)(b), to the cabinet through any county clerk's office in the Commonwealth.*
- (2) *Upon submission of a title lien statement, the county clerk shall use the information on the form to note the security interest on the certificate of title in accordance with subsection (9) of Section 9 of this Act. Title lien statements may be made available to the general public. However, public availability of a title lien statement shall not be considered necessary or effective to perfect a security interest in property required to be registered or titled in accordance with this chapter.*
- (3) (a) *If the submission of a title lien statement accompanies the application for first title of any property in the name of an owner, the county clerk shall enter the information required by subsection (9) of Section 9 of this Act into the system of record so as to allow the cabinet to:*
 - 1. *Use the system of record as a centralized, statewide repository for lien filings; and*
 - 2. *Produce a certificate of title bearing the information designated by subsection (9) of Section 9 of this Act, as well as any other information required by the cabinet.*
- (b) *After the information has been entered, the county clerk shall produce a certificate of registration, if required.*
- (4) (a) *If the form prescribed by KRS 186A.060 indicates a pending lien, but the title lien statement does not accompany the application for title, the county clerk shall enter into the system of record the name and address of the lienholder or that a lien is pending. The county clerk shall indicate a title shall not be issued until either the title lien statement and the required fees are submitted, or in thirty (30) days, whichever occurs first. The county clerk shall then issue the registration.*
- (b) *After submission of the title lien statement, the county clerk shall enter the date of lien notation and the notation number into the system of record, enabling the cabinet to record the lien in the system of record and produce a title.*
- (5) *If a certificate of title is issued after the thirty (30) day time window identified in subsection (4) of this section has expired without the notation of a security interest, or if a title has been issued because there was no provision made for a lien to be noted within thirty (30) days, a secured party wishing to note a security interest on a title shall submit a title lien statement. The county clerk shall enter the information required by subsection (9) of Section 9 of this Act into the system of record and a new certificate of title reflecting the security interest shall be produced.*
- (6) *The fee for the filing of a title lien statement through the electronic title application and registration system shall be transferred electronically to the county clerk of the county in which the debtor resides.*
- (7) *The security interest noted on the certificate of title shall be deemed perfected at the time the security interest attaches in accordance with KRS 355.9-203 if the secured party submits a properly completed title lien statement with application for first title or, in the case of property previously titled in the name of the debtor, within thirty (30) days of attachment. Otherwise, the security interest shall be deemed perfected at the time that the title lien statement is submitted.*

➔Section 7. KRS 186A.200 is amended to read as follows:

- (1) With respect to a vehicle previously titled in the name of its debtor, the secured party shall, within thirty (30) days after execution of the security agreement, *submit a title lien statement in accordance with Section 6 of this Act* ~~obtain the current certificate of title in the name of the debtor, with no more than one (1) prior lien~~

~~indicated thereon, and present to the county clerk the certificate of title, which the secured party shall have the right to obtain from the debtor, together with the title lien statement and the required fees in KRS 186A.190 to the county clerk.~~

- (2) For failure to present ~~both~~ the ~~title and~~ title lien statement within the time prescribed by subsection (1) of this section, the secured party shall pay a penalty of two dollars (\$2) to the county clerk as a prerequisite for noting the security interest on the title.
- (3) The county clerk shall enter the information required by KRS 186A.190(9) into *the system of record established under Section 6 of this Act, enabling the cabinet to record the lien in the system of record and produce a title*~~the automated system~~.
- ~~(4) The county clerk shall record upon the title in the appropriate section the information designated by KRS 186A.190(9).~~

➔Section 8. KRS 186.045 is amended to read as follows:

- (1) A perfected security interest in a motor vehicle that has been satisfied by payment in full shall be deemed to have been discharged if one (1) or both of the following events has occurred:
 - (a) The funds to pay in full and discharge the security interest have been provided to the secured party in the form of a cashier's check, certified check, or wire transfer; or
 - (b) The debt has been paid to a secured party who is no longer in existence or has failed to file the necessary documents to discharge the lien.
- (2) If payment in full has been made under subsection (1)(a) of this section, the discharge of the lien shall be made not later than ten (10) days from the receipt of the payment.
- (3) When a security interest has been paid in full and a termination statement or discharge has not been filed, the debtor may petition the Circuit Court in the county of the debtor's residence to order the discharge of the security interest. The debtor shall present written evidence to the Circuit Court that the security interest has been paid in full. If the evidence presented to the Circuit Court proves to the court's satisfaction that the security interest has been paid in full, the court shall order the county clerk to note the termination on the title and to remove the lien from the Automated Vehicle Information System (AVIS). A copy of the court's order shall immediately be sent to the county clerk in the county where the security interest was originally filed and the county clerk shall discharge the security interest and remove the lien information from AVIS in accordance with the provisions of this section.
- (4) Whenever a security interest has been discharged, other than by proceedings under Part 6 of Article 9 of KRS Chapter 355 or similar proceedings, the secured party shall:
 - (a) **1. For a security interest perfected prior to the effective date of this Act:**
 - a. Deliver an authenticated termination statement in the manner required by KRS 355.9-513 ~~and 186A.195~~ to the county clerk of the county in which the title lien statement was submitted; or
 - b.~~(b)~~ Have a county clerk from another county submit by fax or other form of electronic communication available and acceptable to both sender and recipient, and verified verbally or by electronically assigned identification as being from the sending clerk, and which is able to be copied to an electronic or paper file, on that county clerk's letterhead, an authenticated termination statement in the manner required by KRS ~~186A.195 and~~ 355.9-513 to the county clerk of the county in which the title lien statement was submitted. The county clerk, upon receipt of the authenticated termination statement in the manner prescribed under this paragraph, shall verify the legitimacy of the document; **or**
 - 2. For a security interest perfected on or after the effective date of this Act, submit an authenticated termination statement to a county clerk in the same manner as a title lien statement under Section 6 of this Act; and**~~[-]~~
- (b) ~~{The secured party shall also }~~Deliver a copy of the termination statement to the debtor or the debtor's transferee.

For failure to file the termination statement within the allowable time, the secured party shall be subject to the penalty provided in KRS 186.990(1). Except as provided in subsection (3) of this section, within five (5) days after the receipt of ~~these~~~~such~~ documents, the county clerk shall ~~enter~~~~note~~ the filing *into the system of*

~~record in the index, in language prescribed by the cabinet, that the termination statement has been filed. Upon presentation of the owner's title showing a security interest to the county clerk where the termination statement was submitted, and with the copy of the termination statement submitted by the secured party, the clerk shall discharge the security interest by noting on the title that the termination statement has been filed and place the seal of the county clerk thereon. The clerk shall return the owner's title to the owner.~~ The county clerk shall then file the termination statement in the place from which the title lien statement was removed. Termination statements shall be retained in the clerk's files for a period of two (2) years subsequent to the date of filing a statement, at which time they may be destroyed. The fee for these services are included in the provisions of KRS 186A.190.

- (5) Upon presentation of an owner's title showing a security interest to the county clerk of a county where the termination statement was not delivered, the county clerk shall access the automated system to determine whether a record of termination of the security interest has been entered into the automated system by the county clerk where the termination statement was delivered by the secured party as provided in KRS 186A.210. If a record of termination has been entered into the automated system, the county clerk of the county where the termination statement was not delivered~~[-]~~ shall note the discharge of the security interest on the certificate of title by noting that the termination statement has been delivered, the county where it was delivered, and placing the seal of the county clerk thereon and may rely on the automated system to do so. If a record of termination has not been entered into the automated system, the county clerk of the county other than where the termination statement was delivered shall not make any notation upon the certificate of title that the security interest has been discharged or that a termination statement has been delivered to the county where the title lien statement was submitted.
- (6) Whenever any secured party repossesses a vehicle titled in Kentucky, for which a security interest is in existence at the time of repossession, and disposes of the vehicle pursuant to the provisions of KRS Chapter 355, the secured party shall present, within fifteen (15) days after ~~the~~~~such~~ disposition, the vehicle's license plate if the plate has not been retained by the previous owner, an affidavit in a form prescribed by the department, proof of notification of all interested parties pursuant to KRS 186A.190 and 355.9-611, and a termination statement or proof that a termination statement has been filed. The new owner shall pay to the county clerk all applicable fees for titling and transferring the vehicle into his or her name. Upon receipt of ~~the~~~~such~~ documents, the county clerk who issued the lien shall then omit from the *new* title~~[- he makes]~~ application~~[- for]~~ any information relating to the security interest under which the vehicle was repossessed or any security interest subordinate thereto. However, any security interest, as shown by ~~the~~~~such~~ title which is superior to the one under which the vehicle was repossessed, shall be shown on the title issued by the clerk unless the prior secured party has discharged the security interest in the clerk's office or proof of termination is submitted, if the prior security interest was discharged in another clerk's office.
- (7) Whenever any vehicle brought into Kentucky is required to be titled and the vehicle is then subject to a security interest in another state as shown by the out-of-state documents presented to the clerk, the county clerk is prohibited from processing the application for title on the vehicle unless the owner obtains from the secured party a financing statement or title lien statement and presents same to the clerk along with the fees required in KRS 186A.190. The clerk shall note the out-of-state security interest on the certificate of title. This provision does not apply to vehicles required to be registered in Kentucky under forced registration provisions under KRS 186.145.
- (8) The fees provided for in this section are in addition to any state fee provided for by law.
- (9) Any person violating any provision of this section or any person refusing to surrender a certificate of title registration and ownership or transfer certificate upon request of any person entitled thereto, is subject to the penalties provided in subsection (1) of KRS 186.990.
- (10) The county clerk is prohibited from noting any security interest on a certificate of title on any vehicle subject to the provisions of KRS Chapter 186A if a certificate of title therefor is presented to ~~the clerk~~~~him~~ which has all the spaces provided thereon for noting security interests fully exhausted. The owner is responsible for ensuring that a discharge is noted on the certificate of title for each security interest and then a duplicate title as provided for in KRS 186A.180 shall be obtained from the clerk by the owner of the vehicle.
- (11) Security interests in vehicles sold to or owned by residents of other states shall be perfected in the state of the nonresident and repossession of the vehicle shall be taken pursuant to the laws of that state, unless:
 - (a) The vehicle is principally operated in Kentucky;
 - (b) The vehicle is properly titled in Kentucky under KRS Chapter 186A; and

- (c) The security interest is authorized to be noted on the certificate of title by the county clerk under KRS Chapter 186A.
- (12) A county clerk who accepts an authenticated termination statement and complies with the verification requirements of subsection ~~(4)(a)1.b.~~~~(4)(b)~~ of this section shall be held harmless from any liability arising from fraudulent termination statements.

➔Section 9. KRS 186A.190 is amended to read as follows:

- (1) Except as provided in subsection (6) of this section and in KRS 355.9-311(4), the perfection of a security interest in any property for which has been issued a Kentucky certificate of title shall be by notation on the certificate of title which shall be deemed to have occurred when the provisions of subsection (3) of this section have been complied with. Discharge of a security interest shall be by notation on the certificate of title. Notation shall be made by the entry of information required by subsection (9) of this section into the Automated Vehicle Information System. The notation of the security interest on the certificate of title shall be in accordance with this chapter and shall remain effective from the date on which the security interest is noted on the certificate of title for a period of ten (10) years, or, in the case of a manufactured home, for a period of thirty (30) years, or until discharged under this chapter and KRS Chapter 186. The filing of a continuation statement within the six (6) months preceding the expiration of the initial period of a notation's effectiveness extends the expiration date for five (5) additional years, commencing on the day the notation would have expired in the absence of the filing. Succeeding continuation statements may be filed in the same manner to continue the effectiveness of the initial notation.
- (2) A motor vehicle dealer, a secured party or its representative, an assignee of a retail installment contract lender, *the cabinet*, or a county clerk shall rely on a county of residence designated by the debtor on any approved, notarized state form utilized in lien titling or the title transfer process signed by the debtor. Reliance on the foregoing by the motor vehicle dealer, secured parties, *cabinet*, and county clerk shall relieve those persons from liability to any third party claiming failure to comply with this section.
- (3) Except as provided in subsection (6) of this section, the notation of security interests relating to property required to be titled under this chapter in Kentucky through the *cabinet*~~county clerk~~ shall be done in the office of ~~a~~~~the~~ county clerk. ***The notation of a security interest shall reflect***~~of~~ the county in which the debtor resides as determined by subsections (2) and (4) of this section. The security interest shall be deemed to be noted on the certificate of title and perfected, or deemed perfected at the time the security interest attaches as provided in KRS 355.9-203, if in compliance with KRS 186A.195(7)~~(5)~~, when a title lien statement:
- Is received by the county clerk,~~in the county in which residence of the debtor resides as determined under the provisions of this section~~ together with the required fees~~, as designated by the debtor in the sworn statement~~;
 - Describes the titled vehicle, or vehicle to be titled, by year, model, make, and vehicle identification number;
 - Provides the name of the secured party, or a representative of the secured party, together with the additional information about the secured party required by subsection (9) of this section with reasonable particularity; and
 - Includes the date and time-stamped entry of the notation of the security interest by the county clerk of the required information in the Automated Vehicle Information System (AVIS), or its successor title processing system maintained by the Division of Motor Vehicle Licensing of the Transportation Cabinet.
- (4) Except as provided in subsection (6) of this section, if the debtor is other than a natural person, the following provisions govern the determination of the county of the debtor's residence:
- A partnership shall be deemed a resident of the county in which its principal place of business in this state is located. If the debtor does not have a place of business in this state, then the debtor shall be deemed a nonresident for purposes of filing in this state;
 - A limited partnership organized under KRS Chapter 362 or as defined in KRS 362.2-102(14) shall be deemed a resident of the county in which its principal place of business is located, as set forth in its certificate of limited partnership or most recent amendment thereto filed pursuant to KRS Chapter 362 or 362.2-202. If ~~the~~~~such~~ office is not located in this state, the debtor shall be deemed a nonresident for purposes of filing in this state;

- (c) A limited partnership not organized under the laws of this state and authorized to do business in this state shall be deemed a resident of the county in which the office of its process agent is located, as set forth in the designation or most recent amendment thereto filed with the Secretary of State of the Commonwealth of Kentucky;
- (d) A corporation organized under KRS Chapter 271B, 273, or 274 or a limited liability company organized under KRS Chapter 275 shall be deemed a resident of the county in which its registered office is located, as set forth in its most recent corporate filing with the Secretary of State which officially designates its current registered office;
- (e) A corporation not organized under the laws of this state, but authorized to transact or do business in this state under KRS Chapter 271B, 273, or 274, or a limited liability company not organized under the laws of this state, but authorized to transact business in this state under KRS Chapter 275, shall be deemed a resident of the county in which its registered office is located, as set forth in its most recent filing with the Secretary of State which officially designates its current registered office;
- (f) A cooperative corporation or association organized under KRS Chapter 272 shall be deemed a resident of the county in which its principal business is transacted, as set forth in its articles of incorporation or most recent amendment thereto filed with the Secretary of State of the Commonwealth of Kentucky;
- (g) A cooperative corporation organized under KRS Chapter 279 shall be deemed a resident of the county in which its principal office is located, as set forth in its articles of incorporation or most recent amendment thereto filed with the Secretary of State of the Commonwealth of Kentucky;
- (h) A business trust organized under KRS Chapter 386 shall be deemed a resident of the county in which its principal place of business is located, as evidenced by the recordation of its declaration of trust in that county pursuant to KRS Chapter 386;
- (i) A credit union organized under Subtitle 6 of KRS Chapter 286 shall be deemed a resident of the county in which its principal place of business is located, as set forth in its articles of incorporation or most recent amendment thereto filed with the Secretary of State of the Commonwealth of Kentucky; and
- (j) Any other organization defined in KRS 355.1-201 shall be deemed a resident of the county in which its principal place of business in this state is located, except that any limited liability company, limited liability partnership, limited partnership, or corporation not organized under the laws of this state and not authorized to transact or do business in this state shall be deemed a nonresident for purposes of filing in this state. If the organization does not have a place of business in this state, then it shall be deemed a nonresident for purposes of filing in this state.

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

- (5) Except as provided in subsection (6) of this section, before ownership of property subject to a lien evidenced by notation on the certificate of title may be transferred, the transferor shall obtain the release of the prior liens in his *or her* name against the property being transferred. Once a security interest has been noted on the owner's title, a subsequent title shall not be issued by any county clerk free of the notation unless ~~the owner's title is presented to the clerk and~~ it has been noted *in the system of record established under Section 6 of this Act* ~~thereon~~ that the security interest has been discharged. If this requirement is met, information relating to any security interest shown on the title as having been discharged may be omitted from the title to be issued by the clerk. If information relating to the discharge of a security interest is presented to a clerk under the provisions of KRS 186.045(3), the clerk shall discharge the security interest and remove the lien information from AVIS.
- (6) Notwithstanding subsections (1) to (5) of this section, a county clerk shall, following inspection of the vehicle by the sheriff, to determine that the vehicle has not been stolen, issue a new ownership document to a vehicle, clear of all prior liens, to a person after he or she provides to the county clerk an affidavit devised by the Transportation Cabinet and completed by the person. The ownership document presented as a result of this affidavit shall be in accordance with subsection (7) of this section. In the affidavit, the affiant shall attest that:

- (a) The affiant or the agent of the affiant possesses the vehicle;
 - (b) Before he or she provided the notices required by paragraphs (c) and (d) of this subsection:
 - 1. A debt on the vehicle has been owed him or her for more than thirty (30) days;
 - 2. Within thirty (30) days of payment of damages by an insurance company and receipt by the current owner of the motor vehicle or lienholder of damages pursuant to a claim settlement which required transfer of the vehicle to the insurance company, the insurance company has been unable to obtain:
 - a. A properly endorsed certificate of title on the vehicle from the current owner; and
 - b. If applicable, any lien satisfactions; or
 - 3.
 - a. The vehicle was voluntarily towed or transported pursuant to a request of the current owner or an insurance company that a motor vehicle dealer, licensed as a used motor vehicle dealer and motor vehicle auction dealer, take possession of and store the motor vehicle in the regular course of business; and
 - b. Within forty-five (45) days of taking possession of the motor vehicle, the motor vehicle dealer has not been paid storage fees by the current owner or lienholder and has not been provided both a properly endorsed certificate of title and if applicable, any lien satisfactions;
 - (c) More than thirty (30) days before presenting the affidavit to the county clerk, the affiant attempted to notify the owner of the vehicle and all known lienholders, including those noted on the title, by certified mail, return receipt requested, or by a nationally recognized courier service, of his or her name, address, and telephone number as well as his or her intention to obtain a new title or salvage title, as applicable, clear of all prior liens, unless the owner or a lienholder objects in writing;
 - (d) More than fourteen (14) days before presenting the affidavit to the county clerk, the affiant had published a legal notice stating his or her intention to obtain title to the vehicle. The legal notice appeared at least twice in a seven (7) day period in a newspaper with circulation in the county. The legal notice stated:
 - 1. The affiant's name, address, and telephone number;
 - 2. The owner's name;
 - 3. The names of all known lienholders, including those noted on the title;
 - 4. The vehicle's make, model, and year; and
 - 5. The affiant's intention to obtain title to the vehicle unless the owner or a lienholder objects in writing within fourteen (14) days after the last publication of the legal notice; and
 - (e) Neither the owner nor a lienholder has objected in writing to the affiant's right to obtain title to the vehicle.
- (7)
 - (a) If subsection (6)(b)1. of this section applies, the new ownership document shall be a title.
 - (b) If subsection (6)(b)2. or 3. of this section applies, the new ownership document shall be a salvage title if the vehicle meets the requirements for a salvage title as stated in KRS 186A.520(1)(a).
 - (c) If subsection (6)(b)2. or 3. of this section applies and the vehicle does not meet the requirements for a salvage title as stated in KRS 186A.520(1)(a), the new ownership document shall be a title.
 - (8) No more than two (2) active security interests may be noted upon a certificate of title.
 - (9) In noting a security interest upon a certificate of title, the county clerk shall ensure that the certificate of title bears the lienholder's name, mailing address and zip code, the date the lien was noted, the notation number, and the county in which the security interest was noted. The clerk shall obtain the information required by this subsection for notation upon the certificate of title from the title lien statement described in KRS 186A.195 ~~to be provided to the county clerk by the secured party~~.
 - (10) For all the costs incurred in the notation and discharge of a security interest on the certificate of title, the county clerk shall receive the fee prescribed by KRS 64.012. The fee prescribed by this subsection shall be paid at the time of submittal of the title lien statement described in KRS 186A.195.

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

➔Section 10. KRS 186A.205 is amended to read as follows:

Whenever a security interest is assigned as provided by KRS 186.045(4), the county clerk~~[of a county that is operating under automated procedures]~~ shall~~[, in addition to carrying out his requirements stated therein,]~~ enter the record of lien assignment into *the system of record established under Section 6 of this Act*~~[the automated system]~~ in the manner directed by the Department of Vehicle Regulation.

➔Section 11. KRS 186A.210 is amended to read as follows:

- (1) When a security interest has been discharged under the provisions of KRS 186.045(3), the county clerk shall discharge the security interest and remove the lien information from AVIS.
- (2) When a security interest has been discharged as provided by KRS 186.045(4), the county clerk~~[of a county that is operating under automated procedures]~~ shall, upon receiving a termination statement, within five (5) days enter the record of termination into *the system of record established under Section 6 of this Act*~~[the automated system. The automated system shall be programmed to allow a county clerk in a county where the termination statement was not received to access the automated system to determine the county and date that the record of termination was entered into the automated system. The clerk of the county where the termination statement was received shall then release the lien recorded upon the title in the manner directed by the Department of Vehicle Regulation]~~, and take such other action with respect to a termination as is directed by the Department of Vehicle Regulation.

➔SECTION 12. A NEW SECTION OF KRS CHAPTER 281 IS CREATED TO READ AS FOLLOWS:

- (1) *A U-Drive-It who becomes an approved entity as defined in Section 1 of this Act may use the electronic title application and registration system established under Section 2 of this Act to:*
- (a) *Apply for initial or renewal registration on vehicles in its fleet; or*
- (b) *Submit the appropriate fees and taxes to maintain permanent registration on vehicles in its fleet in accordance with Section 13 of this Act.*
- (2) *The cabinet shall promulgate administrative regulations in accordance with KRS Chapter 13A to set forth procedures for holders of U-Drive-It certificates who meet the definition of an approved entity under Section 1 of this Act to access the electronic title application and registration system for initial or renewal registration and payment of annual fees and taxes on permanent registrations.*

➔SECTION 13. A NEW SECTION OF KRS CHAPTER 186A IS CREATED TO READ AS FOLLOWS:

- (1) *The cabinet shall establish procedures whereby an owner or lessee of fleet vehicles may be issued permanent fleet registration plates for vehicles in its fleet.*
- (2) *The owner of a fleet of motor vehicles shall, upon application in the manner and at the time prescribed and upon approval by the department, payment of ad valorem taxes under KRS Chapter 132, and registration fees under KRS 186.040 or 186.050, be issued permanent fleet license plates. Except for U-Drive-It vehicles described in subsection (3)(b) of this section, vehicles with a fleet license plate shall have the company's name or logo and unit number displayed on the vehicle so that they are readily identifiable.*
- (3) (a) *Except as provided in paragraph (b) of this subsection, fleet plates, which shall be of a distinctive color, shall have the word "Fleet" appearing at the bottom, the word "Kentucky" appearing at the top. In all other respects, fleet plates shall conform to the provisions of Section 15 of this Act.*
- (b) *U-Drive-It vehicles owned by a motor vehicle renting company as defined by KRS 281.687 shall be issued regular standard issue license plates. Fleet vehicles under this paragraph shall be issued a decal by the cabinet to denote the permanent registration status of the vehicle.*
- (4) *In addition to the registration fee prescribed by KRS 186.050 for initial and renewal registrations, an annual fleet management fee of two dollars (\$2) per vehicle shall be charged. A one-time license plate manufacturing fee of four dollars (\$4) shall be charged for plates issued for the established number of vehicles in the fleet. All fees collected under this section shall be deposited into the road fund.*
- (5) *Payment of ad valorem taxes and registration fees shall be made annually and shall be evidenced only by the issuance of a single receipt by the cabinet. The provisions of Section 14 of this Act requiring a*

registration receipt be kept in the vehicle shall not apply and no annual registration decal shall be required for vehicles registered in accordance with this section.

- (6) *If a recipient of fleet license plates fails to pay all annual registration fees and ad valorem taxes on vehicles in its fleet properly and in a timely manner, the cabinet may impose a delinquency penalty of:*
- (a) *Ten percent (10%) of the delinquent taxes and fees due, if the failure is for not more than thirty (30) days; and*
 - (b) *An additional ten percent (10%) penalty for each additional thirty (30) days, or fraction thereof, that the failure continues, not to exceed a total penalty of one hundred percent (100%) in the aggregate.*
- (7) *All recipients of fleet license plates authorized by this section shall provide the department with an annual vehicle reconciliation and shall annually surrender all unassigned license plates. Failure to comply with this subsection may result in fines of up to one thousand dollars (\$1,000) for each occurrence or in suspension or termination from the fleet program.*
- (8) *The cabinet shall promulgate administrative regulations in accordance with KRS Chapter 13A to set forth procedures for:*
- (a) *Fleet vehicle owners to apply to the cabinet for permanent registration for their fleet vehicles in accordance with this section; and*
 - (b) *Fleet vehicle owners who qualify as approved entities under Section 1 of this Act to access the electronic title application and registration system for registration renewal and payment of annual fees and taxes on permanent registrations.*

➔Section 14. KRS 186.170 is amended to read as follows:

- (1) Except as provided in this subsection, *Section 13 of this Act*, and ~~in~~ KRS 186.045, the owner shall have the receipt issued by the cabinet through the county clerk constantly in his possession, and shall display the registration plate conspicuously upon the rear of the motor vehicle, except that the registration plate upon a semitrailer-tractor shall be displayed upon the front of the tractor. The owner's copy, or a reproduced copy thereof, of the registration receipt of every motor vehicle, except motorcycles, licensed under KRS 186.050 shall be kept in the vehicle at all times and shall be available for inspection. Plates shall be kept legible at all times and the rear plate shall be illuminated when being operated during the hours designated in KRS 189.030. No rim, frame, or other covering around the plate shall in any way obscure or cover any lettering or decal on the plate; except that, any owner who objects to the display of a trademark of a private corporation which appears on the registration plate shall be entitled to receive a set of decals from the county clerk in his *or her* county of residence to cover the trademark of the private corporation. The owner may apply for the decal by presenting his *or her* certificate of registration either at the time of registration renewal or later. The county clerk shall charge a three dollar (\$3) clerk's fee for issuing the decal set if it is applied for a time other than at registration renewal. If the cabinet has prescribed that plates shall continue in use, it shall each year, in addition to the registration receipt, select and give to the owner as further evidence of registration some insignia which may conveniently be attached permanently and conspicuously to the motor vehicle during each registration year. It shall be the duty of the owner to attach the insignia in the prescribed manner and no person may operate a motor vehicle unless the insignia is affixed upon it. The cabinet shall have placed on the insignia either figures, letters, writing, marks, or a combination thereof, which indicate that the motor vehicle has been registered and which in conjunction with the records of the cabinet make identity of the registrant readily ascertainable.
- (2) The registration year for commercial vehicles, trailers, semitrailers, mobile homes, and recreational vehicles shall be from April 1 to March 31.
- (3) At the discretion of the vehicle owner, the title to a motor vehicle may be held in the system and subsequently printed and mailed to the owner at the owner's request.

➔Section 15. KRS 186.240 is amended to read as follows:

- (1) It shall be the duty of the cabinet to carry out the provisions of KRS 186.005 to 186.260, and:
- (a) Provide to the clerk in each county access to all forms provided for in KRS 186.005 to 186.260;
 - (b) Keep a numerical record of all registration numbers issued in the state and also keep a record of motor or vehicle identification numbers required by KRS 186.160; and

- (c) Furnish to each clerk, originally each year upon estimate, and thereafter upon requisition at all times, a sufficient supply of standard, noncommercial plates and the supplies necessary to provide evidence of registration for all classes of vehicles required to be registered.
- (d) Prescribe a plate of practical form and size for police identification purposes that shall contain:
 1. The registration identifier;
 2. An indication that Kentucky is the issuing jurisdiction;
 3. For standard plates for noncommercial vehicles, the county in which the plate is issued;
 4. For plates for commercial vehicles, the year the license expires and words or information the Department of Vehicle Regulation may prescribe by administrative regulation, pursuant to KRS Chapter 13A; and
 5. At the discretion of the cabinet, a state slogan.

- (2) ***Except as provided in Section 13 of this Act***, license plates issued pursuant to this chapter shall conform to the provisions of subsection (1)(c) and (d) of this section. The Transportation Cabinet shall provide for the issuance of reflectorized plates for all motor vehicles, and shall collect a fee, in addition to the fee set out in KRS Chapter 186 and KRS 281.631, of fifty cents (\$0.50). The fifty cents (\$0.50) fee to reflectorize license plates shall be used by the cabinet as provided in subsection (3) of this section.
- (3) The reflectorized license plate program fund is established in the state road fund and appropriated on a continual basis to the cabinet to administer the moneys as provided in this subsection. The fifty cents (\$0.50) fee collected by the cabinet to reflectorize license plates shall be deposited into the program fund and used to issue reflectorized license plates. If at the end of a fiscal year, money remains in the program fund, it shall be retained in the fund and shall not revert to the state road fund. The interest and income earned on money in the program fund shall also be retained in the program fund to carry out the provisions of this subsection. The Transportation Cabinet shall issue reflectorized license plates under the provisions of this subsection on a schedule to be determined at the discretion of the cabinet.
- (4) Except as directed under subsection (3) of this section, the Transportation Cabinet shall receive all moneys forwarded by the clerk in each county and turn it over to the State Treasurer for the benefit of the state road fund.
- (5) The Transportation Cabinet shall require an accounting by the clerk in each county for any moneys received by him ***or her*** under the provisions of this chapter, after the deduction of his ***or her*** fees under this chapter, and for all receipts, forms, plates, and insignia consigned to him ***or her***. The Auditor of Public Accounts, pursuant to KRS 43.071, shall annually audit each county clerk concerning his ***or her*** responsibilities for the collection of various fees and taxes associated with motor vehicles. The secretary of the Transportation Cabinet, with the advice, consultation, and approval of the Auditor, shall develop and implement an inventory and accounting system which shall insure that the audits mandated in KRS 43.071 are performed in accordance with generally accepted auditing standards. The Transportation Cabinet shall pay for the audits mandated by KRS 43.071.
- (6) When applied for under KRS 186.060 or 186.061, motor or vehicle numbers assigned shall be distinctive to show that they were designated by the cabinet.

➔Section 16. KRS 186.020 is amended to read as follows:

- (1) Before the owner of a motor vehicle~~[, other than a motor vehicle engaged in the transportation of passengers for hire operating under a certificate of convenience and necessity,]~~ may operate it or permit its operation upon a highway, the owner shall apply for registration in accordance with administrative regulations promulgated by the cabinet, except that a person who purchases a motor vehicle, or brings a motor vehicle into the Commonwealth from another state shall make application for registration within fifteen (15) days. The bill of sale or assigned title must be in the motor vehicle during this fifteen (15) day period. If the owner of a motor vehicle is an individual and resides in the Commonwealth, the motor vehicle shall be registered with the county clerk of the county in which he ***or she*** resides. If the owner of a motor vehicle does not reside in the Commonwealth, the motor vehicle shall be registered with the county clerk of the county in which the motor vehicle is principally operated. If the owner of a motor vehicle is other than an individual and resides in the Commonwealth, the motor vehicle shall be registered with the county clerk of either county. The application when presented to the county clerk for registration shall be accompanied by:
 - (a) A bill of sale and a manufacturer's certificate of origin if the application is for the registration of a new motor vehicle;

- (b) The owner's registration receipt, if the motor vehicle was last registered in this state;
 - (c) A bill of sale and the previous registration receipt, if last registered in another state where the law of that state does not require the owner of a motor vehicle to obtain a certificate of title or ownership;
 - (d) A certificate of title, if last registered in another state where the law of that state requires the owner of a motor vehicle to obtain a certificate of title or ownership;
 - (e) An affidavit from an officer of a local government saying that the motor vehicle has been abandoned and that the provisions of KRS 82.630 have been complied with, for local governments which elect to use the provisions of KRS 82.600 to 82.640; and
 - (f) The application from a person who has brought a motor vehicle into the Commonwealth from another state shall be accompanied by proof that the motor vehicle is insured in compliance with KRS 304.39-080.
- (2) After that, except as provided in subsection (6) of this section, the owner of any motor vehicle registered under KRS 186.050(1) or (2) shall register his *or her* motor vehicle on or before the date on which his *or her* certificate of registration expires. If, before operating the motor vehicle in this state, the owner registers it at some later date and pays the fee for the full year, he or she will be deemed to have complied with the law. Insofar as the owner is concerned, registration with the clerk shall be deemed to be registration with the cabinet.
- (3) After that, the owner of any commercial vehicle registered under KRS 186.050(3) to (14) shall register the commercial vehicle on or before April 1 of each year. If, before operating a commercial vehicle in this state, the owner registers it at some later date and pays the required fee, he or she will be deemed to have complied with the law. Insofar as the owner is concerned, registration with the clerk shall be deemed to be registration with the cabinet, except the owner of any commercial motor vehicle to be registered pursuant to the International Registration Plan under KRS 186.050(13) shall register the commercial motor vehicles on or before the last day of the month of registration established pursuant to KRS 186.051(3).
- (4) The application and documents presented therewith, including the sheriff's certificate of inspection, shall be affixed to the Transportation Cabinet copy of the certificate of title or registration and sent to the Transportation Cabinet by the clerk.
- (5) At least forty-five (45) days prior to the expiration of registration of any motor vehicle previously registered in the Commonwealth as provided by KRS 186A.035, the owner of the vehicle shall be notified by mail on the same notice required by KRS 134.805(5) of the date of expiration. In addition, the department shall provide appropriate forms and information to permit renewal of motor vehicle registration to be completed by mail. Any registration renewal by mail shall require payment of an additional two dollar (\$2) fee which shall be received by the county clerk. Nonreceipt of the notice herein shall not constitute a defense to any registration related offense.
- (6) (a) If an individual has been serving in the United States military stationed or assigned to a base or other location outside the boundaries of the United States, he or she shall renew the registration on the vehicle within thirty (30) days of his or her return if:
- 1. The motor vehicle has been stored on a military base during the time of deployment and has not been operated on the public highways during that time; and
 - 2. The vehicle's registration expired during the individual's absence.
- (b) An individual who meets the criteria in paragraph (a) of this subsection shall not be convicted or cited for driving a vehicle with expired registration within thirty (30) days after the individual's return to the Commonwealth if the individual can provide proof of meeting the eligibility criteria under paragraph (a) of this subsection.
- (c) When an individual presents evidence of meeting the criteria under paragraph (a) of this subsection when applying to renew the registration on the motor vehicle, the county clerk shall, when applicable, treat the registration as a prorated renewal under KRS 186.051, and charge the individual a registration fee only for the number of months of the registration year the vehicle will be used on the public highways.
- (7) *The provisions of this section shall not apply to vehicles for which permanent registration has been obtained pursuant to Section 13 of this Act.*

➔Section 17. KRS 186A.080 is amended to read as follows:

No Kentucky certificate of registration, license plate, or certificate of title need be applied for or obtained for:

- (1) A vehicle owned by the United States unless it is registered in this state;
- (2) A vehicle owned by a nonresident of this state, principally operated in another state, properly and currently registered and titled in another state;
- (3) A vehicle regularly engaged in the interstate transportation of persons or property for which a currently effective lawful certificate of title has been issued in another state;
- (4) A vehicle moved solely by animal power;
- (5) An implement of husbandry;
- (6) Special mobile equipment;
- (7) A self-propelled wheelchair or invalid tricycle;
- (8) A pole trailer;
- (9) ~~[A motor vehicle engaged in the transportation of passengers for hire operating under a currently valid certificate of convenience and necessity;~~
- ~~(10)]A moped; and~~
- ~~(10)~~~~(11)~~ An electric low-speed scooter as defined in KRS 189.010.

➔Section 18. KRS 186A.060 is amended to read as follows:

- (1) The Department of Vehicle Regulation is directed to develop, in cooperation with county clerks, auto dealers, and the Department of Revenue, Department of Insurance, and Department of Kentucky State Police, the forms required to record all information pertinent to the ~~[initial]registration, [or]titing, and taxation[; or transfer of registration or title]~~ of a vehicle.
- (2) The Department of Vehicle Regulation shall make every effort to minimize and reduce the amount of paperwork required to apply for, or transfer, a vehicle title. When possible, the title document itself shall be used as the primary form used to effect a transfer of vehicle ownership. The title document shall contain space exclusively reserved for a minimum of two (2) dealer assignments.
- (3) When no in-state title exists, forms shall be designed by the department that require only the appropriate and essential information to effect the application for title.
- (4)
 - (a) The department shall constantly review the information needs of government agencies and other organizations with the goal of reducing or eliminating unnecessary documentation. Information being sought for application for title relevant to, but not limited to, vehicle identification, owner, buyer, usage tax, county clerk, or inspector shall be set forth by the cabinet in such a way as to promote flexibility in reaching this goal.~~[; except that]~~
 - (b) An applicant for a motor vehicle title shall ~~not~~ be required to provide his or her *Kentucky operator's license number, Kentucky personal identification card number, or* Social Security number as part of the application process.
 - (c) *Any vehicle owned by a business that is licensed by the Secretary of State shall be titled using a federal employee identification number.*
- (5) The use of an electronic medium shall be employed so that forms can be printed by the automated system. Existing statutory language in this chapter and KRS Chapter 186 pertaining to application, signature, forms, or application transfer record may be construed to be electronic in nature at the discretion of the cabinet as provided for by administrative regulation.
- (6) Any person who knowingly enters, or attests to the entry of, false or erroneous information in pursuit of a certificate of title shall be guilty of forgery in the second degree.

➔Section 19. This Act takes effect January 1, 2024.

Signed by Governor March 17, 2022.

CHAPTER 19

(SB 140)

AN ACT relating to step therapy protocols.

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

➔Section 1. KRS 304.17A-163 is amended to read as follows:

- (1) As used in this section *and Section 2 of this Act*, unless the context requires otherwise:
- (a) *"Clinical practice guidelines" means a systematically developed statement to assist decision making by health care providers and patients about appropriate healthcare for specific clinical circumstances and conditions;*
 - (b) *"Clinical review criteria" means the written screening procedures, decision abstracts, clinical protocols, and clinical practice guidelines used by the insurer, health plan, pharmacy benefit manager, or private review agent to determine the medical necessity and appropriateness of health care services;*
 - (c) *"Health plan":*
 - 1. *Means any state-regulated policy, certificate, contract, or plan that offers or provides coverage in this state, by direct payment, reimbursement, or otherwise, for prescription drugs pursuant to a step therapy protocol, regardless of whether the protocol is described as a step therapy protocol; and*
 - 2. *Shall include but not be limited to a health benefit plan;*
 - (d) *"Pharmacy benefit manager" has the same meaning as in KRS 304.9-020;*
 - (e) *"Private review agent" has the same meaning as in KRS 304.17A-600;*
 - (f) *"Step therapy exception" means a determination that a step therapy protocol should be overridden in favor of immediate coverage of the health care provider's selected prescription drug; and*
 - (g) *"Step therapy protocol" means a protocol, policy, or program that establishes the specific sequence in which prescription drugs that are for a specified medical condition and medically appropriate for a particular insured are covered by an insurer or health plan [protocol that establishes the specific sequence in which prescription drugs for a specified medical condition and medically appropriate for a particular patient are to be prescribed;*
 - ~~(b) "Fail first protocol" has the same meaning as step therapy in paragraph (a) of this subsection;~~
 - ~~(c) "Override of the restriction" means the permission to deviate from the required sequence by prescribing another drug that is medically necessary; and~~
 - ~~(d) "Insurer" has the same meaning as in KRS 304.17A-005].~~
- (2) (a) *Except as provided in paragraph (b) of this subsection, clinical review criteria developed by an insurer, health plan, pharmacy benefit manager, or private review agent to establish a step therapy protocol shall be based on clinical practice guidelines that:*
- 1. *Recommend that prescription drugs be taken in the specific sequence required by the step therapy protocol;*
 - 2. *Are developed and endorsed by a multidisciplinary panel of experts that manages conflicts of interest among the members of the writing and review groups by:*
 - a. *Requiring members to:*
 - i. *Disclose any potential conflict of interests with entities, including insurers, health plans, and pharmaceutical manufacturers; and*
 - ii. *Recuse himself or herself from voting if the member has a conflict of interest;*

- b. *Using a methodologist to work with writing groups to provide objectivity in data analysis and ranking of evidence through the preparation of evidence tables and facilitating consensus; and*
 - c. *Offering opportunities for public review and comments;*
 - 3. *Are based on high quality studies, research, and medical practice;*
 - 4. *Are created by an explicit and transparent process that:*
 - a. *Minimizes biases and conflicts of interest;*
 - b. *Explains the relationship between treatment options and outcomes;*
 - c. *Rates the quality of the evidence supporting recommendations; and*
 - d. *Considers relevant patient subgroups and preferences; and*
 - 5. *Are continually updated through a review of new evidence, research, and newly developed treatments.*
 - (b) *In the absence of clinical practice guidelines that meet the requirements of paragraph (a) of this subsection, an insurer, health plan, pharmacy benefit manager, or private review agent may use peer-reviewed publications to establish step therapy protocols.*
 - (c) *When establishing clinical review criteria for a step therapy protocol, an insurer, health plan, pharmacy benefit manager, or private review agent shall take into account the needs of atypical patient populations and diagnoses.*
 - (d)
 - 1. *An insurer, health plan, pharmacy benefit manager, or private review agent shall, upon written request, provide all specific written clinical review criteria relating to a particular condition or disease, including clinical review criteria relating to a step therapy exception determination.*
 - 2. *The clinical review criteria and other clinical information shall be made available:*
 - a. *On the insurer's, health plan's, pharmacy benefit manager's, or private review agent's Web site; and*
 - b. *To a health care professional on behalf of an insured upon written request.*
 - (e) *Nothing in this subsection shall be construed to require an insurer, health plan, pharmacy benefit manager, or private review agent to establish a new entity to develop clinical review criteria used for step therapy protocols.*
 - (3) (a) *When coverage of a prescription drug~~medications~~ for the treatment of any medical condition is~~are~~ restricted for use by an insurer, **health plan, private review agent**, or a pharmacy benefit manager by a step therapy~~or fail first~~ protocol, the **insured and** prescribing **provider~~practitioner~~** shall have access to a clear, **readily accessible**, and convenient process to request **a step therapy exception~~an override of the restriction from the insurer~~**.*
 - (b) *An insurer, health plan, private review agent, or pharmacy benefit manager:*
 - 1. *May use its existing medical exceptions process to satisfy the requirements of paragraph (a) of this subsection;*
 - 2. *Shall make the step therapy protocol easily accessible on its Web site; and*
 - 3. *Shall, upon request, disclose all rules and criteria related to the step therapy protocol to all prescribing providers, including the specific information and documentation that must be submitted by a prescribing provider or insured to be considered a complete request for a step therapy exception.*
- (4) (a) *A step therapy exception request, or an internal appeal under Section 7 of this Act of a step therapy exception request denial,~~An override of the restriction~~ shall be granted by the insurer, **health plan, private review agent**, or the pharmacy benefit manager within forty-eight (48) hours~~;~~ if:*
 - 1. *All necessary information to perform the **step therapy exception~~override~~** review, **or make the appeal determination**, has been provided; **and~~, under the following documented circumstances:~~***

2. *One (1) of the following apply:*
- a. *The required prescription drug is:*
 - i. *Contraindicated or will likely cause an adverse reaction by physical or mental harm to the insured; or*
 - ii. *Expected to be ineffective based on the known clinical characteristics of the insured and the prescription drug regimen;*
 - b. *Based on clinical appropriateness, the required prescription drug is not in the best interest of the insured because the insured's use of the required prescription drug is expected to:*
 - i. *Cause a significant barrier to the insured's adherence to or compliance with the insured's plan of care;*
 - ii. *Worsen a comorbid condition of the insured; or*
 - iii. *Decrease the insured's ability to achieve or maintain reasonable functional ability in performing daily activities;*
 - c. *The insured has tried the required prescription drug while under the insured's current or a previous health plan, or another prescription drug in the same pharmacologic class or with the same mechanism of action, and the prescription drug was discontinued due to lack of efficacy or effectiveness, diminished effect, or an adverse event; or*
 - d. *The insured is stable on the prescription drug selected by the insured's health care provider for the medical condition under consideration while under a current or previous health plan.*
- (b) *If a request for a step therapy exception, or an internal appeal under Section 7 of this Act of a step therapy exception request denial, is incomplete or additional clinically relevant information is required, the insurer, health plan, pharmacy benefit manager, or private review agent shall notify the prescribing provider within forty-eight (48) hours of submission of the request or appeal:*
1. *That the request or appeal is incomplete; and*
 2. *What additional or clinically relevant information is required in order to approve or deny the step therapy exception.*
- ~~[(a) The prescribing practitioner can demonstrate, based on sound clinical evidence, that the preferred treatment required under step therapy or fail first protocol has been ineffective in the treatment of the insured's disease or medical condition; or~~
- ~~(b) Based on sound clinical evidence or medical and scientific evidence:~~
- ~~1. The prescribing practitioner can demonstrate that the preferred treatment required under the step therapy or fail first protocol is expected or likely to be ineffective based on the known relevant physical or mental characteristics of the insured and known characteristics of the drug regimen; or~~
 - ~~2. The prescribing practitioner can demonstrate that the preferred treatment required under the step therapy or fail first protocol will cause or will likely cause an adverse reaction or other physical harm to the insured.]~~
- (5) *If a step therapy exception request determination, notification under subsection (4)(b) of this section, or internal appeal determination under Section 7 of this Act of a step therapy exception request denial by an insurer, health plan, pharmacy benefit manager, or private review agent is not received by the prescribing provider within the time period specified in subsection (4) of this section, the step therapy exception request or internal appeal shall be deemed granted.*
- (6) *An insured or a provider may:*
- (a) *Initiate an internal appeal under Section 7 of this Act upon the denial of a step therapy exception request under this section; and*
 - (b) *Request an external review under Section 8 of this Act upon the denial of an internal appeal under paragraph (a) of this subsection.*

- (7) *An insurer, health plan, pharmacy benefit manager, or private review agent shall:*
- (a) *Upon the granting of a step therapy exception request, internal appeal, or external review, authorize coverage for the prescription drug selected by the insured's health care provider; or*
 - (b) *Upon the denial of a step therapy exception request or internal appeal, inform the insured of the internal appeal or external review process, as applicable.*
- (8) (a) ~~(3)~~ *Except as provided in paragraph (b) of this subsection, the duration of any step therapy ~~for fail-first~~ protocol shall not be longer than a period of thirty (30) days if the treatment is deemed and documented as clinically ineffective by the prescribing ~~provider~~ practitioner.*
- (b) *When the prescribing ~~provider~~ practitioner can demonstrate, through sound clinical evidence, that the originally prescribed medication is likely to require more than thirty (30) days to provide any relief or an amelioration to the insured, the step therapy ~~for fail-first~~ protocol may be extended up to seven (7) additional days.*
- (9) *Nothing in this section shall be construed to prevent:*
- (a) *An insurer, health plan, pharmacy benefit manager, or private review agent from requiring:*
 - 1. *An insured to try an AB-rated generic equivalent or interchangeable biological product, as defined in 42 U.S.C. sec. 262(i)(3), prior to providing coverage for the equivalent branded prescription drug, unless the requirement meets any of the criteria set forth in subsection (4)(a)2. of this section pursuant to a step therapy exception request submitted under subsection (4) of this section; or*
 - 2. *A pharmacist to effect substitutions of prescription drugs consistent with KRS 217.814 to 217.896 and Section 4 of this Act; or*
 - (b) *A health care provider from prescribing a prescription drug that is determined to be medically appropriate.*

➔SECTION 2. A NEW SECTION OF SUBTITLE 17A OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

- (1) *Notwithstanding any other law to the contrary, the commissioner shall promulgate any administrative regulations necessary to enforce this section and Section 1 of this Act.*
- (2) *Annually, an insurer, health plan, pharmacy benefit manager, or private review agent shall report to the commissioner, in a format prescribed by the commissioner:*
 - (a) *The number of step therapy exception requests received, by exception as set forth in subsection (4)(a)2. of Section 1 of this Act;*
 - (b) *The type of health care providers, or the medical specialties of the health care providers, that submitted step therapy exception requests;*
 - (c) *The number of step therapy exceptions, by exception as set forth in subsection (4)(a)2. of Section 1 of this Act, that were:*
 - 1. *Denied, and the reason for the denial;*
 - 2. *Approved;*
 - 3. *Initially denied and then appealed; and*
 - 4. *Initially denied and then subsequently reversed by internal appeals or external reviews; and*
 - (d) *The medical conditions for which insureds were granted step therapy exceptions due to the likelihood that switching the prescription drug would likely cause an adverse reaction by physical or mental harm to the insured.*

➔Section 3. KRS 304.17A-168 is amended to read as follows:

- (1) *Notwithstanding any provision of law to the contrary, a health benefit plan shall, at a minimum, provide coverage for all United States Food and Drug Administration-approved tobacco cessation medications, all forms of tobacco cessation services recommended by the United States Preventive Services Task Force, including but not limited to individual, group, and telephone counseling, and any combination thereof.*

- (2) The following conditions shall not be imposed on any tobacco cessation services provided pursuant to this section:
- (a) Counseling requirements for medication;
 - (b) Limits on the duration of services, including but not limited to annual or lifetime limits on the number of covered attempts to quit; or
 - (c) Copayments or other out-of-pocket cost sharing, including deductibles.
- (3) Utilization management requirements, including prior authorization and step therapy *protocol*, shall not be imposed on any tobacco cessation services provided pursuant to this section, except in the following circumstances where prior authorization may be required:
- (a) For a treatment that exceeds the duration recommended by the most recently published United States Public Health Service clinical practice guidelines on treating tobacco use and dependence; or
 - (b) For services associated with more than two (2) attempts to quit within a twelve (12) month period.
- (4) Nothing in this section shall be construed to prohibit a plan or issuer from providing coverage for tobacco cessation services in addition to those recommended or to deny coverage for services that are not recommended by the United States Preventive Services Task Force.

➔Section 4. KRS 304.17A-535 is amended to read as follows:

- (1) A managed care plan shall include a drug utilization review program, the primary emphasis of which shall be to enhance quality of care for enrollees by assuring appropriate drug therapy within the health care provider's legally authorized scope of practice, that:
- (a) Includes the following:
 - 1.~~{(a)}~~ Retrospective review of prescription drugs furnished to enrollees;
 - 2.~~{(b)}~~ Education of health care providers and enrollees regarding the appropriate use of prescription drugs; and
 - 3.~~{(c)}~~ Ongoing periodic examination of data on outpatient prescription drugs to ensure quality therapeutic outcomes for enrollees; *and*
 - (b) *Complies with Sections 1 and 2 of this Act.*
- (2) The drug utilization review program shall utilize the following to effectuate the purposes of subsection (1) of this section:
- (a) Relevant clinical criteria and standards for drug therapy;
 - (b) Nonproprietary criteria and standards developed and revised through input from participating health care providers;
 - (c) Intervention that focuses on improving therapeutic outcomes; and
 - (d) Measures to ensure the confidentiality of the relationship between an enrollee and a health care provider.
- (3) When, in the professional opinion of a provider with prescriptive authority, the provider determines that generic substitution of a pharmaceutical product is medically inappropriate, the provider shall prescribe the pharmaceutical product the provider determines medically appropriate with the indication "Do Not Substitute," and no substitution shall be made without the provider's approval.
- (4) A managed care plan that restricts pharmacy benefits to a drug formulary shall have an exceptions policy through which the managed care plan may cover a prescription drug not included on the formulary.

➔Section 5. KRS 304.17A-600 is amended to read as follows:

As used in KRS 304.17A-600 to 304.17A-633:

- (1) (a) "Adverse determination" means a determination by an insurer or its designee that the health care services furnished or proposed to be furnished to a covered person are:
- 1. Not medically necessary, as determined by the insurer, or its designee or experimental or investigational, as determined by the insurer, or its designee; and

2. Benefit coverage is therefore denied, reduced, or terminated.
- (b) "Adverse determination" does not mean a determination by an insurer or its designee that the health care services furnished or proposed to be furnished to a covered person are specifically limited or excluded in the covered person's health benefit plan;
- (2) "Authorized person" means a parent, guardian, or other person authorized to act on behalf of a covered person with respect to health care decisions;
- (3) "Concurrent review" means utilization review conducted during a covered person's course of treatment or hospital stay;
- (4) "Covered person" means a person covered under a health benefit plan;
- (5) "External review" means a review that is conducted by an independent review entity which meets specified criteria as established in KRS 304.17A-623, 304.17A-625, and 304.17A-627;
- (6) "Health benefit plan" has the same meaning as in KRS 304.17A-005, except that for purposes of KRS 304.17A-600 to 304.17A-633, the term includes short-term coverage policies;
- (7) "Independent review entity" means an individual or organization certified by the department to perform external reviews under KRS 304.17A-623, 304.17A-625, and 304.17A-627;
- (8) "Insurer" means any of the following entities authorized to issue health benefit plans as defined in subsection (6) of this section: an insurance company, health maintenance organization; self-insurer or multiple employer welfare arrangement not exempt from state regulation by ERISA; provider-sponsored integrated health delivery network; self-insured employer-organized association; nonprofit hospital, medical-surgical, or health service corporation; or any other entity authorized to transact health insurance business in Kentucky;
- (9) "Internal appeals process" means a formal process, as set forth in KRS 304.17A-617, established and maintained by the insurer, its designee, or agent whereby the covered person, an authorized person, or a provider may contest an adverse determination rendered by the insurer, its designee, or private review agent;
- (10) "Nationally recognized accreditation organization":
- (a) Means a private nonprofit entity that:
1. Sets national utilization review and internal appeal standards; and
 2. Conducts review of insurers, agents, or independent review entities for the purpose of accreditation or certification; ~~and [Nationally recognized accreditation organizations]~~
- (b) Shall include the Accreditation Association for Ambulatory Health Care (AAAHC), the National Committee for Quality Assurance (NCQA), the American Accreditation Health Care Commission (URAC), the Joint Commission, or any other organization identified by the department;
- (11) "Private review agent" or "agent":
- (a) Means a person or entity performing utilization review that is either affiliated with, under contract with, or acting on behalf of any insurer or other person providing or administering health benefits to citizens of this Commonwealth; ~~and [Private review agent" or "agent"]~~
- (b) Does not include an independent review entity which performs external review of adverse determinations;
- (12) "Prospective review" means a utilization review that is conducted prior to the provision of health care services. "Prospective review" also includes any insurer's or agent's requirement that a covered person or provider notify the insurer or agent prior to providing a health care service, including but not limited to prior authorization, step therapy *protocol*, preadmission review, pretreatment review, utilization, and case management;
- (13) "Qualified personnel" means licensed physician, registered nurse, licensed practical nurse, medical records technician, or other licensed medical personnel who through training and experience shall render consistent decisions based on the review criteria;
- (14) "Registration" means an authorization issued by the department to an insurer or a private review agent to conduct utilization review;
- (15) "Retrospective review":

- (a) Means utilization review that is conducted after health care services have been provided to a covered person; ~~and~~ ~~["Retrospective review"]~~
 - (b) Does not include the review of a claim that is limited to an evaluation of reimbursement levels, or adjudication of payment;
- (16) (a) "Urgent health care services" means health care or treatment with respect to which the application of the time periods for making nonurgent determination:
1. Could seriously jeopardize the life or health of the covered person or the ability of the covered person to regain maximum function; or
 2. In the opinion of a physician with knowledge of the covered person's medical condition, would subject the covered person to severe pain that cannot be adequately managed without the care or treatment that is the subject of the utilization review.
- (b) Urgent health care services include all requests for hospitalization and outpatient surgery;
- (17) "Utilization review" means a review of the medical necessity and appropriateness of hospital resources and medical services given or proposed to be given to a covered person for purposes of determining the availability of payment. Areas of review include concurrent, prospective, and retrospective review; and
- (18) "Utilization review plan" means a description of the procedures governing utilization review activities performed by an insurer or a private review agent.

➔Section 6. KRS 304.17A-607 is amended to read as follows:

- (1) An insurer or private review agent shall not provide or perform utilization reviews without being registered with the department. A registered insurer or private review agent shall:
- (a) Have available the services of sufficient numbers of registered nurses, medical records technicians, or similarly qualified persons supported by licensed physicians with access to consultation with other appropriate physicians to carry out its utilization review activities;
 - (b) Ensure that, for any contract entered into on or after January 1, 2020, for the provision of utilization review services, only licensed physicians, who are of the same or similar specialty and subspecialty, when possible, as the ordering provider, shall:
 1. Make a utilization review decision to deny, reduce, limit, or terminate a health care benefit or to deny, or reduce payment for a health care service because that service is not medically necessary, experimental, or investigational except in the case of a health care service rendered by a chiropractor or optometrist where the denial shall be made respectively by a chiropractor or optometrist duly licensed in Kentucky; and
 2. Supervise qualified personnel conducting case reviews;
 - (c) Have available the services of sufficient numbers of practicing physicians in appropriate specialty areas to assure the adequate review of medical and surgical specialty and subspecialty cases;
 - (d) Not disclose or publish individual medical records or any other confidential medical information in the performance of utilization review activities except as provided in the Health Insurance Portability and Accountability Act, Subtitle F, secs. 261 to 264 and 45 C.F.R. secs. 160 to 164 and other applicable laws and administrative regulations;
 - (e) Provide a toll free telephone line for covered persons, authorized persons, and providers to contact the insurer or private review agent and be accessible to covered persons, authorized persons, and providers for forty (40) hours a week during normal business hours in this state;
 - (f) Where an insurer, its agent, or private review agent provides or performs utilization review, be available to conduct utilization review during normal business hours and extended hours in this state on Monday and Friday through 6:00 p.m., including federal holidays;
 - (g) Provide decisions to covered persons, authorized persons, and all providers on appeals of adverse determinations and coverage denials of the insurer or private review agent, in accordance with this section and administrative regulations promulgated in accordance with KRS 304.17A-609;
 - (h) Except for retrospective review of an emergency admission where the covered person remains hospitalized at the time the review request is made, which shall be considered a concurrent review, or as

otherwise provided in this subtitle, provide a utilization review decision in accordance with the timeframes in paragraph (i) of this subsection and 29 C.F.R. Part 2560, including written notice of the decision;

- (i) 1. Render a utilization review decision concerning urgent health care services, and notify the covered person, authorized person, or provider of that decision no later than twenty-four (24) hours after obtaining all necessary information to make the utilization review decision; and
- 2. If the insurer or agent requires a utilization review decision of nonurgent health care services, render a utilization review decision and notify the covered person, authorized person, or provider of the decision within five (5) days of obtaining all necessary information to make the utilization review decision.

For purposes of this paragraph, "necessary information" is limited to:

- a. The results of any face-to-face clinical evaluation;
 - b. Any second opinion that may be required; and
 - c. Any other information determined by the department to be necessary to making a utilization review determination;
- (j) Provide written notice of review decisions to the covered person, authorized person, and providers. The written notice may be provided in an electronic format, including e-mail or facsimile, if the covered person, authorized person, or provider has agreed in advance in writing to receive the notices electronically. An insurer or agent that denies *a* step therapy *exception*, as defined in KRS 304.17A-163, ~~overrides~~ or denies coverage or reduces payment for a treatment, procedure, drug that requires prior approval, or device shall include in the written notice:
 - 1. A statement of the specific medical and scientific reasons for denial or reduction of payment or identifying that provision of the schedule of benefits or exclusions that demonstrates that coverage is not available;
 - 2. The medical license number and the title of the reviewer making the decision;
 - 3. Except for retrospective review, a description of alternative benefits, services, or supplies covered by the health benefit plan, if any; and
 - 4. Instructions for initiating or complying with the insurer's internal appeal procedure, as set forth in KRS 304.17A-617, stating, at a minimum, whether the appeal shall be in writing, and any specific filing procedures, including any applicable time limitations or schedules, and the position and phone number of a contact person who can provide additional information;
 - (k) Afford participating physicians an opportunity to review and comment on all medical and surgical and emergency room protocols, respectively, of the insurer and afford other participating providers an opportunity to review and comment on all of the insurer's protocols that are within the provider's legally authorized scope of practice; and
 - (l) Comply with its own policies and procedures on file with the department or, if accredited or certified by a nationally recognized accrediting entity, comply with the utilization review standards of that accrediting entity where they are comparable and do not conflict with state law.

- (2) The insurer's or private review agent's failure to make a determination and provide written notice within the time frames set forth in this section shall be deemed to be a prior authorization for the health care services or benefits subject to the review. This provision shall not apply where the failure to make the determination or provide the notice results from circumstances which are documented to be beyond the insurer's control.
- (3) An insurer or private review agent shall submit a copy of any changes to its utilization review policies or procedures to the department. No change to policies and procedures shall be effective or used until after it has been filed with and approved by the commissioner.
- (4) A private review agent shall provide to the department the names of the entities for which the private review agent is performing utilization review in this state. Notice shall be provided within thirty (30) days of any change.

➔Section 7. KRS 304.17A-617 is amended to read as follows:

- (1) (a) Every insurer shall have an internal appeal process to be utilized by the insurer or its designee, consistent with this section and KRS 304.17A-619 and which shall be disclosed to covered persons in accordance with KRS 304.17A-505(1)(g).
- (b) An insurer shall disclose the availability of the internal process to the covered person in the insured's timely notice of an adverse determination or notice of a coverage denial which meets the requirements set forth in KRS 304.17A-607(1)(j).
- (c) For purposes of this section, "coverage denial" means an insurer's determination that a service, treatment, drug, or device is specifically limited or excluded under the covered person's health benefit plan.
- (d) Where a coverage denial is involved, in addition to stating the reason for the coverage denial, the required notice shall contain instructions for filing a request for internal appeal.
- (2) The internal appeals process may be initiated by the covered person, an authorized person, or a provider acting on behalf of the covered person.
- (3) The internal appeals process shall include adequate and reasonable procedures for review and resolution of appeals concerning adverse determinations made under utilization review and of coverage denials, including procedures for reviewing appeals from covered persons whose medical conditions require expedited review. At a minimum, these procedures shall include the following:
- (a) ***Except as provided in Section 1 of this Act:***
1. Insurers or their designees shall provide decisions to covered persons, authorized persons, and providers on internal appeals of adverse determinations or coverage denials within thirty (30) days of receipt of the request for internal appeal; ***and***
 2. ~~(b)~~ Insurers or their designees shall render a decision not later than three (3) business days after receipt of the request for an expedited appeal of either an adverse determination or a coverage denial. An expedited appeal is deemed necessary when a covered person is hospitalized or, in the opinion of the treating provider, review under a standard time frame could, in the absence of immediate medical attention, result in any of the following:
 - a. ~~(1)~~ Placing the health of the covered person or, with respect to a pregnant woman, the health of the covered person or the unborn child in serious jeopardy;
 - b. ~~(2)~~ Serious impairment to bodily functions; or
 - c. ~~(3)~~ Serious dysfunction of a bodily organ or part;
- (b) ~~(c)~~ Internal appeal of an adverse determination shall only be conducted by a licensed physician who did not participate in the initial review and denial. However, in the case of a review involving a medical or surgical specialty or subspecialty, the insurer or agent shall, upon request by a covered person, authorized person, or provider, utilize a board eligible or certified physician in the appropriate specialty or subspecialty area to conduct the internal appeal;
- (c) ~~(d)~~ Those portions of the medical record that are relevant to the internal appeal, if authorized by the covered person and in accordance with state or federal law, shall be considered and providers given the opportunity to present additional information; and
- (d) ~~(e)~~ In addition to any previous notice required under KRS 304.17A-607(1)(j), and to facilitate expeditious handling of a request for external review of an adverse determination or a coverage denial, an insurer or agent that denies, limits, reduces, or terminates coverage for a treatment, procedure, drug, or device for a covered person shall provide the covered person, authorized person, or provider acting on behalf of the covered person with an internal appeal determination letter that shall include:
1. A statement of the specific medical and scientific reasons for denying coverage or identifying that provision of the schedule of benefits or exclusions that demonstrates that coverage is not available;
 2. The state of licensure, medical license number, and the title of the person making the decision;
 3. Except for retrospective review, a description of alternative benefits, services, or supplies covered by the health benefit plan, if any; and

4. Instructions for initiating an external review of an adverse determination, or filing a request for review with the department if a coverage denial is upheld by the insurer on internal appeal.
- ~~(4)(3)~~ (a) The department shall establish and maintain a system for receiving and reviewing requests for review of coverage denials from covered persons, authorized persons, and providers.
- (b) For purposes of this subsection, "coverage denials" shall not include an adverse determination as defined in KRS 304.17A-600 or subsequent denials arising from an adverse determination.
- ~~(c)(a)~~ (c) On receipt of a written request for review of a coverage denial from a covered person, authorized person, or provider, the department shall notify the insurer which issued the denial of the request for review and shall call for the insurer to respond to the department regarding the request for review within ten (10) business days of receipt of notice to the insurer.
- ~~(d)(b)~~ (d) Within ten (10) business days of receiving the notice of the request for review from the department, the insurer shall provide to the department the following information:
1. Confirmation as to whether the person who received or sought the health service for which coverage was denied was a covered person under a health benefit plan issued by the insurer on the date the service was sought or denied;
 2. Confirmation as to whether the covered person, authorized person, or provider has exhausted his or her rights under the insurer's appeal process under this section; and
 3. The reason for the coverage denial, including the specific limitation or exclusion of the health benefit plan demonstrating that coverage is not available.
- ~~(e)(e)~~ (e) In addition to the information described in paragraph ~~(d)(b)~~ of this subsection, the insurer and the covered person, authorized person, or provider shall provide to the department any information requested by the department that is germane to its review.
- ~~(f)(d)~~ (f) *I.* On the receipt of the information described in paragraphs ~~(d)(b)~~ and ~~(e)(e)~~ of this subsection, unless the department is not able to do so because making a determination requires resolution of a medical issue, it shall determine whether the service, treatment, drug, or device is specifically limited or excluded under the terms of the covered person's health benefit plan.
2. If the department determines that the treatment, service, drug, or device is not specifically limited or excluded, it shall so notify the insurer, and the insurer shall either cover the service, or afford the covered person an opportunity for external review under KRS 304.17A-621, 304.17A-623, and 304.17A-625, where the conditions precedent to the review are present.
 3. If the department notifies the insurer that the treatment, service, drug, or device is specifically limited or excluded in the health benefit plan, the insurer is not required to cover the service or afford the covered person an external review.
- ~~(g)(e)~~ (g) An insurer shall be required to cover the treatment, service, drug, or device that was denied or provide notification of the right to external review in accordance with paragraph ~~(f)(d)~~ of this subsection whether the covered person has disenrolled or remains enrolled with the insurer.
- ~~(h)(f)~~ (h) If the covered person has disenrolled with the insurer, the insurer shall only be required to provide the treatment, service, drug, or device that was denied for a period not to exceed thirty (30) days ~~or~~ provide the covered person the opportunity for external review.

➔Section 8. KRS 304.17A-623 is amended to read as follows:

- (1) (a) Every insurer shall have an external review process to be utilized by the insurer or its designee, consistent with this section and which shall be disclosed to covered persons in accordance with KRS 304.17A-505(1)(g).
- (b) An insurer, its designee, or agent shall disclose the availability of the external review process to the covered person in the insured's timely notice of an adverse determination or notice of a coverage denial as set forth in KRS 304.17A-607(1)(j) and in the denial letter required in KRS 304.17A-617(1) and ~~(3)(d)(2)(e)~~.
- (c) For purposes of this section, "coverage denial" means an insurer's determination that a service, treatment, drug, or device is specifically limited or excluded under the covered person's health benefit plan.

- (2) A covered person, an authorized person, or a provider acting on behalf of and with the consent of the covered person, may request an external review of an adverse determination rendered by an insurer, its designee, or agent.
- (3) ***Except as provided in Section 1 of this Act***, the insurer shall provide for an external review of an adverse determination if the following criteria are met:
 - (a) The insurer, its designee, or agent has rendered an adverse determination;
 - (b) The covered person has completed the insurer's internal appeal process, or the insurer has failed to make a timely determination or notification as set forth in KRS 304.17A-619(2). The insurer and the covered person may, however, jointly agree to waive the internal appeal requirement;
 - (c) The covered person was enrolled in the health benefit plan on the date of service or, if a prospective denial, the covered person was enrolled and eligible to receive covered benefits under the health benefit plan on the date the proposed service was requested; and
 - (d) The entire course of treatment or service will cost the covered person at least one hundred dollars (\$100) if the covered person had no insurance.
- (4) The covered person, an authorized person, or a provider with consent of the covered person shall submit a request for external review to the insurer within sixty (60) days, except as set forth in KRS 304.17A-619(1), of receiving notice that an adverse determination has been timely rendered under the insurer's internal appeal process. As part of the request, the covered person shall provide to the insurer or its designee written consent authorizing the independent review entity to obtain all necessary medical records from both the insurer and any provider utilized for review purposes regarding the decision to deny, limit, reduce or terminate coverage.
- (5) The covered person shall be assessed a one (1) time filing fee of twenty-five dollars (\$25) to be paid to the independent review entity and which may be waived if the independent review entity determines that the fee creates a financial hardship on the covered person. The fee shall be refunded if the independent review entity finds in favor of the covered person.
- (6) A covered person shall not be afforded an external review of an adverse determination if:
 - (a) The subject of the covered person's adverse determination has previously gone through the external review process and the independent review entity found in favor of the insurer; and
 - (b) No relevant new clinical information has been submitted to the insurer since the independent review entity found in favor of the insurer.
- (7) The department shall establish a system for each insurer to be assigned an independent review entity for external reviews. The system established by the department shall be prospective and shall require insurers to utilize independent review entities on a rotating basis so that an insurer does not have the same independent review entity for two (2) consecutive external reviews. The department shall contract with no less than two (2) independent review entities.
- (8)
 - (a) If a dispute arises between an insurer and a covered person regarding the covered person's right to an external review, the covered person may file a complaint with the department. Within five (5) days of receipt of the complaint, the department shall render a decision and may direct the insurer to submit the dispute to an independent review entity for an external review if it finds:
 1. The dispute involves denial of coverage based on medical necessity or the service being experimental or investigational; and
 2. All of the requirements of subsection (3) of this section have been met.
 - (b) The complaint process established in this section shall be separate and distinct from, and shall in no way limit other grievance or complaint processes available to consumers under other provisions of the KRS or duly promulgated administrative regulations. This complaint process shall not limit, alter, or supplant the mechanisms for appealing coverage denials established in KRS 304.17A-617.
- (9) The external review process shall be confidential and shall not be subject to KRS 61.805 to 61.850 and KRS 61.870 to 61.884.
- (10) External reviews shall be conducted in an expedited manner by the independent review entity if the covered person is hospitalized, or if, in the opinion of the treating provider, review under the standard time frame could, in the absence of immediate medical attention, result in any of the following:

- (a) Placing the health of the covered person or, with respect to a pregnant woman, the health of the covered person or her unborn child in serious jeopardy;
 - (b) Serious impairment to bodily functions; or
 - (c) Serious dysfunction of a bodily organ or part.
- (11) Requests for expedited external review, shall be forwarded by the insurer to the independent review entity within twenty-four (24) hours of receipt by the insurer.
- (12) For expedited external review, a determination shall be made by the independent review entity within twenty-four (24) hours from the receipt of all information required from the insurer. An extension of up to twenty-four (24) hours may be allowed if the covered person and the insurer or its designee agree. The insurer or its designee shall provide notice to the independent review entity and to the covered person, by same-day communication, that the adverse determination has been assigned to an independent review entity for expedited review.
- (13) External reviews which are not expedited shall be conducted by the independent review entity and a determination made within twenty-one (21) calendar days from the receipt of all information required from the insurer. An extension of up to fourteen (14) calendar days may be allowed if the covered person and the insurer are in agreement.

➔Section 9. KRS 205.522 is amended to read as follows:

- (1) The Department for Medicaid Services and any managed care organization contracted to provide Medicaid benefits pursuant to this chapter shall comply with the provisions of *Sections 1 and 2 of this Act and* KRS 304.17A-167, 304.17A-235, 304.17A-257, 304.17A-259, 304.17A-515, 304.17A-580, 304.17A-600, 304.17A-603, 304.17A-607, and 304.17A-740 to 304.17A-743, as applicable.
- (2) A managed care organization contracted to provide Medicaid benefits pursuant to this chapter shall comply with the reporting requirements of KRS 304.17A-732.

➔Section 10. KRS 205.6485 is amended to read as follows:

- (1) The Cabinet for Health and Family Services shall prepare a state child health plan meeting the requirements of Title XXI of the Federal Social Security Act, for submission to the Secretary of the United States Department of Health and Human Services within such time as will permit the state to receive the maximum amounts of federal matching funds available under Title XXI. The cabinet shall, by administrative regulation promulgated in accordance with KRS Chapter 13A, establish the following:
 - (a) The eligibility criteria for children covered by the Kentucky Children's Health Insurance Program. However, no person eligible for services under Title XIX of the Social Security Act 42 U.S.C. 1396 to 1396v, as amended, shall be eligible for services under the Kentucky Children's Health Insurance Program except to the extent that Title XIX coverage is expanded by KRS 205.6481 to 205.6495 and KRS 304.17A-340;
 - (b) The schedule of benefits to be covered by the Kentucky Children's Health Insurance Program, which shall include preventive services, vision services including glasses, and dental services including at least sealants, extractions, and fillings, and which shall be at least equivalent to one (1) of the following:
 - 1. The standard Blue Cross/Blue Shield preferred provider option under the Federal Employees Health Benefit Plan established by U.S.C. sec. 8903(1);
 - 2. A mid-range health benefit coverage plan that is offered and generally available to state employees; or
 - 3. Health insurance coverage offered by a health maintenance organization that has the largest insured commercial, non-Medicaid enrollment of covered lives in the state;
 - (c) The premium contribution per family of health insurance coverage available under the Kentucky Children's Health Insurance Program with provisions for the payment of premium contributions by families of children eligible for coverage by the program based upon a sliding scale relating to family income. Premium contributions shall be based on a six (6) month period not to exceed:
 - 1. Ten dollars (\$10), to be paid by a family with income between one hundred percent (100%) to one hundred thirty-three percent (133%) of the federal poverty level;

2. Twenty dollars (\$20), to be paid by a family with income between one hundred thirty-four percent (134%) to one hundred forty-nine percent (149%) of the federal poverty level; and
 3. One hundred twenty dollars (\$120), to be paid by a family with income between one hundred fifty percent (150%) to two hundred percent (200%) of the federal poverty level, and which may be made on a partial payment plan of twenty dollars (\$20) per month or sixty dollars (\$60) per quarter;
- (d) There shall be no copayments for services provided under the Kentucky Children's Health Insurance Program; and
- (e) The criteria for health services providers and insurers wishing to contract with the Commonwealth to provide the children's health insurance coverage. However, the cabinet shall provide, in any contracting process for the preventive health insurance program, the opportunity for a public health department to bid on preventive health services to eligible children within the public health department's service area. A public health department shall not be disqualified from bidding because the department does not currently offer all the services required by paragraph (b) of this subsection. The criteria shall be set forth in administrative regulations under KRS Chapter 13A and shall maximize competition among the providers and insurers. The Cabinet for Finance and Administration shall provide oversight over contracting policies and procedures to assure that the number of applicants for contracts is maximized.
- (2) Within twelve (12) months of federal approval of the state's Title XXI child health plan, the Cabinet for Health and Family Services shall assure that a KCHIP program is available to all eligible children in all regions of the state. If necessary, in order to meet this assurance, the cabinet shall institute its own program.
- (3) KCHIP recipients shall have direct access without a referral from any gatekeeper primary care provider to dentists for covered primary dental services and to optometrists and ophthalmologists for covered primary eye and vision services.
- (4) *The Kentucky Children's Health Insurance Plan shall comply with Sections 1 and 2 of this Act.***

➔Section 11. KRS 164.2871 is amended to read as follows:

- (1) The governing board of each state postsecondary educational institution is authorized to purchase liability insurance for the protection of the individual members of the governing board, faculty, and staff of such institutions from liability for acts and omissions committed in the course and scope of the individual's employment or service. Each institution may purchase the type and amount of liability coverage deemed to best serve the interest of such institution.
- (2) All retirement annuity allowances accrued or accruing to any employee of a state postsecondary educational institution through a retirement program sponsored by the state postsecondary educational institution are hereby exempt from any state, county, or municipal tax, and shall not be subject to execution, attachment, garnishment, or any other process whatsoever, nor shall any assignment thereof be enforceable in any court. Except retirement benefits accrued or accruing to any employee of a state postsecondary educational institution through a retirement program sponsored by the state postsecondary educational institution on or after January 1, 1998, shall be subject to the tax imposed by KRS 141.020, to the extent provided in KRS 141.010 and 141.0215.
- (3) Except as provided in KRS Chapter 44, the purchase of liability insurance for members of governing boards, faculty and staff of institutions of higher education in this state shall not be construed to be a waiver of sovereign immunity or any other immunity or privilege.
- (4) The governing board of each state postsecondary education institution is authorized to provide a self-insured employer group health plan to its employees, which plan shall:
 - (a) Conform to the requirements of Subtitle 32 of KRS Chapter 304; and ~~shall~~
 - (b) *Except as provided in subsection (5) of this section*, be exempt from conformity with Subtitle 17A of KRS Chapter 304.
- (5) *A self-insured employer group health plan provided by the governing board of a state postsecondary education institution to its employees shall comply with Sections 1 and 2 of this Act.*

➔Section 12. KRS 18A.225 is amended to read as follows:

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

1. Any person, including an elected public official, who is regularly employed by any department, office, board, agency, or branch of state government; or by a public postsecondary educational institution; or by any city, urban-county, charter county, county, or consolidated local government, whose legislative body has opted to participate in the state-sponsored health insurance program pursuant to KRS 79.080; and who is either a contributing member to any one (1) of the retirement systems administered by the state, including but not limited to the Kentucky Retirement Systems, County Employees Retirement System, Kentucky Teachers' Retirement System, the Legislators' Retirement Plan, or the Judicial Retirement Plan; or is receiving a contractual contribution from the state toward a retirement plan; or, in the case of a public postsecondary education institution, is an individual participating in an optional retirement plan authorized by KRS 161.567; or is eligible to participate in a retirement plan established by an employer who ceases participating in the Kentucky Employees Retirement System pursuant to KRS 61.522 whose employees participated in the health insurance plans administered by the Personnel Cabinet prior to the employer's effective cessation date in the Kentucky Employees Retirement System;
 2. Any certified or classified employee of a local board of education;
 3. Any elected member of a local board of education;
 4. Any person who is a present or future recipient of a retirement allowance from the Kentucky Retirement Systems, County Employees Retirement System, Kentucky Teachers' Retirement System, the Legislators' Retirement Plan, the Judicial Retirement Plan, or the Kentucky Community and Technical College System's optional retirement plan authorized by KRS 161.567, except that a person who is receiving a retirement allowance and who is age sixty-five (65) or older shall not be included, with the exception of persons covered under KRS 61.702(4)(c), unless he or she is actively employed pursuant to subparagraph 1. of this paragraph; and
 5. Any eligible dependents and beneficiaries of participating employees and retirees who are entitled to participate in the state-sponsored health insurance program;
- (b) The term "health benefit plan" for the purposes of this section means a health benefit plan as defined in KRS 304.17A-005;
 - (c) The term "insurer" for the purposes of this section means an insurer as defined in KRS 304.17A-005; and
 - (d) The term "managed care plan" for the purposes of this section means a managed care plan as defined in KRS 304.17A-500.
- (2) (a) The secretary of the Finance and Administration Cabinet, upon the recommendation of the secretary of the Personnel Cabinet, shall procure, in compliance with the provisions of KRS 45A.080, 45A.085, and 45A.090, from one (1) or more insurers authorized to do business in this state, a group health benefit plan that may include but not be limited to health maintenance organization (HMO), preferred provider organization (PPO), point of service (POS), and exclusive provider organization (EPO) benefit plans encompassing all or any class or classes of employees. With the exception of employers governed by the provisions of KRS Chapters 16, 18A, and 151B, all employers of any class of employees or former employees shall enter into a contract with the Personnel Cabinet prior to including that group in the state health insurance group. The contracts shall include but not be limited to designating the entity responsible for filing any federal forms, adoption of policies required for proper plan administration, acceptance of the contractual provisions with health insurance carriers or third-party administrators, and adoption of the payment and reimbursement methods necessary for efficient administration of the health insurance program. Health insurance coverage provided to state employees under this section shall, at a minimum, contain the same benefits as provided under Kentucky Kare Standard as of January 1, 1994, and shall include a mail-order drug option as provided in subsection (13) of this section. All employees and other persons for whom the health care coverage is provided or made available shall annually be given an option to elect health care coverage through a self-funded plan offered by the Commonwealth or, if a self-funded plan is not available, from a list of coverage options determined by the competitive bid process under the provisions of KRS 45A.080, 45A.085, and 45A.090 and made available during annual open enrollment.

- (b) The policy or policies shall be approved by the commissioner of insurance and may contain the provisions the commissioner of insurance approves, whether or not otherwise permitted by the insurance laws.
 - (c) Any carrier bidding to offer health care coverage to employees shall agree to provide coverage to all members of the state group, including active employees and retirees and their eligible covered dependents and beneficiaries, within the county or counties specified in its bid. Except as provided in subsection (20) of this section, any carrier bidding to offer health care coverage to employees shall also agree to rate all employees as a single entity, except for those retirees whose former employers insure their active employees outside the state-sponsored health insurance program.
 - (d) Any carrier bidding to offer health care coverage to employees shall agree to provide enrollment, claims, and utilization data to the Commonwealth in a format specified by the Personnel Cabinet with the understanding that the data shall be owned by the Commonwealth; to provide data in an electronic form and within a time frame specified by the Personnel Cabinet; and to be subject to penalties for noncompliance with data reporting requirements as specified by the Personnel Cabinet. The Personnel Cabinet shall take strict precautions to protect the confidentiality of each individual employee; however, confidentiality assertions shall not relieve a carrier from the requirement of providing stipulated data to the Commonwealth.
 - (e) The Personnel Cabinet shall develop the necessary techniques and capabilities for timely analysis of data received from carriers and, to the extent possible, provide in the request-for-proposal specifics relating to data requirements, electronic reporting, and penalties for noncompliance. The Commonwealth shall own the enrollment, claims, and utilization data provided by each carrier and shall develop methods to protect the confidentiality of the individual. The Personnel Cabinet shall include in the October annual report submitted pursuant to the provisions of KRS 18A.226 to the Governor, the General Assembly, and the Chief Justice of the Supreme Court, an analysis of the financial stability of the program, which shall include but not be limited to loss ratios, methods of risk adjustment, measurements of carrier quality of service, prescription coverage and cost management, and statutorily required mandates. If state self-insurance was available as a carrier option, the report also shall provide a detailed financial analysis of the self-insurance fund including but not limited to loss ratios, reserves, and reinsurance agreements.
 - (f) If any agency participating in the state-sponsored employee health insurance program for its active employees terminates participation and there is a state appropriation for the employer's contribution for active employees' health insurance coverage, then neither the agency nor the employees shall receive the state-funded contribution after termination from the state-sponsored employee health insurance program.
 - (g) Any funds in flexible spending accounts that remain after all reimbursements have been processed shall be transferred to the credit of the state-sponsored health insurance plan's appropriation account.
 - (h) Each entity participating in the state-sponsored health insurance program shall provide an amount at least equal to the state contribution rate for the employer portion of the health insurance premium. For any participating entity that used the state payroll system, the employer contribution amount shall be equal to but not greater than the state contribution rate.
- (3) The premiums may be paid by the policyholder:
- (a) Wholly from funds contributed by the employee, by payroll deduction or otherwise;
 - (b) Wholly from funds contributed by any department, board, agency, public postsecondary education institution, or branch of state, city, urban-county, charter county, county, or consolidated local government; or
 - (c) Partly from each, except that any premium due for health care coverage or dental coverage, if any, in excess of the premium amount contributed by any department, board, agency, postsecondary education institution, or branch of state, city, urban-county, charter county, county, or consolidated local government for any other health care coverage shall be paid by the employee.
- (4) If an employee moves his or her place of residence or employment out of the service area of an insurer offering a managed health care plan, under which he or she has elected coverage, into either the service area of another managed health care plan or into an area of the Commonwealth not within a managed health care plan

service area, the employee shall be given an option, at the time of the move or transfer, to change his or her coverage to another health benefit plan.

- (5) No payment of premium by any department, board, agency, public postsecondary educational institution, or branch of state, city, urban-county, charter county, county, or consolidated local government shall constitute compensation to an insured employee for the purposes of any statute fixing or limiting the compensation of such an employee. Any premium or other expense incurred by any department, board, agency, public postsecondary educational institution, or branch of state, city, urban-county, charter county, county, or consolidated local government shall be considered a proper cost of administration.
- (6) The policy or policies may contain the provisions with respect to the class or classes of employees covered, amounts of insurance or coverage for designated classes or groups of employees, policy options, terms of eligibility, and continuation of insurance or coverage after retirement.
- (7) Group rates under this section shall be made available to the disabled child of an employee regardless of the child's age if the entire premium for the disabled child's coverage is paid by the state employee. A child shall be considered disabled if he or she has been determined to be eligible for federal Social Security disability benefits.
- (8) The health care contract or contracts for employees shall be entered into for a period of not less than one (1) year.
- (9) The secretary shall appoint thirty-two (32) persons to an Advisory Committee of State Health Insurance Subscribers to advise the secretary or the secretary's designee regarding the state-sponsored health insurance program for employees. The secretary shall appoint, from a list of names submitted by appointing authorities, members representing school districts from each of the seven (7) Supreme Court districts, members representing state government from each of the seven (7) Supreme Court districts, two (2) members representing retirees under age sixty-five (65), one (1) member representing local health departments, two (2) members representing the Kentucky Teachers' Retirement System, and three (3) members at large. The secretary shall also appoint two (2) members from a list of five (5) names submitted by the Kentucky Education Association, two (2) members from a list of five (5) names submitted by the largest state employee organization of nonschool state employees, two (2) members from a list of five (5) names submitted by the Kentucky Association of Counties, two (2) members from a list of five (5) names submitted by the Kentucky League of Cities, and two (2) members from a list of names consisting of five (5) names submitted by each state employee organization that has two thousand (2,000) or more members on state payroll deduction. The advisory committee shall be appointed in January of each year and shall meet quarterly.
- (10) Notwithstanding any other provision of law to the contrary, the policy or policies provided to employees pursuant to this section shall not provide coverage for obtaining or performing an abortion, nor shall any state funds be used for the purpose of obtaining or performing an abortion on behalf of employees or their dependents.
- (11) Interruption of an established treatment regime with maintenance drugs shall be grounds for an insured to appeal a formulary change through the established appeal procedures approved by the Department of Insurance, if the physician supervising the treatment certifies that the change is not in the best interests of the patient.
- (12) Any employee who is eligible for and elects to participate in the state health insurance program as a retiree, or the spouse or beneficiary of a retiree, under any one (1) of the state-sponsored retirement systems shall not be eligible to receive the state health insurance contribution toward health care coverage as a result of any other employment for which there is a public employer contribution. This does not preclude a retiree and an active employee spouse from using both contributions to the extent needed for purchase of one (1) state sponsored health insurance policy for that plan year.
- (13)
 - (a) The policies of health insurance coverage procured under subsection (2) of this section shall include a mail-order drug option for maintenance drugs for state employees. Maintenance drugs may be dispensed by mail order in accordance with Kentucky law.
 - (b) A health insurer shall not discriminate against any retail pharmacy located within the geographic coverage area of the health benefit plan and that meets the terms and conditions for participation established by the insurer, including price, dispensing fee, and copay requirements of a mail-order option. The retail pharmacy shall not be required to dispense by mail.
 - (c) The mail-order option shall not permit the dispensing of a controlled substance classified in Schedule II.

- (14) The policy or policies provided to state employees or their dependents pursuant to this section shall provide coverage for obtaining a hearing aid and acquiring hearing aid-related services for insured individuals under eighteen (18) years of age, subject to a cap of one thousand four hundred dollars (\$1,400) every thirty-six (36) months pursuant to KRS 304.17A-132.
- (15) Any policy provided to state employees or their dependents pursuant to this section shall provide coverage for the diagnosis and treatment of autism spectrum disorders consistent with KRS 304.17A-142.
- (16) Any policy provided to state employees or their dependents pursuant to this section shall provide coverage for obtaining amino acid-based elemental formula pursuant to KRS 304.17A-258.
- (17) If a state employee's residence and place of employment are in the same county, and if the hospital located within that county does not offer surgical services, intensive care services, obstetrical services, level II neonatal services, diagnostic cardiac catheterization services, and magnetic resonance imaging services, the employee may select a plan available in a contiguous county that does provide those services, and the state contribution for the plan shall be the amount available in the county where the plan selected is located.
- (18) If a state employee's residence and place of employment are each located in counties in which the hospitals do not offer surgical services, intensive care services, obstetrical services, level II neonatal services, diagnostic cardiac catheterization services, and magnetic resonance imaging services, the employee may select a plan available in a county contiguous to the county of residence that does provide those services, and the state contribution for the plan shall be the amount available in the county where the plan selected is located.
- (19) The Personnel Cabinet is encouraged to study whether it is fair and reasonable and in the best interests of the state group to allow any carrier bidding to offer health care coverage under this section to submit bids that may vary county by county or by larger geographic areas.
- (20) Notwithstanding any other provision of this section, the bid for proposals for health insurance coverage for calendar year 2004 shall include a bid scenario that reflects the statewide rating structure provided in calendar year 2003 and a bid scenario that allows for a regional rating structure that allows carriers to submit bids that may vary by region for a given product offering as described in this subsection:
 - (a) The regional rating bid scenario shall not include a request for bid on a statewide option;
 - (b) The Personnel Cabinet shall divide the state into geographical regions which shall be the same as the partnership regions designated by the Department for Medicaid Services for purposes of the Kentucky Health Care Partnership Program established pursuant to 907 KAR 1:705;
 - (c) The request for proposal shall require a carrier's bid to include every county within the region or regions for which the bid is submitted and include but not be restricted to a preferred provider organization (PPO) option;
 - (d) If the Personnel Cabinet accepts a carrier's bid, the cabinet shall award the carrier all of the counties included in its bid within the region. If the Personnel Cabinet deems the bids submitted in accordance with this subsection to be in the best interests of state employees in a region, the cabinet may award the contract for that region to no more than two (2) carriers; and
 - (e) Nothing in this subsection shall prohibit the Personnel Cabinet from including other requirements or criteria in the request for proposal.
- (21) Any fully insured health benefit plan or self-insured plan issued or renewed on or after July 12, 2006, to public employees pursuant to this section which provides coverage for services rendered by a physician or osteopath duly licensed under KRS Chapter 311 that are within the scope of practice of an optometrist duly licensed under the provisions of KRS Chapter 320 shall provide the same payment of coverage to optometrists as allowed for those services rendered by physicians or osteopaths.
- (22) Any fully insured health benefit plan or self-insured plan issued or renewed ~~on or after June 29, 2021,~~ to public employees pursuant to this section shall comply with:
 - (a) KRS 304.12-237;
 - (b) KRS 304.17A-270 and 304.17A-525;
 - (c) KRS 304.17A-600 to 304.17A-633;
 - (d) KRS 205.593;
 - (e) KRS 304.17A-700 to 304.17A-730;

- (f) KRS 304.14-135;
- (g) KRS 304.17A-580 and 304.17A-641;
- (h) KRS 304.99-123;
- (i) KRS 304.17A-138;~~and~~
- (j) **KRS 304.17A-148;**
- (k) **Sections 1 and 2 of this Act; and**
- (l) Administrative regulations promulgated pursuant to statutes listed in this subsection.

~~[(23) Any fully insured health benefit plan or self insured plan issued or renewed on or after January 1, 2022, to public employees pursuant to this section shall comply with KRS 304.17A-148.]~~

→Section 13. This Act shall apply to health plans delivered, issued for delivery, or renewed on or after the effective date of Sections 1 to 12 of this Act.

→Section 14. If the Cabinet for Health and Family Services determines that a waiver or other authorization from a federal agency is necessary to implement Sections 9 or 10 of this Act for any reason, including the loss of federal funds, the cabinet shall, within 90 days of the effective date of this section, request the waiver or authorization, and may only delay implementation of those provisions for which a waiver or authorization was deemed necessary until the waiver or authorization is granted.

→Section 15. Sections 1 to 12 of this Act take effect January 1, 2023.

Signed by Governor March 17, 2022.

CHAPTER 20

(SB 11)

AN ACT relating to long-term care facilities.

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

→Section 1. KRS 194A.700 is amended to read as follows:

As used in KRS 194A.700 to 194A.729:

- (1) "Activities of daily living" means normal daily activities, including **but not limited to** bathing, dressing, grooming, transferring, toileting, and eating;
- (2) **"Ambulatory" means able to walk, transfer, or move from place to place with or without hands-on assistance of another person, and with or without an assistive device, including but not limited to a walker or a wheelchair;**
- ~~(3)~~~~(2)~~ "Assistance with activities of daily living and instrumental activities of daily living" means any assistance provided by the **assisted living**~~[assisted living]~~ community staff with the **resident**~~[client]~~ having at least minimal ability to verbally direct or physically participate in the activity with which assistance is being provided;
- ~~(4)~~~~(3)~~ "Assistance with self-administration of medication," unless subject to more restrictive provisions in an **assisted living**~~[assisted living]~~ community's policies that are communicated in writing to **residents**~~[clients]~~ and prospective **residents**~~[clients]~~, means:
 - (a) Assistance with medication that is prepared or directed by the **resident**~~[client]~~, the **resident's**~~[client's]~~ designated representative, or a licensed health care professional who is not the owner, manager, or employee of the **assisted living**~~[assisted living]~~ community. The medication shall:
 - 1. Except for ointments, be preset in a medication organizer or be in a single dose unit;
 - 2. Include the **resident's**~~[client's]~~ name on the medication organizer or container in which the single dose unit is stored; and

3. Be stored in a manner requested in writing by the *resident*{client} or the *resident's*{client's} designated representative and permitted by the *assisted living*{assisted living} community's policies;
- (b) Assistance by an *assisted living*{assisted living} community staff person, which includes:
 1. Reminding a *resident*{client} when to take medications and observing to ensure that the *resident*{client} takes the medication as directed;
 2. Handing the *resident's*{client's} medication to the *resident*{client}, or if it is difficult for the *resident*{client} or the *resident*{client} requests assistance, opening the unit dose or medication organizer, removing the medication from a medication organizer or unit dose container, closing the medication organizer for the *resident*{client}, placing the dose in a container, and placing the medication or the container in the *resident's*{clients} hand;
 3. Steadying or guiding a *resident's*{client's} hand while the *resident*{client} is self-administering medications; or
 4. Applying over-the-counter topical ointments and lotions;
 - (c) Making available the means of communication by telephone, facsimile, *computer*, or other electronic device with a licensed health care professional and pharmacy regarding a prescription for medication;
 - (d) At the request of the *resident*{client} or the *resident's*{client's} designated representative, facilitating the filling of a preset medication container by a designated representative or licensed health care professional who is not the owner, manager, or employee of the assisted living community; and
 - (e) None of the following:
 1. Instilling eye, ear, or nasal drops;
 2. Mixing compounding, converting, or calculating medication doses;
 3. Preparing syringes for injection or administering medications by any injection method;
 4. Administering medications through intermittent positive pressure breathing machines or a nebulizer;
 5. Administering medications by way of a tube inserted in a cavity of the body;
 6. Administering parenteral preparations;
 7. Administering irrigations or debriding agents used in the treatment of a skin condition; or
 8. Administering rectal, urethral, or vaginal preparations;
- (5){(4)} *"Assisted living*{~~Assisted living~~} community" means a *licensed facility that provides sleeping accommodations and assisted living services set forth in the assisted living community's lease and policies*{series of living units on the same site certified under KRS 194A.707 to provide services} for five (5) or more adult persons not related within the third degree of consanguinity to the owner or manager;
- (6) *"Assisted living community with dementia care" means an assisted living community that is advertised, marketed, or otherwise promoted as providing specialized care for individuals with Alzheimer's disease or other dementia illnesses and disorders. An assisted living community with a secured dementia care unit shall be licensed as an assisted living community with dementia care;*
- (7) *"Assisted living services" means one (1) or more of the following services:*
- (a) *Assisting with activities of daily living, including but not limited to bathing, dressing, grooming, transferring, toileting, and eating;*
 - (b) *Assisting with instrumental activities of daily living that support independent living, including but not limited to housekeeping, shopping, laundry, chores, transportation, and clerical assistance;*
 - (c) *Providing standby assistance;*
 - (d) *Providing verbal or visual reminders to the resident to take regularly scheduled medication, including bringing the resident previously set up medication, medication in original containers, or liquid or food to accompany the medication;*

- (e) *Providing verbal or visual reminders to the resident to perform regularly scheduled treatments and exercises;*
 - (f) *Preparing and serving three (3) meals per day consisting of regular or modified diets ordered by a licensed health professional;*
 - (g) *Providing the services of an advanced practice registered nurse, registered nurse, licensed practical nurse, physical therapist, respiratory therapist, occupational therapist, speech pathologist, dietitian or nutritionist, or social worker;*
 - (h) *Tasks delegated to unlicensed personnel by a registered nurse or assigned by a licensed health professional within the person's scope of practice;*
 - (i) *Assistance with self-administration of medication;*
 - (j) *Medication management;*
 - (k) *Hands-on assistance with transfers and mobility, including use of gait belts;*
 - (l) *Treatments and therapies;*
 - (m) *Assisting residents with eating when the residents have complicated eating problems such as difficulty swallowing or recurrent lung aspirations as identified in the resident record or through an assessment;*
 - (n) *Scheduled daily social activities that address the general preferences of residents; and*
 - (o) *Other basic health and health-related services;*
- (8) *"Basic health and health-related services" means:*
- (a) *Monitoring and providing for the resident's health care needs;*
 - (b) *Storage and control of medications, other than as requested by a resident or a resident's designated representative;*
 - (c) *Administration of medications; and*
 - (d) *Arranging for therapeutic services ordered by the resident's health care practitioner, if the services are not available in the assisted living community;*
- (9) *"Cabinet" means the Cabinet for Health and Family Services;*
- ~~(5)~~ *"Client," "resident," or "tenant" means an adult person who has entered into a lease agreement with an assisted living community;*
- ~~(6)~~ *"Danger" means physical harm or threat of physical harm to one's self or others;*
- ~~(7)~~ *"Department" means the Department for Aging and Independent Living;*
- ~~(8)~~(10) *"Dementia" means the loss of cognitive function, including the ability to think, remember, problem solve, or reason, of sufficient severity to interfere with an individual's daily functioning;*
- (11) *"Dementia care services" means ongoing care for behavioral and psychological symptoms of dementia, including but not limited to planned group and individual programming and person-centered care practices to support daily living activities for people living with dementia;*
- (12) *"Dementia-trained staff" means any employee who has completed the minimum training required by Section 21 of this Act and has demonstrated knowledge and the ability to support individuals with dementia;*
- (13) *"Hands-on assistance" means physical help by another person without which the resident is not able to perform the activity;*
- (14) *"Health services" has the same meaning as in KRS 216B.015;*
- ~~(15)~~(9) *"Instrumental activities of daily living" means activities to support independent living including but not limited to housekeeping, shopping, laundry, chores, transportation, and clerical assistance;*
- ~~(16)~~(10) *"Living unit" means a portion of an assisted living ~~assisted living~~ community occupied as the living quarters of a resident ~~client~~ under a lease agreement;*
- (17) *"Medication administration" means:*

- (a) *Checking the resident's medication record;*
 - (b) *Preparing the medication as necessary;*
 - (c) *Administering the medication to the resident;*
 - (d) *Documenting the administration or reason for not administering the medication; and*
 - (e) *Reporting to a nurse or appropriate licensed health professional any concerns about the medication, the resident, or the resident's refusal to take the medication;*
- (18) *"Medication management" means the provision of any of the following medication-related services to a resident:*
- (a) *Performing medication setup;*
 - (b) *Administering medications;*
 - (c) *Storing and securing medications;*
 - (d) *Documenting medication activities;*
 - (e) *Verifying and monitoring the effectiveness of systems to ensure safe handling and administration;*
 - (f) *Coordinating refills;*
 - (g) *Handling and implementing changes to prescriptions;*
 - (h) *Communicating with the pharmacy about the resident's medications; and*
 - (i) *Coordinating and communicating with the prescriber;*
- (19) *"Medication setup" means arranging medications by a nurse, pharmacy, or authorized prescriber for later administration by the resident or by facility staff;*
- ~~{(11) "Mobile nonambulatory" means unable to walk without assistance, but able to move from place to place with the use of a device including but not limited to a walker, crutches, or wheelchair;~~
- ~~(12) "Plan of correction" means a written response from the assisted living community addressing an instance cited in the statement of noncompliance;~~
- ~~(13) "Statement of danger" means a written statement issued by the department detailing an instance where a client is a danger; and~~
- ~~(14) "Statement of noncompliance" means a written statement issued by the department detailing an instance when the department considers the assisted living community to have been in violation of a statutory or regulatory requirement.}~~
- (20) *"Nonambulatory" means unable to walk, transfer, or move from place to place with or without hands-on assistance of another person, and with or without an assistive device, including but not limited to a walker or a wheelchair;*
- (21) *"Person-centered care" means respecting and valuing the individual, providing individualized care that reflects the individual's changing needs, understanding the perspective of the person, and providing supportive opportunities for social engagement;*
- (22) *"Resident" means an adult person who has entered into a lease agreement with an assisted living community;*
- (23) *"Secured dementia care unit" means a designated area or setting designed for individuals with dementia that is secured in compliance with the applicable life safety code to prevent or to limit a resident's ability to exit the secured area or setting. A secured dementia care unit is not solely an individual resident's living area;*
- (24) *"Service plan" means the written plan agreement between the resident and the licensee about services that will be provided to the resident;*
- (25) *"Standby assistance" means minimizing the risk of injury to a resident who is performing daily activities by a person who is within arm's reach providing physical intervention, cueing, or oversight;*
- (26) *"Temporary condition" means a condition that affects a resident as follows:*

- (a) *The resident is not ambulatory before or after entering a lease agreement with the assisted living community but is expected to regain ambulatory ability within six (6) months of loss of ambulation, as documented by a licensed health care professional, and the assisted living community has a written plan in place to mitigate risk; or*
 - (b) *The resident is not ambulatory after entering a lease agreement with the assisted living community but is not expected to regain ambulatory ability, hospice services are provided by a hospice program licensed under KRS Chapter 216B or other end-of-life services are provided by a licensed health care provider in accordance with Section 3 of this Act, as documented by a licensed hospice program or other licensed health care professional, and the assisted living community has a written plan in place to mitigate risk; and*
- (27) *"Unlicensed personnel" means individuals not otherwise licensed or certified by a governmental health board or agency who provide services to a resident.*

➔Section 2. KRS 194A.703 is amended to read as follows:

- (1) Each living unit in an *assisted living*~~[assisted living]~~ community shall:
 - (a) Be at least two hundred (200) square feet for single occupancy, or for double occupancy if the room is shared with a spouse or another individual by mutual agreement;
 - (b) Include at least one (1) unfurnished room, ~~[with]~~ a lockable *entry* door~~;~~ ***unless in a secured dementia care unit, a private bathroom with a tub or shower, provisions for emergency response, a window to the outdoors, and a telephone jack;***
 - (c) ***Unless living units are in a secured dementia care unit,*** have an individual thermostat control if the *assisted living*~~[assisted living]~~ community has more than twenty (20) units; and
 - (d) Have temperatures that are not under a *resident's*~~[clients]~~ direct control at a minimum of seventy-one (71) degrees Fahrenheit in winter conditions and a maximum of eighty-one (81) degrees Fahrenheit in summer conditions if the *assisted living*~~[assisted living]~~ community has twenty (20) or fewer units, ***or the living units are in a secured dementia care unit.***
- (2) Each *resident*~~[client]~~ shall be provided access to central dining, a laundry facility, and a central living room.
- (3) Each *assisted living*~~[assisted living]~~ community shall comply with applicable building and life safety codes as determined by the building code or life safety code enforcement authority with jurisdiction.

➔Section 3. KRS 194A.705 is amended to read as follows:

- (1) The *assisted living*~~[assisted living]~~ community shall provide each *resident*~~[client]~~ with access to the following services according to the lease agreement:
 - (a) Assistance with activities of daily living and instrumental activities of daily living;
 - (b) Three (3) meals and snacks made available each day, ***with flexibility in a secured dementia care unit to meet the needs of residents with cognitive impairments who may eat outside of scheduled dining hours;***
 - (c) Scheduled daily social activities that address the general preferences of *residents*~~[clients]~~~~;~~ ~~and~~
 - (d) Assistance with self-administration of medication; ***and***
 - (e) ***Housing.***
- (2) (a) ***The assisted living community may provide residents with access to basic health and health-related services.***
 - (b) ***If an assisted living community chooses to provide basic health and health-related services, the assisted living community shall supervise the residents.***
- (3) (a) *Residents*~~[Clients]~~ of an *assisted living*~~[assisted living]~~ community may arrange for additional services under direct contract or arrangement with an outside agent, professional, provider, or other individual designated by the *resident*~~[client]~~ if permitted by the policies of the *assisted living*~~[assisted living]~~ community.

- (b) *Permitted services for which a resident may arrange or contract include but are not limited to health services, hospice services provided by a hospice program licensed under KRS Chapter 216B, and other end-of-life services.*
- (4)(3) Upon entering into a lease agreement, an *assisted living*~~[assisted living]~~ community shall inform the *resident*~~[client]~~ in writing about policies relating to the *provision of services by the assisted living community and the* contracting or arranging for additional services.
- (5)(4) A *resident*~~[client]~~ issued a move-out notice shall receive the notice in writing and the *assisted living*~~[assisted living]~~ community shall assist each *resident*~~[client]~~ upon a move-out notice to find appropriate living arrangements. Each *assisted living*~~[assisted living]~~ community shall share information provided from the *cabinet*~~[department]~~ regarding options for alternative living arrangements at the time a move-out notice is given to the *resident*~~[client]~~.
- (6)(5) An *assisted living*~~[assisted living]~~ community shall complete and provide to the *resident*~~[client]~~:
- Upon move-in, a copy of a functional needs assessment pertaining to the *resident's*~~[client's]~~ ability to perform activities of daily living and instrumental activities of daily living *and any other topics the assisted living community determines to be necessary*; and
 - After move-in, a copy of an updated functional needs assessment pertaining to the *resident's*~~[client's]~~ ability to perform activities of daily living and instrumental activities of daily living, *the service plan designed to meet identified needs, and any other topics the assisted living community determines to be necessary*.
- ➔Section 4. KRS 194A.707 is amended to read as follows:
- The Cabinet for Health and Family Services shall establish by the promulgation of administrative regulation under KRS Chapter 13A, an initial and~~[annual]~~ *re-licensure*~~[certification]~~ review process for *assisted living*~~[assisted living]~~ communities. This administrative regulation shall establish procedures related to applying for, reviewing, and approving, denying, or revoking *licensure*~~[certification]~~, as well as the conduct of hearings upon appeals as governed by KRS Chapter ~~216B~~~~[13B]~~.
 - Notwithstanding the timeframe in Section 27 of this Act*, an on-site visit of an *assisted living*~~[assisted living]~~ community shall be conducted by the cabinet:
 - As part of the initial *licensure*~~[certification]~~ review process;
 - Twenty-four (24) months following the date of the previous licensure review, if during the previous licensure review an assisted living community was not found to have violated an administrative regulation set forth by the cabinet that presented imminent danger to a resident that created substantial risk of death or serious mental or physical harm; and*
 - Twelve (12) months following the date of the previous licensure review, if during the previous licensure review an assisted living community was found to have violated an administrative regulation set forth by the cabinet that presented imminent danger to a resident that created substantial risk of death or serious mental or physical harm*~~[On a biennial basis as part of the certification review process if during or since the previous certification review an assisted living community has not received:~~
 - ~~Any statement of danger, unless withdrawn by the cabinet; or~~
 - ~~A finding substantiated by the cabinet that the assisted living community delivered a health service; and~~
 - ~~Within one (1) year of the date of the previous certification review if during or since the last certification review an assisted living community has received:~~
 - ~~Any statement of danger that was not withdrawn by the cabinet; or~~
 - ~~A finding substantiated by the cabinet that the assisted living community delivered a health service.~~
 - No business shall market its service as an *assisted living*~~[assisted living]~~ community unless it has:
 - Filed a current application for the business to be *licensed*~~[certified]~~ by the *cabinet*~~[department]~~ as an *assisted living*~~[assisted living]~~ community; or

- (b) Received *licensure*~~[certification]~~ by the *cabinet*~~[department]~~ as an *assisted living*~~[assisted living]~~ community.
- (4) No business that has been denied or had its *license*~~[certification]~~ revoked shall operate or market its service as an *assisted living*~~[assisted living]~~ community unless it has:
- (a) Filed a current application for the business to be *licensed*~~[certified]~~ by the *cabinet*~~[department]~~ as an *assisted living*~~[assisted living]~~ community; and
- (b) Received *licensure*~~[certification]~~ as an *assisted living*~~[assisted living]~~ community from the *cabinet*~~[department]~~. Revocation of *licensure*~~[certification]~~ may be grounds for the *cabinet*~~[department]~~ to not reissue *a license for that property*~~[certification]~~ for *seven (7) years*~~[one (1) year]~~ if ownership remains substantially the same.
- (5) No business shall operate as an *assisted living*~~[assisted living]~~ community unless its owner or manager has:
- (a) Filed a current application for the business to be *licensed*~~[certified]~~ as an *assisted living*~~[assisted living]~~ community by the *cabinet*~~[department]~~; and
- (b) Received *licensure*~~[certification]~~ as an *assisted living*~~[assisted living]~~ community from the *cabinet*~~[department]~~.
- (6) By September 1 of each year, each *assisted living*~~[assisted living]~~ community *licensed*~~[certified]~~ pursuant to this chapter may provide residents with educational information or education opportunities on influenza disease.
- (7) The *cabinet*~~[department]~~ shall determine the feasibility of recognizing accreditation by other organizations in lieu of *licensure*~~[certification]~~ *review by*~~[from]~~ the *cabinet*~~[department]~~.
- (8) Individuals designated by the *cabinet*~~[department]~~ to conduct *licensure*~~[certification]~~ reviews shall have the skills, training, experience, and ongoing education, *including understanding that assisted living is not subject to the rules and regulations of the Centers for Medicare and Medicaid Services*, to perform *assisted living community and assisted living community with dementia care licensure*~~[certification]~~ reviews.
- (9) The cabinet may promulgate administrative regulations to establish an *assisted living*~~[assisted living]~~ community *and assisted living community with dementia care licensure*~~[certification]~~ fee that shall not exceed costs of the program to the cabinet, to be assessed upon receipt of an application for *licensure*~~[certification]~~. The *cabinet*~~[department]~~ shall *provide*~~[submit]~~ a breakdown of fees assessed and costs incurred for conducting *licensure*~~[certification]~~ reviews upon request *of any interested person*.
- (10) The *cabinet*~~[department]~~ shall make findings from *the most recent licensure*~~[certification]~~ *review*~~[reviews conducted during the prior twelve (12) months]~~ available to *the public*~~[any interested person]~~.
- (11) Notwithstanding any provision of law to the contrary, the *cabinet*~~[department]~~ may request ~~[any]~~ additional *relevant* information from an *assisted living*~~[assisted living]~~ community or conduct additional on-site visits to ensure compliance with the provisions of KRS 194A.700 to 194A.729 *if the cabinet has reasonable cause to believe that the assisted living community is not in compliance*.
- (12) Failure to follow an *assisted living*~~[assisted living]~~ community's policies, practices, and procedures shall not result in a finding of noncompliance unless the *assisted living*~~[assisted living]~~ community is out of compliance with a related requirement under KRS 194A.700 to 194A.729.
- ➔Section 5. KRS 194A.709 is amended to read as follows:
- (1) ~~[The department shall report to the Division of Health Care any alleged or actual cases of health services being delivered by the staff of an assisted living community.~~
- (2) ~~—~~An *assisted living*~~[assisted living]~~ community shall have written policies on reporting and recordkeeping of alleged or actual cases of abuse, neglect, or exploitation of an adult under KRS 209.030. The only requisite components of a recordkeeping policy are the date and time of the report, the reporting method, and a brief summary of the alleged incident.
- (2)~~(3)~~ Any *assisted living*~~[assisted living]~~ community staff member who has reasonable cause to suspect that a *resident*~~[client]~~ has suffered abuse, neglect, or exploitation shall report the abuse, neglect, or exploitation under KRS 209.030.

➔Section 6. KRS 194A.711 is amended to read as follows:

A *resident*~~{client}~~ shall ~~meet the following criteria:~~

- ~~(1) be ambulatory~~~~{or mobile nonambulatory}~~, unless due to a temporary condition~~;~~ ~~and~~
- ~~(2) Not be a danger.~~

➔Section 7. KRS 194A.713 is amended to read as follows:

A lease agreement, in no smaller type than twelve (12) point font, shall be executed by the *resident*~~{client}~~ and the *assisted living*~~{assisted living}~~ community and shall include but not be limited to:

- (1) *Resident*~~{Client}~~ data, for the purpose of providing service, to include:
 - (a) Emergency contact person's name;
 - (b) Name of responsible party or legal guardian, if applicable;
 - (c) Attending physician's name;
 - (d) Information regarding personal preferences and social factors; and
 - (e) Advance directive under KRS 311.621 to 311.643, if desired by the *resident*~~;~~~~{client}.~~
- (2) *Assisted living*~~{Assisted living}~~ community's policy regarding termination of the lease agreement;
- (3) Terms of occupancy;
- (4) General services and fee structure;
- (5) Information regarding specific services provided, description of the living unit, and associated fees;
- (6) Provisions for modifying *resident*~~{client}~~ services and fees;
- (7) Minimum thirty (30) day notice provision for a change in the community's fee structure;
- (8) Minimum thirty (30) day move-out notice provision for *resident*~~{client}~~ nonpayment, subject to applicable landlord or tenant laws;
- (9) Provisions for assisting any *resident*~~{client}~~ that has received a move-out notice to find appropriate living arrangements prior to the actual move-out date;
- (10) Refund and cancellation policies;
- (11) Description of any special programming, staffing, or training if an *assisted living*~~{assisted living}~~ community is marketed as providing special programming, staffing, or training on behalf of *residents*~~{clients}~~ with particular needs or conditions;
- (12) Other community rights, policies, practices, and procedures;
- (13) Other *resident*~~{client}~~ rights and responsibilities, including compliance with *subsections (3) and (4) of Section 3 of this Act*~~{KRS 194A.705(2) and (3)}~~; and
- (14) Grievance policies that minimally address issues related to confidentiality of complaints and the process for resolving grievances between the *resident*~~{client}~~ and the *assisted living*~~{assisted living}~~ community.

➔Section 8. KRS 194A.715 is amended to read as follows:

An *assisted living*~~{assisted living}~~ community shall provide any interested person with a copy of KRS 194A.700 to 194A.729 and relevant administrative regulations.

➔Section 9. KRS 194A.717 is amended to read as follows:

- (1) Staffing in an *assisted living*~~{assisted living}~~ community shall be sufficient in number and qualification to meet the twenty-four (24) hour scheduled needs of each *resident*~~{client}~~ pursuant to the lease agreement, ~~and~~ ~~{~~functional needs assessment, *and service plan*.
- (2) One (1) awake staff member shall be on site at *each licensed entity at* all times.
- (3) An *assisted living*~~{assisted living}~~ community shall have a designated manager who is at least twenty-one (21) years of age, has at least a high school diploma or a High School Equivalency Diploma, and has demonstrated management or administrative ability to maintain the daily operations.

- (4) No employee who has an active communicable disease reportable to the Department for Public Health shall be permitted to work in an **assisted living**~~[assisted living]~~ community if the employee is a danger to the **residents**~~[clients]~~ or other employees.
- (5) ***When a resident requires hands-on assistance of another person to walk, transfer, or move from place to place with or without an assistive device, the assisted living community shall have a policy that describes how priority will be given by staff sufficient to assist that resident during times of emergency when evacuation may be necessary.***

➔Section 10. KRS 194A.719 is amended to read as follows:

- (1) ***Prior to independently working with residents, assisted living***~~[Assisted living]~~ community staff and management shall receive orientation education ***addressing***~~[on]~~ the following topics, ***with emphasis on those most***~~[as]~~ applicable to the employee's assigned duties:
- (a) ***Resident***~~[Client]~~ rights;
 - (b) Community policies;
 - (c) Adult first aid;
 - (d) Cardiopulmonary resuscitation unless the policies of the ***assisted living***~~[assisted living]~~ community state that this procedure is not initiated by its staff, and that ***residents***~~[clients]~~ and prospective ***residents***~~[clients]~~ are informed of the policies;
 - (e) Adult abuse and neglect;
 - (f) Alzheimer's disease and other types of dementia;
 - (g) Emergency procedures;
 - (h) Aging process;
 - (i) Assistance with activities of daily living and instrumental activities of daily living;
 - (j) Particular needs or conditions if the ***assisted living***~~[assisted living]~~ community markets itself as providing special programming, staffing, or training on behalf of ***residents***~~[clients]~~ with particular needs or conditions; and
 - (k) Assistance with self-administration of medication.
- (2) ***Assisted living***~~[Assisted living]~~ community staff and management shall receive annual in-service education applicable to their assigned duties that addresses no fewer than four (4) of the topics listed in subsection (1) of this section, ***one (1) of which shall be Alzheimer's disease and other types of dementia.***

➔Section 11. KRS 194A.721 is amended to read as follows:

- (1) Any ***assisted living***~~[assisted living]~~ community that was open or under construction on or before July 14, 2000, shall be exempt from the requirement that each living unit have a bathtub or shower.
- (2) Any ***assisted living***~~[assisted living]~~ community that was open or under construction on or before July 14, 2000, shall have a minimum of one (1) bathtub or shower for each five (5) ***residents***~~[clients]~~.
- (3) Any ***assisted living***~~[assisted living]~~ community that was open or under construction on or before July 14, 2000, shall be exempt from the requirement that each living unit shall be at least two hundred (200) square feet for single occupancy, or for double occupancy if the room is shared with a spouse or another individual by mutual agreement.

➔Section 12. KRS 194A.727 is amended to read as follows:

Any business, not licensed or certified in another capacity, that complies with some provisions of KRS 194A.700 to 194A.729 but does not provide ***assisted living services shall not be eligible for licensure as an assisted living community***~~[assistance with any activities of daily living or assistance with self-administration of medication shall not be eligible for certification as an assisted living community]~~ under KRS 194A.700 to 194A.729.

➔Section 13. KRS 194A.729 is amended to read as follows:

If a person or business seeks financing for an ***assisted living***~~[assisted living]~~ community project, the ***cabinet***~~[department]~~ shall provide written correspondence to the lender, upon request, to denote whether the architectural drawings and lease agreement conditionally comply with the provisions of KRS 194A.700 to 194A.729.

The ~~cabinet department~~ may promulgate administrative regulations to establish a fee that shall not exceed costs of the program to the cabinet, to be charged for the written correspondence to the lender.

➔SECTION 14. A NEW SECTION OF KRS 194A.700 TO 194A.729 IS CREATED TO READ AS FOLLOWS:

- (1) *An applicant for licensure as an assisted living community with dementia care shall have the ability to provide services in a manner that is consistent with the requirements in this section. The cabinet shall consider the following criteria for licensure, including but not limited to:*
 - (a) *The education and experience of the applicant or its principals in managing residents with dementia or other dementia illnesses and disorders; and*
 - (b) *The compliance history of the applicant in the operation of any care facility licensed, certified, or registered under federal or state law.*
- (2) *If the applicant or its principals do not have experience in managing residents with dementia, the applicant shall employ or contract with a consultant pursuant to terms determined by the applicant and consultant for at least the first six (6) months of operation. The consultant shall make recommendations on providing dementia care services consistent with the requirements of this chapter. The consultant shall:*
 - (a) *Possess two (2) years of work experience related to dementia, health care, gerontology, or an associated field; and*
 - (b) *Have completed at least the core training required by Section 21 of this Act.*
- (3) *The applicant shall document an acceptable plan to address the consultant's identified concerns and shall either implement the recommendations or document in the plan any consultant recommendations that the applicant chooses not to implement. The cabinet shall review the applicant's plan upon request.*
- (4) *Subsections (1), (2), and (3) of this section apply only to the initial licensure of assisted living communities with dementia care and do not apply to existing dementia units in operation as of the effective date of this Act.*
- (5) *The cabinet shall conduct an on-site inspection prior to the issuance of an assisted living community with dementia care license. An on-site inspection of an existing secured dementia care unit licensed as part of a certified assisted living community or a licensed personal care home that is conducted prior to the initial issuance of an assisted living community with dementia care license shall be for the purpose of ensuring compliance with the physical environment requirements.*
- (6) *The license shall be inscribed as an "Assisted Living Community with Dementia Care."*

➔SECTION 15. A NEW SECTION OF KRS 194A.700 TO 194A.729 IS CREATED TO READ AS FOLLOWS:

A licensee shall notify the cabinet in writing at least sixty (60) calendar days prior to the voluntary relinquishment of an assisted living community with dementia care license. For voluntary relinquishment, the facility shall:

- (1) *Give all residents and their designated and legal representatives sixty (60) calendar days' notice. The notice shall include:*
 - (a) *The proposed effective date of the relinquishment;*
 - (b) *Changes in staffing;*
 - (c) *Changes in services, including the elimination or addition of services; and*
 - (d) *Changes in staff training when the relinquishment becomes effective;*
- (2) *Submit a transitional plan to the cabinet demonstrating how the current residents shall be evaluated and assessed to reside in other housing settings that are not an assisted living community with dementia care, that are physically unsecured, or that would require move-out or transfer to other settings;*
- (3) *Change service or care plans as appropriate to address any needs the residents may have with the transition;*
- (4) *Notify the cabinet when the relinquishment process has been completed; and*
- (5) *Revise advertising materials and disclosure information to remove any reference that the facility is an assisted living community with dementia care.*

➔SECTION 16. A NEW SECTION OF KRS 194A.700 TO 194A.729 IS CREATED TO READ AS FOLLOWS:

- (1) *A licensee of an assisted living community with dementia care is responsible for:*
 - (a) *The care and housing of persons with dementia;*
 - (b) *The provision of person-centered care that promotes each resident's dignity, independence, and comfort; and*
 - (c) *The supervision, training, and overall conduct of the staff.*
- (2) *A licensee shall follow the assisted living license requirements and the criteria in KRS 194A.700 to 194A.729.*

➔SECTION 17. A NEW SECTION OF KRS 194A.700 TO 194A.729 IS CREATED TO READ AS FOLLOWS:

- (1) *The assisted living manager of an assisted living community with dementia care shall complete at least ten (10) hours of annual continuing education that relate to the care of individuals with dementia.*
- (2) *Annual continuing education topics shall include:*
 - (a) *Medical management of dementia;*
 - (b) *Creating and maintaining supportive and therapeutic environments for residents with dementia; and*
 - (c) *Transitioning and coordinating services for residents with dementia.*
- (3) *The continuing education requirements may be fulfilled by the following:*
 - (a) *College courses;*
 - (b) *Preceptor credits;*
 - (c) *Self-directed activities;*
 - (d) *Course instructor credits;*
 - (e) *Corporate training;*
 - (f) *In-service training;*
 - (g) *Professional association training;*
 - (h) *Web-based training;*
 - (i) *Correspondence courses;*
 - (j) *Telecourses;*
 - (k) *Seminars; and*
 - (l) *Workshops.*

➔SECTION 18. A NEW SECTION OF KRS 194A.700 TO 194A.729 IS CREATED TO READ AS FOLLOWS:

- (1) *In addition to the policies and procedures required in the licensing of all assisted living communities, an assisted living community with dementia care licensee shall develop and implement policies and procedures that address the following:*
 - (a) *Philosophy of how services are provided and implemented based upon the assisted living community licensee's values, mission, and promotion of person-centered care;*
 - (b) *Evaluation of behavioral symptoms and design of supports for intervention plans, including but not limited to nonpharmacological practices that are person-centered and evidence-informed;*
 - (c) *Exit seeking and egress prevention;*
 - (d) *Medication management pursuant to orders from a resident's health care practitioner;*
 - (e) *Staff training specific to dementia care;*

- (f) *Description of life enrichment and activity programs;*
 - (g) *Description of family support and engagement programs;*
 - (h) *Incontinence care;*
 - (i) *Limit the use of public address and intercom systems to emergencies;*
 - (j) *Transportation to and from off-site medical appointments; and*
 - (k) *Safekeeping of residents' possessions.*
- (2) *The policies and procedures shall be provided to residents and their legal and designated representatives at the time of move-in.*

➔SECTION 19. A NEW SECTION OF KRS 194A.700 TO 194A.729 IS CREATED TO READ AS FOLLOWS:

- (1) *An assisted living community with dementia care shall assign dementia-trained staff who have been instructed in the person-centered care approach for all residents. All direct care staff assigned to care for residents with dementia shall be trained to work with residents with Alzheimer's disease and other related dementia illnesses and disorders.*
- (2) *Only staff trained as required by Section 21 of this Act shall be assigned to care for dementia residents.*
- (3) *Staffing levels shall be sufficient to meet the scheduled needs of residents. During nighttime hours, staffing levels shall be based on the sleep patterns and needs of residents.*
- (4) *In an emergency and when trained staff are not available, the assisted living community may assign staff who have not completed the required training. The emergency situation shall be documented and shall address:*
 - (a) *The nature of the emergency;*
 - (b) *The duration of the emergency; and*
 - (c) *The names and positions of staff who provided coverage and assistance.*
- (5) *The licensee shall ensure that staff who provide support for residents with dementia demonstrate a basic understanding and ability to apply dementia training to the residents' emotional and unique health care needs using person-centered planning delivery.*
- (6) *Persons in charge of staff training shall have the following experience and credentials:*
 - (a) *Two (2) years of combined education and work experience related to Alzheimer's disease or other dementia illnesses and disorders, or in health care, gerontology, or another related field;*
 - (b) *Completion of training equivalent to the requirements in Section 21 of this Act; and*
 - (c) *A passing score on a skills competency or knowledge test the licensee selected or developed.*
- (7) *Orientation and in-service training may include various methods of instruction, including but not limited to classroom style, Web-based training, video, or one-to-one training. The licensee shall use a method for determining and documenting each staff person's knowledge and understanding of the training provided. All training shall be documented.*

➔SECTION 20. A NEW SECTION OF KRS 194A.700 TO 194A.729 IS CREATED TO READ AS FOLLOWS:

- (1) *In addition to the minimum services required in Section 3 of this Act, an assisted living community with dementia care shall also provide:*
 - (a) *Assistance with activities of daily living that address the needs of each resident with dementia;*
 - (b) *Nonpharmacological practices that are person-centered and evidence-informed;*
 - (c) *Informational services educating persons living with dementia and their legal and designated representatives about transitions in care and expectations of residents while in care;*
 - (d) *Social activities offered on or off the premises of the licensed assisted living community with dementia care that provide residents with opportunities to engage with other residents and the broader community; and*

- (e) *Basic health and health-related services.*
- (2) *Each resident shall be evaluated for engagement in activities. The evaluation shall address:*
 - (a) *Past and current interests;*
 - (b) *Current abilities and skills;*
 - (c) *Emotional and social needs and patterns;*
 - (d) *Physical abilities and limitations;*
 - (e) *Adaptations necessary for residents to participate; and*
 - (f) *Identification of activities for behavioral interventions.*
- (3) *An individualized activity plan shall be developed for each resident based on his or her activity evaluation. The plan shall reflect the resident's activity preferences and needs.*
- (4) *A selection of daily structured and non-structured activities shall be provided and included on the resident's activity service or care plan as appropriate. Daily activity options based on the resident evaluation may include but are not limited to:*
 - (a) *Occupation or chore related tasks;*
 - (b) *Scheduled and planned events;*
 - (c) *Spontaneous activities for enjoyment or to help defuse a behavior;*
 - (d) *One-to-one activities that promote personal interactions between residents and staff;*
 - (e) *Spiritual, creative, and intellectual activities;*
 - (f) *Sensory stimulation activities;*
 - (g) *Physical activities; and*
 - (h) *Outdoor activities.*
- (5) *Behavioral symptoms that negatively impact the resident and others in the assisted living community with dementia care shall be evaluated and included on the service plan. The staff shall initiate and coordinate outside consultation or acute care when indicated.*
- (6) *Support services shall be offered to family and others with significant relationships on a regularly scheduled basis but not less than every six (6) months.*
- (7) *Subject to appropriate weather, time of day, and other environmental or resident-specific considerations as determined by staff, access to secured outdoor space and walkways allowing residents to enter the secured outdoor space and return to the building without staff assistance shall be provided. This subsection shall only apply to secured dementia care units constructed after the effective date of this Act.*

➔SECTION 21. A NEW SECTION OF KRS 194A.700 TO 194A.729 IS CREATED TO READ AS FOLLOWS:

In addition to the training required for all assisted living communities, an assisted living community with dementia care shall meet the following training requirements for staff who work on its secured dementia care unit:

- (1) *All staff shall receive at least eight (8) hours of dementia-specific orientation within the first thirty (30) days of working in the secured dementia care unit. Until this initial training is complete, an employee shall not provide direct care unless there is another employee on site who has completed the initial eight (8) hours of training on topics related to dementia care and who can act as a resource and assist as needed. The orientation shall include:*
 - (a) *Information about the nature, progression, and management of Alzheimer's and other dementia illnesses and disorders;*
 - (b) *Methods for creating an environment that minimizes challenging behavior from residents with Alzheimer's and other dementia illnesses and disorders;*
 - (c) *Methods for identifying and minimizing safety risks to residents with Alzheimer's and other dementia illnesses and disorders; and*

- (d) *Methods for communicating with individuals with Alzheimer's and other dementia illnesses and disorders;*
- (2) *All direct care staff members shall also receive orientation training within the first thirty (30) days of caring for residents that includes at a minimum:*
 - (a) *General training, including:*
 - 1. *Development and implementation of comprehensive and individual service plans;*
 - 2. *Skills for recognizing physical and cognitive changes in residents;*
 - 3. *General infection control principles; and*
 - 4. *Emergency preparedness training; and*
 - (b) *Specialized training in dementia care, including:*
 - 1. *The nature of Alzheimer's and other dementia illnesses and disorders;*
 - 2. *The unit's philosophy related to the care of residents with Alzheimer's and other dementia illnesses and disorders;*
 - 3. *The unit's policies and procedures related to the care of residents with Alzheimer's and other dementia illnesses and disorders;*
 - 4. *Behavioral problems commonly found in residents with Alzheimer's and other dementia illnesses and disorders;*
 - 5. *Positive therapeutic interventions and activities;*
 - 6. *Skills for maintaining the safety of the residents; and*
 - 7. *The role of family in caring for residents with Alzheimer's and other dementia illnesses and disorders;*
- (3) *Direct care staff shall complete a minimum of sixteen (16) hours of specialized training in dementia care within the first thirty (30) days of working independently with residents with Alzheimer's or other dementia illnesses and disorders, and a minimum of eight (8) hours of specialized training in dementia care annually thereafter;*
- (4) *The secured dementia care unit shall maintain documentation reflecting course content, instructor qualifications, agenda, and attendance rosters for all training sessions provided; and*
- (5) *Completion of orientation and training required pursuant to this section and Section 10 of this Act shall be deemed to satisfy the requirements of KRS 216B.072.*

➔SECTION 22. A NEW SECTION OF KRS 194A.700 TO 194A.729 IS CREATED TO READ AS FOLLOWS:

- (1) *An assisted living community shall not operate unless it is licensed under this chapter. A licensee shall be legally responsible for the management, control, and operations of the facility.*
- (2) *The following categories are established for assisted living community licensure:*
 - (a) *An assisted living community license for any assisted living community without a secured dementia care unit; and*
 - (b) *An assisted living community with dementia care license for an assisted living community that provides assisted living services and dementia care services in a secured dementia care unit.*
- (3) *On or after the effective date of this Act, no assisted living community shall operate a secured dementia care unit without first obtaining an assisted living community with dementia care license from the cabinet. A license issued pursuant to this section shall not be assignable or transferable.*

➔SECTION 23. A NEW SECTION OF KRS 194A.700 TO 194A.729 IS CREATED TO READ AS FOLLOWS:

- (1) *A licensed personal care home in substantial compliance with Section 2 of this Act shall be licensed as an assisted living community as of the effective date of this Act. The cabinet shall issue an assisted living community license to the facility to replace its personal care license. If the personal care home has a*

secured dementia care unit, the replacement license shall be an assisted living community with dementia care license.

- (2) *A licensed personal care home that does not comply with Section 2 of this Act on the effective date of this Act may file an application with the cabinet to change its license from personal care home to assisted living community or assisted living community with dementia care:*
- (a) *Within twelve (12) months after the effective date of this Act once it complies with the physical plant requirements of an assisted living community as of the effective date of this Act; or*
- (b) *After twelve (12) months of the effective date of this Act once it complies with the physical plant requirements of an assisted living community in effect at the time of its application.*

➔SECTION 24. A NEW SECTION OF KRS 194A.700 TO 194A.729 IS CREATED TO READ AS FOLLOWS:

- (1) *Violations of the administrative regulations, standards, and requirements set forth by the cabinet pursuant to Section 4 of this Act, the applicable provisions of KRS 216.515 to 216.525, 216.537 to 216.555, 216.567 and 216.590, and Sections 29, 30, 31, 32, 33, and 34 of this Act shall be cited and referred to as citations or deficiencies and shall not be subject to or be categorized as Type A or Type B violations.*
- (2) *When an assisted living community self-reports to the cabinet facts or an event that constitute a violation of the administrative regulations, standards, and requirements set forth by the cabinet pursuant to Section 4 of this Act, the applicable provisions of KRS 216.515 to 216.525, 216.537 to 216.555, 216.567 and 216.590, and Sections 29, 30, 31, 32, 33, and 34 of this Act, the violation shall be shown on all related documents as having been reported to the cabinet by the assisted living community, and shall not be deemed a complaint.*
- (3) *Violations of the administrative regulations, standards, and requirements set forth by the cabinet shall present a direct or immediate relationship to the health, safety, or security of any resident.*
- (4) *A citation for a violation shall specify the time within which the violation is required to be corrected as approved or determined by the cabinet. If a violation is corrected within the time specified, no civil penalty shall be imposed.*
- (5) *Civil monetary penalties for violations of the administrative regulations, standards, and requirements set forth by the cabinet shall not be assessed in excess of five hundred dollars (\$500) for each distinct violation. Civil monetary penalties shall not be assessed unless imminent danger to a resident is present that creates substantial risk of death or serious mental or physical harm.*
- (6) *In determining the amount of any civil monetary penalty to be imposed under this subsection, the cabinet shall consider at least the following:*
- (a) *The gravity of the violation, the severity of the actual harm, and the extent to which the provisions of the applicable statutes or administrative regulations were violated;*
- (b) *The reasonable diligence exercised by the licensee and efforts to correct violations;*
- (c) *The number and type of previous violations committed by the licensee; and*
- (d) *The amount of the imposed penalty necessary to ensure immediate and continued compliance.*
- (7) *An assisted living community that is assessed a civil monetary penalty shall have the amount of the penalty reduced by the dollar amount that the facility can verify was used to correct the deficiency if the condition resulting in the deficiency citation existed for less than thirty (30) days prior to the date of the citation.*
- (8) *All administrative fines collected by the cabinet pursuant to KRS 194A.700 to 194A.729 shall be deposited in the Kentucky nursing incentive scholarship fund created pursuant to KRS 314.025.*

➔Section 25. KRS 216.510 is amended to read as follows:

As used in KRS 216.515 to 216.530:

- (1) "Long-term-care facilities" means those health-care facilities in the Commonwealth which are defined by the Cabinet for Health and Family Services to be family-care homes, personal-care homes, intermediate-care facilities, nursing facilities, nursing homes, ~~and~~ intermediate care facilities for individuals with intellectual disabilities, *and assisted living communities as defined in Section 1 of this Act;*
- (2) "Resident" means any person who is admitted to a long-term-care facility as defined in KRS 216.515 to 216.530 for the purpose of receiving personal care and assistance; and

- (3) "Cabinet" means the Cabinet for Health and Family Services.

➔Section 26. KRS 216.515 is amended to read as follows:

Every resident in a long-term-care facility shall have at least the following rights:

- (1) Before admission to a long-term-care facility, the resident and the responsible party or his responsible family member or his guardian shall be fully informed in writing, as evidenced by the resident's written acknowledgment and that of the responsible party or his responsible family member or his guardian, of all services available at the long-term-care facility. Every long-term-care facility shall keep the original document of each written acknowledgment in the resident's personal file.
- (2) Before admission to a long-term-care facility, the resident and the responsible party or his responsible family member or his guardian shall be fully informed in writing, as evidenced by the resident's written acknowledgment and that of the responsible party or his responsible family member or his guardian, of all resident's responsibilities and rights as defined in this section and KRS 216.520 to 216.530. Every long-term-care facility shall keep the original document of each written acknowledgment in the resident's personal file.
- (3) The resident and the responsible party or his responsible family member or his guardian shall be fully informed in writing, as evidenced by the resident's written acknowledgment and that of the responsible party or his responsible family member, or his guardian, prior to or at the time of admission and quarterly during the resident's stay at the facility, of all service charges for which the resident or his responsible family member or his guardian is responsible for paying. The resident and the responsible party or his responsible family member or his guardian shall have the right to file complaints concerning charges which they deem unjustified to appropriate local and state consumer protection agencies. Every long-term-care facility shall keep the original document of each written acknowledgment in the resident's personal file.
- (4) The resident shall be transferred or discharged only for medical reasons, or his own welfare, or that of the other residents, or for nonpayment, except where prohibited by law or administrative regulation. Reasonable notice of such action shall be given to the resident and the responsible party or his responsible family member or his guardian.
- (5) All residents shall be encouraged and assisted throughout their periods of stay in long-term care facilities to exercise their rights as a resident and a citizen, and to this end may voice grievances and recommend changes in policies and services to facility staff and to outside representatives of their choice, free from restraint, interference, coercion, discrimination, or reprisal.
- (6) All residents shall be free from mental and physical abuse, and free from chemical and physical restraints except in emergencies or except as thoroughly justified in writing by a physician for a specified and limited period of time and documented in the resident's medical record.
- (7) All residents shall have confidential treatment of their medical and personal records. Each resident or his responsible family member or his guardian shall approve or refuse the release of such records to any individuals outside the facility, except as otherwise specified by statute or administrative regulation.
- (8) Each resident may manage the use of his personal funds. If the facility accepts the responsibility for managing the resident's personal funds as evidenced by the facility's written acknowledgment, proper accounting and monitoring of such funds shall be made. This shall include each facility giving quarterly itemized statements to the resident and the responsible party or his responsible family member or his guardian which detail the status of the resident's personal funds and any transactions in which such funds have been received or disbursed. The facility shall return to the resident his valuables, personal possessions, and any unused balance of moneys from his account at the time of his transfer or discharge from the facility. In case of death or for valid reasons when he is transferred or discharged the resident's valuables, personal possessions, and funds that the facility is not liable for shall be promptly returned to the resident's responsible party or family member, or his guardian, or his executor.
- (9) If a resident is married, privacy shall be assured for the spouse's visits and if they are both residents in the facility, they may share the same room unless they are in different levels of care or unless medically contraindicated and documented by a physician in the resident's medical record.
- (10) Residents shall not be required to perform services for the facility that are not included for therapeutic purposes in their plan of care.
- (11) Residents may associate and communicate privately with persons of their choice and send and receive personal mail unopened.

- (12) Residents may retain the use of their personal clothing unless it would infringe upon the rights of others.
- (13) No responsible resident shall be detained against his will. Residents shall be permitted and encouraged to go outdoors and leave the premises as they wish unless a legitimate reason can be shown and documented for refusing such activity.
- (14) Residents shall be permitted to participate in activities of social, religious, and community groups at their discretion.
- (15) Residents shall be assured of at least visual privacy in multibed rooms and in tub, shower, and toilet rooms.
- (16) The resident and the responsible party or his responsible family member or his guardian shall be permitted the choice of a physician.
- (17) If the resident is adjudicated mentally disabled in accordance with state law, the resident's guardian shall act on the resident's behalf in order that his rights be implemented.
- (18) Each resident shall be treated with consideration, respect, and full recognition of his dignity and individuality, including privacy in treatment and in care for his personal needs.
- (19) Every resident and the responsible party or his responsible family member or his guardian has the right to be fully informed of the resident's medical condition unless medically contraindicated and documented by a physician in the resident's medical record.
- (20) Residents have the right to be suitably dressed at all times and given assistance when needed in maintaining body hygiene and good grooming.
- (21) Residents shall have access to a telephone at a convenient location within the facility for making and receiving telephone calls.
- (22) The resident's responsible party or family member or his guardian shall be notified immediately of any accident, sudden illness, disease, unexplained absence, or anything unusual involving the resident.
- (23) Residents have the right to have private meetings with the appropriate long-term care facility inspectors from the Cabinet for Health and Family Services.
- (24) Each resident and the responsible party or his responsible family member or his guardian has the right to have access to all inspection reports on the facility.
- (25) The above-stated rights shall apply in all cases unless medically contraindicated and documented by a physician in writing in the resident's medical record.
- (26) Any resident *of a long-term care facility licensed under KRS Chapter 216B* whose rights as specified in this section are deprived or infringed upon shall have a cause of action against any facility responsible for the violation. The action may be brought by the resident or his guardian. The action may be brought in any court of competent jurisdiction to enforce such rights and to recover actual and punitive damages for any deprivation or infringement on the rights of a resident. Any plaintiff who prevails in such action against the facility may be entitled to recover reasonable attorney's fees, costs of the action, and damages, unless the court finds the plaintiff has acted in bad faith, with malicious purpose, or that there was a complete absence of justifiable issue of either law or fact. Prevailing defendants may be entitled to recover reasonable attorney's fees. The remedies provided in this section are in addition to and cumulative with other legal and administrative remedies available to a resident and to the cabinet.

➔Section 27. KRS 216.530 is amended to read as follows:

- (1) All inspections of long-term care facilities performed by the cabinet shall be unannounced. All inspections of long-term care facilities shall be conducted in accordance with the rules and regulations promulgated by the cabinet in accordance with KRS Chapter 13A setting forth the parameters of such inspections. Except for complaint investigations, *and except for assisted living communities, personal care homes, and specialized personal care homes*, inspections shall be performed no later than seven (7) to fifteen (15) months after the previous inspection.
- (2) A person having knowledge of or conducting inspections of long-term care facilities shall not, with intent to violate subsection (1) of this section, notify or cause notice to be made to an owner, operator, licensee, or representative of a licensee of any scheduled or contemplated inspection. A violation of this subsection by a state employee shall be considered cause for dismissal under KRS Chapter 18A.

➔Section 28. KRS 216.535 is amended to read as follows:

- (1) As used in KRS 216.537 to 216.590:
- (a) "Long-term care facilities" means those health care facilities in the Commonwealth which are defined by the Cabinet for Health and Family Services to be family care homes, personal care homes, intermediate care facilities, nursing facilities, nursing homes, ~~and~~ intermediate care facilities for individuals with intellectual disabilities, **and assisted living communities as defined in Section 1 of this Act**;
 - (b) "Cabinet" means the Cabinet for Health and Family Services;
 - (c) "Resident" means any person admitted to a long-term care facility as defined by this section;
 - (d) "Licensee" in the case of a licensee who is an individual means the individual, and in the case of a licensee who is a corporation, partnership, or association means the corporation, partnership, or association;
 - (e) "Secretary" means the secretary of the Cabinet for Health and Family Services;
 - (f) "Long-term care ombudsman" means the person responsible for the operation of a long-term care ombudsman program which investigates and resolves complaints made by or on behalf of residents of long-term care facilities; and
 - (g) "Willful interference" means an intentional, knowing, or purposeful act or omission which hinders or impedes the lawful performance of the duties and responsibilities of the ombudsman as set forth in this chapter.
- (2) The following information shall be available upon request of the affected Medicaid recipient or responsible party:
- (a) Business names, business addresses, and business telephone numbers of operators and administrators of the facility; and
 - (b) Business names, business addresses, and business telephone numbers of staff physicians and the directors of nursing.
- (3) The following information shall be provided to the nursing facility patient upon admission:
- (a) Admission and discharge policies of the facility;
 - (b) Payment policies relevant to patients for all payor types; and
 - (c) Information developed and distributed to the nursing facility by the Department for Medicaid Services, including but not limited to:
 1. Procedures for implementation of all peer review organizations' reviews and appeals processes;
 2. Eligibility criteria for the state's Medical Assistance Program, including circumstances when eligibility may be denied; and
 3. Names and telephone numbers for case managers and all state long term care ombudsmen.

➔Section 29. KRS 216.765 is amended to read as follows:

- (1) Prior to admission to a personal-care home **or assisted living community as defined in Section 1 of this Act**, an individual shall have a medical examination that includes a medical history, physical examination, and diagnosis. If completed within fourteen (14) days prior to admission, the medical evaluation may include a copy of the individual's discharge summary or health and physical report from a physician, hospital, or other health care facility.
- (2) No person under the age of eighteen (18) years shall be admitted to a personal-care home **or assisted living community**.

➔Section 30. KRS 216.557 is amended to read as follows:

Citations issued pursuant to KRS 216.537 to 216.590 shall be classified according to the nature of the violation as follows:

- (1) Type "A" violation means a violation by a long-term care facility of the regulation, standards, and requirements as set forth by the cabinet pursuant to KRS 216.563 or the provisions of KRS 216.510 to 216.525, or applicable federal laws and regulations governing the certification of a long-term care facility

under Title 18 or 19 of the Social Security Act, which presents an imminent danger to any resident of a long-term care facility and creates substantial risk that death or serious mental or physical harm to a resident will occur. A Type A violation shall be abated or eliminated immediately, unless a fixed period of time not to exceed ten (10) days, as determined by the cabinet, is required for correction. A Type A violation is subject to a civil penalty in an amount not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000) for each and every violation. A facility that is assessed a civil monetary penalty in accordance with applicable federal laws and regulations under Title 18 or 19 of the Federal Social Security Act shall not be subject to the civil monetary penalty established in this subsection for the same violation; ~~and~~†

- (2) Type "B" violation means a violation by a long-term care facility of the regulations, standards, and requirements as set forth by the cabinet pursuant to KRS 216.563 or the provisions of KRS 216.510 to 216.525, or applicable federal laws and regulations governing the certification of a long-term care facility under Title 18 or 19 of the Social Security Act, which presents a direct or immediate relationship to the health, safety, or security of any resident, but which does not create an imminent danger. A Type B violation is subject to a civil penalty in an amount not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) for each and every violation. A citation for a Type B violation shall specify the time within which the violation is required to be corrected as approved or determined by the cabinet. If a Type B violation is corrected within the time specified, no civil penalty shall be imposed. A facility that is assessed a civil monetary penalty in accordance with applicable federal laws and regulations under Title 18 or 19 of the Federal Social Security Act shall not be subject to the civil monetary penalty established in this subsection for the same violation.

This section shall not apply to assisted living communities licensed pursuant to KRS 194A.700 to 194A.729.

➔Section 31. KRS 216.560 is amended to read as follows:

- (1) If a licensee has failed to correct a Type A violation within the time specified for correction by the cabinet, the cabinet shall assess the licensee a civil penalty in the amount of five hundred dollars (\$500) for each day that the deficiency continues beyond the date specified for correction. Application for an extension of time, not to exceed ten (10) days, may be granted by the cabinet upon a showing by the licensee that adequate arrangements have been made to protect the health and safety of the residents. A facility that is assessed a civil monetary penalty in accordance with applicable federal laws and regulations under Title 18 or 19 of the Federal Social Security Act shall not be subject to the civil monetary penalty established in this subsection for the same violation.
- (2) If a licensee has failed to correct a Type B violation within the time specified for correction by the cabinet, the cabinet shall assess the licensee a civil penalty in the amount of two hundred dollars (\$200) for each day that the deficiency continues beyond the date specified for correction. Application for an extension of time, not to exceed (10) days, may be granted by the cabinet upon a showing by the licensee that adequate arrangements have been made to protect the health and safety of the residents. A facility that is assessed a civil monetary penalty in accordance with applicable federal laws and regulations under Title 18 or 19 of the Federal Social Security Act shall not be subject to the civil monetary penalty established in this subsection for the same violation.
- (3) The civil penalties authorized by KRS 216.537 to 216.590 shall be trebled when a licensee has received a citation for violating a statute or regulation for which it has received a citation during the previous twelve (12) months.
- (4) Payment of penalties shall not be made from moneys used for direct patient care nor shall the payment of penalties be a reimbursable cost under Medicaid or Medicare.
- (5) KRS 216B.990(3) shall not apply to the offenses defined herein.
- (6) A personal care home that is assessed a civil monetary penalty for a Type A or Type B citation shall have the amount of the penalty reduced by the dollar amount that the facility can verify was used to correct the deficiency, if:
- (a) The condition resulting in the deficiency citation existed for less than thirty (30) days prior to the date of the citation; or
 - (b) The facility has not intentionally delayed correcting the deficiency to secure a reduction in a penalty that might subsequently be assessed.

(7) All administrative fines collected by the cabinet pursuant to KRS 216.537 to 216.590 shall be deposited in the Kentucky nursing incentive scholarship fund, which is hereby created, and the balance of that fund shall not lapse at the end of the fiscal year to the general fund.

(8) ***This section shall not apply to assisted living communities licensed under KRS 194A.700 to 194A.729.***

➔Section 32. KRS 216.563 is amended to read as follows:

(1) The cabinet shall promulgate administrative regulations setting forth the criteria and, where feasible, the specific acts that constitute Type A and B violations as specified by KRS 216.537 to 216.590. No violation or civil penalty for violations of KRS 216.537 to 216.590 shall be assessed until the initial regulations are effective pursuant to KRS Chapter 13A.

(2) ***This section shall not apply to assisted living communities licensed under KRS 194A.700 to 194A.729.***

➔Section 33. KRS 216.565 is amended to read as follows:

(1) In determining the amount of the initial penalty to be imposed under KRS 216.537 to 216.590, the cabinet shall consider at least the following factors:

- (a) ~~[(1)]~~ The gravity of the violation, including the probability that death or serious physical or mental harm to a resident will result or has resulted; the severity of the actual or potential harm, and the extent to which the provisions of the applicable statutes or regulations were violated;
- (b) ~~[(2)]~~ The reasonable diligence exercised by the licensee and efforts to correct violations;
- (c) ~~[(3)]~~ The number and type of previous violations committed by the licensee; and
- (d) ~~[(4)]~~ The amount of assessment necessary to insure immediate and continued compliance.

(2) ***This section shall not apply to assisted living communities licensed under KRS 194A.700 to 194A.729.***

➔Section 34. KRS 216.573 is amended to read as follows:

(1) The cabinet may institute injunctive proceedings in Circuit Court to enforce the provisions of KRS 216.537 to 216.590 or to terminate the operation of a long-term care facility where any of the following exists:

- (a) ~~[(1)]~~ Failure of the licensee to take appropriate action to correct a Type A or B violation; or
- (b) ~~[(2)]~~ Failure of the licensee to abide by any final order of the cabinet once it has become effective and binding.

(2) Such injunctive relief may include temporary and permanent injunction.

(3) ***The cabinet may institute injunctive proceedings to enforce KRS 194A.700 to 194A.729 only under subsection (1)(b) of this section.***

➔Section 35. KRS 216.577 is amended to read as follows:

(1) Upon a finding that conditions in a long-term care facility constitute a Type A violation, and the licensee fails to correct the violation within the time specified for correction by the cabinet, the secretary shall take at least one (1) of the following actions with respect to the facility in addition to the issuance of a citation, or the assessment of a civil penalty therefor:

- (a) ~~[(1)]~~ Institute proceedings to obtain an order compelling compliance with the regulations, standards, or requirements as set forth by the Cabinet for Health and Family Services, the provisions of KRS 216.510 to 216.525, or applicable federal laws and regulations governing the certification of a long-term care facility under Title 18 or 19 of the Social Security Act;
- (b) ~~[(2)]~~ Institute injunctive proceedings in Circuit Court to terminate the operation of the facility; or
- (c) ~~[(3)]~~ Selectively transfer residents whose care needs are not being adequately met by the long-term care facility.

(2) ***This section shall not apply to assisted living communities licensed under KRS 194A.700 to 194A.729.***

➔Section 36. KRS 216.595 is amended to read as follows:

(1) (a) Any ~~assisted living~~ ~~assisted living~~ community as defined by KRS 194A.700 or long-term care facility as defined in KRS 216.535 that claims to provide special care for persons with a medical diagnosis of Alzheimer's disease or other brain disorders shall maintain a written and current manual that contains

the information specified in subsection (2) of this section. This manual shall be maintained in the office of the community's or facility's director and shall be made available for inspection upon request of any person. The community or facility shall make a copy of any program or service information contained in the manual for a person who requests information about programs or services, at no cost to the person making the request.

- (b) Any advertisement of the community or facility shall contain the following statement: "Written information relating to this community's or facility's services and policies is available upon request."
 - (c) The community or facility shall post a statement in its entrance or lobby as follows: "Written information relating to this community's or facility's services and policies is available upon request."
- (2) The community or facility shall maintain and update written information on the following:
- (a) The ***assisted living***~~[assisted living]~~ community's or long-term care facility's mission or philosophy statement concerning the needs of residents with Alzheimer's disease or other brain disorders;
 - (b) The process and criteria the ***assisted living***~~[assisted living]~~ community or long-term care facility uses to determine placement into services for persons with Alzheimer's disease or other brain disorders;
 - (c) The process and criteria the ***assisted living***~~[assisted living]~~ community or long-term care facility uses to transfer or discharge persons from special services for Alzheimer's or other brain disorders;
 - (d) The supervision provided for residents with a medical diagnosis of Alzheimer's disease or other brain disorders;
 - (e) The family's role in care;
 - (f) The process for assessing, planning, implementing, and evaluating the plan of care for persons with Alzheimer's disease or other brain disorders;
 - (g) A description of any special care services for persons with Alzheimer's disease or other brain disorders;
 - (h) Any costs associated with specialized services for Alzheimer's disease or other brain disorders; and
 - (i) A description of dementia or other brain disorder-specific staff training that is provided, including but not limited to the content of the training, the number of offered and required hours of training, the schedule for training, and the staff who are required to complete the training.
- (3) An ***assisted living***~~[assisted living]~~ community may request a waiver from the Cabinet for Health and Family Services regarding building requirements to address the specialized needs of individuals with Alzheimer's disease or other brain disorders.

➔SECTION 37. A NEW SECTION OF KRS CHAPTER 216 IS CREATED TO READ AS FOLLOWS:

(1) *As used in this section:*

- (a) *"Cabinet" means the Cabinet for Health and Family Services;*
- (b) *"Personal care home" or "PCH" means an establishment located in a permanent building that does not comply with the physical plant requirements of Section 2 of this Act, has resident beds, and provides:*
 - 1. *Supervision of residents;*
 - 2. *Basic health and health-related services;*
 - 3. *Personal care services;*
 - 4. *Residential care services; and*
 - 5. *Social and recreational activities; and*
- (c) *"Specialized personal care home" or "SPCH" means a personal care home that:*
 - 1. *Participates in the mental illness or intellectual disability supplement program pursuant to administrative regulations promulgated by the cabinet; or*
 - 2. *Serves residents with thirty-five percent (35%) or more having a serious mental illness as defined by administrative regulations promulgated by the cabinet.*

(2) *A resident in a PCH or SPCH shall:*

- (a) *Be admitted in accordance with Section 29 of this Act;*
 - (b) *Be ambulatory as defined by Section 1 of this Act;*
 - (c) *Be able to manage most of the activities of daily living; and*
 - (d) *Have care needs that do not exceed the capability of the PCH or SPCH.*
- (3) *An individual who is nonambulatory as defined in Section 1 of this Act shall not be eligible for residence in a PCH or SPCH.*
- (4) *A PCH or SPCH may provide services to a resident who is deemed to have a temporary condition as defined in Section 1 of this Act.*
- (5) (a) *Residents of a PCH or SPCH may arrange for additional services under direct contract or arrangement with an outside agent, professional, provider, or other individual designated by the resident if permitted by the policies of the PCH or SPCH.*
- (b) *Permitted services for which a resident may arrange or contract include but are not limited to health services, hospice services provided by a hospice program licensed under KRS Chapter 216B, and other end-of-life services.*
- (6) (a) *Staffing in a PCH or SPCH shall be sufficient in number and qualification to meet the twenty-four (24) hour scheduled needs of each resident.*
- (b) *One (1) awake staff member shall be on site at each licensed entity at all times.*
- (c) *When a resident requires hands-on assistance of another person to walk, transfer, or move from place to place with or without an assistive device, the PCH or SPCH shall have a policy that describes how priority will be given by staff sufficient to assist that resident during times of emergency when evacuation may be necessary.*
- (7) (a) *The cabinet shall promulgate administrative regulations in accordance with KRS Chapter 13A to establish an initial and re-licensure review process for personal care homes or specialized personal care homes. Administrative regulations shall establish procedures related to applying for, reviewing, and approving, denying, or revoking licensure, as well as the conduct of hearings upon appeals as governed by KRS Chapter 216B.*
- (b) *Notwithstanding any provision of law to the contrary, the cabinet may request additional relevant information from a personal care home or specialized personal care home or conduct additional on-site visits to ensure compliance with the provisions of this chapter and other applicable statutes and administrative regulations, if the cabinet has reasonable cause to believe that the personal care home or specialized personal care home is not in compliance.*
- (c) *Notwithstanding Section 27 of this Act, the cabinet shall conduct an on-site visit of a personal care home or specialized personal care home:*
1. *As part of the initial licensure review process;*
 2. *Twenty-four (24) months following the date of the previous licensure review, if during the previous licensure review a personal care home or specialized personal care home was not found to have violated an administrative regulation set forth by the cabinet that presented imminent danger to a resident that created substantial risk of death or serious mental or physical harm; and*
 3. *Twelve (12) months following the date of the previous licensure review, if during the previous licensure review a personal care home or specialized personal care home was found to have violated an administrative regulation set forth by the cabinet that presented imminent danger to a resident that created substantial risk of death or serious mental or physical harm.*

➔Section 38. KRS 216A.030 is amended to read as follows:

- (1) No licensed long-term care facility shall operate except under the supervision of a long-term care administrator, unless approved by the board through administrative regulation, and no person shall be a long-term care administrator unless he or she is the holder of a long-term care administrator's license issued pursuant to this chapter.
- (2) *This section shall not apply to assisted living communities licensed under KRS 194A.700 to 194A.729.*

➔Section 39. KRS 216B.015 is amended to read as follows:

Except as otherwise provided, for purposes of this chapter, the following definitions shall apply:

- (1) "Abortion facility" means any place in which an abortion is performed;
- (2) "Administrative regulation" means a regulation adopted and promulgated pursuant to the procedures in KRS Chapter 13A;
- (3) "Affected persons" means the applicant; any person residing within the geographic area served or to be served by the applicant; any person who regularly uses health facilities within that geographic area; health facilities located in the health service area in which the project is proposed to be located which provide services similar to the services of the facility under review; health facilities which, prior to receipt by the agency of the proposal being reviewed, have formally indicated an intention to provide similar services in the future; and the cabinet and third-party payors who reimburse health facilities for services in the health service area in which the project is proposed to be located;
- (4) (a) "Ambulatory surgical center" means a health facility:
 1. Licensed pursuant to administrative regulations promulgated by the cabinet;
 2. That provides outpatient surgical services, excluding oral or dental procedures; and
 3. Seeking recognition and reimbursement as an ambulatory surgical center from any federal, state, or third-party insurer from which payment is sought.(b) An ambulatory surgical center does not include the private offices of physicians where in-office outpatient surgical procedures are performed as long as the physician office does not seek licensure, certification, reimbursement, or recognition as an ambulatory surgical center from a federal, state, or third-party insurer.
(c) Nothing in this subsection shall preclude a physician from negotiating enhanced payment for outpatient surgical procedures performed in the physician's private office so long as the physician does not seek recognition or reimbursement of his or her office as an ambulatory surgical center without first obtaining a certificate of need or license required under KRS 216B.020 and 216B.061;
- (5) "Applicant" means any physician's office requesting a major medical equipment expenditure exceeding the capital expenditure minimum, or any person, health facility, or health service requesting a certificate of need or license;
- (6) "Cabinet" means the Cabinet for Health and Family Services;
- (7) "Capital expenditure" means an expenditure made by or on behalf of a health facility which:
 - (a) Under generally accepted accounting principles is not properly chargeable as an expense of operation and maintenance or is not for investment purposes only; or
 - (b) Is made to obtain by lease or comparable arrangement any facility or part thereof or any equipment for a facility or part thereof;
- (8) "Capital expenditure minimum" means the annually adjusted amount set by the cabinet. In determining whether an expenditure exceeds the expenditure minimum, the cost of any studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the improvement, expansion, or replacement of any plant or any equipment with respect to which the expenditure is made shall be included. Donations of equipment or facilities to a health facility which if acquired directly by the facility would be subject to review under this chapter shall be considered a capital expenditure, and a transfer of the equipment or facilities for less than fair market value shall be considered a capital expenditure if a transfer of the equipment or facilities at fair market value would be subject to review;
- (9) "Certificate of need" means an authorization by the cabinet to acquire, to establish, to offer, to substantially change the bed capacity, or to substantially change a health service as covered by this chapter;
- (10) "Certified surgical assistant" means a certified surgical assistant or certified first assistant who is certified by the National Surgical Assistant Association on the Certification of Surgical Assistants, the Liaison Council on Certification of Surgical Technologists, or the American Board of Surgical Assistants. The certified surgical assistant is an unlicensed health-care provider who is directly accountable to a physician licensed under KRS Chapter 311 or, in the absence of a physician, to a registered nurse licensed under KRS Chapter 314;

- (11) "Continuing care retirement community" means a community that provides, on the same campus, a continuum of residential living options and support services to persons sixty (60) years of age or older under a written agreement. The residential living options shall include independent living units, nursing home beds, and either assisted living units or personal care beds;
- (12) "Formal review process" means the ninety (90) day certificate-of-need review conducted by the cabinet;
- (13) "Health facility" means any institution, place, building, agency, or portion thereof, public or private, whether organized for profit or not, used, operated, or designed to provide medical diagnosis, treatment, nursing, rehabilitative, or preventive care and includes alcohol abuse, drug abuse, and mental health services. This shall include but shall not be limited to health facilities and health services commonly referred to as hospitals, psychiatric hospitals, physical rehabilitation hospitals, chemical dependency programs, nursing facilities, nursing homes, personal care homes, intermediate care facilities, *assisted living communities*, family care homes, outpatient clinics, ambulatory care facilities, ambulatory surgical centers, emergency care centers and services, ambulance providers, hospices, community mental health centers, home health agencies, kidney disease treatment centers and freestanding hemodialysis units, and others providing similarly organized services regardless of nomenclature;
- (14) "Health services" means clinically related services provided within the Commonwealth to two (2) or more persons, including but not limited to diagnostic, treatment, or rehabilitative services, and includes alcohol, drug abuse, and mental health services;
- (15) "Independent living" means the provision of living units and supportive services, including but not limited to laundry, housekeeping, maintenance, activity direction, security, dining options, and transportation;
- (16) "Intraoperative surgical care" includes the practice of surgical assisting in which the certified surgical assistant or physician assistant is working under the direction of the operating physician as a first or second assist, and which may include the following procedures:
- (a) Positioning the patient;
 - (b) Preparing and draping the patient for the operative procedure;
 - (c) Observing the operative site during the operative procedure;
 - (d) Providing the best possible exposure of the anatomy incident to the operative procedure;
 - (e) Assisting in closure of incisions and wound dressings; and
 - (f) Performing any task, within the role of an unlicensed assistive person, or if the assistant is a physician assistant, performing any task within the role of a physician assistant, as required by the operating physician incident to the particular procedure being performed;
- (17) "Major medical equipment" means equipment which is used for the provision of medical and other health services and which costs in excess of the medical equipment expenditure minimum. In determining whether medical equipment has a value in excess of the medical equipment expenditure minimum, the value of studies, surveys, designs, plans, working drawings, specifications, and other activities essential to the acquisition of the equipment shall be included;
- (18) "Nonsubstantive review" means an expedited review conducted by the cabinet of an application for a certificate of need as authorized under KRS 216B.095;
- (19) "Nonclinically related expenditures" means expenditures for:
- (a) Repairs, renovations, alterations, and improvements to the physical plant of a health facility which do not result in a substantial change in beds, a substantial change in a health service, or the addition of major medical equipment, and do not constitute the replacement or relocation of a health facility; or
 - (b) Projects which do not involve the provision of direct clinical patient care, including but not limited to the following:
 1. Parking facilities;
 2. Telecommunications or telephone systems;
 3. Management information systems;
 4. Ventilation systems;

5. Heating or air conditioning, or both;
 6. Energy conservation; or
 7. Administrative offices;
- (20) "Party to the proceedings" means the applicant for a certificate of need and any affected person who appears at a hearing on the matter under consideration and enters an appearance of record;
- (21) "Perioperative nursing" means a practice of nursing in which the nurse provides preoperative, intraoperative, and postoperative nursing care to surgical patients;
- (22) "Person" means an individual, a trust or estate, a partnership, a corporation, an association, a group, state, or political subdivision or instrumentality including a municipal corporation of a state;
- (23) "Physician assistant" means the same as the definition provided in KRS 311.550;
- (24) "Record" means, as applicable in a particular proceeding:
- (a) The application and any information provided by the applicant at the request of the cabinet;
 - (b) Any information provided by a holder of a certificate of need or license in response to a notice of revocation of a certificate of need or license;
 - (c) Any memoranda or documents prepared by or for the cabinet regarding the matter under review which were introduced at any hearing;
 - (d) Any staff reports or recommendations prepared by or for the cabinet;
 - (e) Any recommendation or decision of the cabinet;
 - (f) Any testimony or documentary evidence adduced at a hearing;
 - (g) The findings of fact and opinions of the cabinet or the findings of fact and recommendation of the hearing officer; and
 - (h) Any other items required by administrative regulations promulgated by the cabinet;
- (25) "Registered nurse first assistant" means one who:
- (a) Holds a current active registered nurse licensure;
 - (b) Is certified in perioperative nursing; and
 - (c) Has successfully completed and holds a degree or certificate from a recognized program, which shall consist of:
 1. The Association of Operating Room Nurses, Inc., Core Curriculum for the registered nurse first assistant; and
 2. One (1) year of postbasic nursing study, which shall include at least forty-five (45) hours of didactic instruction and one hundred twenty (120) hours of clinical internship or its equivalent of two (2) college semesters.
- A registered nurse who was certified prior to 1995 by the Certification Board of Perioperative Nursing shall not be required to fulfill the requirements of paragraph (c) of this subsection;
- (26) "Secretary" means the secretary of the Cabinet for Health and Family Services;
- (27) "Sexual assault examination facility" means a licensed health facility, emergency medical facility, primary care center, or a children's advocacy center or rape crisis center that is regulated by the Cabinet for Health and Family Services, and that provides sexual assault examinations under KRS 216B.400;
- (28) "State health plan" means the document prepared triennially, updated annually, and approved by the Governor;
- (29) "Substantial change in a health service" means:
- (a) The addition of a health service for which there are review criteria and standards in the state health plan; or
 - (b) The addition of a health service subject to licensure under this chapter;

- (30) "Substantial change in bed capacity" means the addition or reduction of beds by licensure classification within a health facility;
- (31) "Substantial change in a project" means a change made to a pending or approved project which results in:
- (a) A substantial change in a health service, except a reduction or termination of a health service;
 - (b) A substantial change in bed capacity, except for reductions;
 - (c) A change of location; or
 - (d) An increase in costs greater than the allowable amount as prescribed by regulation;
- (32) "To acquire" means to obtain from another by purchase, transfer, lease, or other comparable arrangement of the controlling interest of a capital asset or capital stock, or voting rights of a corporation. An acquisition shall be deemed to occur when more than fifty percent (50%) of an existing capital asset or capital stock or voting rights of a corporation is purchased, transferred, leased, or acquired by comparable arrangement by one (1) person from another person;
- (33) "To batch" means to review in the same review cycle and, if applicable, give comparative consideration to all filed applications pertaining to similar types of services, facilities, or equipment affecting the same health service area;
- (34) "To establish" means to construct, develop, or initiate a health facility;
- (35) "To obligate" means to enter any enforceable contract for the construction, acquisition, lease, or financing of a capital asset. A contract shall be considered enforceable when all contingencies and conditions in the contract have been met. An option to purchase or lease which is not binding shall not be considered an enforceable contract; and
- (36) "To offer" means, when used in connection with health services, to hold a health facility out as capable of providing, or as having the means of providing, specified health services.

➔Section 40. KRS 216B.160 is amended to read as follows:

All health care facilities and services licensed under this chapter shall include in their policies and procedures a care delivery model based on patient needs which includes~~§~~ but is not limited to:

- (1) Defined roles and responsibilities of licensed and unlicensed health care personnel;
- (2) A policy that establishes the credentialing, oversight, appointment, and reappointment of the registered nurse first assistant and for granting, renewing, and revising of the registered nurse first assistant's clinical privileges;
- (3) A policy that establishes the credentialing, oversight, appointment, and reappointment of the physician assistant and for granting, renewing, and revising of the physician assistant's clinical privileges;
- (4) A policy that establishes the credentialing, oversight, appointment, and reappointment of the certified surgical assistant and for granting, renewing, and revising of the certified surgical assistant's clinical privileges;
- (5) A staffing plan that specifies staffing levels of licensed and unlicensed personnel required to safely and consistently meet the performance and clinical outcomes-based standards as outlined in the facility's or service's quality improvement plan;
- (6) A staffing model that is developed and implemented in an interdisciplinary and collaborative manner;
- (7) A policy and method that incorporates at least four (4) components in an ongoing assessment done by the registered nurse, *or in an assisted living community, a registered nurse or the manager's designee*, of the severity of the patient's disease, patient condition, level of impairment or disability, and the specific unit patient census to meet the needs of the individual patient in a timely manner; and
- (8) A staffing model that supports the delivery of patient care services with an appropriate mix of licensed health care personnel that will allow them to practice according to their legal scope of practice, and for nurses, the professional standards of practice referenced in KRS Chapter 314, and facility and service policies.

If a nursing facility, intermediate care facility, or skilled care facility meets the most current state or federal regulations which address safe and consistent staffing levels of licensed and unlicensed personnel, those shall suffice for compliance with the standards in this section. This section shall not be interpreted as requiring any health care facility to develop a policy or a procedure for a service not offered by the facility.

➔Section 41. KRS 218A.180 is amended to read as follows:

- (1) Except when dispensed directly by a practitioner to an ultimate user, no controlled substance listed in Schedule II may be dispensed without the written, facsimile, electronic, or oral prescription of a practitioner. A prescription for a controlled substance listed in Schedule II may be dispensed by a facsimile prescription only as specified in administrative regulations promulgated by the cabinet. A prescription for a controlled substance listed in Schedule II may be dispensed by oral prescription only for immediate administration to a patient enrolled in a hospice program or a resident in a long-term care facility, as defined in KRS 216.535, excluding a family care home, *assisted living community as defined in Section 1 of this Act*, or personal care home, and the practitioner determines that immediate administration is necessary, no appropriate alternative treatment is available, and it is not reasonably possible for the prescriber to provide a written prescription. No prescription for a controlled substance in Schedule II shall be valid after sixty (60) days from the date issued. No prescription for a controlled substance in Schedule II shall be refilled. All prescriptions for controlled substances classified in Schedule II shall be maintained in a separate prescription file.
- (2) Except when dispensed directly by a practitioner to an ultimate user, a controlled substance included in Schedules III, IV, and V, which is a prescription drug, shall not be dispensed without a written, facsimile, electronic, or oral prescription by a practitioner. The prescription shall not be filled or refilled more than six (6) months after the date issued or be refilled more than five (5) times, unless renewed by the practitioner and a new prescription, written, electronic, or oral shall be required.
- (3)
 - (a) To be valid, a prescription for a controlled substance shall be issued only for a legitimate medical purpose by a practitioner acting in the usual course of his professional practice. Responsibility for the proper dispensing of a controlled substance pursuant to a prescription for a legitimate medical purpose is upon the pharmacist who fills the prescription.
 - (b) A prescription shall not be issued for a practitioner to obtain a controlled substance for the purpose of general dispensing or administering to patients.
- (4) All written, facsimile, and electronic prescriptions for controlled substances shall be dated and signed by the practitioner on the date issued. A computer-generated prescription that is printed out or faxed by the practitioner shall be manually signed. A prescription may be transmitted by facsimile only as specified in administrative regulations promulgated by the cabinet. Electronic prescriptions shall be created, signed, and transmitted in accordance with the requirements of 21 C.F.R. pt. 1311.
- (5) All prescriptions for controlled substances shall include the full name and address of the patient, drug name, strength, dosage form, quantity prescribed, directions for use, and the name, address and registration number of the practitioner.
- (6) All oral prescriptions for controlled substances shall be immediately reduced to writing, dated, and signed by the pharmacist.
- (7) A pharmacist refilling any prescription shall record on the prescription or other equivalent record the date, the quantity, and the pharmacist's initials. The maintenance of prescription records under the federal controlled substances laws and regulations containing substantially the same information as specified in this subsection shall constitute compliance with this subsection.
- (8) The pharmacist filling a written, facsimile, electronic, or oral prescription for a controlled substance shall affix to the package a label showing the date of filling, the pharmacy name and address, the serial number of the prescription, the name of the patient, the name of the prescribing practitioner and directions for use and cautionary statements, if any, contained in such prescription or required by law.
- (9) Any person who violates any provision of this section shall:
 - (a) For the first offense, be guilty of a Class A misdemeanor.
 - (b) For a second or subsequent offense, be guilty of a Class D felony.

➔Section 42. The following KRS sections are repealed:

194A.723 Penalties for operating without certification.

194A.724 Statements of danger -- Penalty for receipt.

Signed by Governor March 18, 2022.

CHAPTER 21

(HB 4)

AN ACT relating to unemployment insurance.

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

➔Section 1. KRS 341.005 is amended to read as follows:

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

- (1) *"Approved job training or certification program" means:*
- (a) *A program approved by the secretary that leads to a short-term certificate or credential, an industry-recognized certificate, diploma, or associate of applied science degree in one (1) of Kentucky's top five (5) high-demand workforce sectors identified by the Kentucky Workforce Innovation Board and the Education and Workforce Development Cabinet; or*
- (b) *A program approved and determined by the secretary to improve an individual's employability in a high-wage, high-demand occupation;*
- (2)~~(1)~~ *"Cabinet" means the Education and Workforce Development Cabinet;*
- (3) *"Commission" means the Unemployment Insurance Commission;*
- (4) *"Enhanced federal benefits" means any temporary federally funded or partially federally funded benefits, administered by the Commonwealth and payable through voluntary agreements between the Commonwealth and the United States Department of Labor, that supplement or increase weekly state benefit amounts. "Enhanced federal benefits" does not mean benefits such as, without limitation, benefits otherwise calculated and distributed in accordance with KRS 341.350 to 341.415, extended benefits provided for in KRS 341.700 to 341.740, or shared work benefits provided for in Sections 12 to 18 of this Act;*
- ~~(2) "Secretary" means the secretary of the Education and Workforce Development Cabinet or his or her duly authorized representative; and~~
- ~~(3) "Commission" means the unemployment insurance commission.~~
- (5) *"State average unemployment rate" means the seasonal adjusted statewide unemployment rate that applies to the six (6) month period in which the claim is filed. One six (6) month period shall begin on January 1 of each year and one six (6) month period shall begin on July 1 of each year. For the six (6) month period beginning on January 1, the state average unemployment rate shall be the average of Kentucky's seasonal adjusted unemployment rates for the preceding months of July, August, and September. For the six (6) month period beginning on July 1, the state average unemployment rate shall be the average of Kentucky's seasonal adjusted unemployment rates for the preceding months of January, February, and March. In calculating the state average unemployment rate, the cabinet shall utilize the most recent seasonal adjusted unemployment rate determined by the United States Department of Labor, Bureau of Labor Statistics; and*
- (6) *"Secretary" means the secretary of the Education and Workforce Development Cabinet or his or her duly authorized representative.*

➔Section 2. KRS 341.100 is amended to read as follows:

- (1) In determining for any purpose under this chapter whether or not any work is suitable for a worker the secretary shall consider, among other pertinent conditions, the degree of risk involved to his *or her* health, safety and morals; his *or her* physical fitness and prior training; his *or her* experience and prior earnings; his *or her* length of unemployment and prospects for securing local work in his *or her* customary occupation; and the distance of the available work from his *or her* residence.
- (2) For the purpose of this chapter, no work shall be suitable nor shall benefits be denied under this chapter to any otherwise eligible worker for refusing to accept new work or new conditions of work under one (1) or more of the following:
- (a) If the position offered is vacant due directly to a strike, lock-out or other labor dispute;
- (b) If the wages, hours, or other conditions of the work offered are substantially less favorable than those prevailing for similar work in the locality;

- (c) If, as a condition of being employed, the worker would be required to join a company union or to resign from or refrain from joining any bona fide labor organization; **and**
 - (d) If the acceptance of such work would be prejudicial to the continuance of an established employer-employee relationship to which the worker is a party.
- (3) ***Notwithstanding any other provision in this section, the secretary shall consider any employment offer to be suitable work for the purposes of this chapter:***
- (a) ***That is offered to a worker who has received at least six (6) weeks of benefits during his or her present period of unemployment;***
 - (b) ***For which the worker will be paid one hundred twenty percent (120%) of his or her weekly benefit amount;***
 - (c) ***That is located within a distance of thirty (30) miles of the worker's residence, or is work that can be completed remotely on a permanent basis; and***
 - (d) ***That the worker is able and qualified to perform, regardless of whether or not he or she has related experience or training.***

➔Section 3. KRS 341.270 is amended to read as follows:

- (1) Except as otherwise provided in this section, each employer's contribution rate shall be three percent (3%). Effective for employers who become subject to this chapter on or after January 1, 1999, except as otherwise provided in this section, each employer's contribution rate shall be two and seven-tenths percent (2.7%).
- (2) Except as otherwise provided in this section, no subject employer's contribution rate shall be less than two and seven-tenths percent (2.7%), unless he ***or she*** has been an employer subject to the provisions of this chapter for ***four (4)***~~twelve (12)~~ consecutive calendar quarters ended as of the computation date. In any calendar year in which the rate schedule prescribed in paragraph (3)(a) of this section is in effect, no subject employer who was assigned an entry rate of three percent (3.0%) under the provisions of subsection (1) of this section prior to January 1, 1999, shall have a contribution rate less than two and eight hundred fifty-seven thousandths percent (2.857%), unless subject to this chapter for the minimum time period specified above.
- (3) For the calendar year 2001 and each calendar year thereafter, employer contribution rates shall be determined in accordance with "Table A" set out in subsection (4) of this section. For each calendar year, the secretary shall determine the rate schedule to be in effect based upon the "trust fund balance" as of September 30 of the preceding year. If the "trust fund balance":
 - (a) Equals or exceeds one and eighteen hundredths percent (1.18%) of the total wages paid in covered employment in the state during the state fiscal year ended as of June 30 of that year, the rates listed in the "Trust Fund Adequacy Rates" schedule of "Table A" shall be in effect;
 - (b) Equals or exceeds five hundred million dollars (\$500,000,000) but is less than the amount required to effectuate the "Trust Fund Adequacy Rates" schedule as provided in paragraph (a) of this subsection, the rates listed in "Schedule A" of "Table A" shall be in effect;
 - (c) Equals or exceeds three hundred fifty million dollars (\$350,000,000) but is less than five hundred million dollars (\$500,000,000), the rates listed in "Schedule B" of "Table A" shall be in effect;
 - (d) Equals or exceeds two hundred fifty million dollars (\$250,000,000) but is less than three hundred fifty million dollars (\$350,000,000), the rates listed in "Schedule C" of "Table A" shall be in effect;
 - (e) Equals or exceeds one hundred fifty million dollars (\$150,000,000) but is less than two hundred fifty million dollars (\$250,000,000), the rates listed in "Schedule D" of "Table A" shall be in effect; and
 - (f) Is less than one hundred fifty million dollars (\$150,000,000), the rates listed in "Schedule E" of "Table A" shall be in effect.
- (4) For the calendar year 1982 and each calendar year thereafter, contribution rates shall be determined upon the basis of an individual employer's reserve ratio as of the computation date and the schedule of rates established under subsection (3) of this section. Except as otherwise provided in this section, the contribution rate for each subject employer for the calendar year immediately following the computation date shall be the rate in that "Schedule" of "Table A," as set out below, effective with respect to the calendar year, which appears on the same line as his ***or her*** reserve ratio as shown in the "Employer Reserve Ratio" column of the same table.

ACTS OF THE GENERAL ASSEMBLY

		Rate Schedule				
Employer	Trust	A	B	C	D	E
Reserve	Fund					
Ratio	Adequacy					
	Rates					
8.0% and over	0.000%	0.30%	0.40%	0.50%	0.60%	1.00%
7.0% but under 8.0%	0.000%	0.40%	0.50%	0.60%	0.80%	1.05%
6.0% but under 7.0%	0.008%	0.50%	0.60%	0.70%	0.90%	1.10%
5.0% but under 6.0%	0.208%	0.70%	0.80%	1.00%	1.20%	1.40%
4.6% but under 5.0%	0.508%	1.00%	1.20%	1.40%	1.60%	1.80%
4.2% but under 4.6%	0.808%	1.30%	1.50%	1.80%	2.10%	2.30%
3.9% but under 4.2%	1.008%	1.50%	1.70%	2.20%	2.40%	2.70%
3.6% but under 3.9%	1.308%	1.80%	1.80%	2.40%	2.60%	3.00%
3.2% but under 3.6%	1.508%	2.00%	2.10%	2.50%	2.70%	3.10%
2.7% but under 3.2%	1.608%	2.10%	2.30%	2.60%	2.80%	3.20%
2.0% but under 2.7%	1.708%	2.20%	2.50%	2.70%	2.90%	3.30%
1.3% but under 2.0%	1.808%	2.30%	2.60%	2.80%	3.00%	3.40%
0.0% but under 1.3%	1.908%	2.40%	2.70%	2.90%	3.10%	3.50%
-0.5% but under -0.0%	6.500%	6.50%	6.75%	7.00%	7.25%	7.50%
-1.0% but under -0.5%	6.750%	6.75%	7.00%	7.25%	7.50%	7.75%
-1.5% but under -1.0%	7.000%	7.00%	7.25%	7.50%	7.75%	8.00%
-2.0% but under -1.5%	7.250%	7.25%	7.50%	7.75%	8.00%	8.25%

-3.0% but							
under -2.0%	7.500%	7.50%	7.75%	8.00%	8.25%	8.50%	
-4.0% but							
under -3.0%	7.750%	7.75%	8.00%	8.25%	8.50%	8.75%	
-6.0% but							
under -4.0%	8.250%	8.25%	8.50%	8.75%	9.00%	9.25%	
-8.0% but							
under -6.0%	8.500%	8.50%	8.75%	9.00%	9.25%	9.50%	
Less							
than -8.0%	9.000%	9.00%	9.25%	9.50%	9.75%	10.00%	

- (5) As used in this section and elsewhere in this chapter, unless the context clearly requires otherwise:
- (a) "Trust fund balance" means the amount of money in the unemployment insurance fund, less any unpaid advances made to the state under Section 1201 of the Social Security Act. In determining the amount in the fund as of a given date all money received by the Office of Unemployment Insurance, Department of Workforce Investment, on that date shall be considered as being in the fund on that date;
 - (b) "Total wages" means all remuneration for services, as defined in KRS 341.030(1) to (7), paid by subject employers;
 - (c) An employer's "reserve ratio" means the percentage ratio of his *or her* reserve account balance as of the computation date to his *or her* taxable payrolls for the **four (4)**~~twelve (12)~~ consecutive calendar quarters ended as of June 30 immediately preceding the computation date;
 - (d) For the purposes of this section, an employer's "reserve account balance" means the amount of contributions credited to his *or her* reserve account as of the computation date, less the benefit charges through June 30 immediately preceding the computation date. If benefits charged to an account exceed contributions credited to the account, the account shall be considered as having a debit balance and a reserve ratio of "less than zero"; and
 - (e) "Computation date" is July 31 of each calendar year prior to the effective date of new rates of contributions.
- (6) Notwithstanding any other provisions of this chapter, for the calendar year 2021, the employer contribution rates shall be determined using the rates listed in Schedule A of Table A.

➔Section 4. KRS 341.272 is amended to read as follows:

- (1) Notwithstanding any section of this chapter to the contrary, on or after July 15, 1984, any new domestic corporation, or any foreign corporation authorized to do business in this state, or any foreign corporation active in conjunction with a domestic corporation in a joint venture, partnership or other legal entity engaged in the contract construction trades shall pay contributions equal to the maximum rate of contributions payable under the rate schedule in effect for any given calendar year as determined by KRS 341.270; and, such maximum rate of contributions shall remain in effect until the employer has employed persons in this state for not less than **four (4)**~~twelve (12)~~ consecutive calendar quarters ending as of June 30 immediately preceding the computation date. Thereafter, such employer's contribution rate shall be determined in accordance with the provisions of subsection (4) of KRS 341.270.
- (2) On or after January 1, 1989, any new domestic or foreign proprietorship or partnership engaged in the contract construction trades shall be subject to the provisions of subsection (1) of this section.

➔Section 5. KRS 341.350 is amended to read as follows:

An unemployed worker shall, except as provided in KRS 341.360 and 341.370, be eligible for benefits with respect to any week of unemployment only if:

- (1) He or she has made a claim for benefits;
- (2) For an initial claim made on or after January 1, 2012, he or she has served a waiting period of one (1) week, during which he or she has not received benefits. The waiting week period shall be the first compensable week

of an initial claim for benefits for which he or she is eligible and qualified to receive benefits under this chapter. A waiting week period shall be required for each benefit year, whether or not consecutive. No more than one (1) waiting week period shall be required in any benefit year. The waiting week shall become compensable once the remaining balance on the claim is equal to or less than the compensable amount for the waiting week;

- (3) (a) He or she has registered for work with respect to such week in accordance with administrative regulations promulgated by the secretary; ~~and~~
- (b) He or she participates in reemployment services, such as job search assistance services, if pursuant to a profiling system established by the secretary, he or she has been determined to be likely to exhaust regular benefits unless:
1. The claimant has completed the services to which he or she is referred; or
 2. There is justifiable cause for the claimant's failure to participate in the services. For the purpose of this section, "justifiable cause" shall be interpreted to mean what a reasonable person would do in like circumstances; **and**
- (c) ***He or she engages in at least five (5) verifiable work search activities during each week in which he or she claims eligibility. At least three (3) of these activities each week shall consist of formally submitting an application for employment or interviewing for employment. "Work search activities" includes any of the following:***
1. ***Formally submitting an application for employment, either in person or online;***
 2. ***Interviewing for employment virtually, in person, or online;***
 3. ***Job shadowing;***
 4. ***Attending a job fair or networking event hosted by state or local government or a business organization;***
 5. ***Participating in a job search skills workshop or seminar; and***
 6. ***Participating in official Kentucky Career Center or partner programs related to employment or the search for employment;***
- (4) He or she is physically and mentally able to work;
- (5) He or she is available for suitable work, and making such reasonable effort to obtain work as might be expected of a prudent person under like circumstances;
- (6) His or her base-period wages in that calendar quarter of his or her base period in which such wages were highest are equal to at least one thousand five hundred dollars (\$1,500), and his or her total base-period wages are not less than one and one-half (1-1/2) times the base-period wages paid to him or her in such quarter and he or she was paid base-period wages in the last six (6) months of his or her base period equal to at least eight (8) times his or her weekly benefit rate with a minimum of one thousand five hundred dollars (\$1,500) earned outside the high quarter. Beginning on January 1, 2020, and continuing on January 1 in even-numbered years thereafter, the secretary shall adjust the minimum base-period wages at a rate that is directly proportional to the average percentage change in the Consumer Price Index for All Urban Consumers (CPI-U) for the two (2) previous calendar years;
- (7) An otherwise eligible worker shall not be denied benefits under subsection (5) of this section or because of his or her failure to actively seek work ***under subsection (3) of this section***, nor disqualified under paragraph (a) of subsection (1) of KRS 341.370:
- (a) ***With***~~with~~ respect to any week he or she is ***certified as being enrolled and making satisfactory progress in an approved job training or certification program***~~training with the approval of the secretary~~; ***or***
- (b) ***If he or she has verified definite return-to-work or recall-to-work prospects within a period of sixteen (16) weeks from the date of filing of the initial or reopened claim.***
- (8) Notwithstanding any other provisions of this chapter, no otherwise eligible worker shall be denied benefits for any week because he or she is in training approved under 19 U.S.C. sec. 2296 (Section 236(a)(1) of the Trade Act of 1974), nor shall such worker be denied benefits by reason of leaving work to enter such training provided such work is not suitable employment, or because of the application to any such week in training of

provisions in this law (or any applicable federal unemployment compensation law) relating to availability for work, active search for work, or refusal to accept work. For purpose of this subsection, the term "suitable employment" shall mean employment of a substantially equal or higher skill level than the worker's past adversely affected employment as defined in 19 U.S.C. sec. 2319 (Trade Act of 1974), and wages for such work are not less than eighty percent (80%) of the workers' average weekly wage as determined for purposes of the Trade Act of 1974.

- (9) The foregoing eligibility requirements and the conditions of benefit disqualifications imposed by KRS 341.370 shall be strictly construed. Nothing in this section, excepting subsection (6) of this section, nor in KRS 341.360 or 341.370 shall affect the establishment of a "benefit year."
- (10) ***The cabinet shall conduct randomized weekly audits of a number determined by the secretary as sufficient to evaluate compliance with the work search activity requirements of this section, and shall submit an annual report to the Governor and the Interim Joint Committee on Economic Development and Workforce Investment detailing:***
- (a) ***The percentage of audited claimants that failed to comply with the work search activity requirement outlined in this section;***
 - (b) ***The work search activities that were most commonly engaged in by audited claimants;***
 - (c) ***Recommendations to make the work search activity requirement more effective in assisting claimants in finding employment;***
 - (d) ***The number of claims audited each week and the total number of claims audited during the reporting period;***
 - (e) ***The percentage of total claims audited each week and percentage of total claims audited during the reporting period; and***
 - (f) ***A summary of the methodology used to conduct randomized auditing.***
- (11) ***The secretary shall promulgate regulations and standards for the verification of claimants' work search activities and the methods by which claimants shall submit work search activities and any associated documentation required by the secretary for verification.***

➔Section 6. KRS 341.380 is amended to read as follows:

- (1) All benefits shall be paid through employment offices, or such other agencies as may be designated by regulations of the secretary. Claims for all payments of benefits shall be made in accordance with regulations of the secretary.
- (2) The weekly benefit rate payable to an eligible worker for weeks of unemployment shall, except as provided in KRS 341.390, be an amount equal to one and three thousand seventy-eight ten-thousandths percent (1.3078%) of his ***or her*** total base-period wages, except that no worker's weekly benefit amount shall be less than thirty-nine dollars (\$39), nor more than the maximum rate as determined in accordance with subsection (3) of this section. For claims effective on or after January 1, 2012, the weekly benefit rate shall, except as provided in KRS 341.390, be one and one thousand nine hundred twenty-three ten-thousandths percent (1.1923%) of his ***or her*** total base-period wages, except that no worker's weekly benefit amount shall be less than thirty-nine dollars (\$39) nor more than the maximum rate as determined in accordance with subsection (3) of this section.
- (3) Prior to the first day of July of each year the secretary shall determine the average weekly wage for insured employment by dividing the average monthly employment, as obtained by dividing the total monthly employment reported by subject employers for the preceding calendar year by twelve (12), into the total wages reported by such employers for such calendar year and dividing by fifty-two (52). Fifty-five percent (55%) of the amount thus obtained, adjusted to the nearest multiple of one dollar (\$1), shall constitute the maximum weekly benefit rate for those workers whose benefit year commences on or after the first day of July of such year and prior to the first day of July of the next following year; beginning in calendar year 1999, or any subsequent year in which the increase in the weekly benefit rate calculation set forth in subsection (2) of this section should take effect, sixty-two percent (62%) of the average weekly wage, adjusted to the nearest multiple of one dollar (\$1), shall constitute the maximum weekly benefit rate for those workers whose benefit year commences on or after the first day of July of that year and prior to the first day of July of the next following year; except that for the benefit years beginning on or after July 1, 1982, if the "trust fund balance" as of September 30 immediately preceding the benefit year is less than one hundred twenty million dollars

(\$120,000,000), the maximum weekly benefit rate shall not exceed the prior year's maximum weekly benefit rate. If such "trust fund balance" as of September 30 immediately preceding the benefit year:

- (a) Equals or exceeds one hundred twenty million dollars (\$120,000,000), but is less than two hundred million dollars (\$200,000,000), the maximum weekly benefit rate shall not exceed the prior year's maximum weekly benefit rate by more than six percent (6%). The rate thus determined shall be adjusted to the nearest multiple of one dollar (\$1);
 - (b) Equals or exceeds two hundred million dollars (\$200,000,000), but is less than three hundred million dollars (\$300,000,000), the maximum weekly benefit rate shall not exceed the prior year's maximum weekly benefit rate by more than eight percent (8%). The rate thus determined shall be adjusted to the nearest multiple of one dollar (\$1);
 - (c) Equals or exceeds three hundred million dollars (\$300,000,000), but is less than four hundred million dollars (\$400,000,000), the maximum weekly benefit rate shall not exceed the prior year's maximum weekly benefit rate by more than ten percent (10%). The rate thus determined shall be adjusted to the nearest multiple of one dollar (\$1);
 - (d) Equals or exceeds four hundred million dollars (\$400,000,000), but is less than five hundred million dollars (\$500,000,000), the maximum weekly benefit rate shall not exceed the prior year's maximum weekly benefit rate by more than twelve percent (12%). The rate thus determined shall be adjusted to the nearest multiple of one dollar (\$1);
 - (e) Equals or exceeds five hundred million dollars (\$500,000,000), the maximum weekly benefit rate shall not exceed the prior year's maximum weekly benefit rate by more than fifteen percent (15%). The rate thus determined shall be adjusted to the nearest multiple of one dollar (\$1); and
 - (f) Is such that it resulted in the establishment of an employer contribution rate schedule, as provided for in KRS 341.270, for the current calendar year which has a higher minimum rate than the schedule in effect for the immediately preceding calendar year, the maximum weekly benefit rate shall not exceed the prior year's maximum weekly benefit rate.
- (4) The maximum amount of benefits payable to any worker within any benefit year shall be the amount equal to whichever is the lesser of:
- (a) *His or her weekly benefit rate times the applicable number of weeks for which benefits are available to him or her as calculated in Section 7 of this Act*~~[Twenty-six (26) times his weekly benefit rate]~~; or
 - (b) One-third (1/3) of his *or her* base-period wages, except that no worker's maximum amount shall be less than *twelve (12)*~~fifteen (15)]~~ times his *or her* weekly benefit rate. Such maximum amount, if not a multiple of one dollar (\$1), shall be adjusted to the nearest multiple of one dollar (\$1).

➔SECTION 7. A NEW SECTION OF KRS CHAPTER 341 IS CREATED TO READ AS FOLLOWS:

- (1) *The duration of benefits available to each eligible recipient based upon the state average unemployment rate at the time of his or her application for benefits, up to a maximum of twenty-four (24) weeks, shall be as follows:*
- (a) *State average unemployment rate of less than or equal to four and one-half percent (4.5%): twelve (12) weeks of benefits available;*
 - (b) *State average unemployment rate of greater than four and one-half percent (4.5%) up to and including five percent (5%): thirteen (13) weeks of benefits available;*
 - (c) *State average unemployment rate of greater than five percent (5%) up to and including five and one-half percent (5.5%): fourteen (14) weeks of benefits available;*
 - (d) *State average unemployment rate of greater than five and one-half percent (5.5%) up to and including six percent (6%): fifteen (15) weeks of benefits available;*
 - (e) *State average unemployment rate of greater than six percent (6%) up to and including six and one-half percent (6.5%): sixteen (16) weeks of benefits available;*
 - (f) *State average unemployment rate of greater than six and one-half percent (6.5%) up to and including seven percent (7%): seventeen (17) weeks of benefits available;*
 - (g) *State average unemployment rate of greater than seven percent (7%) up to and including seven and one-half percent (7.5%): eighteen (18) weeks of benefits available;*

- (h) *State average unemployment rate of greater than seven and one-half percent (7.5%) up to and including eight percent (8%): nineteen (19) weeks of benefits available;*
 - (i) *State average unemployment rate of greater than eight percent (8%) up to and including eight and one-half percent (8.5%): twenty (20) weeks of benefits available;*
 - (j) *State average unemployment rate of greater than eight and one-half percent (8.5%) up to and including nine percent (9%): twenty-one (21) weeks of benefits available;*
 - (k) *State average unemployment rate of greater than nine percent (9%) up to and including nine and one-half percent (9.5%): twenty-two (22) weeks of benefits available;*
 - (l) *State average unemployment rate of greater than nine and one-half percent (9.5%) up to and including ten percent (10%): twenty-three (23) weeks of benefits available; and*
 - (m) *State average unemployment rate of greater than ten percent (10%): twenty-four (24) weeks of benefits available.*
- (2) *The classification system set forth in subsection (1) of this section shall not apply to claimants with verified definite return-to-work or recall-to-work prospects within a period of sixteen (16) weeks from the date of filing of the initial or reopened claim, who shall instead receive one hundred percent (100%) of the weekly benefit rate for each week that they are otherwise eligible, up to sixteen (16) weeks unless the state average unemployment rate is higher than six and one-half percent (6.5%), in which case the maximum duration of weeks for these claimants shall follow the classification system set forth in subsection (1) of this section.*
 - (3) *The classification system set forth in subsection (1) of this section shall apply to regular benefits and shall not affect the duration of shared work benefits as set forth in Sections 12 to 18 of this Act or to the duration of extended benefits set forth in KRS 341.700 to 341.740.*
 - (4) *A claimant, who has been classified with a group classification code by the agency that meets the requirements of subsection (1) of this section shall remain in this classification throughout the benefit year regardless of whether or not the claimant's classification changes.*
 - (5) *The secretary may, with the approval of the General Assembly, extend the maximum amount of regular benefits payable, not to exceed twenty-six (26) times the claimant's weekly benefit rate, if:*
 - (a) *An extension for benefits is authorized by the federal government, but only while federal funding is available; or*
 - (b) *During, but not exceeding, any extended benefit period as described in KRS 341.094.*
 - (6) *Any otherwise eligible individual who is certified as being enrolled and making satisfactory progress in an approved job training or certification program shall be entitled, during the current benefit year, to receive up to an additional five (5) weeks of benefits after all regular benefits have been exhausted under subsection (1) of this section.*
 - (a) *The amount of benefits payable under this subsection shall equal the weekly benefit amount established by the most recent benefit year.*
 - (b) *Benefits under this subsection shall not be paid to an individual who is receiving benefits of comparable value or other training allowances from other unrelated sources.*

➔SECTION 8. A NEW SECTION OF KRS CHAPTER 341 IS CREATED TO READ AS FOLLOWS:

- (1) *An employer may notify the secretary in writing or electronically of each worker who has declined to accept suitable work when offered or has failed to attend a first interview for suitable work, whether held in-person, virtually, or by phone. The notice shall contain:*
 - (a) *A statement that identifies a person or persons with knowledge of the information;*
 - (b) *The name and contact information of the person or persons with knowledge of the information; and*
 - (c) *Specific and detailed information regarding the decline of an offer of suitable work or the failure to attend a first interview regarding suitable work that may potentially disqualify the worker from receiving benefits.*
- (2) *The information contained in the notice shall be considered when a determination of eligibility for benefits is made and may constitute grounds for ineligibility.*

(3) ***The secretary shall provide a portal in which the notice in subsection (1) of this section can be made online.***

➔Section 9. KRS 341.370 is amended to read as follows:

- (1) A worker shall be disqualified from receiving benefits for the duration of any period of unemployment with respect to which:
- (a) He ***or she*** has failed without good cause either to apply for available, suitable work when so directed by the employment office or the secretary, ***to accept an interview from a prospective employer offering suitable work***, or to accept suitable work when offered him ***or her***, or to return to his ***or her*** customary self-employment when so directed by the secretary;~~{or}~~
 - (b) He ***or she*** has been discharged for misconduct or dishonesty connected with his ***or her*** most recent work, or from any work which occurred after the first day of the worker's base period and which last preceded his ***or her*** most recent work, but legitimate activity in connection with labor organizations or failure to join a company union shall not be construed as misconduct;~~{or}~~
 - (c) He ***or she*** has left his ***or her*** most recent suitable work or any other suitable work which occurred after the first day of the worker's base period and which last preceded his ***or her*** most recent work voluntarily without good cause attributable to the employment. No otherwise eligible worker shall be disqualified from receiving benefits for:
 1. Leaving his ***or her*** next most recent suitable work which was concurrent with his ***or her*** most recent work;
 2. Leaving work which is one hundred (100) road miles or more, as measured on a one (1) way basis, from his ***or her*** home to accept work which is less than one hundred (100) road miles from his ***or her*** home;
 3. Accepting work which is a bona fide job offer with a reasonable expectation of continued employment; or
 4. Leaving work to accompany the worker's spouse to a different state, military base of assignment, or duty station that is one hundred (100) road miles or more, as measured on a one (1) way basis, from the worker's home when the spouse is reassigned by the military; ***or***
 - (d) ***He or she fails to act in good faith to secure suitable work.***
- (2) A worker shall be disqualified from receiving benefits for any week with respect to which he ***or she*** knowingly made a false statement to establish his ***or her*** right to or the amount of his ***or her*** benefits, and, within the succeeding twenty-four (24) months, for the additional weeks immediately following the date of discovery, not to exceed a total of fifty-two (52), as may be determined by the secretary.
- (3) No worker shall be disqualified under paragraph (b) or (c) of subsection (1) of this section unless the employer, within a reasonable time as prescribed by regulations promulgated by the secretary, notifies the Education and Workforce Development Cabinet and the worker in writing of the alleged voluntary quitting or the discharge for misconduct. Nothing in this subsection shall restrict the right of the secretary to disqualify a worker whose employer has refused or failed to notify the Education and Workforce Development Cabinet of the alleged voluntary quitting or discharge for misconduct, if the alleged voluntary quitting or discharge for misconduct is known to the secretary prior to the time benefits are paid to the worker. The exercise of the right by the secretary, in the absence of timely notice from the employer, shall not relieve the employer's reserve account or reimbursing employer's account of benefit charges under the provisions of subsection (3) of KRS 341.530.
- (4) As used in this section and in subsection (3) of KRS 341.530, "most recent" work shall be construed as that work which occurred after the first day of the worker's base period and which last preceded the week of unemployment with respect to which benefits are claimed; except that, if the work last preceding the week of unemployment was seasonal, intermittent, or temporary in nature, most recent work may be construed as that work last preceding the seasonal, intermittent, or temporary work.
- (5) No worker shall be disqualified or held ineligible under the provisions of this section or KRS 341.350, who is separated from employment pursuant to a labor management contract or agreement, or pursuant to an established employer plan, program, or policy, which permits the employer to close the plant or facility for purposes of vacation or maintenance.

- (6) "Discharge for misconduct" as used in this section shall include but not be limited to, separation initiated by an employer for falsification of an employment application to obtain employment through subterfuge; knowing violation of a reasonable and uniformly enforced rule of an employer; unsatisfactory attendance if the worker cannot show good cause for absences or tardiness; damaging the employer's property through gross negligence; refusing to obey reasonable instructions; reporting to work under the influence of alcohol or drugs or consuming alcohol or drugs on employer's premises during working hours; conduct endangering safety of self or co-workers; and incarceration in jail following conviction of a misdemeanor or felony by a court of competent jurisdiction, which results in missing at least five (5) days work.
- (7) "Duration of any period of unemployment," as that term is used in this section, shall be the period of time beginning with the worker's discharge, voluntary quitting, or failure to apply for or accept suitable work and running until the worker has worked in each of ten (10) weeks, whether or not consecutive, and has earned ten (10) times his *or her* weekly benefit rate in employment covered under the provisions of this chapter or a similar law of another state or of the United States.

➔SECTION 10. A NEW SECTION OF KRS CHAPTER 341 IS CREATED TO READ AS FOLLOWS:

The General Assembly of the Commonwealth of Kentucky may end the Commonwealth's participation in any enhanced federal benefit program in a manner consistent with any applicable federal laws at any time during the duration of the program.

➔Section 11. KRS 341.096 is amended to read as follows:

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

- (1) *"Additional benefits" means benefits payable to exhaustees by reason of conditions of high unemployment or by reason of other special factors under the provisions of any state law;*
- (2) *"Affected group" means two (2) or more employees designated by an employer to participate in a shared work plan;*
- (3) *"Approved plan" means an employer's voluntary, written plan for reducing unemployment under which a specified group of employees shares the work remaining after their normal weekly hours of work are reduced, which plan meets the requirements of Section 12 of this Act and which plan has been approved in writing by the secretary;*

~~(1) "Rate of insured unemployment" means the percentage derived by dividing:~~

~~(a) The weekly average number of weeks claimed in claims filed for regular benefits (not seasonally adjusted) in this state for weeks of unemployment with respect to the most recent thirteen (13) consecutive week period, as determined by the secretary on the basis of his report to the United States Secretary of Labor; by~~

~~(b) The average monthly employment covered under this chapter for the first four (4) of the most recent six (6) completed calendar quarters ending before the end of such thirteen (13) week period. Such computations shall be made by the secretary, in accordance with regulations prescribed by the United States Secretary of Labor;~~

~~(2) "Regular benefits" means benefits payable to a worker under this chapter or under an unemployment compensation law of any other state (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. ch. 85) other than extended benefits and additional benefits;~~

~~(3) "Extended benefits" means benefits (including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. ch. 85) payable to a worker under the provisions of KRS 341.700 to 341.740 for weeks of unemployment in his eligibility period;~~

~~(4) "Additional benefits" means benefits payable to exhaustees by reason of conditions of high unemployment or by reason of other special factors under the provisions of any state law;~~

~~(4)(5) "Eligibility period" of a worker means the period consisting of the weeks in his *or her* benefit year which begin in an extended benefit period and, if his *or her* benefit year ends within such extended benefit period, any weeks thereafter which begin in such period;~~~~and~~

~~(5)(6) "Exhaustee" means a worker who, with respect to any week of unemployment in his *or her* eligibility period;~~

- (a) Has received, prior to such week, all of the regular benefits that were available to him *or her* under this chapter or any other state law (including dependents' allowances and benefits payable to federal civilian employees and ex-servicemen under 5 U.S.C. ch. 85) in his *or her* current benefit year that includes such week; provided, that, for the purposes of this paragraph, an individual shall be deemed to have received all of the regular benefits that were available to him *or her* although, as a result of a pending appeal with respect to wages and/or employment that were not considered in the original monetary determination in his *or her* benefit year, he *or she* may subsequently be determined to be entitled to added regular benefits; or
 - (b) His *or her* benefit year having expired prior to such week, has no, or insufficient, wages and/or employment on the basis of which he *or she* could establish a new benefit year that would include such week; and
 - (c) Has no right to unemployment benefits or allowances, as the case may be, under the Railroad Unemployment Insurance Act or under such other federal laws as are specified in regulations issued by the United States Secretary of Labor; and has not received and is not seeking unemployment benefits under the unemployment compensation law of Canada; but if the individual is seeking such benefits and the appropriate agency finally determines that the individual is not entitled to benefits under such law, the individual shall be considered an exhaustee if the other provisions of this definition are met;
- (6) *"Extended benefits" means benefits, including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. ch. 85, payable to a worker under the provisions of KRS 341.700 to 341.740 for weeks of unemployment in his or her eligibility period;*
 - (7) *"Fringe benefits" includes advantages such as health insurance, retirement benefits, paid vacation and holidays, and sick leave, which are incidents of employment in addition to the cash remuneration earned;*
 - (8) *"Normal weekly hours of work" means the normal hours of work for full-time and permanent part-time employees in the affected group when their employer is operating on its normal, full-time basis, not to exceed forty (40) hours and not including overtime;*
 - (9) *"Rate of insured unemployment" means the percentage derived by dividing:*
 - (a) *The weekly average number of weeks claimed in claims filed for regular benefits, not seasonally adjusted, in this state for weeks of unemployment with respect to the most recent thirteen (13) consecutive-week period, as determined by the secretary on the basis of his or her report to the United States Secretary of Labor; by*
 - (b) *The average monthly employment covered under this chapter for the first four (4) of the most recent six (6) completed calendar quarters ending before the end of such thirteen (13) week period. Such computations shall be made by the secretary, in accordance with regulations prescribed by the United States Secretary of Labor;*
 - (10) *"Regular benefits" means benefits payable to a worker under this chapter or under an unemployment compensation law of any other state, including benefits payable to federal civilian employees and to ex-servicemen pursuant to 5 U.S.C. ch. 85, other than extended benefits and additional benefits;*
 - (11) *"Shared work benefits" means the unemployment compensation benefits payable to employees in an affected group under an approved plan as distinguished from the unemployment benefits otherwise payable under other provisions of this chapter;*
 - (12) *"Shared work employer" means an employer with a shared work plan in effect. An individual who, or an entity which, succeeds to or acquires an organization, corporation, partnership, limited liability company, or other business with a shared work plan in effect automatically becomes a shared work employer and adopts the plan if the individual or entity ratifies, in writing, the previously approved plan; and*
 - (13) *"Subgroup" means a group of employees which constitutes at least ten percent (10%) of the employees in an affected group.*

➔SECTION 12. A NEW SECTION OF KRS CHAPTER 341 IS CREATED TO READ AS FOLLOWS:

- (1) *An employer wishing to participate in a shared work program shall submit a signed, written shared work compensation plan to the secretary for approval.*
- (2) *The secretary shall approve a shared work unemployment compensation plan if:*
 - (a) *The plan:*

1. *Applies to and identifies the specified affected group; and*
2. *Includes an estimate of the number of layoffs that might occur absent participation in the shared work program;*
- (b) *The employees in the affected group or groups are identified by name, Social Security number, and by any other information required by the secretary;*
- (c) *The normal weekly hours of work for employees in the affected group or groups are reduced by not less than ten percent (10%) and not more than forty percent (40%);*
- (d) *Health benefits, retirement benefits, and other fringe benefits will continue to be provided to employees in the affected group or groups as though their work weeks had not been reduced. However, if the employer reduces the level of benefits for its employees who are not in the shared work group, the level of benefits may be reduced by a like amount for the employer's shared work employees;*
- (e) *The plan certifies that the aggregate reduction in work hours is in lieu of all layoffs that would have affected at least ten percent (10%) of the employees in the affected group or groups to which the plan applies and that would have resulted in an equivalent reduction in work hours;*
- (f) *During the previous four (4) months, the workforce in the affected group has not been reduced by temporary layoffs of more than ten percent (10%) of the workers;*
- (g)
 1. *The plan applies to at least ten percent (10%) of the employees in the affected group;*
 2. *If the plan applies to all employees in the affected group, the plan provides equal treatment to all employees of the group; and*
 3. *If the affected group is divided into subgroups, the plan provides equal treatment to employees within each subgroup;*
- (h)
 1. *The plan contains a certification by the employer that the employer has made the proposed plan available for inspection to each employee in the affected group; and*
 2. *The plan includes:*
 - a. *A description of how the plan was made available; and*
 - b. *If advance notice of the plan was not feasible, an explanation of why advance notice was not feasible;*
- (i) *The plan includes a certified statement by the employer that the terms and implementation of the shared work plan are consistent with any obligations the employer has under applicable state and federal law;*
- (j) *An employee who joins an affected group after the approval of the shared work plan is automatically covered under the previously approved plan, effective the week that the secretary receives written notice from the shared work employer that the employee has joined;*
- (k) *The plan shall not serve as a subsidy to seasonal employers during the off season nor as a subsidy to employers who traditionally use part-time employees; and*
- (l) *The employer agrees to:*
 1. *Furnish reports, if requested by the secretary, relating to the proper conduct of the plan;*
 2. *Provide the secretary or his or her authorized representatives all records necessary to evaluate the plan for approval; and*
 3. *Allow the secretary or his or her authorized representatives to evaluate application of the plan after approval.*
- (3) *The secretary shall create an application through which employers shall submit shared work plans for approval.*

➔SECTION 13. A NEW SECTION OF KRS CHAPTER 341 IS CREATED TO READ AS FOLLOWS:

- (1) *The secretary shall approve or reject a plan in writing within thirty (30) days of its receipt.*
- (2) *Only one (1) plan may be approved for any one (1) employer during any twelve (12) month period.*

- (3) *The reason for the rejection of any plan shall be final and nonappealable, but an employer whose plan was rejected shall be allowed to submit another plan for approval not earlier than fifteen (15) days from the date of the last rejection.*

➔SECTION 14. A NEW SECTION OF KRS CHAPTER 341 IS CREATED TO READ AS FOLLOWS:

- (1) *A plan shall take effect:*
- (a) *On the date of its approval by the secretary; or*
 - (b) *On a date specified within the plan if that date occurs after its approval by the secretary.*
- (2) *Each plan:*
- (a) *Shall expire at the end of twelve (12) full calendar months after its effective date; or*
 - (b) *If a plan is revoked by the secretary, shall terminate on the date specified in the secretary's written order of revocation.*
- (3) *A shared work employer may terminate an approved plan by providing the secretary and each employee in every affected group covered by the plan with a written notice. Such notice shall:*
- (a) *Contain a message indicating that the plan is being terminated;*
 - (b) *Identify the date on which the termination will go into effect; and*
 - (c) *Be delivered to the secretary and each employee in each affected group covered by the plan no less than thirty (30) days prior to the termination date.*

➔SECTION 15. A NEW SECTION OF KRS CHAPTER 341 IS CREATED TO READ AS FOLLOWS:

- (1) *For purposes of this section, "good cause" includes but is not limited to:*
- (a) *Failure to comply with the assurances given in the plan;*
 - (b) *Unreasonable revision of productivity standards for the affected group;*
 - (c) *Conduct or occurrences tending to defeat the intent and effective operation of the plan; and*
 - (d) *Violation of any criteria on which approval of the plan was based.*
- (2) *The secretary may revoke approval of a plan:*
- (a) *For good cause; and*
 - (b) *By issuing a revocation order, in writing, that specifies the date the revocation is effective and the reasons for the revocation.*
- (3) *The secretary may issue a revocation at any time upon his or her own motion or on motion of any of the affected group's employees.*
- (4) *The secretary shall review the operation of each approved employer plan at least once during the twelve (12) month period that the plan is in effect to ensure its compliance with the requirements of Sections 12 to 18 of this Act.*
- (5) *Revocation of a plan for good cause by the secretary shall preclude approval of any subsequent plan submitted by the revoked plan employer during the twelve (12) month period beginning on the date of the revocation order.*

➔SECTION 16. A NEW SECTION OF KRS CHAPTER 341 IS CREATED TO READ AS FOLLOWS:

- (1) *An individual is eligible to receive shared work unemployment compensation benefits with respect to any week only if the secretary finds that:*
- (a) *The individual is employed as a member of an affected group under an approved plan that was approved by the secretary before the week and is in effect for the week;*
 - (b) *The individual is able to work and is available for the normal work week with the shared work employer; and*
 - (c) *The normal weekly hours of work of the individual are reduced by at least ten percent (10%) but not more than forty percent (40%), with a corresponding reduction in wages.*

- (2) *A worker shall not be denied shared work benefits if he or she is otherwise eligible for these benefits for any week by reason of the application of any provision of this chapter relating to availability for work, active search for work or participation in work search activities, or refusal to apply for or accept work from other than the worker's shared work employer.*
- (3) *A worker shall not be denied shared work benefits if he or she is otherwise eligible for these benefits for any week because he or she is participating in training sponsored by, or at the direction of, the shared work employer.*
- (4) *Notwithstanding any other provision in this chapter, a worker shall be deemed unemployed in any week for which compensation is payable to him or her, as an employee in an affected group, for less than his or her normal weekly hours of work in accordance with an approved plan in effect for the week.*

➔SECTION 17. A NEW SECTION OF KRS CHAPTER 341 IS CREATED TO READ AS FOLLOWS:

- (1) *The shared work weekly benefit amount shall be the product of the regular weekly unemployment compensation amount, as calculated under KRS 341.380, multiplied by the percentage of reduction of at least ten percent (10%) in the individual's usual weekly hours of work.*
- (2) *An individual may be eligible for shared work benefits or regular benefits, as appropriate, except that no individual shall be eligible for regular benefits, shared work benefits, or a combination of regular benefits and shared work benefits in any benefit year in an amount more than the maximum benefit amount established for regular benefits in KRS 341.380, nor shall an individual be paid shared work benefits for more than twenty-six (26) weeks, whether or not consecutive, in any benefit year pursuant to a shared work plan.*
- (3) *The shared work benefits paid to an individual shall be deducted from the maximum benefit amount established for his or her benefit year under KRS 341.380.*
- (4) *The secretary shall promulgate rules and procedures for the filing of claims for shared work benefits.*

➔SECTION 18. A NEW SECTION OF KRS CHAPTER 341 IS CREATED TO READ AS FOLLOWS:

An individual who has received all of the combined regular benefits and shared work benefits available in a benefit year shall be considered an exhaustee for purposes of extended benefits, as provided under KRS 341.700 to 341.740, and, if otherwise eligible under those provisions, shall be eligible to receive extended benefits.

➔Section 19. KRS 341.530 is amended to read as follows:

- (1) The Office of Unemployment Insurance, Department of Workforce Investment, shall maintain a reserve account for each subject employer making contributions to the fund and a reimbursing employer account for each subject employer making payment in lieu of contributions, and shall, except as provided in KRS 341.590, credit to such account the total amount of all contributions or benefit reimbursement paid by the employer on his *or her* own behalf. Nothing in this section or elsewhere in this chapter shall be construed to grant any employer or individual who is or was in his *or her* employ prior claims or rights to the amounts paid by him *or her* into the fund.
- (2) Except as provided in subsection (3) of this section, all regular benefits paid to an eligible worker in accordance with KRS 341.380 plus the extended benefits paid in accordance with KRS 341.700 to 341.740, subject to the provisions of paragraphs (a) and (b) of this subsection, shall be charged against the reserve account or reimbursing employer account of his *or her* most recent employer. No employer shall be deemed to be the most recent employer unless the eligible worker to whom benefits are payable shall have worked for such employer in each of ten (10) weeks whether or not consecutive back to the beginning of the worker's base period. *Shared work benefits paid to an eligible worker in accordance with Sections 12 to 18 of this Act shall be charged against the reserve account or reimbursing employer account of the shared work employer.*
 - (a) Subject employers, which are not governmental entities as defined in KRS 341.069, shall be charged one-half (1/2) of the extended benefits paid in accordance with KRS 341.700 to 341.740; and
 - (b) Subject employers which are governmental entities, as defined in KRS 341.069, shall be charged for all extended benefits paid in accordance with KRS 341.700 to 341.740 for compensable weeks occurring on or after January 1, 1979, and for one-half (1/2) of the extended benefits paid for compensable weeks occurring prior to such date.

- (3) Notwithstanding the provisions of subsection (2) of this section, benefits paid to an eligible worker and chargeable to a contributing employer's reserve account under such subsection shall be charged against the pooled account if such worker was discharged by such employer for misconduct connected with his *or her* most recent work for such employer, voluntarily left his *or her* most recent work with such employer without good cause attributable to the employment, or the employer has continued to provide part-time employment and wages, without interruption, to the same extent that was provided from the date of hire, and the employer within a reasonable time, as prescribed by regulation of the secretary, notifies the office, in writing, of the alleged voluntary quitting, discharge for misconduct or continuing part-time employment; provided, however, that no employer making payments to the fund in lieu of contributions shall be relieved of charges by reason of this subsection.
- (4) Notwithstanding the provisions of subsection (3) of this section, no contributing employer's reserve account shall be relieved of any charges for benefits relating to an improper benefit payment to a worker established after October 21, 2013, if:
 - (a) The improper benefit payment was made because the employer, or an agent of the employer, was at fault for failing to respond timely or adequately to the request of the secretary for information relating to a claim for benefits; and
 - (b) The employer, or an agent of the employer, has a pattern of failing to respond timely or adequately to requests under paragraph (a) of this subsection. For purposes of this paragraph, a "pattern of failing" means at least six (6) failures occur in a calendar year or the failure to respond to two percent (2%) of such requests in a calendar year, whichever is greater.
- (5) Any determination under subsection (4) of this section shall be transmitted to the last known physical or electronic address provided by the employer and may be appealed in accordance with the provisions of KRS 341.420(2).
- (6) Each subject employer's reserve account or reimbursing account shall, unless terminated as of the computation date (as defined in subsection (5) of KRS 341.270), be charged with all benefits paid to eligible workers which are chargeable to such reserve account or reimbursing account under subsection (2) of this section. A subject employer's reserve account or reimbursing account shall be deemed to be terminated if he *or she* has ceased to be subject to this chapter, and his *or her* account has been closed and any balance remaining therein has been transferred to the fund's pooled account or to a successor's account as provided in KRS 341.540 or has been refunded if the employer is a reimbursing employer.
- (7) Notwithstanding subsection (1) of this section, two (2) or more nonprofit Internal Revenue Code sec. 501(c)(3) organizations may jointly request the secretary to establish a group reserve account or reimbursing account for such nonprofit organizations. Two (2) or more governmental entities may jointly request the secretary to establish a group reserve account or reimbursing account, and once established, such account shall remain in effect at least two (2) calendar years and thereafter until either dissolved at the discretion of the secretary or upon filing application for dissolution by the group members. Each member of a group shall be jointly and severally liable for all payments due under this chapter from each or all of such group members. The secretary shall prescribe such procedures as he *or she* deems necessary for the establishment, maintenance, and dissolution of a group reserve account or reimbursing account.
- (8) Any subject contributing employer may at any time on or before December 31, 2011, make voluntary payments to the fund, additional to the contributions required under KRS 341.260 and 341.270. Effective January 1, 2012, any subject contributing employer with a negative reserve account balance may make voluntary payments to the fund every other calendar year, in addition to the contributions required under KRS 341.260 and 341.270. Notwithstanding any other provision of this chapter, contributions paid on or before the computation date and voluntary payments made within twenty (20) days following the mailing of notices of new rates shall be credited to an employer's reserve account as of the computation date, provided no voluntary payments shall be used in computing an employer's rate unless the payment is made prior to the expiration of one hundred and twenty (120) days after the beginning of the year for which the rate is effective. Voluntary payments by any employer shall not exceed any negative balance they may have in their reserve account as of the computation date. Any employer who is delinquent in the payment of contributions, penalties, or interest as of the computation date shall be entitled to make voluntary payments only after the amount of the delinquency is paid in full.
- (9) Notwithstanding any other provisions of this chapter, any benefits paid to an eligible worker for reasons related to a state or federal state of emergency or disaster declaration shall be paid from the pooled account provided in KRS 341.550 and not from the reserve account of the employer of that individual. The reserve

account shall not be charged for benefits related to a state of emergency or disaster declaration. Payments shall be accounted for separately to allow the secretary to seek reimbursement from the federal government.

➔Section 20. KRS 341.080 is amended to read as follows:

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

- (1) Except in so far as the Education and Workforce Development Cabinet by regulation prescribes the equivalent thereof to meet particular conditions:
 - (a) "Calendar year" means a year beginning on January 1; and
 - (b) "Calendar quarter" means three (3) consecutive months beginning on January 1, April 1, July 1, or October 1;
- (2) "Week" means such period of seven (7) consecutive calendar days as the Education and Workforce Development Cabinet regulation prescribes; and
- (3) "Week of unemployment" means any period of seven (7) consecutive days, as prescribed by the Education and Workforce Development Cabinet in administrative regulations, during which a worker performed less than full-time work and earned less than an amount equal to one and one-fourth (1-1/4) times the benefit rate determined for him *or her* in accordance with the provisions of subsection (2) of KRS 341.380 *except for any week he or she received shared work benefits in accordance with Sections 12 to 18 of this Act.*

➔Section 21. KRS 341.127 is amended to read as follows:

- (1) By December 1, 2021, and annually thereafter until December 1, 2025, the cabinet shall report to the Governor and the Interim Joint Committee on Economic Development and Workforce Investment:
 - (a) The status of the unemployment trust fund, including any federal advances required for trust fund solvency;
 - (b) The average claim duration for individuals receiving unemployment benefits; and
 - (c) The average weekly wage for individuals receiving unemployment benefits.
- (2) By December 1, 2021, the cabinet shall report to the Governor and the Interim Joint Committee on Economic Development and Workforce Investment a review of the amount of wages subject to tax. The review shall include:
 - (a) An analysis of the equitable treatment of employers based on the amount of wages subject to tax;
 - (b) A comparison of the percentage of wages subject to tax for small, medium, and large businesses; and
 - (c) Examples of how changes to the amount of wages subject to tax would impact trust fund balances and employer contributions.
- (3) *By December 1, 2022, and annually thereafter until December 1, 2025, the cabinet shall report to the Governor and the Interim Joint Committee on Economic Development and Workforce Investment and provide analysis of the impact of the shared work benefits described in Sections 12 to 18 of this Act, the unemployment trust fund, and unemployment insurance taxes paid by employers.*
- ~~(4)(3)~~ This section expires on January 31, 2026.

➔SECTION 22. A NEW SECTION OF KRS CHAPTER 341 IS CREATED TO READ AS FOLLOWS:

Any reports required by Sections 5 and 21 of this Act may be combined by the cabinet and submitted as one (1) to the Governor and the Interim Joint Committee on Economic Development and Workforce Investment.

➔Section 23. KRS 341.710 is amended to read as follows:

- (1) A worker shall be eligible to receive extended benefits with respect to any week of unemployment in his *or her* eligibility period only if the secretary finds that with respect to such week:
 - (a) He *or she* is an "exhaustee" as defined in subsection ~~(5)(6)~~ of KRS 341.096; and
 - (b) He *or she* has satisfied the requirements of this chapter for the receipt of regular benefits that are applicable to workers claiming extended benefits, including not being subject to a disqualification for the receipt of benefits.
- (2) A worker shall not be eligible for extended benefits for any week if:

- (a) Extended benefits are payable for such week pursuant to an interstate claim filed in any state under the interstate benefit payment plan, and no extended benefit period is in effect for such week in such state. However, this provision shall not apply with respect to the first two (2) weeks for which extended benefits are payable to a worker pursuant to an interstate claim filed under the interstate benefit payment plan; or
- (b) The secretary finds that during such period:
 - 1. He *or she* failed to accept any offer of suitable work (as required for extended benefits), or he *or she* failed to apply for any suitable work to which he *or she* was referred by the secretary; or
 - 2. He *or she* failed to actively engage in seeking work as defined in this section.
- (3) Any individual who has been found ineligible for extended benefits by reason of the provisions set forth in this section shall be denied benefits for the week in which such failure occurred and thereafter until he *or she* has been employed in each of four (4) subsequent weeks (whether or not consecutive) and has earned at least four (4) times his *or her* weekly benefit rate in bona fide full-time covered employment.
- (4) For the purpose of this section, a worker shall be treated as actively engaged in seeking work during any week if:
 - (a) Such worker has engaged in a systematic and sustained effort to obtain work during such week; and
 - (b) Such worker furnishes tangible evidence that he *or she* has engaged in such effort during such week.
- (5) The secretary shall refer any claimant entitled to receive extended benefits to any suitable work which meets the criteria as required in KRS 341.712 for workers claiming extended benefits.
- (6) Notwithstanding any other provisions of this chapter, if the benefit year of any worker ends within an extended benefit period, the remaining balance of extended benefits that such worker would, but for this section, be entitled to receive in that extended benefit period, with respect to weeks of unemployment beginning after the end of the benefit year, shall be reduced (but not below zero (0)) by the product of the number of weeks for which the worker received any amounts as trade adjustment allowances within that benefit year, multiplied by the worker's weekly benefit amount for extended benefits.

➔Section 24. The provisions of this Act shall not be construed to limit access for eligible claimants to Disaster Unemployment Assistance benefits authorized under the federal Robert T. Stafford Disaster Relief and Emergency Assistance Act, sec. 410, Pub. L. No. 100-707, 42 U.S.C. sec. 5177, or any amendments thereto, and regulated under 20 C.F.R. pt. 625.

➔Section 25. If any provision of this Act or the application thereof to any person or circumstance is held invalid, unconstitutional, or in violation of any federal law:

- (1) The invalid provision shall be null and void; and
- (2) Its invalidity shall not affect other provisions or application of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

➔Section 26. This Act may be cited as the Unemployment Insurance Sustainability Act of 2022.

➔Section 27. The provisions of this Act take effect on January 1, 2023.

Veto Overridden and Signed by Secretary of State March 22, 2022.

CHAPTER 22

(SJR 150)

A JOINT RESOLUTION terminating the declaration of emergency regarding the SARS-CoV-2 virus and declaring an emergency.

WHEREAS, on March 6, 2020, Governor Andy Beshear signed 2020 Executive Order 2020-215 declaring a state of emergency regarding the SARS-CoV-2 virus; and

WHEREAS, the state of emergency declared by Governor Andy Beshear regarding the SARS-CoV-2 virus has lasted two years; and

WHEREAS, the General Assembly of the Commonwealth of Kentucky is empowered to terminate declarations of emergency by joint resolution by KRS 39A.090(4);

NOW, THEREFORE,

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

➔Section 1. The declaration of emergency regarding the SARS-CoV-2 virus in 2020 Executive Order 2020-215, as extended by 2021 Ky. Acts ch. 168; 2021 (1st Extra. Sess.) Ky. Acts ch. 1; and 2022 Ky. Acts ch. 4, is terminated effective on Monday, March 7, 2022, or on the effective date of this Resolution, whichever is later.

➔Section 2. All subsequent executive orders, emergency administrative regulations, suspensions of statutes, and other directives which rely upon the declaration of emergency in 2020 Executive Order 2020-215 are also terminated effective on Monday, March 7, 2022, or on the effective date of this Resolution, whichever is later.

➔Section 3. Upon the expiration of a SARS-CoV-2-related executive order, other directive, or administrative regulation declaring an emergency or other implementation of powers under KRS Chapter 39A, the Governor shall not declare a new SARS-CoV-2-related emergency or continue to implement any of the powers under KRS Chapter 39A based upon the same or substantially similar facts and circumstances as the original declaration or implementation without the prior approval of the General Assembly.

➔Section 4. It is not the intention of the General Assembly that this Resolution should impair or delay the ability of the Commonwealth to receive any federal stimulus or pandemic-related funds or services.

➔Section 5. Whereas there are more effective vaccinations, treatments, and health and safety protocols available today to address the virus than were available in March 2020 and the compelling interests of the public good and benefits to the Commonwealth of terminating the declaration of emergency far outweigh the negative impacts of remaining in a state of emergency for longer than two years, an emergency is declared to exist, and this Resolution takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Veto Overridden and Signed by Secretary of State March 22, 2022.

CHAPTER 23

(HB 301)

AN ACT relating to elections.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 45A IS CREATED TO READ AS FOLLOWS:

- (1) *All costs and expenses related to election administration shall be paid for with public funds.*
- (2) *An employee of a governmental body shall not solicit, take, or otherwise accept any private contribution, donation, or anything of value to assist with election administration within this state. This subsection shall not apply to a lawful contract for goods and services or an acceptance of food or nonalcoholic beverages.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO READ AS FOLLOWS:

- (1) *All costs and expenses related to election administration shall be paid for with public funds.*
- (2) *An employee of a governmental body of a city, county, urban-county government, consolidated local government, unified local government, or charter county government shall not solicit, take, or otherwise accept any private contribution, donation, or anything of value to assist with election administration within this state. This subsection shall not apply to a lawful contract for goods and services or an acceptance of food or nonalcoholic beverages.*

➔Section 3. KRS 116.045 is amended to read as follows:

- (1) Any person may register as a voter during the period registration is open if he or she possesses, or will possess on the day of the next regular election, the qualifications set forth in KRS 116.025.

- (2) The county clerk shall cause all registration to be closed the fourth Tuesday preceding through the first Monday following any primary or general election, and the twenty-eight (28) days prior to and seven (7) days following any special election. If the last day of registration falls on a state or federal holiday, the period runs until the end of the next day which is not a Saturday or Sunday nor a state or federal holiday. During the period that registration is closed, the county clerk may accept and process registrations. Any voter who registers during the period that registration is closed, except for any registered voter who transfers his or her registration pursuant to KRS 116.085(2) or (3), shall not be permitted to vote in the upcoming election.
- (3) In all counties, the county clerk shall receive registrations, transfers, or changes of party affiliation at branch offices at any place in the county during those periods that the registration books are open except for those transfers pursuant to KRS 116.085(2) or 116.085(3). However, notice in the manner provided by KRS Chapter 424 shall be given at least three (3), but not more than fourteen (14), days in advance of the time and place of any branch registration, and ten (10) days' written notice shall be given to the county executive committee of each major political party in the county in which the branch registration is to be held.
- (4) Any person may register to vote or may change his or her party affiliation in any of the following ways:
 - (a) In person;
 - (b) By mail;
 - (c) By means of the federal post card application, if the person is a resident of Kentucky and a member of the Armed Forces, or a dependent of members of the Armed Forces, or overseas citizen;
 - (d) By mail-in application form prescribed by the Election Assistance Commission pursuant to the National Voter Registration Act of 1993; or
 - (e) By other methods of registration, or reregistration, approved by the State Board of Elections, including the use of voluntary interested groups and political parties, under the proper supervision and directions of the county clerk, which may include door to door canvassing.
- (5) Upon receipt of the form prescribed by the State Board of Elections or the Election Assistance Commission pursuant to the National Voter Registration Act of 1993, properly filled out and signed by the applicant, the county clerk shall register the applicant.
- (6) Any individual or group shall have access to a reasonable number of voter registration forms including the mail-in application form prescribed by the Election Assistance Commission pursuant to the National Voter Registration Act of 1993 in the county clerk's office. The individual or group shall act under the proper supervision and directions of the county clerk and shall return these completed forms to the county clerk for official registration by the county clerk.
- (7) No later than December 31, 1994, the Transportation Cabinet shall equip all driver's license agencies to comply with the provisions of the National Voter Registration Act of 1993. The Secretary of State shall provide assistance and interpretation to the Transportation Cabinet in determining the requirements of the National Voter Registration Act of 1993.
- (8) The county clerk shall enter the specific party identification of the voter with a political party, political organization, or political group as defined in KRS 118.015, or independent status, as indicated by the voter on the voter registration form, into the statewide voter registration system. The State Board of Elections shall promulgate regulations under KRS Chapter 13A to provide for tracking of the registration of voters identifying with political organizations and political groups as defined in KRS 118.015, and voters of independent status.
- (9) ***For purposes of voter registration, no county clerk, governmental body of any city, county, urban-county government, consolidated local government, unified local government, charter county government, or any employee thereof, shall accept any private monetary funds to assist with voter registration activities unless accepted as part of a valid contract for goods and services.***

➔Section 4. KRS 117.015 is amended to read as follows:

- (1) There shall be a State Board of Elections that is an independent agency of state government, which shall administer the election laws of the state and supervise registration and purgation of voters within the state. The board:
 - (a) May promulgate administrative regulations necessary to properly carry out its duties;~~and~~
 - (b) Shall promulgate administrative regulations establishing a procedure for elections officials to follow when an election has been suspended or delayed as described in KRS 39A.100; **and**

- (c) *Shall be prohibited from accepting any private monetary funds for election administration unless accepted as part of a valid contract for goods and services.*
- (2) The board shall consist of the following:
- (a) The Secretary of State, who shall be an ex officio, nonvoting member, and who shall also serve as the chief election official for the Commonwealth;
 - (b) Two (2) members appointed by the Governor as provided in subsection (6) of this section;
 - (c) Six (6) voting members appointed by the Governor as provided in subsection (5) of this section; and
 - (d) An executive director appointed in accordance with KRS 117.025, who may vote only to break a tie regarding selection of the chair of the board.
- (3) A chair of the board, who is a then-current voting member of the board, shall be elected as chair of the board by a majority of the voting members who serve on the board. The chair shall preside at the meetings of the board and vote on matters before the board.
- (4) The members shall serve for a term of four (4) years or until their successors are appointed. Members shall be at least twenty-five (25) years of age and qualified voters of this state. No appointed member shall be a candidate for public office or have been a candidate for public office for two (2) years prior to his or her appointment, except as provided in subsection (2)(b) of this section. No member of the board shall have been convicted of any election law offense.
- (5) Two (2) members shall be appointed by the Governor from a separate list of at least five (5) names submitted by the state central executive committee of each of the two (2) political parties that polled the largest vote in the last preceding election for state officials. The list shall be submitted to the Governor by February 15 of 1992, and the appointments of the Governor shall be made by April 1 of the same year. Two (2) separate lists shall be submitted to the Governor by August 15 of 1990 and every four (4) years thereafter, and two (2) appointments shall be made from these lists by September 15 of each year in which the lists are received.
- (6) Two (2) members shall be appointed by the Governor from a separate list of at least four (4) names submitted by the Kentucky County Clerk's Association of each of the two (2) political parties that polled the largest vote in the last preceding regular election for state officials. Each of the two (2) members appointed under this subsection shall be former county clerks and shall be voting members. The lists required under this subsection shall be submitted to the Governor by July 15, 2019, and every four (4) years thereafter. The appointments made by the Governor under this subsection shall be made by August 15, 2019, and every four (4) years thereafter.
- (7) Vacancies shall be filled in the same manner as provided for original appointments, and the person appointed to fill the vacancy shall be of the same political party as his or her predecessor.
- (8) The board shall meet as often as necessary to carry out its duties and shall keep a record of its acts, orders, findings, and proceedings. A majority of the board shall constitute a quorum.
- (9) The members of the board shall be paid a reasonable sum to be fixed by the secretary of the Personnel Cabinet, with the approval of the secretary of the Finance and Administration Cabinet, and in addition, their expenses in attending board meetings. The compensation shall be paid out of the State Treasury upon requisition signed by the chair of the board and approved by the secretary of the Finance and Administration Cabinet.

➔Section 5. KRS 117.995 is amended to read as follows:

- (1) Any person appointed to serve as an election officer but who shall knowingly and willfully fail to serve and who is not excused by the county board of elections for the reasons specified in this chapter shall be guilty of a violation and shall be ineligible to serve as an election officer for a period of five (5) years.
- (2) Any county clerk or member of the county board of elections who knowingly and willfully violates any of the provisions of this chapter, including furnishing applications for absentee ballots, applications for federal provisional absentee ballots, and mail-in absentee ballots to persons other than those specified by the provisions of this chapter, and failure to type the name of the voter on the application form as required by the provisions of this chapter, shall be guilty of a Class D felony.
- (3) Any officer who willfully fails to prepare or furnish ballots, federal provisional ballots, federal provisional absentee ballots, or absentee ballots or fails to allow a qualified voter to cast his or her vote using voting equipment as required of the voter by this chapter shall be guilty of a Class A misdemeanor.

- (4) Any election officer who knowingly and willfully violates any of the provisions of this chapter, including failure to enforce the prohibition against electioneering established by KRS 117.235, shall be guilty of a Class A misdemeanor for the first offense and a Class D felony for each subsequent offense.
- (5) Any person who violates KRS 117.0861, or who signs a name other than his or her own on an application for an absentee ballot, the verification form for the ballot, an emergency absentee ballot affidavit, a voter or election official affirmation, or any person who votes an absentee ballot other than the one issued in his or her name, or any person who applies for the ballot for the use of anyone other than himself or herself or the person designated by the provisions of this chapter, or any person who makes a false statement on an application for an absentee ballot or on an emergency absentee ballot affidavit shall be guilty of a Class D felony.
- (6) Any person who violates any provision of KRS 117.235 or 117.236 related to prohibited activities during absentee voting or on election day, after he or she has been duly notified of the provisions by any precinct election officer, county clerk, deputy county clerk, or other law enforcement official, shall, for each offense, be guilty of a Class A misdemeanor.
- (7) Any person who knowingly and willfully prepares or assists in the preparation of an inaccurate or incomplete voter assistance form or fails to complete a voter assistance form when required shall be guilty of a Class A misdemeanor for the first offense and a Class D felony for each subsequent offense; however, if a voter has been permanently certified as requiring voting assistance, there shall be no offense for the failure of the voter to complete the form.
- (8) The members of a county board of elections who fail to provide the training to precinct election officers required by KRS 117.187(2) shall be subject to removal by the State Board of Elections.
- (9) Any local or state election official, including the Secretary of State, employees of the Secretary, and members of the State Board of Elections and their staff, who knowingly and willfully uses the voter registration roster in violation of KRS 117.025(3)(a) shall, for each offense, be guilty of a Class A misdemeanor.
- (10) *Any person who knowingly and willfully violates subsection (2) of Section 1 of this Act or subsection (2) of Section 2 of this Act shall, for a first offense, be guilty of a Class D felony. For a second or subsequent offense, the person shall be guilty of a Class C felony.*

➔Section 6. This Act may be cited as the Stop Outside Influence Over Elections Act of 2022.

Became law without Governor's signature March 24, 2022.

CHAPTER 24

(HB 436)

AN ACT relating to auctioneer licensure.

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

➔Section 1. KRS 330.070 is amended to read as follows:

- (1) An apprentice auctioneer applying for an auctioneer license shall, subject to the provisions of KRS 330.060:
 - (a) Possess a current Kentucky apprentice auctioneer license;
 - (b) Serve an apprenticeship for a period of one (1) year as an apprentice auctioneer in Kentucky;
 - (c) Submit a statement to the board, signed by the principal auctioneer, verifying that the applicant has actively and materially participated in at least ten (10) auctions prior to application; and
 - (d) Successfully complete at least eighty (80) hours of approved classroom instruction from a board-approved auction education provider. The board may waive the eighty (80) hours of approved classroom instruction requirement if the applicant demonstrates sufficient previous auction experience and competency by affidavit or other evidence as required by the board.
- (2) An apprentice auctioneer with an original license issued prior to June 30, 2010, or after July 1, 2015, shall be required to successfully complete the auctioneer examination.

- (3) If an applicant for an auctioneer license resides in a state which does not have a current reciprocity agreement with the board, the board may waive the eighty (80) hour education requirement or the apprenticeship requirement, or both, if the applicant demonstrates sufficient previous auction experience and competency by affidavit or by other evidence as required by the board.
- (4) An applicant for an auctioneer license who has previously held an auctioneer license which has been revoked, suspended, or which has expired without renewal may request, and the board may grant, a waiver of the requirement of possession of a current apprentice license.
- (5) Every application for a license issued by the board shall be submitted on forms prepared by the board. Each applicant shall furnish pertinent background data as outlined on those forms.
- (6) The board shall promulgate administrative regulations in accordance with KRS Chapter 13A to establish an initial license fee and ~~biennial~~~~annual~~ renewal license fee. ***The initial license fee shall not exceed one hundred fifty dollars (\$150) and the biennial renewal fee shall not exceed three hundred dollars (\$300)***~~neither of which shall exceed one hundred fifty dollars (\$150)~~.
- (a) All licenses shall expire on the thirtieth day of June ***of each even year.***
- (b) Each license shall be renewed on or before the expiration date.
- (c) In addition to the renewal fee, a late fee shall be established by administrative regulations promulgated by the board on each license renewed within six (6) months after the expiration date.
- (d) In the absence of any reason or condition which might warrant the refusal of renewing a license, and upon timely receipt of the renewal form and the ~~biennial~~~~annual~~ fee, the board shall issue a license for the ***remainder of the ensuing biennial license period***~~year~~.
- (7) (a) The board may require as a condition precedent to the renewal of any license, that each licensee complete continuing education up to ten (10) hours per license year. The board may impose different continuing education requirements upon different classifications of licenses under this chapter. The continuing education requirements in this subsection shall not apply to those auctioneers licensed prior to January 1, 1980.
- (b) A licensee who has not completed the required continuing education may, within the time period set forth in subsection (6) of this section, remit a fee established by administrative regulations promulgated by the board with the applicable renewal fees, and the continuing education reporting requirement shall be deferred to the next ~~biennial~~~~annual~~ renewal. If the licensee fails to meet the continuing education requirement for the next ~~biennial~~~~annual~~ renewal, the licensee shall successfully complete the examination before renewal of his or her license.
- (c) 1. The board may require all licensees to complete a six (6) hour board-approved core course once every four (4) years, that includes the core subjects of Kentucky auction statutes and regulations, ethics, and any other subject matter deemed appropriate by the board.
2. Effective July 1, 2016, each licensee with at least twenty-five (25) years of continuous licensure shall be exempt from the requirements of this paragraph.
- (8) (a) ***The board shall ensure that licensees may access a copy of their license certificate via an electronic portal account***~~The board shall prepare and deliver to each licensee a pocket license. The pocket license of the apprentice auctioneer shall contain the name and address of his or her principal auctioneer. The board shall also prepare and deliver a license to each auction house operator~~.
- (b)~~(a)~~ Auction house operators shall display their licenses conspicuously and at all times in the auction house identified on the license.
- (c)~~(b)~~ All licensees shall carry ***a copy of their license***~~their pocket licenses~~, or a digital facsimile thereof, when performing auctioneering tasks, to be shown upon request.
- ~~(c) A license or pocket license shall be replaced upon the request of the licensee and payment of a replacement fee established by administrative regulations promulgated by the board in accordance with KRS Chapter 13A.~~
- (9) When an apprentice auctioneer is discharged or voluntarily terminates employment with the auctioneer for any reason:

- (a) It shall be the immediate duty of the principal auctioneer to deliver to the board a written release of the apprentice auctioneer; and
- (b) The apprentice auctioneer shall affiliate with a principal auctioneer within thirty (30) days by submitting to the board an affiliation letter signed by the new principal auctioneer and a fee established by administrative regulations promulgated by the board in accordance with KRS Chapter 13A.

An apprentice auctioneer shall not perform any of the acts regulated by this chapter until receiving a new license bearing a new principal auctioneer's name and address.

- (10) (a) A licensee may place his or her license in escrow with the board if the licensee does not engage in any board-regulated auctioneering activity and continues to pay the *biennial*~~annual~~ renewal license fee.
 - (b) For each year the license is in escrow, a licensee shall be exempt from the contribution to the auctioneer's education, research, and recovery fund and the continuing education requirement.
 - (c) To reactivate a license in escrow, the licensee shall complete the core course and pay a reactivation fee and the *biennial*~~annual~~ renewal recovery fee, both of which shall be established by administrative regulations promulgated by the board in accordance with KRS Chapter 13A.
- (11) Notice in writing shall be given to the board by each licensee of any change of principal business location or residence address within ten (10) days of the change, and the board shall issue an updated license for the unexpired period. The board may fine, suspend, or revoke the license of a licensee who does not notify the board of a change of address within ten (10) days. Changing a business or a residence address on its records shall entitle the board to collect a fee established by administrative regulations promulgated by the board in accordance with KRS Chapter 13A.

➔Section 2. KRS 330.110 is amended to read as follows:

- (1) The board may suspend for a period up to five (5) years or revoke the license of any licensee, or levy fines not to exceed two thousand dollars (\$2,000), with a maximum fine of five thousand dollars (\$5,000) per year arising from any single incident or complaint, against any licensee, or place any licensee on probation for a period of up to five (5) years, or require successful passage of any examination administered by the board, or require successful completion of any course of auction study or auction seminars designated by the board, or issue a formal reprimand, or order any combination of the above, for violation by any licensee of any of the provisions of this chapter, or for any of the following causes:
- (a)~~(1)~~ Obtaining a license through false or fraudulent representation;
 - (b)~~(2)~~ Making any substantial misrepresentation;
 - (c)~~(3)~~ Pursuing a continued and flagrant course of misrepresentation or intentionally making false promises or disseminating misleading information through agents or advertising or otherwise;
 - (d)~~(4)~~ Accepting valuable consideration as an apprentice auctioneer for the performance of any of the acts specified in this chapter, from any person, except his or her principal auctioneer;
 - (e)~~(5)~~ Failing to account for or remit, within a reasonable time, any money belonging to others that comes into the licensee's possession, commingling funds of others with the licensee's own funds, or failing to keep the funds of others in an escrow or trustee account;
 - (f)~~(6)~~ Paying valuable consideration to any person for services performed in violation of this chapter, or procuring, permitting, aiding, or abetting any unlicensed person acting in violation of any of the provisions of this chapter;
 - (g)~~(7)~~ Entering a plea of guilty, an Alford plea, a plea of no contest to, or being convicted of:~~;~~
 - 1. Any felony;~~;~~ *or*
 - 2. *A misdemeanor involving theft, deception, fraud, burglary, or violence, or that relates to the practice of auctioneering;* and

the time for appeal has passed or the judgment of conviction has been finally affirmed on appeal;
 - (h)~~(8)~~ Violation of any provision of this chapter or any administrative regulation promulgated by the board;
 - (i)~~(9)~~ Failure to furnish voluntarily at the time of execution, copies of all written instruments prepared by any licensee to each signatory of the written instrument;

- (j)~~(10)~~ Any conduct of a licensee which demonstrates bad faith, dishonesty, incompetence, or untruthfulness;
- (k)~~(11)~~ Any other conduct that constitutes improper, fraudulent, dishonest, or negligent dealings;
- (l)~~(12)~~ Failure to enter into a binding written auction listing contract with the seller or with the seller's duly authorized agent prior to advertising, promoting, or offering any real or personal property by or at auction;
- (m)~~(13)~~ Failure to provide a receipt to all persons consigning personal property with any licensee for auction;
- (n)~~(14)~~ Failure to establish and maintain, for a minimum of five (5) years from final settlement, complete and correct written or electronic records and accounts of all auction transactions, including:
 - 1.~~(a)~~ Listing contracts, including the name and address of the seller;
 - 2.~~(b)~~ Written purchase contracts;
 - 3.~~(c)~~ Descriptive inventory and final bid amounts of all items or lots offered;
 - 4.~~(d)~~ Buyer registration records; and
 - 5.~~(e)~~ Settlement records, including all moneys received and disbursed and escrow account activity;
- (o)~~(15)~~ Failure of any licensee to deliver within thirty (30) days any auction-related information, including but not limited to advertisements, listing contracts, purchase contracts, clerking records, buyer registration records, settlement records, escrow account information, license, or any other auction-related information to the board or the board's designee upon request; or
- (p)~~(16)~~ Failure of a principal auctioneer to provide supervision to his or her apprentice auctioneers to ensure compliance with this chapter and the administrative regulations promulgated thereunder.

- (2) ***If any licensee is alleged to have committed a violation that warrants emergency action, including emergency suspension of the licensee's license, the board may conduct an emergency hearing in accordance with KRS Chapter 13B as it relates to emergency orders and emergency hearings. The board shall promulgate administrative regulations to describe the specific circumstances and allegations that authorize emergency action.***

➔Section 3. KRS 330.120 is amended to read as follows:

- (1) The board may upon its own motion, and shall upon the verified written complaint of any person, investigate the actions of any licensee or any person who assumes to act as a licensee if the complaint, or complaint together with other evidence presented in connection with it, presents a prima facie case of a violation of this chapter. If a prima facie case is not established or the violation is deemed inconsequential, the board may immediately dismiss the complaint.
- (2) ***To investigate allegations of practices violating this chapter, the board may:***
 - (a) ***Issue subpoenas to compel attendance of witnesses and the production of books, papers, documents, or other evidence;***
 - (b) ***Administer oaths;***
 - (c) ***Review evidence;***
 - (d) ***Examine witnesses; and***
 - (e) ***Pay appropriate witness fees.***
- (3) If, after an investigation that includes opportunity for the licensee to respond, the board determines that a violation took place but was not of a serious nature, it may issue a written admonishment to the licensee. A copy of the admonishment shall be placed in the file of the licensee. The licensee shall have the right to file a response to the admonishment within thirty (30) days of its receipt and to have the response placed in the licensure file. The licensee may alternatively, within thirty (30) days of the receipt, file a request for hearing with the board. Upon receipt of this request, the board shall set aside the written admonishment and set the matter for hearing under the provisions of KRS Chapter 13B.

➔Section 4. KRS 330.210 is amended to read as follows:

- (1) Notwithstanding any contrary provisions of law and in furtherance of the policies set forth in KRS 355.2-328, at any auction sale of horses, the auctioneer:
 - (a) May receive bids from the seller, consignor, or his agent, disclosed or undisclosed, if notice has been given in the terms and conditions governing the sale, or otherwise, that liberty for such bidding has been reserved by seller;
 - (b) Shall conduct the sale with respect to each lot or parcel on a with-reserve basis unless the seller has authorized the auctioneer, in writing, to conduct the sale on a without-reserve basis, in which event the auctioneer shall announce, in explicit terms, that the goods are being sold without reserve; and
 - (c) Shall not be required to announce at any with-reserve sale when the reserve is attained.
- (2) Notwithstanding any other provision of this chapter, the following shall not apply to auctions or auctioneers participating in an auction regarding the sale, lease, or exchange of an equine as defined in KRS 230.357(1):
 - (a) The advertising requirements set forth in KRS 330.230(1), (2), and (7);
 - (b) The causes justifying disciplinary action set forth in KRS 330.110(1)(l), (m), (n), and (o)~~[(12), (13), (14), and (15)]~~; or
 - (c) The provisions regulating absolute auctions and reserve auctions set forth in KRS 330.220(5) and (7).

Signed by Governor March 24, 2022.

CHAPTER 25

(SB 106)

AN ACT relating to the administrative dissolution of cities.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 81 IS CREATED TO READ AS FOLLOWS:

- (1) *In order to update the record of incorporated cities listed in the Secretary of State's office, every city operating as a public corporation and a unit of local government shall file with the Department for Local Government before September 1, 2022, a document listing the name of the city, the address and phone number of its headquarters, the year of its incorporation if it is known, and its form of government. Any city that made a filing with the Department for Local Government pursuant to KRS 83A.085 after January 1, 2022, shall be deemed in compliance with this subsection without any further action.*
- (2) *If a city does not timely file the information set out in subsection (1) of this section, the Department for Local Government shall, no later than October 15, 2022, notify the city in writing by first class mail return receipt requested at the city's last known official address, that the city is not in compliance with the provisions of subsection (1) of this section. The notice shall include:*
 - (a) *The filing requirements imposed by this section; and*
 - (b) *A statement to the city that failure to comply with the requirements of subsection (1) of this section by December 1, 2022, shall subject the city to administrative dissolution proceedings under this section.*
- (3) *If the Department for Local Government does not receive a response from the city by December 1, 2022, then the Department for Local Government shall cause to be published in a newspaper of general circulation serving the residents in the area of the city pursuant to KRS Chapter 424, and in a prominent place on the department's Web site, a notice stating that:*
 - (a) *The city has failed to respond in accordance with the provisions of subsections (1) and (2) of this section, and therefore, the city is subject to dissolution proceedings if the city fails to respond to the requirements of subsection (1) of this section, or any citizen, resident, or creditor of the city fails to enter a defense as set out in this subsection by January 1, 2023;*

- (b) *Creditors of the city are hereby notified that the debts of the city shall be extinguished if they are not otherwise discoverable in the administrative hearing, or unless a successful defense is entered pursuant to the administrative hearing convened pursuant to this section; and*
- (c) *Citizens, residents, or creditors of the city may enter a defense to the administrative dissolution by sending in written notice to the Department for Local Government that includes their name and other contact information, the city's name in question, a preliminary statement of their legal claim of why the city should not be administratively dissolved, or the entry of a claim against the city by a creditor, and any other information the Department for Local Government deems necessary to carry out the provisions of this subsection.*
- (4) *After January 1, 2023, the Department for Local Government shall arrange for an administrative hearing to be set pursuant to the provisions of KRS Chapter 13B to determine whether or not the city shall be administratively dissolved for failure to comply with subsection (1) of this section. The hearing shall be conducted within the boundaries of the city being administratively dissolved, or if no place within the city is suitable, the administrative hearing shall be conducted in a place as close as possible to the city in order to provide easy access to the hearing by persons living within the city. If a citizen, resident, or creditor of the city has entered a defense pursuant to this section by January 1, 2023, the defense shall be heard at the hearing, and the hearing officer shall decide whether or not the city shall be administratively dissolved. If no citizen, resident, or creditor of the city enters a defense to administrative dissolution, then the city shall be declared administratively dissolved.*
- (5) *No city shall be dissolved pursuant to this section if:*

 - (a) *The city is maintaining a city government by both the election or appointment of officers and the levying and collection of necessary taxes;*
 - (b) *The city provides the information required in subsection (1) of this section in response to the inquiries in subsections (1) to (3) of this section before January 1, 2023; or*
 - (c) *A successful defense is made to the petition as set out in subsection (4) of this section.*
- (6) *Any elected official of the city, any citizen or resident of the city, or any creditor may appeal the decision of the hearing officer in accordance with the provisions of KRS Chapter 13B.*
- (7) *If the city is dissolved pursuant to this section, the Department for Local Government shall notify the Secretary of State and the county clerk of each county wherein the city was located of the dissolution. The county clerk shall properly index and file the notice as a permanent record in that office.*
- (8) *Any debts of the city shall be satisfied on a pro rata basis. Any assets of the city remaining after dissolution shall be transferred to the county or counties in which the city was located. If the creditors agree to a pro rata share of the city's remaining assets, or if no creditors appear after notification occurs or the time period elapses pursuant to subsection (4) of this section, then the remaining debts of the city shall be extinguished. In no event shall the county be liable for any remaining debts of the city after the assignment of any remaining assets.*
- (9) *Any judgment granting the dissolution of a city made pursuant to this section shall not impair the incorporation of a city at a future date under the provisions of KRS 81.050 and 81.060 that may include all or a portion of the former city's boundaries.*
- (10) (a) *If a city that is dissolved pursuant to this section has a utility in operation at the time of dissolution, then that utility shall remain in operation pursuant to the authority under which it was created unless the utility is declared part of the county or reorganized under paragraph (b) of this subsection. However, the county judge/executive of the county in which the utility operates shall make appointments to replace any board members whose terms expire after the dissolution of the city.*

(b) *With the agreement of the board of the city utility, or in the absence of a board, at the discretion of the county judge/executive, the county judge/executive may declare the city utility a department of the county or may reorganize the city utility as a special district, either standing alone or combining it with an existing special district in operation in the county under the provisions of KRS 67.715.*

Signed by Governor March 24, 2022.

CHAPTER 26

(SB 135)

AN ACT relating to county clerks.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 67 IS CREATED TO READ AS FOLLOWS:

(1) *As used in this section:*

(a) *"Recorded instrument" means any document relating to real property, personal property, and any property for which a Kentucky certificate of title has been issued, including but not limited to deeds and mortgages; and*

(b) *"Portal" means a Web site or online database that:*

1. *Is readily accessible by the public to provide remote online access to recorded instruments;*
2. *Has a network security device that monitors incoming and outgoing network traffic and determines whether to allow or block specific traffic based on a defined set of security rules; and*
3. *Has a system which provides for backup copies of recorded instruments to be securely stored.*

(2) *By June 30, 2023, all county clerks shall provide and maintain the portal that allows a person to electronically file any recorded instrument.*

(3) (a) *By June 30, 2024, each county clerk shall provide and maintain a portal that contains the following recorded instruments:*

1. *Filed on or after June 30, 1994:*
 - a. *Deeds;*
 - b. *Mortgages;*
 - c. *Fixture filings under the Uniform Commercial Code;*
 - d. *Plats of subdivided property;*
 - e. *All covenants, conditions, and restrictions that relate to real property;*
 - f. *Easements;*
 - g. *Leases or memorandum of leases;*
 - h. *Powers of attorney;*
 - i. *Land contracts;*
 - j. *Wills; and*
 - k. *Affidavits that affect or clarify the title to property;*
2. *Filed on or after June 30, 2004, child support liens;*
3. *Filed on or after June 30, 2009;*
 - a. *Judgment liens;*
 - b. *Recoupment and unemployment liens; and*
 - c. *Lis pendens notices;*
4. *Filed on or after June 30, 2014;*
 - a. *Federal and state tax liens; and*
 - b. *Civil penalty liens;*
5. *Filed on or after June 30, 2019;*
 - a. *Homeowner's association or condominium liens; and*

- b. Bail bonds.*
- (b) *By June 30, 2026, each county clerk shall provide and maintain a portal that contains the following recorded instruments filed on or after June 30, 1966, but before June 30, 1994:*
1. *Deeds;*
 2. *Mortgages;*
 3. *Fixture filings under the Uniform Commercial Code;*
 4. *Plats of subdivided property;*
 5. *All covenants, conditions, and restrictions that relate to real property;*
 6. *Easements;*
 7. *Leases or memorandum of leases;*
 8. *Powers of attorney;*
 9. *Land contracts;*
 10. *Wills; and*
 11. *Affidavits that affect or clarify the title to property.*
- (4) (a) *Any fee charged by the county clerk for access to electronic copies of recorded instruments shall not exceed the actual cost of providing and maintaining the portal.*
- (b) *If a county clerk contracts with an outside vendor to provide and maintain a portal required under this section, actual costs may include:*
1. *Development and maintenance of a portal that provides access to recorded instruments;*
 2. *Personnel costs for companies that employ staff to support county clerks;*
 3. *Maintenance of cybersecurity credentials; and*
 4. *Insurance premiums.*
- (5) *A county clerk may redact Social Security numbers from electronic copies of recorded instruments and other personal information from recorded instruments upon request from a law enforcement agency or judicial officer.*

➔Section 2. KRS 64.012 is amended to read as follows:

- (1) The county clerk shall receive for the following services the following fees:
- (a) 1. Recording and indexing of a:
- a. Deed of trust or assignment for the benefit of creditors;
 - b. Deed;
 - c. Deed of assignment;
 - d. File-stamped copy of documents set forth in KRS 14A.2-040(1) or (2) that have been filed first with the Secretary of State;
 - e. Real estate option;
 - f. Power of attorney;
 - g. Revocation of power of attorney;
 - h. Lease which is recordable by law;
 - i. Deed of release of a mortgage or lien under KRS 382.360;
 - j. United States lien;
 - k. Release of a United States lien;
 - l. Release of any recorded encumbrance other than state liens;

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- m. Lis pendens notice concerning proceedings in bankruptcy;
- n. Lis pendens notice;
- o. Mechanic's and artisan's lien under KRS Chapter 376;
- p. Assumed name;
- q. Notice of lien issued by the Internal Revenue Service;
- r. Notice of lien discharge issued by the Internal Revenue Service;
- s. Original, assignment, amendment, or continuation financing statement;
- t. Making a record for the establishment of a city, recording the plan or plat thereof, and all other service incident;
- u. Survey of a city, or any part thereof, or any addition to or extensions of the boundary of a city;
- v. Recording with statutory authority for which no specific fee is set, except a military discharge;
- w. Will or other probate document pursuant to KRS Chapter 392 or 394;
- x. Court ordered name change pursuant to KRS Chapter 401;
- y. Land use restriction according to KRS 100.3681; and
- z. Filing with statutory authority for which no specific fee is set.

For all items in this subsection if the entire thereof does not exceed
 five (5) pages\$33.00
 And, for all items in this subsection exceeding five (5) pages,
 for each additional page\$3.00
 And, for all items in this subsection for each additional reference
 relating to same instrument\$4.00

- 2. The thirty-three dollar (\$33) fee imposed by this subsection shall be divided as follows:
 - a. Twenty-seven dollars (\$27) shall be retained by the county clerk; and
 - b. Six dollars (\$6) shall be paid to the affordable housing trust fund established in KRS 198A.710 and shall be remitted by the county clerk within ten (10) days following the end of the quarter in which the fee was received. Each remittance to the affordable housing trust fund shall be accompanied by a summary report on a form prescribed by the Kentucky Housing Corporation.
- (b) For noting a security interest on a certificate of title pursuant to KRS Chapter 186A\$12.00
- (c) For filing the release of collateral under a financing statement and noting same upon the face of the title pursuant to KRS Chapter 186 or 186A \$5.00
- (d) Filing or recording state tax or other state liens\$5.00
- (e) Filing release of a state tax or other state lien\$5.00
- (f) Acknowledging or notarizing any deed, mortgage, power of attorney, or other written instrument required by law for recording and certifying same\$5.00
- (g) Recording plats, maps, and surveys, not exceeding 24 inches by

	36 inches, per page	\$40.00
(h)	Recording a bond, for each bond	\$10.00
(i)	Each bond required to be taken or prepared by the clerk	\$4.00
(j)	Copy of any bond when ordered	\$3.00
(k)	Administering an oath and certificate thereof	\$5.00
(l)	Issuing a license for which no other fee is fixed by law	\$8.00
(m)	Issuing a solicitor's license	\$15.00
(n)	Marriage license, indexing, recording, and issuing certificate thereof	\$26.50
(o)	Every order concerning the establishment, changing, closing, or discontinuing of roads, to be paid out of the county levy when the road is established, changed, closed, or discontinued, and by the applicant when it is not	\$3.00
(p)	Registration of licenses for professional persons required to register with the county clerk	\$10.00
(q)	Certified copy of any record	\$5.00
	Plus fifty cents (\$.50) per page after three (3) pages	
(r)	Filing certification required by KRS 65.070(2)(a)	\$5.00
(s)	Filing notification and declaration and petition of candidates for Commonwealth's attorney	\$200.00
(t)	Filing notification and declaration and petition of candidates for county and independent boards of education	\$20.00
(u)	Filing notification and declaration and petition of candidates for boards of soil and water conservation districts	\$20.00
(v)	Filing notification and declaration and petition of candidates for other office	\$50.00
(w)	Filing declaration of intent to be a write-in candidate for office	\$50.00
(x)	Filing petitions for elections, other than nominating petitions	\$50.00
(y)	Notarizing any signature, per signature	\$2.00
(z)	Filing bond for receiving bodies under KRS 311.310	\$10.00
(aa)	Noting the assignment of a certificate of delinquency and recording and indexing the encumbrance under KRS 134.126 or 134.127	\$27.00
(ab)	Filing a going-out-of-business permit under KRS 365.445	\$50.00
(ac)	Filing a renewal of a going-out-of-business permit under KRS 365.445	\$50.00
(ad)	Filing and processing a transient merchant permit under KRS 365.680	\$25.00
(ae)	Recording and indexing a real estate mortgage:	
	1. For a mortgage that does not exceed thirty (30) pages	\$63.00
	2. And, for a mortgage that exceeds thirty (30) pages, for each additional page	\$3.00

(af) Filing or recording a lien or release of lien by a consolidated local government, urban-county government, unified local government, or city of any class\$20.00

(2) The sixty-three dollar (\$63) fee imposed by subsection (1)(ae) of this section shall be divided as follows:

- (a) Fifty-seven dollars (\$57) shall be retained by the county clerk; and
- (b) Six dollars (\$6) shall be paid to the affordable housing trust fund established in KRS 198A.710 and shall be remitted by the county clerk within ten (10) days following the end of the quarter in which the fee was received. Each remittance to the affordable housing trust fund shall be accompanied by a summary report on a form prescribed by the Kentucky Housing Corporation.

(3) (a) For services related to the permanent storage of records listed in paragraphs (a), (g), (n), and (ae) of subsection (1) of this section, the clerk shall be entitled to receive a reimbursement of ten dollars (\$10).

(b) *This fee shall:*

- 1. *Not be paid annually to the fiscal court under KRS 64.152;*
- 2. *Not be paid to the Finance and Administration Cabinet under KRS 64.345;*
- 3. *Be accumulated and transferred to the fiscal court or the legislative body of a consolidated local government or an urban-county government on a monthly basis within ten (10) days following the end of the month;*
- 4. *Be maintained by the fiscal court or the legislative body of a consolidated local government or an urban-county government in a separate bank account and accounted for in a separate fund; and*
- 5. *Not lapse to the general fund of the county, consolidated local government, or urban-county government.*

(c) *The moneys accumulated from this fee shall be held in perpetuity by the fiscal court or the legislative body of a consolidated local government or an urban-county government for the county clerk's exclusive use for:*

- 1. *Equipment related to the permanent storage of and access to records, including deed books, binders, shelves, microfilm equipment, and fireproof equipment;*
- 2. *Hardware for the permanent storage of and access to records, including computers, servers, and scanners;*
- 3. *Software for the permanent storage of and access to records, including vendor services and consumer subscription fees;*
- 4. *Personnel costs for the permanent storage of and access to records, including overtime costs for personnel involved in the digitization of records; and*
- 5. *Cloud storage and cybersecurity services for the permanent storage of and access to records.*

(d) *Notwithstanding KRS 68.275, claims by a county clerk that are for the approved expenditures in paragraph (c) of this subsection shall be paid by the county judge/executive or the chief executive officer of a consolidated local government or an urban-county government by a warrant drawn on the fund and co-signed by the treasurer of the county, consolidated local government, or urban-county government.*

(e) *No later than July 1 of each year, each county fiscal court or legislative body of a consolidated local government or an urban-county government shall submit a report to the Legislative Research Commission detailing the receipts, expenditures, and any amounts remaining in the fund.*

➔Section 3. KRS 142.010 is amended to read as follows:

(1) The following taxes shall be paid:

- (a) A tax of four dollars and fifty cents (\$4.50) on each marriage license;
- (b) A tax of four dollars (\$4) on each power of attorney to convey real or personal property;

- (c) A tax of four dollars (\$4) on each mortgage, financing statement, or security agreement and on each notation of a security interest on a certificate of title under KRS 186A.190;
 - (d) A tax of four dollars (\$4) on each conveyance of real property; and
 - (e) A tax of four dollars (\$4) on each lien or conveyance of coal, oil, gas, or other mineral right or privilege.
- (2) The tax imposed by this section shall be collected by each county clerk as a prerequisite to the issuance of a marriage license or the original filing of an instrument subject to the tax. Subsequent assignment of the original instrument shall not be cause for additional taxation under this section. This section shall not be construed to require any tax upon a deed of release of a lien retained in a deed or mortgage.
 - (3) Taxes imposed under this section shall be reported and paid to the Department of Revenue by each county clerk within ten (10) days following the end of the calendar month in which instruments subject to tax are filed or marriage licenses issued. Each remittance shall be accompanied by a summary report on a form prescribed by the department.
 - (4) Any county clerk who violates any of the provisions of this section shall be subject to the uniform civil penalties imposed pursuant to KRS 131.180. In every case, any tax not paid on or before the due date shall bear interest at the tax interest rate as defined in KRS 131.010(6) from the date due until the date of payment.
 - (5)
 - (a) One dollar (\$1) of the amount collected under each paragraph of subsection (1) of this section shall be placed in an agency fund in the Department for Libraries and Archives to be used exclusively for the purpose of preserving and retaining public records by continuing the local records grant program active in the Department for Libraries and Archives. ~~The budgeted amount of funds allocated to the grant program in the fiscal year 2005-2006 departmental budget shall not be reduced in future years, and shall be increased annually by this additional revenue to be used exclusively for the grants program.~~
 - (b) *Ninety percent (90%) of all funds allocated to the Department for Libraries and Archives under paragraph (a) of this subsection for the local records grant program shall be set aside for grants to county clerks and distributed annually, except as provided in paragraph (c) of this subsection.*
 - (c) *If there are insufficient grant applications from county clerks for the Department for Libraries and Archives to distribute ninety percent (90%) of all funds allocated under paragraph (a) of this subsection, the Department for Libraries and Archives may grant those funds to other agencies.*

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 64 IS CREATED TO READ AS FOLLOWS:

- (1)
 - (a) *A county clerk in a county containing a population of less than seventy thousand (70,000) may be entitled to receive an advancement to:*
 - 1. *Defray necessary official expenses; and*
 - 2. *Supplement the payment of the salaries of the county clerk or the county clerk's deputies and assistants.*
 - (b)
 - 1. *The secretary of the Finance and Administration Cabinet shall, on the first day of each calendar month, determine the necessary amount that may be advanced to the county clerk.*
 - 2. *The advance shall be the lesser of:*
 - a. *One-twelfth (1/12) of the total fees collected by the county clerk for the preceding year; or*
 - b. *Sixty thousand (\$60,000) dollars per month.*
 - (c) *When approved by the secretary of the Finance and Administration Cabinet, a warrant shall be drawn on the State Treasury in favor of the county clerk for such advancement.*
 - (d) *Funds advanced under this section shall be repaid by the county clerk to whom the funds were advanced no later than the close of the calendar year in which the funds were advanced. If the funds are not timely repaid, then the county clerk in his or her official capacity or the surety for the county clerk shall be liable to the Commonwealth.*
- (2) *If a county clerk makes a request for funds from the State Treasury to defray necessary official expenses, the county clerk shall not be required to submit a detailed statement of his or her personal assets and liabilities as a condition of the application process.*

- (3) *The Finance and Administration Cabinet shall promulgate administrative regulations in accordance with KRS Chapter 13A as necessary to implement the provisions of this section.*

Signed by Governor March 24, 2022.

CHAPTER 27

(HCR 47)

A CONCURRENT RESOLUTION commending Madison County Schools for using the farm-to-school concept for school meals and encouraging other school districts to do so.

WHEREAS, recent national supply chain disruptions are causing shortages in school cafeteria foods; and

WHEREAS, some Kentucky school districts have found a solution in buying food locally within their county, region, and across the Commonwealth; and

WHEREAS, this approach, called farm-to-school, provides many benefits including nutritional, educational, and economical; and

WHEREAS, the Madison County School District, which began buying local meats and vegetables several years ago, was buffered from the recent supply chain shortages; and

WHEREAS, thanks to adopting the farm-to-school approach, the district has access to the products needed to continue serving nutritious and delicious meals to its students; and

WHEREAS, the Kentucky Department of Agriculture's Farm to School program works to connect local farmers and small businesses with school nutrition staff to get Kentucky foods into Kentucky's school systems; and

WHEREAS, buying local will enable schools to serve fresh, nutritious meals, support local farmers and Kentucky's economy, and educate students on the value of supporting local food systems; and

WHEREAS, during the public health and economic emergency caused by COVID-19, the benefits of buying local have been magnified for school districts who have been able to get the food products they need while supporting the local community;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

➔Section 1. The General Assembly commends the Madison County School District for adopting the farm-to-school approach and encourages all local school districts to purchase locally grown food to solve food supply issues, provide fresh, nutritious food to students, and support local producers.

➔Section 2. The Clerk of the House of Representatives is directed to transmit a copy of this Resolution to Superintendent David Gilliam, Madison County Schools, 301 Highland Park Drive, Richmond, Kentucky 40475; Dr. Jim Flynn, Executive Director, Kentucky Association of School Superintendents, 87 C Michael Davenport Boulevard, Frankfort, Kentucky 40601; and Commissioner Ryan Quarles, Kentucky Department of Agriculture, 111 Corporate Drive, Frankfort, Kentucky 40601.

Signed by Governor March 24, 2022.

CHAPTER 28

(SB 104)

AN ACT relating to the Employment First Council.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 151B IS CREATED TO READ AS FOLLOWS:

The General Assembly finds and declares that it is the policy of the Commonwealth of Kentucky that competitive integrated employment shall be considered the first and primary option for persons with disabilities of working age who desire to become employed.

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 151B IS CREATED TO READ AS FOLLOWS:

- (1) *For the purposes of Sections 1 to 4 of this Act, "competitive integrated employment" means work that is performed on a full-time or part-time basis for which an individual is:*
 - (a) *Earning compensation at or above minimum wage and comparable to the customary rate paid by the employer to employees without disabilities performing similar duties and with similar training and experience;*
 - (b) *Receiving the same level of benefits provided to other employees without disabilities in similar positions;*
 - (c) *Working at a location where the employee interacts with other individuals without disabilities; and*
 - (d) *Receiving opportunities for advancement when appropriate similar to other employees without disabilities in similar positions.*
- (2) *The Employment First Council is hereby established within the Office of Vocational Rehabilitation as an advisory council to the executive and legislative branches of government on matters pertaining to increasing meaningful opportunities for competitive integrated employment for citizens with a disability seeking employment, regardless of their level of disability.*
- (3) *The Employment First Council shall be composed of twenty-eight (28) members. Members of the council shall be appointed by the Governor in a manner that is geographically and culturally representative of the population of the Commonwealth and shall include:*
 - (a) *One (1) representative from the Office of Vocational Rehabilitation;*
 - (b) *One (1) representative from the Kentucky Workforce Innovation Board;*
 - (c) *One (1) representative from the Department of Education;*
 - (d) *One (1) representative from the office of Career and Technical Education;*
 - (e) *One (1) representative from the Department for Medicaid Services;*
 - (f) *One (1) representative from the Department for Behavioral Health, Developmental and Intellectual Disabilities;*
 - (g) *One (1) representative from the Commonwealth Council on Developmental Disabilities;*
 - (h) *One (1) representative from Kentucky Protection and Advocacy;*
 - (i) *One (1) representative from the Department for Income Support, Disability Determination Services;*
 - (j) *One (1) representative from the Division of Behavioral Health;*
 - (k) *One (1) representative from the Kentucky Autism Training Center;*
 - (l) *One (1) representative from the Department for Behavioral Health, Developmental and Intellectual Disabilities, Office of Autism;*
 - (m) *One (1) representative from the University of Kentucky Human Development Institute;*
 - (n) *Two (2) representatives from a state vocational rehabilitation provider agency;*
 - (o) *One (1) representative from Statewide Council for Vocational Rehabilitation;*
 - (p) *One (1) representative from the Kentucky Chamber of Commerce;*
 - (q) *One (1) representative from the Council of State Governments;*
 - (r) *Four (4) representatives each having at least one (1) of the following qualifications:*
 1. *A physical or mental impairment that substantially limits one (1) or more major life activity;*
 2. *A history or record of such an impairment; or*

3. *A person who is perceived by others as having such an impairment;*
- (s) *Two (2) representatives who have an immediate family member with a disability; and*
- (t) *Four (4) representatives of business, industry, and labor.*
- (4) *After the initial appointments, members of the Employment First Council shall serve terms of three (3) years. Members shall be eligible to succeed themselves and shall serve until their successor is appointed.*
- (5) *Members of the Employment First Council shall not be paid for their service as council members, and shall not be reimbursed for any expenses involved in attending council meetings.*
- (6) *The Employment First Council shall elect a chair, a vice chair, and a legislative liaison from its council members who shall serve in those capacities until replaced. The legislative liaison shall communicate with the legislative and executive branch about the council's progress and ensure that the work of the council is separate and distinct from the work of the Statewide Council for Vocational Rehabilitation.*
- (7) *A majority of council members shall constitute a quorum for the purposes of conducting business. The council shall be subject to the provisions of the Kentucky Open Records Act, as set forth in KRS 61.870 to 61.884.*
- (8) *The Employment First Council shall meet quarterly, upon the call of the chair, or at the request of the secretary of the Education and Workforce Development Cabinet. The council shall receive assistance in carrying out its administrative functions from the Department of Workforce Development and shall be attached to the Education and Workforce Development Cabinet for administrative purposes.*

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 151B IS CREATED TO READ AS FOLLOWS:

The Employment First Council shall:

- (1) *Identify state policies that create disincentives for the employment of people with disabilities and develop recommendations to address and eliminate those disincentives;*
- (2) *Develop training and resources for families, self-advocates, public and private providers, and employers on the benefits of competitive integrated employment of workers with a disability;*
- (3) *Recommend the development and implementation of policies and effective practices for providers of supported employment services that increase employment opportunities for workers with a disability;*
- (4) *Utilize appropriate metrics to assess progress of efforts to increase the competitive integrated employment of workers with a disability; and*
- (5) *Submit an annual report by December 1 to the Legislative Research Commission, the secretary of the Education and Workforce Development Cabinet, and the Governor summarizing its findings and recommendations.*

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 151B IS CREATED TO READ AS FOLLOWS:

Nothing in Sections 1 to 4 of this Act shall be construed to require any employer to give preference to hiring persons with disabilities nor shall anything be construed to mandate that those program participants having no desire to become employed be forced to do so.

➔Section 5. KRS 12.020 is amended to read as follows:

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

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

- (1) The Governor.
- (2) Lieutenant Governor.

- (3) Department of State.
 - (a) Secretary of State.
 - (b) Board of Elections.
 - (c) Registry of Election Finance.
 - (4) Department of Law.
 - (a) Attorney General.
 - (5) Department of the Treasury.
 - (a) Treasurer.
 - (6) Department of Agriculture.
 - (a) Commissioner of Agriculture.
 - (b) Agricultural Development Board.
 - (c) Kentucky Agricultural Finance Corporation.
 - (7) Auditor of Public Accounts.
- II. Program cabinets headed by appointed officers:
- (1) Justice and Public Safety Cabinet:
 - (a) Department of Kentucky State Police.
 - 1. Office of Administrative Services.
 - a. Division of Operational Support.
 - b. Division of Management Services.
 - 2. Office of Operations.
 - a. Division of West Troops.
 - b. Division of East Troops.
 - c. Division of Special Enforcement.
 - d. Division of Commercial Vehicle Enforcement.
 - 3. Office of Technical Services.
 - a. Division of Forensic Sciences.
 - b. Division of Information Technology.
 - (b) Department of Criminal Justice Training.
 - (c) Department of Corrections.
 - (d) Department of Juvenile Justice.
 - (e) Office of the Secretary.
 - (f) Office of Drug Control Policy.
 - (g) Office of Legal Services.
 - (h) Office of the Kentucky State Medical Examiner.
 - (i) Parole Board.
 - (j) Kentucky State Corrections Commission.
 - (k) Office of Legislative and Intergovernmental Services.
 - (l) Office of Human Resource Management.
 - 1. Division of Human Resource Administration.

2. Division of Employee Management.
- (m) Department of Public Advocacy.
- (n) Office of Communications.
 1. Information Technology Services Division.
- (o) Office of Financial Management Services.
 1. Division of Financial Management.
- (p) Grants Management Division.
- (2) Education and Workforce Development Cabinet:
 - (a) Office of the Secretary.
 1. Governor's Scholars Program.
 2. Governor's School for Entrepreneurs Program.
 3. Office of the Kentucky Workforce Innovation Board.
 4. Foundation for Adult Education.
 5. Early Childhood Advisory Council.
 - (b) Office of Legal and Legislative Services.
 1. Client Assistance Program.
 - (c) Office of Communication.
 - (d) Office of Administrative Services.
 1. Division of Human Resources.
 2. Division of Operations and Support Services.
 3. Division of Fiscal Management.
 - (e) Office of Technology Services.
 - (f) Office of Educational Programs.
 - (g) Office of the Kentucky Center for Statistics.
 - (h) Board of the Kentucky Center for Statistics.
 - (i) Board of Directors for the Center for School Safety.
 - (j) Department of Education.
 1. Kentucky Board of Education.
 2. Kentucky Technical Education Personnel Board.
 3. Education Professional Standards Board.
 - (k) Department for Libraries and Archives.
 - (l) Department of Workforce Investment.
 1. Office of Vocational Rehabilitation.
 - a. Division of Kentucky Business Enterprise.
 - b. Division of the Carl D. Perkins Vocational Training Center.
 - c. Division of Blind Services.
 - d. Division of Field Services.
 - e. Statewide Council for Vocational Rehabilitation.
 - f. *Employment First Council.***

2. Office of Unemployment Insurance.
 3. Office of Employer and Apprenticeship Services.
 - a. Division of Apprenticeship.
 4. Career Development Office.
 5. Office of Adult Education.
 6. Unemployment Insurance Commission.
 7. Kentucky Apprenticeship Council.
 8. Division of Technical Assistance.
- (m) Foundation for Workforce Development.
- (n) Kentucky Workforce Investment Board.
- (o) Kentucky Commission on the Deaf and Hard of Hearing.
- (p) Kentucky Educational Television.
- (q) Kentucky Environmental Education Council.
- (3) Energy and Environment Cabinet:
- (a) Office of the Secretary.
 1. Office of Legislative and Intergovernmental Affairs.
 2. Office of Legal Services.
 - a. Legal Division I.
 - b. Legal Division II.
 3. Office of Administrative Hearings.
 4. Office of Communication.
 5. Mine Safety Review Commission.
 6. Office of Kentucky Nature Preserves.
 7. Kentucky Public Service Commission.
 - (b) Department for Environmental Protection.
 1. Office of the Commissioner.
 2. Division for Air Quality.
 3. Division of Water.
 4. Division of Environmental Program Support.
 5. Division of Waste Management.
 6. Division of Enforcement.
 7. Division of Compliance Assistance.
 - (c) Department for Natural Resources.
 1. Office of the Commissioner.
 2. Division of Mine Permits.
 3. Division of Mine Reclamation and Enforcement.
 4. Division of Abandoned Mine Lands.
 5. Division of Oil and Gas.
 6. Division of Mine Safety.

7. Division of Forestry.
8. Division of Conservation.
9. Office of the Reclamation Guaranty Fund.
- (d) Office of Energy Policy.
 1. Division of Energy Assistance.
- (e) Office of Administrative Services.
 1. Division of Human Resources Management.
 2. Division of Financial Management.
 3. Division of Information Services.
- (4) Public Protection Cabinet.
 - (a) Office of the Secretary.
 1. Office of Communications and Public Outreach.
 2. Office of Legal Services.
 - a. Insurance Legal Division.
 - b. Charitable Gaming Legal Division.
 - c. Alcoholic Beverage Control Legal Division.
 - d. Housing, Buildings and Construction Legal Division.
 - e. Financial Institutions Legal Division.
 - f. Professional Licensing Legal Division.
 3. Office of Administrative Hearings.
 4. Office of Administrative Services.
 - a. Division of Human Resources.
 - b. Division of Fiscal Responsibility.
 - (b) Office of Claims and Appeals.
 1. Board of Tax Appeals.
 2. Board of Claims.
 3. Crime Victims Compensation Board.
 - (c) Kentucky Boxing and Wrestling Commission.
 - (d) Kentucky Horse Racing Commission.
 1. Office of Executive Director.
 - a. Division of Pari-mutuel Wagering and Compliance.
 - b. Division of Stewards.
 - c. Division of Licensing.
 - d. Division of Enforcement.
 - e. Division of Incentives and Development.
 - f. Division of Veterinary Services.
 - (e) Department of Alcoholic Beverage Control.
 1. Division of Distilled Spirits.
 2. Division of Malt Beverages.

3. Division of Enforcement.
- (f) Department of Charitable Gaming.
 1. Division of Licensing and Compliance.
 2. Division of Enforcement.
- (g) Department of Financial Institutions.
 1. Division of Depository Institutions.
 2. Division of Non-Depository Institutions.
 3. Division of Securities.
- (h) Department of Housing, Buildings and Construction.
 1. Division of Fire Prevention.
 2. Division of Plumbing.
 3. Division of Heating, Ventilation, and Air Conditioning.
 4. Division of Building Code Enforcement.
- (i) Department of Insurance.
 1. Division of Health and Life Insurance and Managed Care.
 2. Division of Property and Casualty Insurance.
 3. Division of Administrative Services.
 4. Division of Financial Standards and Examination.
 5. Division of Licensing.
 6. Division of Insurance Fraud Investigation.
 7. Division of Consumer Protection.
- (j) Department of Professional Licensing.
 1. Real Estate Authority.
- (5) Labor Cabinet.
 - (a) Office of the Secretary.
 1. Office of General Counsel.
 - a. Workplace Standards Legal Division.
 - b. Workers' Claims Legal Division.
 2. Office of Administrative Services.
 - a. Division of Human Resources Management.
 - b. Division of Fiscal Management.
 - c. Division of Professional Development and Organizational Management.
 - d. Division of Information Technology and Support Services.
 3. Office of Inspector General.
 - (b) Department of Workplace Standards.
 1. Division of Occupational Safety and Health Compliance.
 2. Division of Occupational Safety and Health Education and Training.
 3. Division of Wages and Hours.
 - (c) Department of Workers' Claims.

1. Division of Workers' Compensation Funds.
 2. Office of Administrative Law Judges.
 3. Division of Claims Processing.
 4. Division of Security and Compliance.
 5. Division of Information Services.
 6. Division of Specialist and Medical Services.
 7. Workers' Compensation Board.
- (d) Workers' Compensation Funding Commission.
- (e) Occupational Safety and Health Standards Board.
- (f) State Labor Relations Board.
- (g) Employers' Mutual Insurance Authority.
- (h) Kentucky Occupational Safety and Health Review Commission.
- (i) Workers' Compensation Nominating Committee.
- (6) Transportation Cabinet:
- (a) Department of Highways.
 1. Office of Project Development.
 2. Office of Project Delivery and Preservation.
 3. Office of Highway Safety.
 4. Highway District Offices One through Twelve.
 - (b) Department of Vehicle Regulation.
 - (c) Department of Aviation.
 - (d) Department of Rural and Municipal Aid.
 1. Office of Local Programs.
 2. Office of Rural and Secondary Roads.
 - (e) Office of the Secretary.
 1. Office of Public Affairs.
 2. Office for Civil Rights and Small Business Development.
 3. Office of Budget and Fiscal Management.
 4. Office of Inspector General.
 5. Secretary's Office of Safety.
 - (f) Office of Support Services.
 - (g) Office of Transportation Delivery.
 - (h) Office of Audits.
 - (i) Office of Human Resource Management.
 - (j) Office of Information Technology.
 - (k) Office of Legal Services.
- (7) Cabinet for Economic Development:
- (a) Office of the Secretary.
 1. Office of Legal Services.

2. Department for Business Development.
 3. Department for Financial Services.
 - a. Kentucky Economic Development Finance Authority.
 - b. Finance and Personnel Division.
 - c. IT and Resource Management Division.
 - d. Compliance Division.
 - e. Incentive Administration Division.
 - f. Bluegrass State Skills Corporation.
 4. Office of Marketing and Public Affairs.
 - a. Communications Division.
 - b. Graphics Design Division.
 5. Office of Workforce, Community Development, and Research.
 6. Office of Entrepreneurship and Small Business Innovation.
 - a. Commission on Small Business Innovation and Advocacy.
- (8) Cabinet for Health and Family Services:
- (a) Office of the Secretary.
 1. Office of the Ombudsman and Administrative Review.
 2. Office of Public Affairs.
 3. Office of Legal Services.
 4. Office of Inspector General.
 5. Office of Human Resource Management.
 6. Office of Finance and Budget.
 7. Office of Legislative and Regulatory Affairs.
 8. Office of Administrative Services.
 9. Office of Application Technology Services.
 - (b) Department for Public Health.
 - (c) Department for Medicaid Services.
 - (d) Department for Behavioral Health, Developmental and Intellectual Disabilities.
 - (e) Department for Aging and Independent Living.
 - (f) Department for Community Based Services.
 - (g) Department for Income Support.
 - (h) Department for Family Resource Centers and Volunteer Services.
 - (i) Office for Children with Special Health Care Needs.
 - (j) Office of Health Data and Analytics.
- (9) Finance and Administration Cabinet:
- (a) Office of the Secretary.
 - (b) Office of the Inspector General.
 - (c) Office of Legislative and Intergovernmental Affairs.
 - (d) Office of General Counsel.

- (e) Office of the Controller.
 - (f) Office of Administrative Services.
 - (g) Office of Policy and Audit.
 - (h) Department for Facilities and Support Services.
 - (i) Department of Revenue.
 - (j) Commonwealth Office of Technology.
 - (k) State Property and Buildings Commission.
 - (l) Office of Equal Employment Opportunity and Contract Compliance.
 - (m) Kentucky Employees Retirement Systems.
 - (n) Commonwealth Credit Union.
 - (o) State Investment Commission.
 - (p) Kentucky Housing Corporation.
 - (q) Kentucky Local Correctional Facilities Construction Authority.
 - (r) Kentucky Turnpike Authority.
 - (s) Historic Properties Advisory Commission.
 - (t) Kentucky Higher Education Assistance Authority.
 - (u) Kentucky River Authority.
 - (v) Kentucky Teachers' Retirement System Board of Trustees.
 - (w) Executive Branch Ethics Commission.
- (10) Tourism, Arts and Heritage Cabinet:
- (a) Kentucky Department of Tourism.
 - 1. Division of Tourism Services.
 - 2. Division of Marketing and Administration.
 - 3. Division of Communications and Promotions.
 - (b) Kentucky Department of Parks.
 - 1. Division of Information Technology.
 - 2. Division of Human Resources.
 - 3. Division of Financial Operations.
 - 4. Division of Facilities Management.
 - 5. Division of Facilities Maintenance.
 - 6. Division of Customer Services.
 - 7. Division of Recreation.
 - 8. Division of Golf Courses.
 - 9. Division of Food Services.
 - 10. Division of Rangers.
 - 11. Division of Resort Parks.
 - 12. Division of Recreational Parks and Historic Sites.
 - (c) Department of Fish and Wildlife Resources.
 - 1. Division of Law Enforcement.

2. Division of Administrative Services.
 3. Division of Engineering, Infrastructure, and Technology.
 4. Division of Fisheries.
 5. Division of Information and Education.
 6. Division of Wildlife.
 7. Division of Marketing.
- (d) Kentucky Horse Park.
1. Division of Support Services.
 2. Division of Buildings and Grounds.
 3. Division of Operational Services.
- (e) Kentucky State Fair Board.
1. Office of Administrative and Information Technology Services.
 2. Office of Human Resources and Access Control.
 3. Division of Expositions.
 4. Division of Kentucky Exposition Center Operations.
 5. Division of Kentucky International Convention Center.
 6. Division of Public Relations and Media.
 7. Division of Venue Services.
 8. Division of Personnel Management and Staff Development.
 9. Division of Sales.
 10. Division of Security and Traffic Control.
 11. Division of Information Technology.
 12. Division of the Louisville Arena.
 13. Division of Fiscal and Contract Management.
 14. Division of Access Control.
- (f) Office of the Secretary.
1. Office of Finance.
 2. Office of Government Relations and Administration.
- (g) Office of Legal Affairs.
- (h) Office of Human Resources.
- (i) Office of Public Affairs and Constituent Services.
- (j) Office of Arts and Cultural Heritage.
- (k) Kentucky African-American Heritage Commission.
- (l) Kentucky Foundation for the Arts.
- (m) Kentucky Humanities Council.
- (n) Kentucky Heritage Council.
- (o) Kentucky Arts Council.
- (p) Kentucky Historical Society.
1. Division of Museums.

2. Division of Oral History and Educational Outreach.
 3. Division of Research and Publications.
 4. Division of Administration.
- (q) Kentucky Center for the Arts.
1. Division of Governor's School for the Arts.
- (r) Kentucky Artisans Center at Berea.
- (s) Northern Kentucky Convention Center.
- (t) Eastern Kentucky Exposition Center.
- (11) Personnel Cabinet:
- (a) Office of the Secretary.
 - (b) Department of Human Resources Administration.
 - (c) Office of Employee Relations.
 - (d) Kentucky Public Employees Deferred Compensation Authority.
 - (e) Office of Administrative Services.
 - (f) Office of Legal Services.
 - (g) Governmental Services Center.
 - (h) Department of Employee Insurance.
 - (i) Office of Diversity, Equality, and Training.
 - (j) Office of Public Affairs.
- III. Other departments headed by appointed officers:
- (1) Council on Postsecondary Education.
 - (2) Department of Military Affairs.
 - (3) Department for Local Government.
 - (4) Kentucky Commission on Human Rights.
 - (5) Kentucky Commission on Women.
 - (6) Department of Veterans' Affairs.
 - (7) Kentucky Commission on Military Affairs.
 - (8) Office of Minority Empowerment.
 - (9) Governor's Council on Wellness and Physical Activity.
 - (10) Kentucky Communications Network Authority.

Signed by Governor March 24, 2022.

CHAPTER 29

(HB 144)

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

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

➔Section 1. KRS 341.030 is amended to read as follows:

- (1) As used in this chapter, unless the context clearly requires otherwise, and except as provided in subsections (2) to (7) of this section, "wages" means all remuneration for services, including commissions, bonuses, and, except for services performed in agriculture and domestic employment, the cash value of all remuneration in any medium other than cash. The reasonable cash value of remuneration in any medium other than cash shall be estimated and determined in accordance with rules prescribed by the commission.
- (2) Amounts paid to traveling salesmen or other workers as allowance or reimbursement for traveling or other expenses, incurred on the business of the employing unit, constitute wages only to the extent of the excess of the amounts over the expenses actually incurred and accounted for by the worker to his employer; provided, however, that the cash value of meals and lodging when furnished to the worker for the convenience of the employer shall not constitute wages.
- (3) For purposes of this chapter, the term "wages" includes tips which are:
 - (a) Received while performing services which constitute employment;
 - (b) Included in a written statement furnished to the employer pursuant to Section 6053(a) of the Internal Revenue Code; and
 - (c) Shall be treated as having been paid by the employing unit.
- (4) "Wages" does not include the amount of any payment made to, or on behalf of, a worker under a plan or system established by an employing unit that makes provision for its workers generally or for a class of its workers, including any amount paid by an employing unit for insurance or annuities, or into a fund, to provide for any such payment, on account of:
 - (a) Retirement;
 - (b) Sickness or accident disability but, in the case of payments made to an employee or any of his dependents, this subsection shall exclude from the term "wages" only payments which are received under a workers' compensation law;
 - (c) Medical and hospitalization expenses in connection with accident or sickness disability; or
 - (d) Death, if the worker has not:
 1. The option to receive, instead of provision for the death benefit, any part of the payment, or if the death benefit is insured, any part of the premiums or contributions to premiums paid by his employing unit; and
 2. The right, under the provisions of the plan or system or policy of insurance providing for the death benefit, to assign the benefit, or to receive a cash consideration in lieu of it either upon his withdrawal from the plan or system providing for the benefit or upon termination of the plan or system or policy of insurance or of his employment with his employing unit.
- (5) "Wages" does not include any payment on account of sickness or accident disability, or medical or hospitalization expenses in connection with sickness or accident disability, made by an employer to, or on behalf of, an employee after the expiration of six (6) calendar months following the last calendar month in which the employee worked for the employer.
- (6) "Wages" does not include the amount of any payment made by an employing unit without deduction from the remuneration of the worker of the tax imposed under Section 3101 of the Internal Revenue Code or any payment required from an employer under a state unemployment compensation law with respect to remuneration paid to an employee for domestic service in a private home of the employer or for agricultural labor.
- (7) (a) "Wages" does not, for the purposes of KRS 341.260 to 341.310, include that part of remuneration which, after wages equal to eight thousand dollars (\$8,000) have been paid in a calendar year to a worker by a subject employer or his predecessor with respect to covered employment during any calendar year, is paid to the worker by the subject employer during the calendar year unless that part of the wages is subject to a tax under a federal law, imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund. On January 1, 2012, the amount of eight thousand dollars (\$8,000) in this subsection shall increase to nine thousand dollars (\$9,000), which shall increase by an additional three hundred dollars (\$300) on January 1 of each subsequent year, unless limited by paragraph (b) or (c) of this subsection, not to exceed twelve thousand dollars

- (\$12,000). For the purpose of this subsection, the term "covered employment" shall include service constituting covered employment under any unemployment compensation law of another state.
- (b) If the trust fund balance on September 30 of a calendar year equals or exceeds two hundred million dollars (\$200,000,000), the taxable wage base amount in effect at that time shall not increase on January 1 of the next calendar year or on January 1 of subsequent calendar years, except as provided in paragraphs (c) and (e) of this subsection.
 - (c) If the trust fund balance on September 30 of a calendar year equals or exceeds two hundred million dollars (\$200,000,000), but is twenty million dollars (\$20,000,000) or less lower than the trust fund balance amount that would trigger in a lower schedule of contribution rates under KRS 341.270, the taxable wage base shall increase by three hundred dollars (\$300) on January 1 of the next calendar year and that taxable wage base amount shall be the taxable wage base amount in effect for subsequent calendar years, subject to the limitations in paragraph (d) of this subsection.
 - (d) The total number of years that the increase in the taxable wage base shall be prohibited or limited under paragraph (b) or (c) of this subsection shall not exceed the total number of years that contributing employers paid additional federal unemployment taxes because of a reduction in the credit against the federal unemployment tax established in 26 U.S.C. sec. 3302 beginning in 2011.
 - (e) If the taxable wage base on January 1 of the calendar year immediately following the last year the increase in the taxable wage base was prohibited or limited under this subsection is less than twelve thousand dollars (\$12,000), the taxable wage base amount shall be increased by three hundred dollars (\$300), and by an additional three hundred dollars (\$300) on January 1 of each subsequent calendar year until the taxable wage base amount reaches twelve thousand dollars (\$12,000).
 - (f) Notwithstanding paragraphs (b) and (c) of this subsection, if the trust fund balance is less than two hundred million dollars (\$200,000,000) on September 30 of a calendar year, the suspension of the taxable wage base increase shall not occur.
 - (g) Notwithstanding any other provision of this subsection, any increase in the maximum weekly benefit rate which otherwise would have occurred except for the suspension of the taxable wage base increase shall be implemented in accordance with the provisions of this chapter.
 - (h) The provisions of this subsection shall apply unless the United States Department of Labor notifies the secretary that implementation of this subsection would result in decertification of Kentucky's unemployment insurance program, impact any cap application, affect the receipt of emergency unemployment compensation funds, create an ineligibility for receipt of federal funds, or result in other penalties or sanctions under the Social Security Act or Federal Unemployment Tax Act, 26 U.S.C. secs. 3301 et seq.
 - (i) Notwithstanding any other provisions of this chapter, for the calendar ~~years~~~~year~~ **2021 and 2022**, the taxable wage base increase shall be suspended and the taxable wage base in effect for the calendar year 2020 shall be utilized.

➔Section 2. KRS 341.270 is amended to read as follows:

- (1) Except as otherwise provided in this section, each employer's contribution rate shall be three percent (3%). Effective for employers who become subject to this chapter on or after January 1, 1999, except as otherwise provided in this section, each employer's contribution rate shall be two and seven-tenths percent (2.7%).
- (2) Except as otherwise provided in this section, no subject employer's contribution rate shall be less than two and seven-tenths percent (2.7%), unless he has been an employer subject to the provisions of this chapter for twelve (12) consecutive calendar quarters ended as of the computation date. In any calendar year in which the rate schedule prescribed in paragraph (3)(a) of this section is in effect, no subject employer who was assigned an entry rate of three percent (3.0%) under the provisions of subsection (1) of this section prior to January 1, 1999, shall have a contribution rate less than two and eight hundred fifty-seven thousandths percent (2.857%), unless subject to this chapter for the minimum time period specified above.
- (3) For the calendar year 2001 and each calendar year thereafter, employer contribution rates shall be determined in accordance with "Table A" set out in subsection (4) of this section. For each calendar year, the secretary shall determine the rate schedule to be in effect based upon the "trust fund balance" as of September 30 of the preceding year. If the "trust fund balance":

- (a) Equals or exceeds one and eighteen hundredths percent (1.18%) of the total wages paid in covered employment in the state during the state fiscal year ended as of June 30 of that year, the rates listed in the "Trust Fund Adequacy Rates" schedule of "Table A" shall be in effect;
 - (b) Equals or exceeds five hundred million dollars (\$500,000,000) but is less than the amount required to effectuate the "Trust Fund Adequacy Rates" schedule as provided in paragraph (a) of this subsection, the rates listed in "Schedule A" of "Table A" shall be in effect;
 - (c) Equals or exceeds three hundred fifty million dollars (\$350,000,000) but is less than five hundred million dollars (\$500,000,000), the rates listed in "Schedule B" of "Table A" shall be in effect;
 - (d) Equals or exceeds two hundred fifty million dollars (\$250,000,000) but is less than three hundred fifty million dollars (\$350,000,000), the rates listed in "Schedule C" of "Table A" shall be in effect;
 - (e) Equals or exceeds one hundred fifty million dollars (\$150,000,000) but is less than two hundred fifty million dollars (\$250,000,000), the rates listed in "Schedule D" of "Table A" shall be in effect; and
 - (f) Is less than one hundred fifty million dollars (\$150,000,000), the rates listed in "Schedule E" of "Table A" shall be in effect.
- (4) For the calendar year 1982 and each calendar year thereafter, contribution rates shall be determined upon the basis of an individual employer's reserve ratio as of the computation date and the schedule of rates established under subsection (3) of this section. Except as otherwise provided in this section, the contribution rate for each subject employer for the calendar year immediately following the computation date shall be the rate in that "Schedule" of "Table A," as set out below, effective with respect to the calendar year, which appears on the same line as his reserve ratio as shown in the "Employer Reserve Ratio" column of the same table.

TABLE A
Rate Schedule

Employer Reserve Ratio	Trust Fund Adequacy Rates	A	B	C	D	E
8.0% and over	0.000%	0.30%	0.40%	0.50%	0.60%	1.00%
7.0% but under 8.0%	0.000%	0.40%	0.50%	0.60%	0.80%	1.05%
6.0% but under 7.0%	0.008%	0.50%	0.60%	0.70%	0.90%	1.10%
5.0% but under 6.0%	0.208%	0.70%	0.80%	1.00%	1.20%	1.40%
4.6% but under 5.0%	0.508%	1.00%	1.20%	1.40%	1.60%	1.80%
4.2% but under 4.6%	0.808%	1.30%	1.50%	1.80%	2.10%	2.30%
3.9% but under 4.2%	1.008%	1.50%	1.70%	2.20%	2.40%	2.70%
3.6% but under 3.9%	1.308%	1.80%	1.80%	2.40%	2.60%	3.00%
3.2% but under 3.6%	1.508%	2.00%	2.10%	2.50%	2.70%	3.10%

2.7% but						
under 3.2%	1.608%	2.10%	2.30%	2.60%	2.80%	3.20%
2.0% but						
under 2.7%	1.708%	2.20%	2.50%	2.70%	2.90%	3.30%
1.3% but						
under 2.0%	1.808%	2.30%	2.60%	2.80%	3.00%	3.40%
0.0% but						
under 1.3%	1.908%	2.40%	2.70%	2.90%	3.10%	3.50%
-0.5% but						
under -0.0%	6.500%	6.50%	6.75%	7.00%	7.25%	7.50%
-1.0% but						
under -0.5%	6.750%	6.75%	7.00%	7.25%	7.50%	7.75%
-1.5% but						
under -1.0%	7.000%	7.00%	7.25%	7.50%	7.75%	8.00%
-2.0% but						
under -1.5%	7.250%	7.25%	7.50%	7.75%	8.00%	8.25%
-3.0% but						
under -2.0%	7.500%	7.50%	7.75%	8.00%	8.25%	8.50%
-4.0% but						
under -3.0%	7.750%	7.75%	8.00%	8.25%	8.50%	8.75%
-6.0% but						
under -4.0%	8.250%	8.25%	8.50%	8.75%	9.00%	9.25%
-8.0% but						
under -6.0%	8.500%	8.50%	8.75%	9.00%	9.25%	9.50%
Less						
than -8.0%.	9.000%	9.00%	9.25%	9.50%	9.75%	10.00%

(5) As used in this section and elsewhere in this chapter, unless the context clearly requires otherwise:

- (a) "Trust fund balance" means the amount of money in the unemployment insurance fund, less any unpaid advances made to the state under Section 1201 of the Social Security Act. In determining the amount in the fund as of a given date all money received by the Office of Unemployment Insurance, Department of Workforce Investment, on that date shall be considered as being in the fund on that date;
- (b) "Total wages" means all remuneration for services, as defined in KRS 341.030(1) to (7), paid by subject employers;
- (c) An employer's "reserve ratio" means the percentage ratio of his reserve account balance as of the computation date to his taxable payrolls for the twelve (12) consecutive calendar quarters ended as of June 30 immediately preceding the computation date;
- (d) For the purposes of this section, an employer's "reserve account balance" means the amount of contributions credited to his reserve account as of the computation date, less the benefit charges through June 30 immediately preceding the computation date. If benefits charged to an account exceed contributions credited to the account, the account shall be considered as having a debit balance and a reserve ratio of "less than zero"; and
- (e) "Computation date" is July 31 of each calendar year prior to the effective date of new rates of contributions.

- (6) Notwithstanding any other provisions of this chapter, for the calendar ~~years~~^{year} 2021 *and* 2022, the employer contribution rates shall be determined using the rates listed in Schedule A of Table A.

➔Section 3. KRS 341.614 is amended to read as follows:

- (1) Effective January 1, 2014, there shall be a surcharge upon all subject contributing employers for any year there are insufficient funds in the unemployment compensation administration fund for the payment of interest on advances under Title XII of the Social Security Act or for the repayment of money, including any interest thereon, received from any source related to the payment of interest on such advances.
- (2)
 - (a) The surcharge shall be twenty-two hundredths of one percent (0.22%) of the first nine thousand six hundred dollars (\$9,600) in wages paid to each worker by a subject contributing employer or his predecessor with respect to covered employment during any calendar year.
 - (b) Effective January 1, 2015, and each calendar year thereafter, the secretary shall adjust the surcharge percentage rate based on any increase to the taxable wage base for that calendar year as provided in KRS 341.030(7). The purpose of the adjustment shall be to maintain costs per worker comparable to the original surcharge. Any reduction in the surcharge percentage rate shall correspond to the increase to the taxable wage base for that calendar year and shall be rounded up to the nearest one-hundredth of one percent (0.01%).
 - (c) Notwithstanding paragraph (b) of this subsection, the secretary may reduce the surcharge percentage rate or suspend the surcharge for any calendar year based on the balance of the unemployment insurance interest payment fund and the projected amount due for interest on advances under Title XII of the Social Security Act and for repayment of money, including any interest thereon, received from any source related to the payment of interest on such advances.
- (3) The surcharge established in this section shall be due and payable at the same time and in the same manner as employer contributions. Any surcharge collected shall be deposited in the unemployment insurance interest payment fund.
- (4) Any surcharge unpaid on the date on which it is due and payable, pursuant to subsection (3) of this section, shall be subject to interest at the rate of one and one-half percent (1.5%) per month or fraction thereof, not to exceed ninety percent (90%) of the amount of such surcharge, from and after such date until payment is received by the cabinet, regardless of whether such delinquency has been reduced to a judgment or not as provided in subsection (6) of this section or is the subject of an administrative appeal or court action. The interest collected shall be deposited in the unemployment insurance interest payment fund.
- (5) A lien of the same nature and having the same force, effect, and priority as provided in KRS 341.310 shall commence on all property of a subject contributing employer delinquent in the payment of any surcharge or interest thereon.
- (6) If, after due notice, any subject contributing employer defaults in payment of any surcharge or interest thereon, the amount due may be collected by a civil action instituted in the Franklin Circuit Court or the Franklin District Court depending on the jurisdictional amount in controversy, including interest and penalties, in the name of the state, and the subject contributing employer adjudged in default shall pay the costs of the action. Civil actions brought under this section shall be heard by the court, without the intervention of a jury, at the earliest possible date and shall be entitled to preference on the calendar of the court over all other civil actions, except petitions for judicial review under this chapter and cases arising under the Kentucky workers' compensation law.
- (7) At or after the commencement of an action under subsection (6) of this section, attachment may be had against the property of the liable subject contributing employer for such surcharge and interest without execution of a bond, or, after judgment has been entered, an execution may be issued against the property of such employer without the execution of a bond.
- (8) An action for the recovery of a surcharge or interest thereon under this section shall be barred, and any lien therefor shall be canceled and extinguished, unless collected or suit for collection has been filed within ten (10) years from the due date of such surcharge.
- (9) Notwithstanding subsection (6) of this section, any delinquent surcharge or interest thereon may be collected in accordance with the levy and distraint provisions of this chapter.
- (10) Any delinquent surcharge or interest collected after July 31, 2017, shall not be subject to the credit provisions contained in KRS 341.612 and shall be deposited into the penalty and interest account.

(11) Notwithstanding any other provisions of this chapter, for the calendar ~~years~~^{year} 2021 *and* 2022, there shall be no surcharge assessment.

➔Section 4. There is hereby appropriated Federal Fund moneys from the State Fiscal Recovery Fund of the American Rescue Plan Act in the amount of \$242,628,900 in fiscal year 2021-2022 to the unemployment trust fund to restore the fund balance to pre-pandemic levels.

➔Section 5. Sections 1 to 3 of this Act are retroactive to January 1, 2022.

➔Section 6. Whereas the economic impact of COVID-19 on Kentucky's citizens and businesses is of the utmost importance, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor March 24, 2022.

CHAPTER 30

(SB 265)

AN ACT relating to the Kentucky State University board of regents and declaring an emergency.

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

➔Section 1. The General Assembly finds and declares that the Kentucky State University board of regents has a current membership that has a history of failing to function and is no longer functioning according to its statutory mandate. The General Assembly further finds and declares that, notwithstanding the requirements of KRS 63.080, the members of the Kentucky State University board of regents appointed by the Governor as of the effective date of this Act, including members not yet confirmed by the Senate, shall be replaced by the Governor with new appointees consistent with KRS 164.321.

➔Section 2. Notwithstanding KRS 164.005(5), by March 26, 2022, the Governor's Postsecondary Education Nominating Committee shall submit 16 nominations to the Governor for the Kentucky State University board of regents. Current Kentucky State University board members may be considered by the committee for nomination. Notwithstanding KRS 12.070(3), on or before April 4, 2022, the Governor shall select eight of the nominees for appointment to the Kentucky State University board of regents to fulfill the remaining terms of the replaced members. Notwithstanding KRS 164.321(3), the political affiliation representation requirement, the limit on members being residents of the same county, and the limit on institutional graduates who reside outside Kentucky shall not apply to the appointments made under this section. The appointees shall be subject to Senate confirmation in accordance with KRS 164.321.

➔Section 3. Whereas the effective governance of Kentucky State University is critical to Kentucky's students and economy, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor March 25, 2022.

CHAPTER 31

(HB 263)

AN ACT relating to criminal abuse.

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

➔Section 1. KRS 508.100 is amended to read as follows:

(1) A person is guilty of criminal abuse in the first degree when he intentionally abuses another person or permits another person of whom he has actual custody to be abused and thereby:

- (a) Causes serious physical injury; or
- (b) Places him in a situation that may cause him serious physical injury; or
- (c) Causes torture, cruel confinement or cruel punishment;

to a person twelve (12) years of age or less, or who is physically helpless or mentally helpless.

- (2) Criminal abuse in the first degree is a Class C felony *unless the victim is under twelve (12) years old in which case it is a Class B felony.*

➔Section 2. This Act may be cited as Kami's Law.

Signed by Governor March 25, 2022.

CHAPTER 32

(HB 127)

AN ACT relating to court-ordered mental health treatment.

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

➔Section 1. KRS 202A.0811 is amended to read as follows:

- (1) Proceedings for court-ordered assisted outpatient treatment of a person shall be initiated by the filing of a verified petition for that purpose in District Court.
- (2) The petition and all subsequent court documents shall be entitled: "In the interest of (name of respondent)."
- (3) The petition shall be filed by a qualified mental health professional; peace officer; county attorney; Commonwealth's attorney; spouse, relative, friend, or guardian of the person concerning whom the petition is filed; or any other interested person.
- (4) The petition shall set forth:
 - (a) Petitioner's relationship to the respondent;
 - (b) Respondent's name, residence, and current location, if known;
 - (c) Petitioner's belief, including the factual basis therefor, that the respondent meets the criteria for court-ordered assisted outpatient treatment as set forth in KRS 202A.0817; and
 - (d) Whether, within five (5) days prior to the filing of the petition, the respondent has been *evaluated*~~examined~~ by a qualified mental health professional to determine whether the respondent meets the criteria for court-ordered assisted outpatient treatment pursuant to KRS 202A.0815.
- (5) Upon receipt of the petition, the court shall examine the petitioner under oath as to the contents of the petition. If the petitioner is a qualified mental health professional, the court may dispense with the examination.
- (6) If, after reviewing the allegations contained in the petition and examining the petitioner under oath, it appears to the court that there is probable cause to believe the respondent should be court-ordered to assisted outpatient treatment, the court shall:
 - (a) Order the respondent to be *evaluated*~~examined~~ without unnecessary delay by a qualified mental health professional to determine whether the respondent meets the criteria for court-ordered assisted outpatient treatment set forth in KRS 202A.0815, unless the court has already received the certified findings of such an *evaluation*~~examination~~ conducted no earlier than five (5) days prior to the filing of the petition. The qualified mental health professional shall certify his or her findings *to the court* within seventy-two (72) hours *from receipt of the order*, excluding weekends and holidays; and
 - (b) Set a date for a hearing within six (6) days from the date of the *filing of the petition*~~examination~~ under the provisions of this section, excluding weekends and holidays, to determine if the respondent should be court-ordered to assisted outpatient treatment.

- (7) If the court finds there is no probable cause to believe the respondent should be court-ordered to assisted outpatient treatment, the proceedings against the respondent shall be dismissed.

➔Section 2. KRS 202A.0815 is amended to read as follows:

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

- (1) ~~Has been involuntarily hospitalized pursuant to KRS 202A.051 at least two (2) times in the past twenty four (24) months;~~
- (2) ~~Is~~ diagnosed with a serious mental illness;
- (2)~~(3)~~ ***Has a history of repeated nonadherence with mental health treatment, which has:***
- (a) ***At least twice within the last forty-eight (48) months, been a significant factor in necessitating hospitalization or arrest of the person; or***
- (b) ***Within the last twenty-four (24) months, resulted in an act, threat, or attempt at serious physical injury to self or others;***
- (3) Is unlikely to adequately adhere to outpatient treatment on a voluntary basis based on a qualified mental health professional's:
- (a) Clinical observation; ***and***
- (b) ~~Review of treatment history, including the person's prior history of repeated treatment nonadherence; and~~
- (e) ~~Identification of specific characteristics of the person's clinical condition~~ ***that significantly impair the person's ability to make and maintain a rational and informed decision as to whether to engage in outpatient treatment voluntarily*** ~~described as anosognosia, or failure to recognize his or her diagnosis of serious mental illness;~~ and
- (4) Is in need of court-ordered assisted outpatient treatment as the least restrictive alternative mode of treatment presently available and appropriate.

Signed by Governor March 25, 2022.

CHAPTER 33

(SB 55)

AN ACT relating to certified stroke centers.

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

➔Section 1. KRS 216B.0425 is amended to read as follows:

- (1) Except as otherwise provided, for purposes of this section:
- (a) "Acute care hospital" means a licensed facility providing inpatient and outpatient medical or surgical services to an individual that seeks care and treatment, regardless of the individual's ability to pay for services, on an immediate and emergent basis through an established emergency department and a continuous treatment basis on its premises for more than twenty-four (24) hours; and
- (b) ~~"Primary stroke center certification,"~~ "Acute stroke ready hospital certification," "***primary stroke center certification,***" "***thrombectomy-capable stroke center certification,***" and "comprehensive stroke center certification" mean certification for acute care hospitals issued by the Joint Commission, the American Heart Association, or another cabinet-approved nationally recognized organization that provides disease-specific certification for stroke care, that:
1. Complies with census-based national standards and safety goals;
 2. Effectively uses evidence-based clinical practice guidelines to manage and optimize care; and
 3. Uses an organized approach to measure performance.

- (2) The secretary of the Cabinet for Health and Family Services shall designate as a ***certified***~~[primary]~~ stroke center any acute care hospital which has received an acute stroke ready hospital certification, ~~fa comprehensive stroke center certification, or~~ a primary stroke center certification, ***a thrombectomy-capable stroke center, or a comprehensive stroke center certification.***
- (3) The secretary shall suspend or revoke an acute care hospital's designation as an acute stroke ready hospital, ~~fa comprehensive stroke center, or~~ a primary stroke center, ***a thrombectomy-capable stroke center, or a comprehensive stroke center*** if certification is withdrawn by the Joint Commission, the American Heart Association, or another cabinet-approved certifying organization.
- (4) (a) The cabinet shall maintain a list of certified acute stroke ready hospitals, ~~comprehensive stroke centers, and~~ primary stroke centers, ***thrombectomy-capable stroke centers, and comprehensive stroke centers*** and post the list on its Web site. The cabinet shall provide the list and periodic updates to the Kentucky Board of Emergency Medical Services.
- (b) The Kentucky Board of Emergency Medical Services shall share the list with each local emergency medical services provider at least annually, and as new centers and hospitals are designated and certified.

➔Section 2. KRS 211.575 is amended to read as follows:

- (1) As used in this section, "department" means the Department for Public Health.
- (2) The Department for Public Health shall establish and implement a plan for achieving continuous quality improvement in the quality of care provided under a statewide system for stroke response and treatment. In implementing the plan, the department shall:
- (a) Maintain a statewide stroke database to compile information and statistics on stroke care as follows:
1. The database shall align with the stroke consensus metrics developed and approved by the American Heart Association, the American Stroke Association, the Centers for Disease Control and Prevention, and the Joint Commission;
 2. The department shall utilize the "Get With The Guidelines-Stroke" quality improvement program maintained by the American Heart Association and the American Stroke Association or another nationally recognized program that utilizes a data set platform with patient confidentiality standards no less secure than the statewide stroke database established in this paragraph; and
 3. Require ***certified***~~[primary]~~ stroke centers as established in KRS 216B.0425 to report to the database each case of stroke seen at the facility. The data shall be reported in a format consistent with nationally recognized guidelines on the treatment of individuals within the state with confirmed cases of stroke;
- (b) To the extent possible, coordinate with national voluntary health organizations involved in stroke quality improvement to avoid duplication and redundancy;
- (c) Encourage the sharing of information and data among health care providers on methods to improve the quality of care of stroke patients in the state;
- (d) Facilitate communication about data trends and treatment developments among health care professionals involved in the care of individuals with stroke;
- (e) Require the application of evidence-based treatment guidelines for the transition of stroke patients upon discharge from a hospital following acute treatment to community-based care provided in a hospital outpatient, physician office, or ambulatory clinic setting; and
- (f) Establish a data oversight process and a plan for achieving continuous quality improvement in the quality of care provided under the statewide system for stroke response and treatment, which shall include:
1. Analysis of the data included in the stroke database;
 2. Identification of potential interventions to improve stroke care in specific geographic regions of the state; and
 3. Recommendations to the department and the Kentucky General Assembly for improvement in the delivery of stroke care in the state.

- (3) All data reported under subsection (2)(a) of this section shall be made available to the department and all government agencies or contractors of government agencies which are responsible for the management and administration of emergency medical services throughout the state.
- (4) On June 1, 2013, and annually on June 1 thereafter, the department shall provide a report of its data and any related findings and recommendations to the Governor and to the Legislative Research Commission. The report also shall be made available on the department's Web site.
- (5) Nothing in this section shall be construed to require the disclosure of confidential information or data in violation of the federal Health Insurance Portability and Accountability Act of 1996.

Signed by Governor March 25, 2022.

CHAPTER 34

(HB 237)

AN ACT relating to education required by the Board of Examiners of Psychology.

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

➔Section 1. KRS 319.032 is amended to read as follows:

- (1) The board shall promulgate administrative regulations:
 - (a) Establishing requirements, standards, and tests to determine the moral, intellectual, educational, scientific, technical, and professional qualifications of applicants for licensure; and preparing or selecting and administering examinations on general psychological knowledge. Neither certified psychologists, licensed psychological practitioners, nor licensed psychological associates may participate in the examination of applicants for licensure as licensed psychologists;
 - (b) Establishing and defining the scope of practice within the field of psychology;
 - (c) Setting the requirements for issuing, denying, suspending, restricting, and revoking licenses, and placing credential holders on probation;
 - (d) Developing specific guidelines to follow upon receipt of an allegation of sexual misconduct by a person credentialed by the board. The guidelines shall include investigation, hearing officer, and hearing procedures which ensure that the process does not revictimize the alleged victim or cause harm if a credential holder is falsely accused;
 - (e) Requiring training for the board and investigators hired by the board on the dynamics of sexual misconduct of professionals, including the nature of this abuse of authority, characteristics of the offender, the impact on the victim, the possibility and the impact of false accusations, investigative procedure in sex offense cases, and effective intervention with victims and offenders;
 - (f) Establishing requirements for continuing education not to exceed thirty-nine (39) contact hours per three (3) year renewal period as a condition for renewal of licenses, ***including after June 30, 2024, three (3) contact hours per three (3) year renewal period on the topic of social and cultural factors that affect health, functioning, and quality of life***~~the increased requirement to be a condition for renewal of licenses beginning with renewals occurring after June 30, 2013~~;
 - (g) Establishing and collecting reasonable fees for directories, transcribing, transferring of records, and other services;
 - (h) Conducting hearings or appointing hearing officers to conduct hearings on any matter under the jurisdiction of the board, in accordance with KRS Chapter 13B;
 - (i) Entering into reciprocal agreements with boards of examiners of psychology of other states having qualifications and standards at least as high as those of this state providing for reciprocal licensure;
 - (j) Employing personnel, including hearing officers which it considers necessary for the performance of its functions, determining the duties of personnel, and compensating them within the limits of funds available to the board;

- (k) Investigating complaints or suspected violations of this chapter and notifying proper law enforcement authorities. For the purpose of enforcing the provisions of this chapter, the board shall have the authority to administer oaths, receive evidence, interview persons, issue subpoenas, and require the productions of books, papers, documents, or other evidence;
 - (l) Governing the supervision of certified psychologists and the supervision and employment of licensed psychological associates and candidates for licensure;
 - (m) Developing specific guidelines to allow school psychologists who are dually credentialed by the Education Professional Standards Board and the board to obtain supervision acceptable to the board from a licensed psychologist who is neither an employee nor contractor of the school system that employs the school psychologist being supervised; and
 - (n) Notwithstanding the fee schedules specified in this chapter, increasing or decreasing fees as it deems appropriate.
- (2) The board shall have the authority to promulgate other administrative regulations as it deems necessary for the proper administration of this chapter.
 - (3) The board, at its discretion, may use funds as necessary to purchase liability insurance for members and executive officers of the board, inspectors, examiners, investigators, and staff members exempt from classified service of the state by KRS 18A.115.

➔Section 2. KRS 319.064 is amended to read as follows:

- (1) An individual credentialed as a psychological associate shall use the title "licensed psychological associate" and the board shall issue a license with that title at the time of renewal.
- (2) ~~For an individual with a master's degree in psychology,~~ The board shall issue a license to perform certain functions within the practice of psychology and to use the title "licensed psychological associate" to any applicant who:
 - (a) Pays a fee not to exceed three hundred dollars (\$300);
 - (b) Has received:
 - 1. A master's degree in psychology acceptable to the board; *or*
 - 2. *The equivalent education for a master's degree and has been accepted into a psychology predoctoral internship program in Kentucky that satisfies the criteria for the predoctoral internship established by the board;*

from a regionally accredited educational institution or from an educational institution outside the United States, if such educational institution would otherwise be accredited by a regional accrediting body if located in the United States; and
 - (c) Has passed an examination procedure in psychology.
- (3) Upon acceptance of the application to sit for the examination in psychology, the applicant may practice psychology under the supervision of a licensed psychologist under conditions of temporary licensure established by the board. The board shall establish a grace period not to exceed sixty (60) days to allow for the employment and supervision of the applicant by an agency from the time the applicant's degree requirements are completed to the submission of the complete application.
- (4) The board shall grade and keep the examinations and results for one (1) year. Upon written request to the board, an applicant may arrange to discuss his or her performance on the examination.
- (5) Any psychological associate licensed pursuant to this section may perform certain functions within the practice of psychology only under the supervision of a licensed psychologist approved by the board. The licensed psychological associate shall not practice independently, except under the employment and supervision of the board-approved licensed psychologist. A licensed psychological associate shall not represent himself or herself as a licensed or certified psychologist or as a licensed psychological practitioner. A licensed psychological associate shall not employ or supervise certified psychologists, licensed psychological practitioners, or licensed psychological associates.

Signed by Governor March 25, 2022.

CHAPTER 35

(SB 174)

AN ACT relating to slow-moving vehicles.

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

➔Section 1. KRS 189.940 is amended to read as follows:

(1) Except as provided in KRS 189.920, the speed limitations set forth in the Kentucky Revised Statutes do not apply to emergency vehicles:

- (a) When responding to emergency calls; or
- (b) To police vehicles when in pursuit of an actual or suspected violator of the law; or
- (c) To ambulances when transporting a patient to medical care facilities; and
- (d) The driver thereof is giving the warning required by subsection (5)(a) and (b) of this section.

No portion of this subsection shall be construed to relieve the driver of the duty to operate the vehicle with due regard for the safety of all persons using the street or highway.

(2) The driver of an emergency vehicle, when responding to an emergency call, or of a police vehicle in pursuit of an actual or suspected violator of the law, or of an ambulance transporting a patient to a medical care facility and giving the warning required by subsection (5) of this section, upon approaching any red light or stop signal or any stop sign shall slow down as necessary for safety to traffic, but may proceed past such red or stop light or stop sign with due regard for the safety of persons using the street or highway.

(3) The driver of an emergency vehicle, when responding to an emergency call, or of a police vehicle in pursuit of an actual or suspected violator of the law, or of an ambulance transporting a patient to a medical care facility and giving warning required by subsection (5) of this section, may drive on the left side of any highway or in the opposite direction of a one-way street provided the normal lanes of traffic are blocked and he *or she* does so with due regard for the safety of all persons using the street or highway.

(4) The driver of an emergency or public safety vehicle may stop or park his vehicle upon any street or highway without regard to the provisions of KRS 189.390 and 189.450, provided that, during the time the vehicle is parked at the scene of an emergency, at least one (1) warning light is in operation at all times.

(5) The driver of an emergency vehicle desiring the use of any option granted by subsections (1) through (3) of this section shall give warning in the following manner:

- (a) By illuminating the vehicle's warning lights continuously during the period of the emergency; and
- (b) By continuous sounding of the vehicle's siren, bell, or exhaust whistle; unless
- (c) The vehicle is an ambulance and the driver is of the opinion that sounding of the siren, bell, or exhaust whistle would be detrimental to the victim's health. In the event the driver of an ambulance elects not to use the siren, bell, or exhaust whistle he *or she* shall not proceed past red lights or drive in the opposite direction on a one-way street or in oncoming lanes of traffic unless no other vehicles are within five hundred (500) feet of the front of the ambulance. The driver shall not extinguish the warning lights during the period of the emergency.

(6) No driver or operator of any emergency or public safety or other vehicle shall use the warning lights or siren, bell, or exhaust whistle of his *or her* vehicle for any purposes or under any circumstances other than those permitted by KRS 189.910 to 189.950.

(7) KRS 189.910 to 189.950 does not relieve the driver of any emergency or public safety vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway.

(8) *The driver of a public safety vehicle which also meets the definition of a slow-moving vehicle under KRS 189.810 and any vehicle acting as an escort for the slow-moving vehicle, may travel at a speed that may impede or block the normal and reasonable movement of traffic, if:*

- (a) *The vehicle is being operated in an official capacity;*

- (b) *Operation of the vehicle is in compliance with all state and local government policies; and*
- (c) *It is necessary for the safe operation of the vehicle.*

➔Section 2. KRS 189.390 is amended to read as follows:

- (1) As used in this section, unless the context requires otherwise:
- (a) "Business district" means the territory contiguous to and including a highway if, within six hundred (600) feet along the highway, there are buildings in use for business or industrial purposes that occupy three hundred (300) feet of frontage on one (1) side or three hundred (300) feet collectively on both sides of the highway;
 - (b) "Residential district" means the territory contiguous to and including a highway not comprising a business district if the property on the highway for a distance of three hundred (300) feet or more is improved with residences or residences and buildings in use for business; and
 - (c) "State highway" means a highway or street maintained by the Kentucky Department of Highways.
- (2) An operator of a vehicle upon a highway shall not drive at a greater speed than is reasonable and prudent, having regard for the traffic and for the condition and use of the highway.
- (3) The speed limit for motor vehicles on state highways shall be as follows, unless conditions exist that require lower speed for compliance with subsection (2) of this section, or the secretary of the Transportation Cabinet establishes a different speed limit in accordance with subsection (4) of this section:
- (a) Sixty-five (65) miles per hour on interstate highways and parkways;
 - (b) Fifty-five (55) miles per hour on all other state highways; and
 - (c) Thirty-five (35) miles per hour in a business or residential district.
- (4) (a) If the secretary of transportation determines, upon the basis of an engineering and traffic investigation, that any speed limit is greater or less than is reasonable or safe under the conditions found to exist at any intersection, or upon any part of a state highway, the secretary of transportation may establish by official order a reasonable and safe speed limit at the location. The secretary shall not increase any speed limit established by subsection (3) of this section in excess of sixty-five (65) miles per hour, except that, notwithstanding the provisions of subsection (3)(a) of this section, the secretary may increase the speed limit on any of the following segments of highway to seventy (70) miles per hour:
1. Interstate 24 (entire length);
 2. Interstate 64 from Interstate 264 to the West Virginia state line;
 3. Interstate 65 from Interstate 264 to the Tennessee state line;
 4. Interstate 69 (entire length);
 5. Interstate 71 from Interstate 264 to Interstate 275;
 6. Interstate 75 from the Tennessee state line to Interstate 275;
 7. Interstate 165 (entire length);
 8. The Audubon Parkway (entire length);
 9. The Julian M. Carroll Purchase Parkway (entire length);
 10. The Bert T. Combs Mountain Parkway (entire length);
 11. The Bert T. Combs Mountain Parkway Extension (entire length);
 12. The Edward T. Breathitt Pennyrile Parkway (entire length);
 13. The Wendell H. Ford Western Kentucky Parkway (entire length);
 14. The Louie B. Nunn Cumberland Expressway (entire length);
 15. The Martha Layne Collins Bluegrass Parkway (entire length); and
 16. The William H. Natcher Parkway (entire length).

- (b) In a highway work zone, the Transportation Cabinet may temporarily reduce established speed limits without an engineering or traffic investigation. A speed limit established under this paragraph shall become effective when and where posted. The Transportation Cabinet shall post signs notifying the traveling public of the temporary highway work zone maximum speed limit. Nothing in this paragraph shall be construed to prevent the Transportation Cabinet from using moveable or portable speed limit signs in highway work zones.
- (5) (a) A city or a county may by ordinance establish speed limits within its own jurisdiction, except as provided in paragraph (b) of this subsection.
- (b) The alteration of speed limits on state highways within a city or a county shall not be effective until the alteration has been approved by the secretary of transportation. The secretary shall not approve any alteration that could increase any speed limit established by subsection (3)(b) or (c) of this section in excess of fifty-five (55) miles per hour.
- (c) If a county determines, upon the basis of an engineering and traffic investigation and study, that it is unsafe to park motor vehicles on or along any highway, other than a state highway, within the unincorporated areas of the county, or that in any business district the congestion of traffic justifies a reasonable limitation on the length of time any one (1) motor vehicle is permitted to park in such district so as to reduce the congestion, the fiscal court may by ordinance establish "no parking" areas on the highway, or limit the length of time any motor vehicle may be parked in any business district.
- (6) The speed limit for motor vehicles in an off-street parking facility offered for public use, whether publicly or privately owned, shall be fifteen (15) miles per hour.
- (7) *Except as outlined in Section 1 of this Act*, a person shall not drive a motor vehicle at a speed that will impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or in compliance with law.
- (8) In every charge for a violation of any speed limit specified in this section, the warrant or citation shall specify the speed at which the defendant is alleged to have driven, and the lawful speed limit applicable at the location where the violation is charged to have occurred.

Signed by Governor March 25, 2022.

CHAPTER 36

(SB 111)

AN ACT relating to local government.

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

➔Section 1. KRS 65.7047 is amended to read as follows:

- (1) Any city or county may establish a local development area pursuant to this section, subject to the following conditions:
 - (a) A local development area shall be on previously undeveloped land;
 - (b) No more than one thousand (1,000) acres shall be approved for a local development area in any twelve (12) month period in any county;
 - (c) The establishment or expansion of the local development area shall not cause the assessed value of taxable real property within all local development areas and development areas of the city or county establishing the local development area to exceed twenty percent (20%) of the assessed value of all taxable real property within its jurisdiction. For the purpose of determining whether the twenty percent (20%) threshold has been met, the assessed value of taxable real property within all of the local development areas and development areas shall be valued as of the establishment date; and
 - (d) Unless the ordinance establishing a local development area requires an earlier termination date, a local development area shall cease to exist on the termination date.

- (2) A city or county shall take the following steps to establish or modify a local development area:
- (a) ***If the city or county pledges occupational license taxes or the occupational license fee authorized by KRS 65.7056 as a part of the local tax revenues to support the local development area***, the city or county ~~may~~^{shall} engage the services of a qualified independent outside consultant or financial adviser to analyze the data related to the project and the development area and prepare a report. ***If the city or county elects to have the report prepared pursuant to this paragraph***, the report ~~may~~^{shall} include the following:
1. The estimated approved public infrastructure costs for the project ~~and, if relevant, project costs, financing costs, and costs associated with land preparation, demolition, and clearance~~;
 2. The feasibility of the project, taking into account the scope and location of the project;
 3. The estimated amount of local tax revenues, as applicable, that would be generated by the project over the period, which may be up to forty (40) years, as applicable, from the development area's established date;
 4. The estimated amount of local tax revenues, as applicable, that would be displaced within the city or county, for the purpose of quantifying economic activity which is being shifted over the same period as that set forth in subparagraph 3. of this paragraph. The projections for displaced activity shall include economic activity that is lost to the local jurisdiction as a result of the project, as well as economic activity that is diverted to the project that formerly took place at existing establishments within the local jurisdiction prior to the commencement date of the project;
 5. The estimated amount of old revenues that would have been generated in the development area of the project in the absence of the project, computed over the same time period as set forth in subparagraph 3. of this paragraph;
 6. In the process of estimating the revenues and impacts prescribed in subparagraphs 3. and 4. of this paragraph, the independent outside consultant shall not consider any of the following:
 - a. ***Local tax*** revenues or economic impacts associated with any projects within the development area where the new project will be located; or
 - b. ***Local tax*** revenues or economic impacts associated with economic development projects and approved Kentucky Tourism Development Act projects under KRS Chapter 148;
 7. The relationship of the estimated incremental revenues to the financing needs, including any increment bonds, of the project;
 8. When estimating the fiscal impact of the project, the consultant shall evaluate the amount of revenue estimated in subparagraph 3. of this paragraph and shall deduct the amounts estimated in subparagraphs 4. and 5. of this paragraph. The resulting difference shall be compared to the estimated incremental revenues to determine the presence or absence of a positive fiscal impact; and
 9. A determination that the project will not occur if not for the designation of the development area, the granting of incremental revenues by the taxing district or districts, and the granting of the local tax incremental revenues;~~;~~
- (b) The city or county shall hold a public hearing to solicit input from the public regarding the local development area. The city or county shall advertise the hearing by causing to be published, in accordance with KRS 424.130, notice of the time, place, and purpose of the hearing and a general description of the boundaries of the proposed local development area. The notice shall include a summary of the projects proposed for the local development area;
- (c) After the public hearing, the city or county shall adopt an ordinance which shall include the following provisions:
1. A description of the boundaries of the local development area;
 2. The establishment date and the termination date;
 3. A name for the local development area for identification purposes;
 4. Approval of any agreements relating to the local development area;

5. A provision establishing a special fund for the local development area or any project within the local development area;
 6. A requirement that any entity other than the governing body that receives financial assistance under the local development area ordinance, whether in the form of a grant, loan, or loan guarantee, shall make periodic accounting to the governing body;
 7. A provision for periodic analysis and review by the governing body of the development activity in the local development area;
 8. Designation of the agency or agencies responsible for oversight, administration, and implementation of the local development ordinance;
 9. The estimated net positive fiscal impact as calculated in paragraph (a)8. of this subsection ***if the city or county elects to have an***~~in the required~~ independent consultant report ***prepared***; and
 10. Any other provisions, findings, limitations, rules, or procedures regarding the proposed local development area or a project within the local development area and its establishment or maintenance deemed necessary by the city or county;~~and~~
- (d) If incremental revenues or other resources are to be pledged from taxing districts other than the city or county establishing the local development area, a local development area agreement shall be executed in accordance with the provisions of subsection (4) of this section; ***and***
- (e) ***If the city or county elects to use an independent consultant or financial adviser as provided in paragraph (a) of this subsection, the independent consultant or financial adviser shall:***
1. ***Consult with the city's or county's budget office in the development of the report; and***
 2. ***With the approval of the city's or county's budget office, create a methodology to be used and assumptions to be made by the independent consultant or financial adviser in preparing the report.***
- The developer requesting the city or county to establish the local development area shall pay all costs associated with the independent consultant or financial adviser preparation of the independent consultant or financial adviser report, unless the city or county agrees to pay the costs of preparation.***
- (3) Funding for projects in a local development area shall be provided in accordance with KRS 65.7057.
- (4) A local development area agreement shall be executed among the agencies and taxing districts involved in administering, providing financing, or pledging incremental revenues within the local development area. The local development area agreement shall be adopted by a city or county by ordinance and by any other taxing district or agency by resolution, and shall include but not be limited to the following provisions:
- (a) Identification of the parties to the local development area agreement and the duties and responsibilities of each entity under the agreement;
 - (b) Specific identification of the tax increments released or pledged by type of tax by each taxing district;
 - (c) The anticipated benefit to be received by each taxing district for the release or pledge, including:
 1. A detailed summary of old revenues collected and projected new revenues for each taxing district on an annual basis for the term of the local development area agreement; and
 2. The maximum amount of incremental revenue to be paid by each taxing district and the maximum number of years the payment will be effective;
 - (d) A detailed description of the local development area;
 - (e) A description of each proposed project, including an estimate of the costs of construction, acquisition, and development;
 - (f) A requirement that pledged incremental revenues will be deposited in a special fund pursuant to KRS 65.7061, including the timing and procedure for depositing incremental revenues and other pledged amounts into the special fund;
 - (g) Terms of default and remedies, provided that no remedy shall permit the withholding by any party to the local development area agreement of any incremental revenues pledged to the special fund if increment bonds are outstanding that are secured by a pledge of those incremental revenues;

- (h) The commencement date, activation date, and termination date; and
 - (i) Any other provisions not inconsistent with KRS 65.7041 to 65.7083 deemed necessary or appropriate by the parties to the agreement.
- (5) Any pledge of incremental revenues in a local development area agreement shall be superior to any other pledge of revenues for any other purpose and shall, from the activation date to the termination date set forth in the local area development agreement, supersede any statute, ordinance, or resolution regarding the application or use of incremental revenues. No ordinance in conflict with a local development area agreement shall be adopted while any increment bonds secured by that pledge remain outstanding. Ordinances or resolutions pledging incremental revenues on a subordinate basis to any existing pledges may be adopted.
- (6) ***A city or county government acting pursuant to this section on or after the effective date of this Act shall file information regarding its local development area agreement with the Cabinet for Economic Development on a form prescribed by the cabinet. The Cabinet for Economic Development is authorized to promulgate administrative regulations pursuant to KRS Chapter 13A to create any necessary forms to meet the requirements of this subsection.***

➔Section 2. KRS 49.020 is amended to read as follows:

- (1) (a) As used in this section and KRS 49.220, "revenue and taxation agency" means and includes any agency of state~~[,] or county[and local] government[, including special taxing districts,]~~ that issues final rulings, orders, or determinations affecting revenue and taxation.
- (b) The Board of Tax Appeals created by KRS 49.010 shall have the power and authority to hear and determine appeals from final rulings, orders, and determinations of any revenue and taxation agency.
- (2) (a) The Board of Tax Appeals shall consist of three (3) members appointed by the Governor, subject to Senate confirmation in accordance with KRS 11.160 for each appointment or reappointment. One (1) member shall be appointed initially for a two (2) year term. One (1) member shall be appointed initially for a three (3) year term. One (1) member shall be appointed initially for a four (4) year term. Thereafter, all appointments to the board shall be for a four (4) year term. There shall be no limit to the amount of reappointments a member shall receive.
- (b) Vacancies for unexpired terms shall be filled in the same manner as regular appointments, but the appointees shall hold office only to the end of the unexpired term of the member replaced.
- (c) The Governor shall appoint a chairperson for the board, subject to Senate confirmation in accordance with KRS 11.160 for each appointment or reappointment. The chairperson shall be appointed for a four (4) year term and shall be an attorney with the qualifications required of candidates for Circuit Judge. The chairperson shall be the presiding officer over appeals heard by the board.
- (d) The Governor shall establish the compensation, not to include benefits, of the members of the board pursuant to KRS 64.640.
- (e) Two (2) of the members shall be attorneys with the qualifications required of candidates for Circuit Judge. One (1) of the members shall have a background in taxation. No member shall engage in any occupation or business inconsistent with his or her duties as such a member.
- (3) The Crime Victims Compensation Board created by KRS 49.010 shall have the power and authority to hear and determine all matters relating to a claim by a crime victim or a person authorized by law to act on behalf of a crime victim for compensation.
- (4) (a) The Crime Victims Compensation Board shall consist of three (3) members appointed by the Governor, not all of whom shall be engaged in the same occupation or profession. Appointed board members shall be subject to Senate confirmation in accordance with KRS 11.160 for each appointment or reappointment. Members shall be appointed for a four (4) year term. There shall be no limit to the amount of reappointments a member may receive. One (1) member shall be appointed initially for a two (2) year term. One (1) member shall be appointed initially for a three (3) year term. One (1) member shall be appointed initially for a four (4) year term. Thereafter, all appointments to the board shall be for a four (4) year term. Two (2) of the appointees shall be a victim as defined in KRS 421.500(1), the parent, spouse, sibling, or child of a victim as defined in KRS 421.500(1), whether or not the victim is deceased, or a victim advocate as defined in KRS 421.570(1); and the other appointee shall be an attorney licensed to practice law in this state with two (2) years of experience.

- (b) Vacancies for unexpired terms shall be filled in the same manner as regular appointments, but the appointees shall hold office only to the end of the unexpired term of the member replaced.
 - (c) The Governor shall appoint a chairperson for the board, subject to Senate confirmation in accordance with KRS 11.160 for each appointment or reappointment. The chairperson shall be appointed for a four (4) year term.
 - (d) The Governor shall establish the compensation, not to include benefits, of the members of the board pursuant to the provisions of KRS 64.640.
- (5) The Board of Claims created by KRS 49.010 shall have the following powers and authority to investigate, hear proof, and compensate persons for damages sustained to either person or property as a proximate result of negligence on the part of the Commonwealth, any of its cabinets, departments, bureaus, or agencies, or any of its officers, agents, or employees while acting within the scope of their employment by the Commonwealth or any of its cabinets, departments, bureaus, or agencies; except, however, regardless of any provision of law to the contrary, the Commonwealth, its cabinets, departments, bureaus, and agencies, and its officers, agents, and employees, while acting within the scope of their employment by the Commonwealth or any of its cabinets, departments, bureaus, or agencies, shall not be liable for collateral or dependent claims which are dependent on loss to another and not the claimant or damages for mental distress or pain or suffering, and compensation shall not be allowed, awarded, or paid for such claims for damages.
- (6) (a) The Board of Claims shall consist of three (3) members appointed by the Governor, subject to Senate confirmation in accordance with KRS 11.160 for each appointment or reappointment. One (1) member shall be appointed initially for a two (2) year term. One (1) member shall be appointed initially for a three (3) year term. One (1) member shall be appointed initially for a four (4) year term. Thereafter, all appointments to the board shall be for a four (4) year term. There shall be no limit to the amount of reappointments a member shall receive.
- (b) Vacancies for unexpired terms shall be filled in the same manner as regular appointments, but the appointees shall hold office only to the end of the unexpired term of the member replaced.
 - (c) The Governor shall appoint a chairperson for the board, subject to Senate confirmation in accordance with KRS 11.160 for each appointment or reappointment. The chairperson shall be appointed for a four (4) year term, and shall be an attorney with the qualifications required of a candidate for Circuit Judge. The chairperson shall be the presiding officer over appeals heard by the board.
 - (d) The Governor shall establish the compensation, not to include benefits, of the members of the board pursuant to the provision of KRS 64.640.
 - (e) Two (2) of the members shall be attorneys with the qualifications required of candidates for Circuit Judge and have a background and working knowledge in Kentucky tort law. One (1) member shall have a background in business. No member shall engage in any occupation or business inconsistent with his or her duties as such a member.
- (7) The Board of Tax Appeals, the Board of Claims, and the Crime Victims Compensation Board shall each be separately authorized to:
- (a) Promulgate, amend, and repeal suitable administrative regulations to carry out the provisions and purposes of the board's statutory authority;
 - (b) Issue subpoenas and discovery orders, and to petition a court of competent jurisdiction for any order necessary to carry out the board's powers and duties;
 - (c) Take or cause to be taken affidavits or depositions within or without the state;
 - (d) Administer or cause to be administered oaths;
 - (e) Except for the power to issue final decisions on the merits of a claim or appeal, to delegate any of its power or authority to the Office of Claims and Appeals; and
 - (f) Publicize widely the functions and purposes of the board.
- (8) If any appointed board member has a conflict of interest, as contemplated by KRS 11A.030, involving any matter pending before the board, the secretary of the cabinet shall appoint a member of one (1) of the other boards administered by the Office of Claims and Appeals as a substitute member. Following appointment, the substitute board member shall serve in place of the member who has a conflict for all actions and votes relevant to that matter.

- (9) Members of the Board of Tax Appeals, Board of Claims, and Crime Victims Compensation Board shall receive new member orientation and annual training to discuss new legislation, pertinent court decisions, and board policies and procedures.
- (10) The boards shall meet as often as necessary to perform their statutory responsibilities as outlined in this chapter. A majority of the members of the commission shall constitute a quorum for the transaction of business.
- (11) Immediately following June 29, 2021, the Governor shall review the current board, determine any members that are no longer qualified, and appoint new members to the board if necessary.

➔Section 3. Whereas it is of the utmost importance for local governments to have the ability to establish or modify local development areas using the provisions of this Act at the earliest timeframe possible, an emergency is declared to exist and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor March 25, 2022.

CHAPTER 37

(HB 453)

AN ACT relating to open meetings.

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

➔Section 1. KRS 61.810 is amended to read as follows:

- (1) All meetings of a quorum of the members of any public agency at which any public business is discussed or at which any action is taken by the agency, shall be public meetings, open to the public at all times, except for the following:
 - (a) Deliberations for decisions of the Kentucky Parole Board;
 - (b) Deliberations on the future acquisition or sale of real property by a public agency, but only when publicity would be likely to affect the value of a specific piece of property to be acquired for public use or sold by a public agency;
 - (c) Discussions of proposed or pending litigation against or on behalf of the public agency;
 - (d) Grand and petit jury sessions;
 - (e) Collective bargaining negotiations between public employers and their employees or their representatives;
 - (f) Discussions or hearings which might lead to the appointment, discipline, or dismissal of an individual employee, member, or student without restricting that employee's, member's, or student's right to a public hearing if requested. This exception shall not be interpreted to permit discussion of general personnel matters in secret;
 - (g) Discussions between a public agency and a representative of a business entity and discussions concerning a specific proposal, if open discussions would jeopardize the siting, retention, expansion, or upgrading of the business;
 - (h) State and local cabinet meetings and executive cabinet meetings;
 - (i) Committees of the General Assembly other than standing committees;
 - (j) Deliberations of judicial or quasi-judicial bodies regarding individual adjudications or appointments, at which neither the person involved, his representatives, nor any other individual not a member of the agency's governing body or staff is present, but not including any meetings of planning commissions, zoning commissions, or boards of adjustment;
 - (k) Meetings which federal or state law specifically require to be conducted in privacy;

- (l) Meetings which the Constitution provides shall be held in secret;
 - (m) That portion of a meeting devoted to a discussion of a specific public record exempted from disclosure under KRS 61.878(1)(m). However, that portion of any public agency meeting shall not be closed to a member of the Kentucky General Assembly; and
 - (n) Meetings of any selection committee, evaluation committee, or other similar group established under KRS Chapter 45A or 56 **or other state or local law**, to select a successful bidder for award of a state **or local** contract.
- (2) Any series of less than quorum meetings, where the members attending one (1) or more of the meetings collectively constitute at least a quorum of the members of the public agency and where the meetings are held for the purpose of avoiding the requirements of subsection (1) of this section, shall be subject to the requirements of subsection (1) of this section. Nothing in this subsection shall be construed to prohibit discussions between individual members where the purpose of the discussions is to educate the members on specific issues.

➔Section 2. KRS 61.826 is amended to read as follows:

- (1) A public agency may conduct any meeting through video teleconference.
- (2) Notice of a video teleconference **meeting** shall:
 - (a) Comply with the requirements of KRS 61.820 or 61.823 as appropriate; ~~In addition, the notice of a video teleconference shall:~~
 - (b) ~~(a)~~ Clearly state that the meeting will be a video teleconference;
 - (c) **Provide specific information on how any member of the public or media organization may view the meeting electronically;** and
 - (d) ~~(b)~~ **In any case where the public agency has elected to provide a physical location, or in any circumstance where two (2) or more members of the public agency are attending a video teleconference meeting from the same physical location, precisely identify a primary physical location of the video teleconference where all members can be seen and heard and the public may attend in accordance with KRS 61.840.**
- (3) The same procedures with regard to participation, distribution of materials, and other matters shall apply in all video teleconference locations. **Members of the public agency who participate in a video teleconference shall remain visible on camera at all times that business is being discussed.**
- (4) Any interruption in the video or audio broadcast of a video teleconference at any location shall result in the suspension of the video teleconference until the broadcast is restored.
- (5) **If a regular meeting is changed to a video conference, the meeting shall remain a regular meeting if the meeting occurs on the same date and time as originally scheduled and the public agency follows the provisions of KRS 61.823(4) to provide a notice that meets the requirements of subsection (2)(b) to (d) of this section.**

➔Section 3. KRS 83A.150 is amended to read as follows:

- (1) The form of government provided in this section shall be known as the city manager plan and this section shall together with KRS 83A.010 to 83A.120 govern any city declared to be under the city manager plan by KRS 83A.020 or which has adopted the city manager plan pursuant to KRS 83A.160.
- (2) Each city under this section shall be governed by an elected officer who shall be called mayor and by elected legislative body members who shall be called city commissioners and which together shall be known as the board of commissioners and by such other officers and employees as may be provided for by statute or city ordinance.
- (3) All legislative and executive authority of the city shall be vested in and exercised by the board. The mayor shall preside at all meetings of the board and may vote in all proceedings. The mayor shall be recognized as the head of the city government by the Governor for purposes of military law, but shall have no regular administrative duties. The board shall designate one (1) city commissioner to serve as mayor pro tem. The mayor pro tem shall act for the mayor whenever the mayor is unable to attend to the duties of his office and he shall then possess all rights, powers and duties of mayor. If the disability of the mayor to attend his duties

continues for sixty (60) consecutive days, the office of mayor may be declared vacant by a majority vote of the board membership and the provisions of KRS 83A.040 shall apply.

- (4) ***In addition to the requirements of KRS 61.805 to 61.850, the board shall conduct meetings as follows:***
- (a) Regular meetings of the board shall be held at least once each month at such times and places as are fixed by ordinance;~~[-]~~
 - (b) Special meetings of the board may be called by the mayor or upon written request of a majority of the city commissioners. In the call, the mayor or commissioners shall designate the purpose, time and place of the special meeting with sufficient notice for the attendance of board members and for compliance with KRS Chapter 61. At a special meeting no business shall be considered other than that set forth in the designation of purpose;~~[-]~~
 - (c) The minutes of every meeting shall be signed by the person responsible for maintaining city records provided under KRS 83A.060 and the officer presiding at the meeting; ***and***
 - (d) ***Notwithstanding Section 1 of this Act, the board may meet in a closed session no more than two (2) times per calendar year for the purposes of conducting a performance evaluation of the city manager. The board shall follow KRS 61.815 in conducting the closed session. Any public records related to that performance evaluation shall be subject to the provisions of KRS 61.870 to 61.884.***
- (5) The board shall by ordinance establish all appointive offices and the duties and responsibilities of those offices and codes, rules, and regulations for the public health, safety, and welfare. The board shall by ordinance provide for sufficient revenue to operate city government and shall appropriate the funds of a city budget which shall provide for the orderly management of city resources.
- (6) The board may require any city officer or employee to prepare and submit to it sworn statements regarding his performance of his official duties and may otherwise inquire into the conduct of duties of any department, office, or agency of the city.
- (7) The board shall in accordance with KRS 83A.080 create the office of city manager and set qualifications for the office, which shall include, but not be limited to professional training or administrative qualifications with special reference to actual experience in or knowledge of accepted practice regarding duties of the office and list duties and responsibilities of the office which shall include, but not be limited to:
- (a) Being responsible to the board for the proper administration of all duties imposed upon him by ordinance;
 - (b) Recommending to the board, subject to any statute, ordinance, or contract which relates to the appointment, tenure, or removal of any employee, the appointment, and when necessary for the good of the service, the removal of subordinate employees and officers of the city. No officer or employee of the city shall be appointed or removed except through action by the board, except that the city manager may fill vacancies in the classified service pending the appointment by the board and may employ personnel for temporary positions subject to such conditions as may be imposed by the board;
 - (c) Preparing the budget and submitting it to the board and being responsible for its administration after adoption;
 - (d) Preparing and submitting to the board as of the end of each fiscal year a complete report on the finances and administrative activities of the city for the preceding year;
 - (e) Keeping the board advised of the financial condition and future needs of the city and making recommendations as he deems desirable;
 - (f) Maintaining liaison with related units of local government respecting interlocal contracting and joint activities;
 - (g) Supervising all departments of city government and the conduct of all city officers and employees under his jurisdiction and requiring each department to make reports to him required by ordinance or as he deems desirable; and
 - (h) Performing other duties required of city executive authorities by statute or required of him by the board not inconsistent with this section.
- (8) The board shall appoint a city manager by a majority vote of all its members. The city manager shall be appointed for an indefinite term and may be removed only by a majority vote of all board members. At least

thirty (30) days before such removal shall become effective, the board shall by a majority vote of all its members adopt a preliminary resolution stating the reasons for his removal. The city manager may reply in writing and may request a public hearing which shall be held not earlier than twenty (20) days nor later than thirty (30) days after the filing of the request. After the public hearing, if requested, and after full consideration, the board by majority vote of all its members may adopt a final resolution of removal. By the preliminary resolution, the board may suspend the city manager from duty, but shall in any event cause to be paid to him any unpaid balance of his compensation and compensation for the next calendar month following adoption of the preliminary resolution.

- (9) The city manager shall be the chief administrative officer and exercise those executive powers and duties delegated to him by ordinance and statute. He shall enforce the city manager plan, city ordinances and all applicable statutes. Subject to approval of the board, the city manager shall promulgate procedures to insure orderly administration of the functions of city government and compliance with statute or ordinance. Any delegation of the city manager's duties or responsibilities to subordinate officers and employees shall be made by municipal order except that all bonds, notes, contracts, and written obligations of the city according to ordinance or resolution shall be made and executed by the mayor on behalf of the city.

Signed by Governor March 25, 2022.

CHAPTER 38

(HB 252)

AN ACT relating to the age requirement for serving alcoholic beverages.

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

➔Section 1. KRS 244.090 is amended to read as follows:

- (1) A person holding any license shall not knowingly employ in connection with the licensed business any person who:
- (a) Has been convicted of any felony within the last two (2) years;
 - (b) Has been twice convicted of any misdemeanor or offense directly or indirectly attributable to the use of alcoholic beverages within the last two (2) years;
 - (c) *For the purposes of selling and serving alcoholic beverages*, is under the age of twenty (20) years, unless the person ~~is~~ employed *is at least eighteen (18) years of age*:
 1. ~~In a bottling house or room of a licensed distiller, winery, brewer, or rectifier;~~
 2. ~~In an office of a wholesaler or manufacturer that is maintained in a building separate from the warehouses or factory;~~
 3. ~~At premises licensed only with a nonquota retail malt beverage package license, and the person employed to sell malt beverages is at least eighteen (18) years of age} and under the supervision of a person twenty (20) years of age or older};~~ or
 4. ~~In any of the following establishments, if the employment is in a capacity that does not involve the sale or serving of alcoholic beverages:~~
 - a. ~~A restaurant that derives at least fifty percent (50%) of its food and alcoholic beverage sales from the sale of food for consumption on the licensed premises; or~~
 - b. ~~Any other establishment with alcoholic beverage sales not exceeding fifty percent (50%) of its gross sales}; or~~
 - (d) Within two (2) years prior to the date of the person's employment, has had any license issued under KRS Chapters 241 to 244 or under any other act or ordinance relating to the regulation of the manufacture, sale, or transportation of alcoholic beverages revoked for cause.
- (2) The provisions of paragraphs (a) and (b) of subsection (1) of this section shall not apply if the employee's duties do not involve the sale, service, delivery, or traffic in alcoholic beverages at the licensed premises.

- (3) *A person under the age of twenty (20) years of age whose employment is authorized under subsection (1) of this section shall not have duties that include bartending or any activities listed in KRS 529.010(3).*
- (4) *A person who is at least eighteen (18) years of age whose employment does not include the sale or service of alcoholic beverages may work in the warehouse of a wholesaler or distributor if there is an employee on the premises who is twenty-one (21) years of age or older.*
- (5) Violation of this section shall subject both employer and employee to penalties provided in this chapter and shall be cause for revocation of license.

Signed by Governor March 25, 2022.

CHAPTER 39

(HB 500)

AN ACT relating to the sale of alcoholic beverages and declaring an emergency.

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

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

As used in KRS Chapters 241 to 244, unless the context requires otherwise:

- (1) "Alcohol" means ethyl alcohol, hydrated oxide of ethyl or spirit of wine, from whatever source or by whatever process it is produced;
- (2) "Alcoholic beverage" means every liquid, solid, powder, or crystal, whether patented or not, containing alcohol in an amount in excess of more than one percent (1%) of alcohol by volume, which is fit for beverage purposes. It includes every spurious or imitation liquor sold as, or under any name commonly used for, alcoholic beverages, whether containing any alcohol or not. It does not include the following products:
 - (a) Medicinal preparations manufactured in accordance with formulas prescribed by the United States Pharmacopoeia, National Formulary, or the American Institute of Homeopathy;
 - (b) Patented, patent, and proprietary medicines;
 - (c) Toilet, medicinal, and antiseptic preparations and solutions;
 - (d) Flavoring extracts and syrups;
 - (e) Denatured alcohol or denatured rum;
 - (f) Vinegar and preserved sweet cider;
 - (g) Wine for sacramental purposes; and
 - (h) Alcohol unfit for beverage purposes that is to be sold for legitimate external use;
- (3) (a) "Alcohol vaporizing device" or "AWOL device" means any device, machine, or process that mixes liquor, spirits, or any other alcohol product with pure oxygen or by any other means produces a vaporized alcoholic product used for human consumption;
- (b) "Alcohol vaporizing device" or "AWOL device" does not include an inhaler, nebulizer, atomizer, or other device that is designed and intended by the manufacturer to dispense a prescribed or over-the-counter medication or a device installed and used by a licensee under this chapter to demonstrate the aroma of an alcoholic beverage;
- (4) "Automobile race track" means a facility primarily used for vehicle racing that has a seating capacity of at least thirty thousand (30,000) people;
- (5) ***"Barrel-aged and batched cocktail" means an alcoholic beverage that is:***
 - (a) ***Composed of:***
 - 1. ***Distilled spirits that have been dispensed from their original sealed container; and***

- 2. Other ingredients or alcoholic beverages;**
- (b) Placed into a barrel or container on the premises of a retail licensee; and**
- (c) Dispensed from the barrel or container as a retail sale by the drink;**
- (6)** "Bed and breakfast" means a one (1) family dwelling unit that:
- (a) Has guest rooms or suites used, rented, or hired out for occupancy or that are occupied for sleeping purposes by persons not members of the single-family unit;
 - (b) Holds a permit under KRS Chapter 219; and
 - (c) Has an innkeeper who resides on the premises or property adjacent to the premises during periods of occupancy;
- ~~(7)(6)~~ "Board" means the State Alcoholic Beverage Control Board created by KRS 241.030;
- ~~(8)(7)~~ "Bottle" means any container which is used for holding alcoholic beverages for the use and sale of alcoholic beverages at retail;
- ~~(9)(8)~~ "Brewer" means any person who manufactures malt beverages or owns, occupies, carries on, works, or conducts any brewery, either alone or through an agent;
- ~~(10)(9)~~ "Brewery" means any place or premises where malt beverages are manufactured for sale, and includes all offices, granaries, mash rooms, cooling rooms, vaults, yards, and storerooms connected with the premises; or where any part of the process of the manufacture of malt beverages is carried on; or where any apparatus connected with manufacture is kept or used; or where any of the products of brewing or fermentation are stored or kept;
- ~~(11)(10)~~ "Building containing licensed premises" means the licensed premises themselves and includes the land, tract of land, or parking lot in which the premises are contained, and any part of any building connected by direct access or by an entrance which is under the ownership or control of the licensee by lease holdings or ownership;
- ~~(12)(11)~~ "Caterer" means a person operating a food service business that prepares food in a licensed and inspected commissary, transports the food and alcoholic beverages to the caterer's designated and inspected banquet hall or to an agreed location, and serves the food and alcoholic beverages pursuant to an agreement with another person;
- ~~(13)(12)~~ "Charitable organization" means a nonprofit entity recognized as exempt from federal taxation under section 501(c) of the Internal Revenue Code (26 U.S.C. sec. 501(c)) or any organization having been established and continuously operating within the Commonwealth of Kentucky for charitable purposes for three (3) years and which expends at least sixty percent (60%) of its gross revenue exclusively for religious, educational, literary, civic, fraternal, or patriotic purposes;
- ~~(14)(13)~~ "Cider" means any fermented fruit-based beverage containing seven percent (7%) or more alcohol by volume and includes hard cider and perry cider;
- ~~(15)(14)~~ "City administrator" means city alcoholic beverage control administrator;
- ~~(16)(15)~~ "Commercial airport" means an airport through which more than five hundred thousand (500,000) passengers arrive or depart annually;
- ~~(17)(16)~~ (a) "Commercial quadricycle" means a vehicle equipped with a minimum of ten (10) pairs of fully operative pedals for propulsion by means of human muscular power and which:
1. Has four (4) wheels;
 2. Is operated in a manner similar to that of a bicycle;
 3. Is equipped with a minimum of thirteen (13) seats for passengers;
 4. Has a unibody design;
 5. Is equipped with a minimum of four (4) hydraulically operated brakes;
 6. Is used for commercial tour purposes;
 7. Is operated by the vehicle owner or an employee of the owner; and

8. Has an electrical assist system that shall only be used when traveling to or from its storage location while not carrying passengers.
- (b) A "commercial quadricycle" is not a motor vehicle as defined in KRS 186.010 or 189.010;
- ~~(18)(17)~~ "Commissioner" means the commissioner of the Department of Alcoholic Beverage Control;
- ~~(19)(18)~~ "Consumer" means a person, **persons, or business organization** who purchases alcoholic beverages and who:
- (a) Does not hold a license or permit issued by the department;
- (b) Purchases the alcoholic beverages for personal consumption only and not for resale;
- (c) Is of lawful drinking age; **and**
- ~~(d)~~ ~~Receives the alcoholic beverages at a location other than a licensed premises; and~~
- ~~(e)~~ Receives the alcoholic beverages in territory where the alcoholic beverages may be lawfully sold or received;
- ~~(20)(19)~~ "Convention center" means any facility which, in its usual and customary business, provides seating for a minimum of one thousand (1,000) people and offers convention facilities and related services for seminars, training and educational purposes, trade association meetings, conventions, or civic and community events or for plays, theatrical productions, or cultural exhibitions;
- ~~(21)(20)~~ "Convicted" and "conviction" means a finding of guilt resulting from a plea of guilty, the decision of a court, or the finding of a jury, irrespective of a pronouncement of judgment or the suspension of the judgment;
- ~~(22)(21)~~ "County administrator" means county alcoholic beverage control administrator;
- ~~(23)(22)~~ "Department" means the Department of Alcoholic Beverage Control;
- ~~(24)(23)~~ "Dining car" means a railroad passenger car that serves meals to consumers on any railroad or Pullman car company;
- ~~(25)(24)~~ "Discount in the usual course of business" means price reductions, rebates, refunds, and discounts given by wholesalers to distilled spirits and wine retailers pursuant to an agreement made at the time of the sale of the merchandise involved and are considered a part of the sales transaction, constituting reductions in price pursuant to the terms of the sale, irrespective of whether the quantity discount was:
- (a) Prorated and allowed on each delivery;
- (b) Given in a lump sum after the entire quantity of merchandise purchased had been delivered; or
- (c) Based on dollar volume or on the quantity of merchandise purchased;
- ~~(26)(25)~~ "Distilled spirits" or "spirits" means any product capable of being consumed by a human being which contains alcohol in excess of the amount permitted by KRS Chapter 242 obtained by distilling, mixed with water or other substances in solution, except wine, hard cider, and malt beverages;
- ~~(27)(26)~~ "Distiller" means any person who is engaged in the business of manufacturing distilled spirits at any distillery in the state and is registered in the Office of the Collector of Internal Revenue for the United States at Louisville, Kentucky;
- ~~(28)(27)~~ "Distillery" means any place or premises where distilled spirits are manufactured for sale, and which are registered in the office of any collector of internal revenue for the United States. It includes any United States government bonded warehouse;
- ~~(29)(28)~~ "Distributor" means any person who distributes malt beverages for the purpose of being sold at retail;
- ~~(30)(29)~~ "Dry" means a territory in which a majority of the electorate voted to prohibit all forms of retail alcohol sales through a local option election held under KRS Chapter 242;
- ~~(31)(30)~~ "Election" means:
- (a) An election held for the purpose of taking the sense of the people as to the application or discontinuance of alcoholic beverage sales under KRS Chapter 242; or
- (b) Any other election not pertaining to alcohol;
- ~~(32)(31)~~ "Horse racetrack" means a facility licensed to conduct a horse race meeting under KRS Chapter 230;

- ~~(33)~~~~(32)~~ "Hotel" means a hotel, motel, or inn for accommodation of the traveling public, designed primarily to serve transient patrons;
- ~~(34)~~~~(33)~~ "Investigator" means any employee or agent of the department who is regularly employed and whose primary function is to travel from place to place for the purpose of visiting licensees, and any employee or agent of the department who is assigned, temporarily or permanently, by the commissioner to duty outside the main office of the department at Frankfort, in connection with the administration of alcoholic beverage statutes;
- ~~(35)~~~~(34)~~ "License" means any license issued pursuant to KRS Chapters 241 to 244;
- ~~(36)~~~~(35)~~ "Licensee" means any person to whom a license has been issued, pursuant to KRS Chapters 241 to 244;
- ~~(37)~~~~(36)~~ "Limited restaurant" means:
- (a) A facility where the usual and customary business is the preparation and serving of meals to consumers, which has a bona fide kitchen facility, which receives at least seventy percent (70%) of its food and alcoholic beverage receipts from the sale of food, which maintains a minimum seating capacity of fifty (50) persons for dining, which has no open bar, which requires that alcoholic beverages be sold in conjunction with the sale of a meal, and which is located in a wet or moist territory under KRS 242.1244; or
 - (b) A facility where the usual and customary business is the preparation and serving of meals to consumers, which has a bona fide kitchen facility, which receives at least seventy percent (70%) of its food and alcoholic beverage receipts from the sale of food, which maintains a minimum seating capacity of one hundred (100) persons of dining, and which is located in a wet or moist territory under KRS 242.1244;
- ~~(38)~~~~(37)~~ "Local administrator" means a city alcoholic beverage administrator, county alcoholic beverage administrator, or urban-county alcoholic beverage control administrator;
- ~~(39)~~~~(38)~~ "Malt beverage" means any fermented undistilled alcoholic beverage of any name or description, manufactured from malt wholly or in part, or from any substitute for malt, and includes weak cider;
- ~~(40)~~~~(39)~~ "Manufacture" means distill, rectify, brew, bottle, and operate a winery;
- ~~(41)~~~~(40)~~ "Manufacturer" means a winery, distiller, rectifier, or brewer, and any other person engaged in the production or bottling of alcoholic beverages;
- ~~(42)~~~~(41)~~ "Minor" means any person who is not twenty-one (21) years of age or older;
- ~~(43)~~~~(42)~~ "Moist" means a territory in which a majority of the electorate voted to permit limited alcohol sales by any one (1) or a combination of special limited local option elections authorized by KRS Chapter 242;
- ~~(44)~~~~(43)~~ "Population" means the population figures established by the federal decennial census for a census year or the current yearly population estimates prepared by the Kentucky State Data Center, Urban Studies Center of the University of Louisville, Louisville, Kentucky, for all other years;
- ~~(45)~~~~(44)~~ "Premises" means the land and building in and upon which any business regulated by alcoholic beverage statutes is operated or carried on. "Premises" shall not include as a single unit two (2) or more separate businesses of one (1) owner on the same lot or tract of land, in the same or in different buildings if physical and permanent separation of the premises is maintained, excluding employee access by keyed entry and emergency exits equipped with crash bars, and each has a separate public entrance accessible directly from the sidewalk or parking lot. Any licensee holding an alcoholic beverage license on July 15, 1998, shall not, by reason of this subsection, be ineligible to continue to hold his or her license or obtain a renewal, of the license;
- ~~(46)~~~~(45)~~ "Primary source of supply" or "supplier" means the distiller, winery, brewer, producer, owner of the commodity at the time it becomes a marketable product, bottler, or authorized agent of the brand owner. In the case of imported products, the primary source of supply means either the foreign producer, owner, bottler, or agent of the prime importer from, or the exclusive agent in, the United States of the foreign distiller, producer, bottler, or owner;
- ~~(47)~~~~(46)~~ "Private club" means a nonprofit social, fraternal, military, or political organization, club, or nonprofit or for-profit entity maintaining or operating a club room, club rooms, or premises from which the general public is excluded;

- (48)~~(47)~~ *"Private selection event" means a private event with a licensed distiller during which participating consumers, retail licensees, wholesalers, distributors, or a distillery's own representatives select a single barrel or a blend of barrels of the distiller's products to be specially packaged for the participants;*
- (49) *"Private selection package" means a bottle of distilled spirits sourced from the barrel or barrels selected by participating consumers, retail licensees, wholesalers, distributors, microbreweries that hold a quota retail drink or quota retail package license, or a distillery's own representatives during a private selection event;*
- (50) "Public nuisance" means a condition that endangers safety or health, is offensive to the senses, or obstructs the free use of property so as to interfere with the comfortable enjoyment of life or property by a community or neighborhood or by any considerable number of persons;
- (51)~~(48)~~ "Qualified historic site" means:
- (a) A contributing property with dining facilities for at least fifty (50) persons at tables, booths, or bars where food may be served within a commercial district listed in the National Register of Historic Places;
 - (b) A site that is listed as a National Historic Landmark or in the National Register of Historic Places with dining facilities for at least fifty (50) persons at tables, booths, or bars where food may be served;
 - (c) A distillery which is listed as a National Historic Landmark and which conducts souvenir retail package sales under KRS 243.0305; or
 - (d) A not-for-profit or nonprofit facility listed on the National Register of Historic Places;
- (52)~~(49)~~ "Rectifier" means any person who rectifies, purifies, or refines distilled spirits, malt, or wine by any process other than as provided for on distillery premises, and every person who, without rectifying, purifying, or refining distilled spirits by mixing alcoholic beverages with any materials, manufactures any imitations of or compounds liquors for sale under the name of whiskey, brandy, gin, rum, wine, spirits, cordials, bitters, or any other name;
- (53)~~(50)~~ "Repackaging" means the placing of alcoholic beverages in any retail container irrespective of the material from which the container is made;
- (54)~~(51)~~ "Restaurant" means a facility where the usual and customary business is the preparation and serving of meals to consumers, that has a bona fide kitchen facility, and that receives at least fifty percent (50%) of its food and alcoholic beverage receipts from the sale of food at the premises;
- (55)~~(52)~~ "Retail container" means any bottle, can, barrel, or other container which, without a separable intermediate container, holds alcoholic beverages and is suitable and destined for sale to a retail outlet, whether it is suitable for delivery or shipment to the consumer or not;
- (56)~~(53)~~ "Retail sale" means any sale of alcoholic beverages to a consumer, including those transactions taking place in person, electronically, online, by mail, or by telephone;
- (57)~~(54)~~ "Retailer" means any licensee who sells and delivers any alcoholic beverage to consumers, except for manufacturers with limited retail sale privileges and direct shipper licensees;
- (58)~~(55)~~ "Riverboat" means any boat or vessel with a regular place of mooring in this state that is licensed by the United States Coast Guard to carry one hundred (100) or more passengers for hire on navigable waters in or adjacent to this state;
- (59)~~(56)~~ "Sale" means any transfer, exchange, or barter for consideration, and includes all sales made by any person, whether principal, proprietor, agent, servant, or employee, of any alcoholic beverage;
- (60)~~(57)~~ "Service bar" means a bar, counter, shelving, or similar structure used for storing or stocking supplies of alcoholic beverages that is a workstation where employees prepare alcoholic beverage drinks to be delivered to customers away from the service bar;
- (61)~~(58)~~ "Sell" includes solicit or receive an order for, keep or expose for sale, keep with intent to sell, and the delivery of any alcoholic beverage;
- (62)~~(59)~~ "Small farm winery" means a winery whose wine production is not less than two hundred fifty (250) gallons and not greater than five hundred thousand (500,000) gallons in a calendar year;
- (63)~~(60)~~ "Souvenir package" means a special package of distilled spirits available from a licensed retailer that is:

- (a) Available for retail sale at a licensed Kentucky distillery where the distilled spirits were produced or bottled; or
- (b) Available for retail sale at a licensed Kentucky distillery but produced or bottled at another of that distiller's licensed distilleries in Kentucky;
- ~~(64)~~~~(61)~~ "State administrator" or "administrator" means the distilled spirits administrator or the malt beverages administrator, or both, as the context requires;
- ~~(65)~~~~(62)~~ "State park" means a state park that has a:
 - (a) Nine (9) or eighteen (18) hole golf course; or
 - (b) Full-service lodge and dining room;
- ~~(66)~~~~(63)~~ "Supplemental bar" means a bar, counter, shelving, or similar structure used for serving and selling distilled spirits or wine by the drink for consumption on the licensed premises to guests and patrons from additional locations other than the main bar;
- ~~(67)~~~~(64)~~ "Territory" means a county, city, district, or precinct;
- ~~(68)~~~~(65)~~ "Urban-county administrator" means an urban-county alcoholic beverage control administrator;
- ~~(69)~~~~(66)~~ "Valid identification document" means an unexpired, government-issued form of identification that contains the photograph and date of birth of the individual to whom it is issued;
- ~~(70)~~~~(67)~~ "Vehicle" means any device or animal used to carry, convey, transport, or otherwise move alcoholic beverages or any products, equipment, or appurtenances used to manufacture, bottle, or sell these beverages;
- ~~(71)~~~~(68)~~ "Vintage distilled spirit" means:
 - (a) *A private selection package; or*
 - (b) A package or packages of distilled spirits that:
 - 1.~~(a)~~ Are in their original manufacturer's unopened container;
 - 2.~~(b)~~ Are not owned by a distillery; and
 - 3.~~(c)~~ Are not otherwise available for purchase from a licensed wholesaler within the Commonwealth;
- (72) (a) *"Vintage distilled spirits seller" means a non-licensed person at least twenty-one (21) years of age who is:*
 1. *An administrator, executor, receiver, or other fiduciary who receives and sells vintage distilled spirits in execution of the person's fiduciary capacity;*
 2. *A creditor who receives or takes possession of vintage distilled spirits as security for, or in payment of, debt, in whole or in part;*
 3. *A public officer or court official who levies on vintage distilled spirits under order or process of any court or magistrate to sell the vintage distilled spirits in satisfaction of the order or process; or*
 4. *Any other person not engaged in the business of selling alcoholic beverages.*
- (b) *"Vintage distilled spirits seller" does not mean:*
 1. *A person selling alcoholic beverages as part of an approved KRS 243.630 transfer; or*
 2. *A person selling alcoholic beverages as authorized by KRS 243.540;*
- ~~(73)~~~~(69)~~ "Warehouse" means any place in which alcoholic beverages are housed or stored;
- ~~(74)~~~~(70)~~ "Weak cider" means any fermented fruit-based beverage containing more than one percent (1%) but less than seven percent (7%) alcohol by volume;
- ~~(75)~~~~(71)~~ "Wet" means a territory in which a majority of the electorate voted to permit all forms of retail alcohol sales by a local option election under KRS 242.050 or 242.125 on the following question: "Are you in favor of the sale of alcoholic beverages in (name of territory)?"
- ~~(76)~~~~(72)~~ "Wholesale sale" means a sale to any person for the purpose of resale;

- (77)~~(73)~~ "Wholesaler" means any person who distributes alcoholic beverages for the purpose of being sold at retail, but it shall not include a subsidiary of a manufacturer or cooperative of a retail outlet;
- (78)~~(74)~~ "Wine" means the product of the normal alcoholic fermentation of the juices of fruits, with the usual processes of manufacture and normal additions, and includes champagne and sparkling and fortified wine of an alcoholic content not to exceed twenty-four percent (24%) by volume. It includes sake, cider, hard cider, and perry cider and also includes preparations or mixtures vended in retail containers if these preparations or mixtures contain not more than fifteen percent (15%) of alcohol by volume. It does not include weak cider; and
- (79)~~(75)~~ "Winery" means any place or premises in which wine is manufactured from any fruit, or brandies are distilled as a by-product of wine or other fruit, or cordials are compounded, except a place or premises that manufactures wine for sacramental purposes exclusively.

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 243 IS CREATED TO READ AS FOLLOWS:

- (1) *A limited nonquota package license may be issued as a supplementary license to a licensee that holds an NQ1 retail drink license, an NQ2 retail drink license, or a limited restaurant license in a jurisdiction that has authorized the sale of distilled spirits and wine by the package.*
- (2) *The limited nonquota package license shall authorize the licensee to:*
- (a) *Purchase private selection packages in the original manufacturer's unopened containers; and*
- (b) *Sell private selection packages at retail in the original manufacturer's unopened containers, and only for consumption off the licensed premises.*
- (3) *The licensee shall purchase private selection packages in accordance with subsection (4) of Section 6 of this Act.*

➔Section 3. KRS 243.027 is amended to read as follows:

- (1) KRS 243.027 to 243.029 shall supersede any conflicting statute in KRS Chapters 241 to 244.
- (2) A direct shipper license shall authorize the holder to ship alcoholic beverages to consumers. The department shall issue a direct shipper license to a successful applicant that:
- (a) Pays an annual license fee of one hundred dollars (\$100);
- (b) Is a manufacturer located in this state or any other state or an alcoholic beverage supplier licensed under KRS 243.212 or 243.215; and
- (c) Holds a current license, permit, or other authorization to manufacture or supply alcoholic beverages in the state where the applicant is located. If an applicant is located outside of Kentucky, proof of its current license, permit, or other authorization as issued by its home state shall be sufficient proof of its eligibility to hold a direct shipper license in Kentucky.
- (3) (a) A manufacturer applicant shall only be authorized to ship alcoholic beverages that are sold under a brand name owned or exclusively licensed to the manufacturer, provided the alcoholic beverages were:
1. Produced by the manufacturer;
 2. Produced for the manufacturer under a written contract with another manufacturer; or
 3. Bottled for or by the manufacturer.
- (b) An applicant licensed under KRS 243.212 or 243.215 shall only be authorized to ship alcoholic beverages for which it is the primary source of supply.
- (4) The department shall establish the form for a direct shipper license application through the promulgation of an administrative regulation. These requirements shall include only the following:
- (a) The address of the manufacturer or supplier; and
- (b) If the applicant is located outside this state, a copy of the applicant's current license, permit, or other authorization to manufacture, store, or supply alcoholic beverages in the state where the applicant is located.
- (5) For purposes of this section, the holder of a direct shipper license may utilize the services of a third party to fulfill shipments, subject to the following:

- (a) The third party shall not be required to hold any alcoholic beverage license, but no licensed entity shall serve as a third party to fulfill shipments other than the holder of a storage license or transporter's license;
 - (b) The third party may operate from the premises of the direct shipper licensee or from another business location; and
 - (c) The direct shipper licensee shall be liable for any violation of KRS 242.250, 242.260, 242.270, or 244.080 that may occur by the third party.
- (6) A direct shipper licensee shall:
- (a) Agree that the Secretary of State shall serve as its registered agent for service of process. The licensee shall agree that legal service on the agent constitutes legal service on the direct shipper licensee;
 - (b) Maintain the records required under KRS 243.027 to 243.029 and provide the department and the Department of Revenue access to or copies of these records;
 - (c) Allow the department or the Department of Revenue to perform an audit of the direct shipper licensee's records or an inspection of the direct shipper licensee's licensed premises upon request. If an audit or inspection reveals a violation, the department or the Department of Revenue may recover reasonable expenses from the licensee for the cost of the audit or inspection;
 - (d) Register with the Department of Revenue, and file all reports and pay all taxes required under KRS 243.027 to 243.029; and
 - (e) Submit to the jurisdiction of the Commonwealth of Kentucky for any violation of KRS 242.250, 242.260, 242.270, or 244.080 or for nonpayment of any taxes owed.
- (7) (a) Each direct shipper licensee shall submit to the department and the Department of Revenue a quarterly report for that direct shipper license showing:
1. The total amount of alcoholic beverages shipped into the state per consumer;
 2. The name and address of each consumer;
 3. The purchase price of the alcoholic beverages shipped and the amount of taxes charged to the consumer for the alcoholic beverages shipped; and
 4. The name and address of each common carrier.
- (b) The Department of Revenue shall create a form through the promulgation of an administrative regulation for reporting under paragraph (a) of this subsection.
- (c) The department shall provide a list of all active direct shipper licensees to licensed common carriers on a quarterly basis to reduce the number of unlicensed shipments in the Commonwealth.
- (8) A direct shipper licensee shall submit a current copy of its alcoholic beverage license from its home state along with the one hundred dollar (\$100) license fee every year upon renewal of its direct shipper license.
- (9) Notwithstanding any provision of this section to the contrary, a manufacturer located and licensed in Kentucky may ship by a common carrier holding a Kentucky transporter's license samples of alcoholic beverages produced by the manufacturer in quantities not to exceed one (1) liter, **per any recipient**, of any **individual~~[particular]~~** product in one (1) calendar year of distilled spirits or wine, or ninety-six (96) ounces, **per any recipient**, of any **individual~~[particular]~~** product in one (1) calendar year of malt beverages, to **any of** the following:
- (a) Marketing or media representatives twenty-one (21) years of age or older;
 - (b) Distilled spirits, wine, or malt beverage competitions or contests;
 - (c) Wholesalers or distributors located outside of Kentucky;
 - (d) Federal, state, or other regulatory testing labs;~~and~~
 - (e) Third-party product formulation and development partners; **and**
 - (f) ***Persons or entities engaged in a private selection event pursuant to Section 6 of this Act.***

Such samples shall be marked by affixing across the product label, a not readily removed disclaimer with the words "Sample-Not for Sale" and the name of the manufacturer.

➔Section 4. KRS 243.029 is amended to read as follows:

- (1) For purposes of this section, "taxes" associated with the purchase of alcoholic beverages includes any applicable:
 - (a) Sales tax;
 - (b) Use tax;
 - (c) Excise tax;
 - (d) Wholesale tax equivalent as established in KRS 243.884;
 - (e) Regulatory license fees; and
 - (f) Other assessments.
- (2) For purposes of this section and for other tax purposes, each sale and delivery of alcoholic beverages under a direct shipper license is a sale occurring at the address of the consumer. For each tax remittance or collected group of tax remittances, the direct shipper licensee shall include its federal tax identification number.
- (3) *A direct shipper licensee that sells alcoholic beverages under its direct shipper license for shipment to a consumer shall charge the consumer all applicable taxes and shall sell the alcoholic beverages with all applicable taxes included in the selling price. The total amount of the applicable taxes shall be identified on the consumer's invoice and shall specifically state the amount of the applicable sales tax included in the invoice*~~[Except for the regulatory license fee imposed under KRS 243.075, the applicable taxes shall be collected by the direct shipper licensee from the consumer. The regulatory license fee and all other applicable taxes shall be separately stated on the invoice, bill of sale, or similar document given to the consumer].~~
- (4) The amount of the taxes to be paid by the direct shipper licensee under this section shall be calculated based on the sale of the alcoholic beverages occurring at the location identified as the consumer's address on the shipping label.
- (5) For taxes owed by a direct shipper licensee under this section, the direct shipper licensee shall meet the standards of the destination state, including filing a return that contains its license number and federal tax identification number.

➔Section 5. KRS 243.030 is amended to read as follows:

The following licenses that authorize traffic in distilled spirits and wine may be issued by the distilled spirits administrator. Licenses that authorize traffic in all alcoholic beverages may be issued by both the distilled spirits administrator and malt beverages administrator. The licenses and their accompanying fees are as follows:

- (1) Distiller's license:
 - (a) Class A, per annum\$3,090.00
 - (b) Class B (craft distillery), per annum.....\$1,000.00
 - (c) ***Off-premises retail sales outlet, per annum\$300.00***
- (2) Rectifier's license:
 - (a) Class A, per annum\$2,580.00
 - (b) Class B (craft rectifier), per annum.....\$825.00
- (3) Winery license, per annum\$1,030.00
- (4) Small farm winery license, per annum\$110.00
 - (a) Small farm winery off-premises retail license, per annum\$30.00
- (5) Wholesaler's license, per annum\$2,060.00
- (6) Quota retail package license, per annum\$570.00
- (7) Quota retail drink license, per annum.....\$620.00
- (8) Transporter's license, per annum\$210.00
- (9) Special nonbeverage alcohol license, per annum\$60.00

- (10) Special agent's or solicitor's license, per annum\$30.00
- (11) Bottling house or bottling house storage license,
per annum \$1,030.00
- (12) Special temporary license, per event\$100.00
- (13) Special Sunday retail drink license, per annum\$520.00
- (14) Caterer's license, per annum\$830.00
- (15) Special temporary alcoholic beverage
auction license, per event\$100.00
- (16) Extended hours supplemental license, per annum\$2,060.00
- (17) Hotel in-room license, per annum\$210.00
- (18) Air transporter license, per annum\$520.00
- (19) Sampling license, per annum\$110.00
- (20) Replacement or duplicate license\$25.00
- (21) Entertainment destination center license:
- (a) When the licensee is a city, county, urban-county government, consolidated local government, charter
 county government, or unified
 local government, per annum\$2,577.00
- (b) All other licensees, per annum\$7,730.00
- (22) Limited restaurant license, per annum\$780.00
- (23) Limited golf course license, per annum\$720.00
- (24) Small farm winery wholesaler's license, per annum\$110.00
- (25) Qualified historic site license, per annum\$1,030.00
- (26) Nonquota type 1 license, per annum\$4,120.00
- (27) Nonquota type 2 license, per annum\$830.00
- (28) Nonquota type 3 license, per annum\$310.00
- (29) Distilled spirits and wine storage license, per annum\$620.00
- (30) Out-of-state distilled spirits and wine supplier's license,
per annum \$1, 550.00
- (31) Limited out-of-state distilled spirits and
wine supplier's license, per annum\$260.00
- (32) Authorized public consumption license, per annum\$250.00
- (33) Direct shipper license, per annum\$100.00
- (34) **Limited nonquota package license, per annum\$300.00**
- (35) A nonrefundable fee of sixty dollars (\$60) shall be charged to process each new transitional license pursuant to
KRS 243.045.
- ~~(36)~~~~(35)~~ Other special licenses the board finds necessary for the proper regulation and control of the traffic in
distilled spirits and wine and provides for by administrative regulation. In establishing the amount of license
taxes that are required to be fixed by the board, it shall have regard for the value of the privilege granted.
- ~~(37)~~~~(36)~~ The fee for each of the first five (5) supplemental bar licenses shall be the same as the fee for the
primary retail drink license. There shall be no charge for each supplemental license issued in excess of five (5)
to the same licensee at the same premises.

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

➔Section 6. KRS 243.0305 is amended to read as follows:

- (1) Any licensed Kentucky distiller that is located in wet territory or in any precinct that has authorized the limited sale of alcoholic beverages at distilleries under KRS 242.1243 and that has a gift shop or other retail outlet on its premises may conduct the activities permitted under this section as a part of its distiller's license.
- (2) (a) For purposes of all retail drink and package sales that occur pursuant to subsection (3), ~~(4), (7), (8), or~~ (9), ~~(10), or~~ (12) of this section, the distillery shall:
 1. Be permitted to transfer its products from the distillery proper to the location where those *retail* sales occur without having to transfer physical possession of those distilled spirits to a licensed wholesaler; and
 2. ~~Effective January 1, 2022,~~ Without otherwise reporting those distilled spirits to a licensed wholesaler, report *those retail sales* and pay all taxes required to the Department of Revenue at the time and in the manner required by the Department of Revenue in accordance with its powers under KRS 131.130(3).
- (b) 1. ~~Effective January 1, 2022,~~ A distiller selling distilled spirits in accordance with this subsection shall pay all wholesale sales taxes due under KRS 243.884. For the purposes of this subsection, "wholesale sales" means a sale of distilled spirits made by a distiller under subsection (3)(b), ~~(4), (7), (8), and~~ (9), (10), ~~and~~ (12) of this section, if required by KRS 243.884, *excluding sales made by a distiller under subsection (4)(a)3. and (b) of this section that utilize a licensed wholesaler.*
2. ~~Effective January 1, 2022,~~ A distiller shall pay the excise tax on distilled spirits in accordance with KRS 243.720 and 243.730.
- (c) All other distilled spirits that are produced by the distillery shall be sold and physically transferred in compliance with all other relevant provisions of KRS Chapters 241 to 244.
- (3) A distiller may sell *its own private selection packages and* souvenir packages at retail:
 - (a) To consumers in accordance with KRS 243.027 to 243.029 if it holds a direct shipper license; and
 - (b) To distillery visitors of legal drinking age, in quantities not to exceed an aggregate of ~~four and one-half (4 1/2) liters per purchaser per day for sales prior to January 1, 2021, and in quantities not to exceed an aggregate of~~ nine (9) liters per purchaser per day ~~on and after January 1, 2021~~.
- (4) *A distiller may conduct private selection events and sell private selection packages at retail, as follows:*
 - (a) *Distillers may sell private selection packages to consumers who participated in a private selection event only by:*
 1. *Shipping the private selection packages in accordance with KRS 243.027 to 243.029 if the distiller holds a direct shipper license, but these sales and shipments shall be exempt from the quantity limitations established in KRS 243.028(1);*
 2. *Selling the private selection packages to the participating consumers directly from the distillery premises, but these sales shall be exempt from the quantity limitations established in subsection (3)(b) of this section; or*
 3. *Selling the private selection packages through a wholesaler and to a licensed retailer of the consumer's choice. The distillery and wholesaler's cooperation in facilitating the sale of the private selection packages to the retailer of the consumer's choice shall not be deemed a violation of Section 12 of this Act.*
 - (b) *Except as provided in KRS 243.036, distillers may sell private selection packages to retail licensees that participated in a private selection event only through a licensed wholesaler.*
 - (c) *A distillery shall make available for purchase not less than seventy percent (70%) of its annual private selection packages to licensed wholesalers and shall maintain records of such transactions in accordance with KRS 244.150.*

- (d) *Distillers may sell private selection packages to wine and distilled spirits wholesalers, malt beverage distributors, and microbreweries that hold a quota retail drink or quota retail package license that participated in a private selection event if the private selection packages resulting from the event are sold only through a licensed retailer.*
- (5) Hours of sale for souvenir packages *sold at retail and private selection packages* sold ~~to distillery visitors~~ at retail shall be in conformity with KRS 244.290(3).
- ~~(6)(5)~~ Except as provided in this section, souvenir package *and private selection package* sales to distillery visitors shall be governed by all the statutes and administrative regulations governing the retail sale of distilled spirits by the package.
- ~~(7)(6)~~ Souvenir packages sold to distillery visitors under subsection (3)(b) of this section, *which are not made available to wholesalers licensed in Kentucky or elsewhere*, shall be registered *by the licensed distiller* with the department *and shall be sold exclusively to in-person distillery visitors in quantities not to exceed three (3) liters per person per day* ~~pursuant to KRS 244.440 and made available to a Kentucky licensed wholesaler~~.
- ~~(8)(7)~~ Notwithstanding any provision of KRS 244.050 to the contrary, a distillery holding a sampling license may allow visitors to sample distilled spirits under the following conditions:
- (a) Sampling shall be permitted only on the licensed premises during regular business hours;
 - (b) A distillery shall not charge for the samples; and
 - (c) A distillery shall not provide more than one and three-fourths (1-3/4) ounces of samples per visitor per day, *except in connection with a private selection event*.
- ~~(9)(8)~~ Notwithstanding the provisions of KRS 243.110, in accordance with this section, a distillery located in wet territory or in any territory that has authorized the limited sale of alcoholic beverages under an election held pursuant to KRS 242.1243 may:
- (a) Hold an NQ2 retail drink license for the sale of alcoholic beverages on the distillery premises; and
 - (b) Employ persons to engage in the sale or service of alcohol under an NQ2 license, if each employee completes the department's Server Training in Alcohol Regulations program within thirty (30) days of beginning employment.
- ~~(10)(9)~~ A distiller may sell to consumers at fairs, festivals, and other similar types of events located in wet territory. *A distiller may:*
- (a) *Sell* alcoholic beverages by the drink, containing spirits distilled or bottled on the premises of the distillery;
 - (b) *Sell by the package in quantities not to exceed nine (9) liters per person, per day; and*
 - (c) *Serve complimentary samples not to exceed one and three-fourths (1-3/4) ounces per person, per day.*
- ~~(11)(10)~~ A distiller may offer for sale in its gift shop products that were produced in collaboration with a brewer or microbrewer, except that:
- (a) These packages shall not be exclusive to the distiller's gift shop; and
 - (b) The distiller shall purchase the jointly branded souvenir package only from a licensed malt beverage distributor *or a microbrewery pursuant to KRS 243.157(1)(f). A microbrewery selling and delivering the jointly branded souvenir package directly to a distiller under this subsection shall provide notice to the distributor of any self-distribution delivery by electronic or other means.*
- (12) *A distiller that sells souvenir packages and serves complimentary samples in accordance with this section at any of its licensed premises may, for each such premises, maintain one (1) separately licensed off-premises retail sales outlet and engage in the activities and hold the licenses authorized in subsections (3), (4), (8), (9), and (11) of this section if the off-premises retail sales outlet premises are located in wet territory or in a precinct that has authorized alcoholic beverage sales by the distillery under KRS 242.1243. The distiller shall pay the fee required under Section 5 of this Act for each off-premises retail sales outlet it maintains.*
- ~~(13)(11)~~ Except as expressly stated in this section, this section does not exempt the holder of a distiller's license from:
- (a) The provisions of KRS Chapters 241 to 244;

- (b) The administrative regulations of the board; and
- (c) Regulation by the board at all the distiller's licensed premises.

~~(14)(12)~~ Nothing in this section shall be construed to vitiate the policy of this Commonwealth supporting an orderly three (3) tier system for the production and sale of alcoholic beverages.

➔Section 7. KRS 243.110 is amended to read as follows:

- (1) Except as provided in subsection (3) of this section, each kind of license listed in KRS 243.030 shall be incompatible with every other kind listed in that section and no person or entity holding a license of any of those kinds shall apply for or hold a license of another kind listed in KRS 243.030.
- (2)
 - (a) Each kind of license listed in KRS 243.040(1), (3), or (4) shall be incompatible with every other kind listed in KRS 243.040(1), (3), or (4), and no person holding a license of any of those kinds shall apply for or hold a license of any other kind listed in KRS 243.040(1), (3), or (4).
 - (b) A brewery holding a license listed in KRS 243.040(5) or (8) shall not apply for or hold a license listed in KRS 243.040(3) or (4).
- (3)
 - (a) The holder of a quota retail package license may also hold a quota retail drink license, an NQ1 retail drink license, an NQ2 retail drink license, an NQ3 retail drink license, or a special nonbeverage alcohol license.
 - (b) The holder of a transporter's license may also hold a distilled spirits and wine storage license.
 - (c) The holder of a distiller's license may also hold a rectifier's license, a special nonbeverage alcohol license, a winery license, or a small farm winery license.
 - (d) A commercial airline system or charter flight system retail license, a commercial airline system or charter flight system transporter's license, and a retail drink license if held by a commercial airline or charter flight system may be held by the same licensee.
 - (e) A Sunday retail drink license and supplemental license may be held by the holder of a primary license.
 - (f) The holder of a distiller's, winery, small farm winery, brewer, microbrewery, distilled spirits and wine supplier's, or malt beverage supplier's license may also hold a direct shipper license.
 - (g) ***The holder of an NQ1 retail drink license, an NQ2 retail drink license, or a limited restaurant license may also hold a limited nonquota package license.***
- (4) Any person may hold two (2) or more licenses of the same kind.
- (5) A person or entity shall not evade the prohibition against applying for or holding licenses of two (2) kinds by applying for a second license through or under the name of a different person or entity. The state administrator shall examine the ownership, membership, and management of applicants, and shall deny the application for a license if the applicant is substantially interested in a person or entity that holds an incompatible license.

➔Section 8. KRS 243.232 is amended to read as follows:

- (1) A person holding a license to sell distilled spirits by the drink or by the package at retail may sell vintage distilled spirits purchased from a nonlicensed person upon written notice to the department in accordance with administrative regulations promulgated by the department.
- (2) Vintage distilled spirits may be resold only:
 - (a) By the drink by a person holding a license to sell distilled spirits by the drink; and
 - (b) By the package by a person holding a license to sell distilled spirits by the package.
- (3) ***Vintage distilled spirits may be sold or resold by the package by a person holding a limited nonquota package license.***
- (4) ***A vintage distilled spirits seller shall sell no more than twenty-four (24) vintage distilled spirits packages in any given twelve (12) month period.***
- (5) ***Prior to selling vintage distilled spirits purchased from a vintage distilled spirits seller to a consumer, a licensee shall provide notice of its purchase of the spirits to the department. The notice shall contain the following information:***

- (a) *The name, address, state license number, and phone number of the licensee purchasing vintage distilled spirits;*
- (b) *The name, address, and phone number of the vintage distilled spirits seller;*
- (c) *The brand name and quantity of each vintage distilled spirits package purchased;*
- (d) *The date of the purchase; and*
- (e) *The number of packages that the licensee has previously purchased from the same vintage distilled spirits seller and the dates of those purchases.*

➔Section 9. KRS 243.240 is amended to read as follows:

- (1) A quota retail package license shall authorize the licensee to:
 - (a) Purchase, receive, possess, and sell distilled spirits and wine at retail in unbroken packages only, and only for consumption off the licensed premises;~~and~~
 - (b) Deliver to the consumer, at the consumer's request, alcoholic beverages that are purchased from the licensed premises, in quantities not to exceed four and one-half (4 1/2) liters of distilled spirits and four (4) cases of wine per consumer per day for sales prior to January 1, 2021, and in quantities not to exceed an aggregate of nine (9) liters of distilled spirits and four (4) cases of wine per consumer per day on and after January 1, 2021; *and*
 - (c)
 - 1. *Sell distilled spirits and wine in unbroken packages only at fairs and festivals held in wet territory if the fair or festival is located in the same county as the quota retail package license holder's licensed premises; and*
 - 2. *Notwithstanding KRS 243.0307, sell and provide samples of distilled spirits and wine at fairs and festivals held in wet territory if the fair or festival is located in the same county as the quota retail package license holder's licensed premises.*
- (2) The licensee shall purchase distilled spirits and wine in retail packages only and only from:
 - (a) Licensed wholesalers;
 - (b) Those licensees authorized to sell distilled spirits and wine by the package at retail, but only if the distilled spirits and wine have first gone through the three (3) tier system; or
 - (c) From a distillery souvenir gift shop.
- (3) *The restrictions and permissions for sales to quota retail package licensees and to consumers that are authorized under subsection (4) of Section 6 of this Act shall supersede any conflicting provisions of this section.*

➔Section 10. KRS 243.260 is amended to read as follows:

- (1) A special temporary license may be issued in wet territory to any regularly organized fair, exposition, racing association, *farmers market*, or other party, when in the opinion of the board a necessity for the license exists. Unless inconsistent with this section, a special temporary licensee shall have the same privileges and restrictions of a quota retail drink licensee and an NQ4 retail malt beverage drink licensee at the designated premises, not to exceed thirty (30) days.
- (2) A nonprofit organization holding an NQ4 retail malt beverage drink license may be issued a special temporary license to sell distilled spirits and wine by the drink on the licensed premises for a specified and limited time, not to exceed ten (10) days. The temporary license may be issued in conjunction with any public or private event, including but not limited to weddings, receptions, reunions, or similar occasions.
- (3) The holder of a special temporary license may sell, serve, and deliver alcoholic beverages by the drink, for consumption only at the designated premises and the date and times for the qualifying event.
- (4) A special temporary license shall not be issued for an event held in dry or moist territory.

➔Section 11. KRS 243.884 is amended to read as follows:

- (1) (a) For the privilege of making "wholesale sales" or "sales at wholesale" of beer, wine, or distilled spirits, a tax is hereby imposed upon all wholesalers of wine and distilled spirits, all distributors of beer, all direct shipper licensees shipping alcohol to a consumer at a Kentucky address, all distillers making sales

pursuant to KRS 243.0305(3)~~[(b)], (4)(a)1. and 2., (4)(c), (7), [(8), and] (9), (10), and (12)~~, and all microbreweries selling malt beverages under KRS 243.157.

- (b) Prior to July 1, 2015, the tax shall be imposed at the rate of eleven percent (11%) of the gross receipts of any such wholesaler or distributor derived from "sales at wholesale" or "wholesale sales" made within the Commonwealth, except as provided in subsection (3) of this section. For the purposes of this section, the gross receipts of a microbrewery making "wholesale sales" shall be calculated by determining the dollar value amount that the microbrewer would have collected had it conveyed to a distributor the same volume sold to a consumer as allowed under KRS 243.157 (3)(b) and (c).
 - (c) On and after July 1, 2015, the following rates shall apply:
 - 1. For distilled spirits, eleven percent (11%) of wholesale sales or sales at wholesale; and
 - 2. For wine and beer:
 - a. Ten and three-quarters of one percent (10.75%) for wholesale sales or sales at wholesale made on or after July 1, 2015, and before June 1, 2016;
 - b. Ten and one-half of one percent (10.5%) for wholesale sales or sales at wholesale made on or after June 1, 2016, and before June 1, 2017;
 - c. Ten and one-quarter of one percent (10.25%) for wholesale sales or sales at wholesale made on or after June 1, 2017, and before June 1, 2018; and
 - d. Ten percent (10%) for wholesale sales or sales at wholesale made on or after June 1, 2018.
 - (d) On and after March 12, 2021, the following rates shall apply for direct shipper sales:
 - 1. For distilled spirits shipments, eleven percent (11%) for wholesale sales or sales at wholesale; and
 - 2. For wine and beer shipments, ten percent (10%) for wholesale sales or sales at wholesale.
 - (e) For direct shipper sales *or sales made pursuant to Section 6 of this Act*, if a wholesale price is not readily available, the direct shipper licensee *or distillery* shall calculate the wholesale price to be seventy percent (70%) of the retail price of the alcoholic beverages.
- (2) Wholesalers of distilled spirits and wine, distributors of malt beverages, microbreweries, distillers, and direct shipper licensees shall pay and report the tax levied by this section on or before the twentieth day of the calendar month next succeeding the month in which possession or title of the distilled spirits, wine, or malt beverages is transferred from the wholesaler or distributor to retailers, or by microbreweries, distillers, or direct shipper licensees to consumers in this state, in accordance with rules and regulations of the Department of Revenue designed reasonably to protect the revenues of the Commonwealth.
- (3) Gross receipts from sales at wholesale or wholesale sales shall not include the following sales:
- (a) Sales made between wholesalers or between distributors;
 - (b) Sales from the first fifty thousand (50,000) gallons of wine produced by a small farm winery in a calendar year made by:
 - 1. The small farm winery; or
 - 2. A wholesaler of that wine produced by the small farm winery; and
 - (c) Sales made between a direct shipper licensee and a consumer located outside of Kentucky.
- ➔Section 12. KRS 244.240 is amended to read as follows:
- (1) No distiller, rectifier, winery, or wholesaler and no employee, servant, or agent of a distiller, rectifier, winery, or wholesaler shall:
 - (a) Except as provided in KRS 243.0305 and 243.155, be interested directly or indirectly in any way in any premises where distilled spirits or wine is sold at retail or in any business devoted wholly or partially to the sale of distilled spirits or wine at retail;
 - (b) Make or cause to be made any loan to any person engaged in the manufacture or sale of distilled spirits or wine at wholesale or retail;

- (c) Make any gift or render any kind of service whatsoever, directly or indirectly, to any licensee that may tend to influence the licensee to purchase the product of the distiller, rectifier, winery, or wholesaler; or
 - (d) Enter into a contract with any retail licensee under which the licensee agrees to confine the licensee's sales to distilled spirits or wine manufactured or sold by one (1) or more distillers, rectifiers, wineries, or wholesalers. This type of contract shall be void.
- (2) Nothing in this section shall prohibit the giving of discounts in the usual course of business if the same discounts are offered to all licensees holding the same license type buying similar quantities.
- (3) A retailer shall not require or demand that a distiller, rectifier, winery, or wholesaler violate this section.
- (4) ***This section shall not prohibit a distiller from:***
- (a) ***Supplying a retailer with barrels for the purpose of holding barrel-aged and batched cocktails; and***
 - (b) ***Selling private selection packages as authorized in subsection (4)(a)3. of Section 6 of this Act.***

➔Section 13. KRS 244.260 is amended to read as follows:

- (1) No wholesaler shall purchase, import, keep upon the licensed premises, or sell any distilled spirits or wine in any container except in the original sealed package containing quantities of not less than fifty (50) milliliters each of distilled spirits or one hundred (100) milliliters of wine, and not exceeding ***the largest applicable federal standard of fill size for***~~one and seventy five hundredths (1.75) liters of~~ distilled spirits or two hundred twenty (220) liters of wine, as received from the distiller, rectifier, winery, or wholesaler. The containers shall be in sizes authorized by federal law and at all times shall have affixed to them all labels required by federal law or the administrative regulations of the board.
- (2) Except ***for purposes of preparing barrel-aged and batched cocktails as defined in Section 1 of this Act and*** as permitted by KRS 243.055 and 243.082(4) and subsection (3) of this section, licensees holding retail distilled spirits and wine drink licenses shall not keep upon their licensed premises any distilled spirits or wine in any container except in the original package as received from the wholesaler and authorized by federal law. Containers of distilled spirits shall not exceed ***the largest applicable federal standard of fill size for distilled spirits***~~one and seventy five hundredths (1.75) liters~~ or be less than fifty (50) milliliters of distilled spirits. Containers of wine shall not exceed two hundred twenty (220) liters or be less than one hundred (100) milliliters. All containers shall at all times have affixed to them any labels required by federal law or administrative regulations of the board.
- (3) Licensees holding retail distilled spirits and wine package licenses shall not keep upon their licensed premises any distilled spirits or wine in any container except in the original package as received from the wholesaler and authorized by federal law. Containers of distilled spirits shall not exceed ***the largest applicable federal standard of fill size for distilled spirits***~~one and seventy five hundredths (1.75) liters~~ or be less than fifty (50) milliliters of distilled spirits. Containers of wine shall not exceed two hundred twenty (220) liters or be less than one hundred (100) milliliters. Except as permitted by subsection (2) of this section, all containers shall at all times remain sealed and shall have affixed to them any labels required by federal law or administrative regulations of the board.

➔Section 14. KRS 243.034 is amended to read as follows:

- (1) A limited restaurant license may be issued to an establishment meeting the definition criteria established in KRS 241.010(37)~~((36))~~ as long as the establishment is within:
- (a) Any wet territory; or
 - (b) Any moist precinct that has authorized the sale of alcoholic beverages under KRS 242.1244.
- (2) A limited restaurant license shall authorize the licensee to purchase, receive, possess, and sell alcoholic beverages at retail by the drink for consumption on the licensed premises or off-premises consumption pursuant to KRS 243.081. The licensee shall purchase alcoholic beverages only from licensed wholesalers or distributors. The license shall not authorize the licensee to sell alcoholic beverages by the package.
- (3) The holder of a limited restaurant license shall maintain at least seventy percent (70%) of its gross receipts from the sale of food and maintain the minimum applicable seating requirement required for the type of limited restaurant license.
- (4) A limited restaurant as defined by KRS 241.010(37)(a)~~((36)(a))~~ shall:
- (a) Only sell alcoholic beverages incidental to the sale of a meal; and

- (b) Not have an open bar and shall not sell alcoholic beverages to any person who has not purchased or does not purchase a meal.

➔Section 15. KRS 243.0341 is amended to read as follows:

- (1) Notwithstanding any other provision of law, any city or county that conducted an election under KRS 242.1244(2) prior to January 1, 2016, for by the drink sales of alcoholic beverages in restaurants and dining facilities seating one hundred (100) persons or more or any city with limited sale precincts created pursuant to KRS 242.1292 may elect to act under this section.
- (2) Upon a determination by the legislative body of a city or county that:
 - (a) An economic hardship exists within the city or county; and
 - (b) Expanded sales of alcoholic beverages by the drink could aid in economic growth;
 the city or county may, after conducting a public hearing that is noticed to the public in accordance with the KRS Chapter 424, adopt an ordinance authorizing by the drink sales of alcoholic beverages in restaurants and dining facilities containing seating for at least fifty (50) persons and meeting the requirements of subsection (3) of this section.
- (3) The ordinance enacted by a city or county pursuant to subsection (2) of this section shall authorize the sale of alcoholic beverages under the following limitations:
 - (a) Sales shall only be conducted in restaurants and other dining facilities meeting the requirements of KRS 241.010(37)(a)~~[(36)(a)]~~; and
 - (b) The provisions of KRS 243.034 shall apply to any restaurant or dining facility operating under a license issued pursuant to this section.
- (4) A city or county acting under this section may allow limited restaurant sales as defined in KRS 241.010(37)~~[(36)]~~.
- (5) The enactment of an ordinance under this section shall not:
 - (a) Modify the city's or county's ability to issue a limited restaurant license to restaurants or other dining facilities meeting the requirements of KRS 241.010(37)(b)~~[(36)(b)]~~; or
 - (b) Affect, alter, or otherwise impair any license previously issued to a restaurant or dining facility meeting the requirements of KRS 241.010(37)(b)~~[(36)(b)]~~.

➔Section 16. Whereas distilled spirits represent a signature industry of the Commonwealth, and this industry is essential for job creation and other economic benefits to the state, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor March 29, 2022.

CHAPTER 40

(SB 9)

AN ACT relating to early literacy education, making an appropriation therefor, and declaring an emergency.

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

➔Section 1. KRS 158.791 is amended to read as follows:

- (1) The General Assembly hereby finds that reading proficiency is a gateway skill necessary for all of Kentucky students to achieve the academic goals established in KRS 158.6451. It is Kentucky's goal that all children learn to read well before exiting ~~the~~ **grade three (3)**~~primary program~~ and that all middle and high school students have the skills necessary to read complex materials in specific core subjects and comprehend and constructively apply the information.
- (2) It is the intent of the General Assembly that:
 - (a) Every elementary school:

1. Provide~~[-a]~~ comprehensive schoolwide reading *instruction aligned to reading and writing standards required by KRS 158.6453 and outlined in administrative regulation promulgated by the Kentucky Board of Education*~~[-program]~~;
 2. Provide *a multitiered system of supports, as set forth in and required by Section 2 of this Act, to support and engage all students in learning*~~[-diagnostic reading assessments and intervention services for those students who need them to learn]~~ to read at the proficient level, *meaning a level that reflects developmentally appropriate grade-level performance, by the end of grade three (3)*;
 3. Ensure quality instruction by highly trained teachers *and intervention by individuals most qualified to provide the intervention*; and
 4. Provide high quality library media programs;
- (b) Every middle and high school:
1. Provide direct, explicit instruction to students lacking skills in how to read, learn, and analyze information in key subjects, including language, reading, English, mathematics, science, social studies, arts and humanities, practical living skills, and career studies; and
 2. Ensure that teachers have the skills to help all students develop critical strategies and skills for subject-based reading;
- (c) The Kentucky Department of Education provide technical assistance to local school districts in the identification of professional development activities, including teaching strategies to help teachers in each subject area to:
1. *Implement evidence-based reading, intervention, and instructional strategies that emphasize phonemic awareness, phonics, fluency, vocabulary, comprehension, and connections between reading and writing acquisition, and motivation to read to address the diverse needs of students*;
 2. Identify and teach the skills that students need to comprehend the concepts and content of each subject area; and
 - 3.~~[-2]~~ Use activities and materials that will help the students comprehend and constructively apply information based on the unique content of each subject area;~~[-and]~~
- (d) The Education Professional Standards Board review and revise when deemed necessary the teacher certification and licensure requirements to ensure that all teachers, regardless of the subject area taught, are prepared to improve students' subject reading skills; *and*
- (e) *The department shall collaborate with the Department for Libraries and Archives, the Governor's Office of Early Childhood, and Kentucky Educational Television to establish and maintain a partnership to support the use of high quality, evidence-based year-round programming, materials, and activities for elementary-aged children in the areas of reading.*

➔Section 2. KRS 158.305 is amended to read as follows:

(1) As used in this section:

- (a) "Aphasia" means a condition characterized by either partial or total loss of the ability to communicate verbally or through written words. A person with aphasia may have difficulty speaking, reading, writing, recognizing the names of objects, or understanding what other people have said. The condition may be temporary or permanent and does not include speech problems caused by loss of muscle control;
- (b) "Dyscalculia" means the inability to understand the meaning of numbers, the basic operations of addition and subtraction, the complex operations of multiplication and division, or to apply math principles to solve practical or abstract problems;
- (c) "Dysgraphia" means difficulty in automatically remembering and mastering the sequence of muscle motor movements needed to accurately write letters or numbers;
- (d) "Dyslexia" has the same meaning as in KRS 158.307;

- (e) *"Enrichment program" means accelerated intervention within the school day or outside of the school day or school calendar led by individuals most qualified to provide the intervention that includes evidence-based reading instructional programming related to reading instruction in the areas of phonemic awareness, phonics, fluency, vocabulary, and comprehension, and other instructional strategies aligned to reading and writing standards required by KRS 158.6453 and outlined in administrative regulation promulgated by the Kentucky Board of Education;*
- (f) *"Evidence-based" has the same meaning as in 20 U.S.C. sec. 7801(21);*
- (g)~~(e)~~ *"Phonemic awareness" has the same meaning as in KRS 158.307;~~and~~*
- (h) *"Reading diagnostic assessment" has the same meaning as in Section 5 of this Act;*
- (i) *"Reading improvement plan" means an accelerated intervention plan for a student in kindergarten through grade four (4) that is developed to increase a student's rate of progress toward proficient performance in reading that is identified as necessary based on the student's results on an approved reading diagnostic assessment. This plan should be developed in collaboration and accordance with any existing program services plan, individualized education program, or Section 504 Plan unless the program services plan, individualized education program, or Section 504 Plan already addresses improving reading;*
- (j) *"Reading improvement team" means a team that develops and oversees the progress of a reading improvement plan and includes:*
1. *The parent or guardian of the student that is the subject of the reading improvement plan;*
 2. *No less than one (1) regular education teacher of the student to provide information about the general curriculum for same-aged peers;*
 3. *A representative of the local education agency who is knowledgeable about the reading curriculum and the availability of the evidence-based literacy resources of the local education agency; and*
 4. *Any specialized certified school employees for students receiving language instruction educational programming or special education services; and*
- (k) *"Universal screener" means a process of providing a brief assessment to all students within a grade level to assess the students' performance on the essential components of reading;*
- ~~(f) "Evidence-based" has the same meaning as in 20 U.S.C. sec. 7801(21).~~
- (2) Notwithstanding any other statute or administrative regulation to the contrary, the Kentucky Board of Education shall promulgate administrative regulations *to further define a multitiered system of supports* for district-wide use of a ~~response to intervention~~ system for students in kindergarten through grade three (3), that includes a tiered continuum of interventions with varying levels of intensity and duration and which connects general, compensatory, and special education programs to provide interventions implemented with fidelity to evidence-based research and matched to individual student strengths and needs. At a minimum, evidence of implementation shall be submitted by the district to the department *by October 1 of each year and shall include but not be limited to the activities required under KRS 158.649~~for~~*
- ~~(a) Reading and writing by August 1, 2013;~~
- ~~(b) Mathematics by August 1, 2014; and~~
- ~~(c) Behavior by August 1, 2015.~~
- (3) The Department of Education shall provide technical assistance and training, if requested by a local district, to assist in the implementation of the district-wide, *multitiered system of supports*~~response to intervention system~~ as a means to identify and assist any student experiencing difficulty in reading, writing, mathematics, or behavior and to determine appropriate instructional modifications needed by advanced learners to make continuous progress.
- (4) The technical assistance and training shall be designed to improve:
- (a) The use of specific screening processes and programs to identify student strengths and needs;
 - (b) The use of screening data for designing instructional interventions;

- (c) The use of multisensory instructional strategies and other interventions validated for effectiveness by evidence-based research;
 - (d) Progress monitoring of student performance; and
 - (e) Accelerated, intensive, direct instruction that addresses students' individual differences, including advanced learners, and enables students that are experiencing difficulty to catch up with typically performing peers.
- (5) (a) ***By January 1, 2023, each superintendent or public charter school board of directors shall select:***
- 1. ***At least one (1) universal screener for reading that is determined by the department to be reliable and valid to be administered to all students in kindergarten through grade three (3); and***
 - 2. ***At least one (1) reading diagnostic assessment for reading that is determined by the department to be reliable and valid to be administered as part of a multitiered system of supports for students in kindergarten through grade three (3).***
- (b) ***Notwithstanding KRS 158.6453(19) and 160.345, each superintendent or public charter school board may adopt a common comprehensive reading program that is determined by the department to be reliable, valid, and aligned to reading and writing standards required by KRS 158.6453 and outlined in administrative regulation promulgated by the Kentucky Board of Education for kindergarten through grade three (3) for all schools or a subset of schools, with consultation of all affected elementary school councils.***
- (c) ***All teachers of students in kindergarten through grade three (3), including public charter school teachers, shall be trained on any reading diagnostic assessment and universal screener selected by the superintendent or public charter school board prior to administration of the assessment. The training shall address:***
- 1. ***How to properly administer the reading diagnostic assessment;***
 - 2. ***How to interpret the results of the reading diagnostic assessment to identify students needing interventions;***
 - 3. ***How to use the assessment results to design instruction and interventions;***
 - 4. ***The use of the assessment to monitor the progress of student performance; and***
 - 5. ***The use of accelerated, intensive, and direct instruction that addresses students' individual differences and enables students to achieve proficiency in reading, including but not limited to daily, one-on-one instruction.***
- (6) ***Beginning with the 2023-2024 school year, a universal screener determined by the Department of Education to be reliable and valid shall be:***
- (a) ***Given in the first forty-five (45) days of the school year for all kindergarten students at a public school or public charter school; and***
 - (b) ***Given in the first thirty (30) days of the school year for grades one (1) through three (3) at a public school or public charter school.***
- (7) ***A reading improvement plan shall be developed and implemented by a reading improvement team for any student in kindergarten through grade three (3) identified as needing accelerated interventions to progress toward proficient performance in reading. The reading improvement plan shall require:***
- (a) ***Intensive intervention that includes effective instructional strategies and appropriate instructional materials necessary to help the student make accelerated progress toward proficient performance in reading and become ready for the next grade, including but not limited to daily, one-on-one instruction with students the most in need provided by certified teachers specifically trained to provide one-on-one instruction;***
 - (b) ***A school to provide a written quarterly progress report containing the information required by paragraph (a) of this subsection to a parent or guardian of any student subject to a reading improvement plan. The written quarterly progress report for the reading improvement plan may be included in the school's existing quarterly progress report; and***

- (c) *Individual placement decisions for children who are eligible for special education and related services to be determined by the appropriate admissions and release committee in accordance with administrative regulations promulgated by the Kentucky Board of Education.*
- (8) *Beginning in the 2023-2024 school year, if a student's rate of progress toward proficient performance in reading needs accelerated interventions as demonstrated by the results of an approved reading diagnostic assessment, the local school district shall provide:*
- (a) *Enrichment programs through grade three (3) using evidence-based reading instruction and other strategies;*
- (b) *Intensive instructional services, progress monitoring measures, and supports to students through grade three (3); and*
- (c) *Parents and legal guardians of students identified for accelerated interventions in reading in kindergarten through grade three (3) with a "Read at Home" plan, including information on how to participate in regular parent-guided home reading.*
- (9) *Beginning in the 2024-2025 school year, if a student does not score in the proficient performance level or higher in reading, as defined in subsection (2) of Section 1 of this Act, on the state annually required grade three (3) assessment, the local school district shall provide:*
- (a) 1. *Enrichment programs in grade four (4) using evidence-based reading instruction and other strategies; or*
2. *Intensive instructional services, progress monitoring measures, and supports to students in grade four (4); and*
- (b) *Written notification of the interventions and supports described in paragraph (a) of this subsection to the parent or legal guardian of the student, including a description of proposed interventions and supports to be provided.*
- (10) *By September 1, 2023, if funds are appropriated, the department shall establish required teacher academies or coaching models for teachers of students in pre-kindergarten through grade three (3). The teacher academies or coaching models shall be related to evidence-based practices in instruction, instructional materials, and assessment in reading.*
- (11)~~(5)~~ The department shall develop and maintain a Web-based resource providing teachers access to:
- (a) Information on the use of specific screening processes and programs to identify student strengths and needs, including those for advanced learners;
- (b) Current, evidence-based research and age-appropriate instructional tools that may be used for substantial, steady improvement in:
1. Reading when a student is experiencing difficulty with phonemic awareness, phonics, vocabulary, fluency, general reading comprehension, or reading in specific content areas, or is exhibiting characteristics of dyslexia, aphasia, or other reading difficulties;
2. Writing when a student is experiencing difficulty with consistently producing letters or numbers with accuracy or is exhibiting characteristics of dysgraphia;
3. Mathematics when a student is experiencing difficulty with basic math facts, calculations, or application through problem solving, or is exhibiting characteristics of dyscalculia or other mathematical difficulties; or
4. Behavior when a student is exhibiting behaviors that interfere with his or her learning or the learning of other students; and
- (c) Current, evidence-based research and age-appropriate instructional tools that may be used for continuous progress of advanced learners.
- (12)~~(6)~~ The department shall encourage districts to utilize both state and federal funds as appropriate to implement a district-wide *multitiered system of supports*~~[system of interventions]~~.
- (13)~~(7)~~ The department is encouraged to coordinate technical assistance and training on current best practice interventions with state postsecondary education institutions.

~~(14)(8)~~ The department shall collaborate with the Kentucky Collaborative Center for Literacy Development, the Kentucky Center for Mathematics, the Kentucky Center for Instructional Discipline, the Education Professional Standards Board, the Council on Postsecondary Education, postsecondary teacher education programs, and other agencies and organizations as deemed appropriate to ensure that teachers are prepared to utilize evidence-based interventions in reading, writing, mathematics, and behavior.

~~(15)(9)~~ In compliance with 20 U.S.C. sec. 1414(a)(1)(E), screening of a student to determine appropriate instructional strategies for curriculum implementation shall not be considered to be an evaluation for eligibility for special education and related services and nothing in this section shall limit a school district from completing an initial evaluation of a student suspected of having a disability.

~~(10)~~ By November 30, 2013, and annually thereafter, the department shall provide a report to the Interim Joint Committee on Education that includes survey data on the types of evidence based research interventions being implemented by districts in reading, writing, mathematics, and behavior in kindergarten through grade three ~~(3)~~.

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

- (1) *Beginning in the 2022-2023 school year, postsecondary institutions offering teacher preparation programs for interdisciplinary early childhood education or elementary regular education shall include evidence-based reading instructional programming related to reading instruction in the areas of phonemic awareness, phonics, fluency, vocabulary, and comprehension and on:*
 - (a) *The administration of specific assessment processes and programs used to identify student strengths and needs and that are determined by the Department of Education to be reliable and valid;*
 - (b) *The use of assessment data for designing instruction and interventions;*
 - (c) *Progress monitoring of student performance; and*
 - (d) *Instructional strategies that address students' individual differences.*
- (2) *By January 1, 2024, the Education Professional Standards Board shall develop and maintain a list of approved teacher preparation tests that are determined by the board to be an effective evaluation of reading instruction knowledge and skills.*
- (3) *Beginning in the 2024-2025 school year, all new teachers seeking certification in interdisciplinary early childhood education or elementary education shall successfully pass an approved teacher preparation test that includes an evaluation of reading instruction knowledge and skills.*
- (4) *The Education Professional Standards Board shall report program data to an external evaluator for analysis of postsecondary teacher preparation programs for interdisciplinary early childhood education or elementary regular education for the goal of increasing the success of new teacher candidates in demonstrating reading instruction knowledge and skills.*

➔Section 4. KRS 158.840 is amended to read as follows:

- (1) The General Assembly hereby finds that reading and mathematics proficiency are gateway skills necessary for all Kentucky students to achieve the academic goals established in KRS 158.6451. It is the General Assembly's intent that:
 - (a) All students in **kindergarten through grade three (3)**~~(the primary program)~~ having difficulty in reading and mathematics receive early diagnosis and intervention services from highly trained teachers;
 - (b) All students demonstrate proficiency in reading and mathematics as they progress through the relevant curricula and complete each assessment level required by the Kentucky Board of Education for the state assessment program established under KRS 158.6453 and in compliance with the requirements of the federal Every Student Succeeds Act of 2015, Pub. L. No. 114-95, or its successor; and
 - (c) Students who are struggling in reading and mathematics or are not at the proficient level on statewide assessments be provided **evidence**~~research~~-based and developmentally appropriate diagnostic and intervention services, and instructional modifications necessary to learn.

The General Assembly, the Kentucky Board of Education, the Kentucky Department of Education, the Council on Postsecondary Education, colleges and universities, local boards of education, school administrators, school councils, teachers, parents, and other educational entities, such as the Education Professional Standards Board, P-16 councils, the Collaborative Center for Literacy Development, and the

Center for Middle School Achievement must collaborate if the intentions specified in this subsection are to be met. Intensive focus on student achievement in reading and mathematics does not negate the responsibility of any entity to help students obtain proficiency in other core curriculum content areas.

- (2) The General Assembly's role is to set policies that address the achievement levels of all students and provide resources for the professional growth of teachers and administrators, assessing students' academic achievement, including diagnostic assessment and instructional interventions, technology innovations, targeted reading and mathematics statewide initiatives, research and the distribution of research findings, services for students beyond the regular school day, and other services needed to help struggling learners.
- (3) The Kentucky Board of Education shall regularly review and modify, when appropriate, its statewide assessment policies and practices to enable local school districts and schools to carry out the provisions of the statewide assessment and accountability system, required under KRS 158.6453 to improve student achievement in mathematics and reading.
- (4) The Kentucky Department of Education shall:
 - (a) Provide assistance to schools and teachers, including publicizing professional development opportunities, methods of measuring effective professional development, the availability of high quality instructional materials, and developmentally appropriate screening and diagnostic assessments of student competency in mathematics and reading. The department shall provide access to samples of units of study, annotated student work, diagnostic instruments, and research findings, and give guidance on parental engagement;
 - (b) Work with state and national educators and subject-matter experts to identify student reading skills in each subject area that align with the state content standards adopted under KRS 158.6453 and identify teaching strategies in each subject area that can be used explicitly to develop the identified reading skills under this paragraph;
 - (c) Encourage the development of comprehensive middle and high school adolescent reading plans to be incorporated into the curricula of each subject area to improve the reading comprehension of all students;
 - (d) Conduct an annual review of the state grant programs it manages and make recommendations, when needed, to the Interim Joint Committee on Education for changes to statutory requirements that are necessary to gain a greater return on investment;
 - (e) Provide administrative support and oversight to programs to train classroom coaches and mentors to help teachers with reading and mathematics instruction; and
 - (f) Require no reporting of instructional plans, formative assessment results, staff effectiveness processes, or interventions implemented in the classroom, except for:
 1. Interventions implemented under KRS 158.305(2);
 2. Funds provided under KRS 158.792 or 158.844; or
 3. Schools that are identified for comprehensive support and improvement and fail to exit comprehensive support and improvement status after three (3) consecutive years of implementing the turnaround intervention process as described in KRS 160.346.
- (5) The Council on Postsecondary Education, in cooperation with the Education Professional Standards Board, shall exercise its duties and functions under KRS 164.020 to ensure that teacher education programs are fulfilling the needs of Kentucky for highly skilled teachers. The council shall:
 - (a) Coordinate the federal and state grant programs it administers with other statewide initiatives relating to improving student achievement in reading and mathematics to avoid duplication of effort and to make efficient use of resources;{+}
 - (b) *Submit a report to the Interim Joint Committee on Education no later than November 1 of each year summarizing the compliance of each teacher preparation program for interdisciplinary early childhood education or elementary regular education to the instructional requirements set forth in subsection (1) of Section 3 of this Act; and*
 - (c) *Regularly report program data to an external evaluator for an analysis of the progress of teacher preparation programs for interdisciplinary early childhood education and elementary regular*

education to increase the success of new teacher candidates in demonstrating reading instruction knowledge and skills.

- (6) The Education Professional Standards Board shall exercise its duties and responsibilities under KRS 161.030 and 161.048 to ensure highly qualified teachers.
- (7) Colleges and universities shall:
 - (a) Utilize institution-wide resources to work with elementary and secondary educators and other entities to align curriculum content to ensure that students who achieve proficiency on standards established at the prekindergarten through secondary levels will require no remediation to successfully enter a postsecondary education program;
 - (b) Provide quality undergraduate teacher preparation programs to ensure that those preparing to teach reading or mathematics at all grade levels have the necessary content knowledge, assessment and diagnostic skills, and teaching methodologies and that teachers in all subject areas have the requisite skills for helping students at all grade levels develop critical strategies and skills for reading and comprehending subject matter;
 - (c) Deliver appropriate continuing education for teachers in reading and mathematics through institutes, graduate level courses, and other professional development activities that support a statewide agenda for improving student achievement in reading and mathematics;
 - (d) Conduct or assist with research on best practices in assessment, intervention strategies, teaching methodologies, costs and effectiveness of instructional models, and other factors as appropriate to reading and mathematics;
 - (e) Provide staff to consult and provide technical assistance to teachers, staff, and administrators at elementary, middle, and secondary school sites;
 - (f) Assume active roles in the statewide initiatives referenced in KRS 156.553 and 158.842; and
 - (g) Develop written procedures for measuring the effectiveness of activities outlined in paragraphs (a) to (e) of this subsection.
- (8) School councils at all school levels are encouraged to identify and allocate resources to qualified teachers to become coaches or mentors in mathematics or coaches or mentors in reading with a focus on improving student achievement in their respective schools.
- (9) Local school boards and superintendents shall provide local resources, whenever possible, to supplement or match state and federal resources to support teachers, school administrators, and school councils in helping students achieve proficiency in reading and mathematics.
- (10) Local school superintendents shall provide leadership and resources to the principals of all schools to facilitate curriculum alignment, communications, and technical support among schools to ensure that students are academically prepared to move to the next level of schooling.

➔Section 5. KRS 158.792 is amended to read as follows:

- (1) As used in this section and KRS 164.0207, unless the context requires otherwise:
 - (a) "Comprehensive reading program" means ***any print, nonprint, or electronic medium of reading instruction designed to assist students. For students in kindergarten through grade three (3),*** ~~a~~ program ***instructional resources shall include instruction in five (5) key areas*** ~~that emphasizes the essential components of reading~~: phonemic awareness, phonics, fluency, vocabulary, ***and*** comprehension; ~~and connections between writing and reading acquisition and motivation to read.~~
 - (b) "Reading diagnostic assessment" ***means an assessment that measures a student's skills against established performance levels in essential components of reading and identifies students that require intervention in at least one (1) of those components to accelerate the student's progress toward proficient performance in reading;*** ~~means an assessment that identifies a struggling reader and measures the reader's skills against established performance levels in the essential components of reading. The purpose is to screen for areas that require intervention in order for the student to learn to read proficiently.~~
 - (c) "Reading intervention program" means short-term intensive instruction in the essential skills necessary to read proficiently that is provided to a student by a highly trained teacher. This instruction may be

conducted one-on-one or in small groups; shall be **evidence**~~[research]~~-based, reliable, and replicable; and shall be based on the ongoing assessment of individual student needs; ~~and~~~~[]~~

- (d) "Reliable, replicable **evidence**~~[research]~~" means objective, valid, scientific studies that:
1. Include rigorously defined samples of subjects that are sufficiently large and representative to support the general conclusions drawn;
 2. Rely on measurements that meet established standards of reliability and validity;
 3. Test competing theories, where multiple theories exist;
 4. Are subjected to peer review before their results are published; and
 5. Discover effective strategies for improving reading skills.
- (2) The reading diagnostic and intervention fund is created to help teachers and library media specialists improve the reading skills of struggling readers in **kindergarten through grade three (3) and to assist schools in employing reading interventionists who specialize in providing those services**~~[the primary program]~~. The Department of Education, upon the recommendation of the Reading Diagnostic and Intervention Grant Steering Committee, shall provide renewable, two (2) year grants to schools to support teachers **and reading interventionists** in the implementation of reliable, replicable **evidence**~~[research]~~-based reading intervention programs that use a balance of diagnostic tools and instructional strategies that emphasize phonemic awareness, phonics, fluency, vocabulary, comprehension, and connections between writing and reading acquisition and motivation to read to address the diverse learning needs of those students reading at low levels. Any moneys in the fund at the close of the fiscal year shall not lapse but shall be carried forward to be used for the purposes specified in this section.
- (3) (a) The Kentucky Board of Education shall promulgate administrative regulations, based on recommendations from the **Department of Education that shall include but not be limited to a school selection process with a focus on those with the most need, professional learning supports in literacy, and early reading instruction**~~[secretary of the Education and Workforce Development Cabinet, the Reading Diagnostic and Intervention Grant Steering Committee established in KRS 158.794, and the Collaborative Center for Literacy Development established in KRS 164.0207]~~ to:
1. Identify eligible grant applicants, taking into consideration how the grant program described in this section will relate to other grant programs;
 2. Specify the criteria for acceptable **reading and literacy** diagnostic assessments and intervention programs;
 3. Specify the criteria for acceptable ongoing assessment of each child to determine his or her reading progress;
 4. Establish the minimum evaluation process for an annual review of each grant recipient's program and progress;
 5. Identify the annual data that must be provided from grant recipients;
 6. Define the application review and approval process;
 7. Establish matching requirements deemed necessary;
 8. Define the professional development and continuing education requirements for teachers, library media specialists, administrators, and staff of grant recipients;
 9. Establish the conditions for renewal of a two (2) year grant; and
 10. Specify other conditions necessary to implement the purposes of this section.
- (b) The board shall require that a grant applicant provide assurances that the following principles will be met if the applicant's request for funding is approved:
1. **An evidence**~~[A research]~~-based comprehensive schoolwide reading program will be available;
 2. Intervention services will supplement, not replace, regular classroom instruction;
 3. Intervention services will be provided to struggling **kindergarten through grade three (3)**~~[primary program]~~ readers within the school based upon ongoing assessment of their needs; and

4. A system for informing parents of struggling readers of the available family literacy services within the district will be established.
- (c) ***The board shall not restrict how a grant applicant utilizes grant funds as it relates to the applicant's use of funds for professional development, resources, tools, employment of reading interventionists, and other expenses authorized by this section. The grant applicant shall have discretion in allocating grant funds for purposes authorized by this section; however, the board may consider the effectiveness of those uses in reviewing the application.***
- (4) In order to qualify for funding, the school council, or if none exists, the principal or the superintendent of schools, shall allocate matching funds required by grant recipients under subsection (3) of this section. Funding for professional development allocated to the school council under KRS 160.345 and for continuing education under KRS 158.070 may be used as part of the school's match.
- (5) The Department of Education shall make available to schools:
- (a) Information concerning successful, ***evidence***~~[research]~~-based comprehensive reading programs, diagnostic tools for pre- and post-assessment, and intervention programs, from the Collaborative Center for Literacy Development created under KRS 164.0207;
- (b) Strategies for successfully implementing early reading programs, including professional development support and the identification of funding sources; and
- (c) A list of professional development providers offering teacher training related to reading that emphasizes the essential components for successful reading: phonemic awareness, phonics, fluency, vocabulary, comprehension, and connections between writing and reading acquisition and motivation to read.
- (6) The Department of Education shall submit a report to the Interim Joint Committee on Education no later than ***November***~~[September]~~ 1 of each year outlining the use of grant funds.~~[The report shall also include comparisons of the overall costs and effectiveness of intervention programs.]~~ The annual report for an odd-numbered year shall include an estimate of the cost to expand the reading diagnostic and intervention ***fund***~~[grant program]~~.
- (7) ***The Department of Education shall report program data to an external evaluator for analysis of the program's success in meeting the goal of increasing early literacy student outcomes.***
- ➔Section 6. KRS 158.794 is amended to read as follows:
- (1) The Reading Diagnostic and Intervention Grant Steering Committee is hereby created for the purpose of advising the Kentucky Board of Education and the Department of Education concerning the implementation and administration of ***universal screeners, reading diagnostic assessments, and a statewide professional development program for early literacy***~~[the reading diagnostic and intervention fund created in KRS 158.792]~~. The committee shall be composed of ***fourteen (14)***~~[sixteen (16)]~~ members, including the commissioner of education or the commissioner's designee~~[, the executive director of the Collaborative Center for Literacy Development, the president of the Council on Postsecondary Education or the president's designee]~~, and the following members, to be appointed by the Governor:
- (a) Four (4) ***elementary school***~~[primary program]~~ teachers with a specialty or background in reading and literacy ***or reading intervention***;
- (b) ***One (1) elementary school parent***~~[Four (4) university or college professors with a specialty or background in reading and literacy representing universities]~~;
- (c) One (1) elementary school principal;
- (d) One (1) ***elementary special education teacher***~~[certified library media specialist]~~; ~~[and]~~
- (e) ***One (1) postsecondary educator who trains and prepares elementary reading teachers***~~[Three (3) individuals from the state at large with an interest in reading and literacy.]~~;
- (f) ***One (1) speech-language pathologist***;
- (g) ***One (1) elementary librarian or certified media specialist***;
- (h) ***One (1) elementary reading intervention teacher***;
- (i) ***One (1) teacher with experience assisting children who are deaf or hearing-impaired; and***
- (j) ***One (1) private sector member with reading intervention experience.***

- (2) Each member of the committee, other than *the commissioner of education or the commissioner's designee*~~[members who serve by virtue of their position]~~, shall serve for a term of three (3) years or until a successor is appointed, except that upon initial appointment, five (5) members shall serve a one (1) year term, four (4) members shall serve a two (2) year term, and four (4) members shall serve a three (3) year term.
- (3) A majority of the full authorized membership shall constitute a quorum.
- (4) The committee shall elect, by majority vote, a chair, who shall be the presiding officer of the committee, preside at all meetings, and coordinate the functions and activities of the committee. The chair shall be elected or reelected each calendar year.
- (5) The committee shall be attached to the Department of Education for administrative purposes.
- (6) The committee shall:
 - (a) Identify needs, trends, and issues in schools throughout the state regarding reading and literacy programs;
 - (b) Make recommendations regarding the content of administrative regulations to be promulgated by the Kentucky Board of Education under KRS 158.792;
 - (c) ~~[Recommend approval of grant applications based upon the provisions of KRS 158.792 and administrative regulations promulgated by the Kentucky Board of Education as required under KRS 158.792; and~~
 - ~~(d) Advise the Kentucky Board of Education and the Department of Education regarding costs and effectiveness of various reading intervention programs; and~~
 - (d) *Advise the Department of Education on:*
 - 1. *Suggested universal screeners for reading to be administered to students in kindergarten through grade three (3) as required by Section 1 of this Act;*
 - 2. *Suggested criteria for reading diagnostic assessments to be administered to students in kindergarten through grade three (3) as required by Section 1 of this Act; and*
 - 3. *The development, implementation, and outcomes of a statewide professional development program to include early literacy skills instruction and student engagement.*

➔Section 7. KRS 164.0207 is amended to read as follows:

- (1) The Collaborative Center for Literacy Development: Early Childhood through Adulthood is created to make available professional development for educators in reliable, replicable *evidence*~~[research]~~-based reading programs, and to promote literacy development, including cooperating with other entities that provide family literacy services. The center shall be responsible for:
 - (a) Developing and implementing a clearinghouse for information about programs addressing reading and literacy from early childhood and the elementary grades (P-5) through adult education;
 - (b) Providing advice to the Kentucky Board of Education regarding *evidence-based comprehensive reading instruction*~~[the Reading Diagnostic and Intervention Grant Program established in KRS 158.792]~~ and in other matters relating to reading;
 - (c) Collaborating with public and private institutions of postsecondary education and adult education providers to provide for teachers and administrators quality preservice and professional development relating to reading diagnostic assessments and intervention and to the essential components of successful reading: phonemic awareness, phonics, fluency, vocabulary, comprehension, and the connections between writing and reading acquisition and motivation to read;
 - (d) Collaborating with the Kentucky Department of Education to assist districts with students functioning at low levels of reading skills to assess and address identified literacy needs;
 - (e) Providing professional development and coaching for early childhood educators and classroom teachers, including adult education teachers, implementing selected reliable, replicable *evidence*~~[research]~~-based reading programs. The professional development shall utilize technology when appropriate;

- (f) Developing and implementing a comprehensive research agenda evaluating ~~the~~ **comprehensive reading programs and reading intervention programs** ~~early reading models~~ implemented in accordance with ~~Kentucky under~~ KRS 158.792;
 - (g) Maintaining a demonstration and training site for early literacy located at each of the public universities;
 - (h) Assisting middle and high schools in the development of comprehensive adolescent reading plans and maintaining a repository of instructional materials or summary materials that identify comprehension best practices in the teaching of each subject area and a list of classroom-based diagnostic reading comprehension assessments that measure student progress in developing students' reading comprehension skills; and
 - (i) Evaluating the reading and literacy components of the model adult education programs funded under the adult education and literacy initiative fund created under KRS 151B.409.
- (2) The center shall review national research and disseminate appropriate research abstracts, when appropriate, as well as conduct ongoing research of reading programs throughout the state. Research activities undertaken by the center shall consist of descriptive as well as empirical studies.
- (a) The center may contract for research studies to be conducted on its behalf.
 - (b) The research agenda should, at a minimum, consider the impact of various reading and intervention programs:
 1. In eliminating academic achievement gaps ~~among~~ ~~for~~ students **with differing characteristics**, including subpopulations of students with disabilities, students with low socioeconomic status, students from racial minority groups, students with limited English proficiency, and students of different gender;
 2. In schools with differing characteristics, such as urban versus rural schools, poverty versus nonpoverty schools, schools with strong library media center programs versus schools with weak library media center programs, and schools in different geographic regions of the state;
 3. In terms of their costs and effectiveness; and
 4. In maintaining positive student progress over a sustained period of time.
- (3) The center shall submit an annual report of its activities to the Kentucky Department of Education, the Governor, and the Legislative Research Commission no later than September 1 of each year.
- (4) With advice from the Department of Education, the Council on Postsecondary Education shall develop a process to solicit, review, and approve a proposal for locating the Collaborative Center for Literacy Development at a public institution of postsecondary education. The Council on Postsecondary Education shall approve the location. The center, in conjunction with the council, shall establish goals and performance objectives related to the functions described in this section.

➔SECTION 8. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

- (1) ***The read to succeed fund is hereby created to train and support teachers and library media specialists to improve the reading skills of students in kindergarten through grade three (3) as set forth in subsection (2) of this section and in subsection (5) of Section 2 of this Act. The fund shall consist of all moneys received from state appropriations, gifts, grants, and federal funds for this purpose. The Department of Education shall administer the fund.***
- (2) ***The Department of Education shall implement teacher professional learning academies related to evidence-based practices in instruction, instructional materials, and assessment in reading using moneys appropriated or otherwise received by the read to succeed fund.***
- (3) ***The department shall create a literacy coaching program using moneys appropriated or otherwise received by the read to succeed fund. The program shall:***
 1. ***Use data coaches to improve reading and literacy;***
 2. ***Determine the effectiveness of intensive data-focused professional development; and***
 3. ***Provide expert support in literacy and early reading instruction and intervention.***

- (4) *Notwithstanding the provisions of KRS 45.229, unexpended funds in the read to succeed fund in the 2022-2023 fiscal year or in any subsequent fiscal year shall not lapse but shall carry forward to the next fiscal year and shall be used for the purposes established in subsections (1) and (2) of this section.*
- (5) *Any interest earned on moneys in the read to succeed fund shall become part of the fund and shall not lapse.*

➔Section 9. Notwithstanding any regulation or rule adopted by the Kentucky Department of Education, any grant application submitted previously to the department in accordance with during the 2021-2022 school year under KRS 158.792 shall be subject to Section 5 of this Act.

➔Section 10. This Act shall be known and may be cited as the Read to Succeed Act.

➔Section 11. Whereas early literacy is a priority of the General Assembly and reading diagnostic and intervention grants are critical to helping Kentucky students achieve literacy and the grant approval process has already begun for the next two years, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor March 29, 2022.

CHAPTER 41

(SB 151)

AN ACT relating to school breakfasts.

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

➔Section 1. KRS 158.070 is amended to read as follows:

- (1) As used in this section:
- (a) "Election" has the same meaning as in KRS 121.015;
 - (b) "Minimum school term" or "school term" means not less than one hundred eighty-five (185) days composed of the student attendance days, teacher professional days, and holidays;
 - (c) "School calendar" means the document adopted by a local board of education that establishes the minimum school term, student instructional year or variable student instructional year, and days that school will not be in session;
 - (d) "School district calendar committee" means a committee that includes at least the following:
 1. One (1) school district principal;
 2. One (1) school district office administrator other than the superintendent;
 3. One (1) member of the local board of education;
 4. Two (2) parents of students attending a school in the district;
 5. One (1) school district elementary school teacher;
 6. One (1) school district middle or high school teacher;
 7. Two (2) school district classified employees; and
 8. Two (2) community members from the local chamber of commerce, business community, or tourism commission;
 - (e) "Student attendance day" means any day that students are scheduled to be at school to receive instruction, and encompasses the designated start and dismissal time;
 - (f) "Student instructional year" means at least one thousand sixty-two (1,062) hours of instructional time for students delivered on not less than one hundred seventy (170) student attendance days;

- (g) "Teacher professional day" means any day teachers are required to report to work as determined by a local board of education, with or without the presence of students; and
 - (h) "Variable student instructional year" means at least one thousand sixty-two (1,062) hours of instructional time delivered on the number of student attendance days adopted by a local board of education which shall be considered proportionally equivalent to one hundred seventy (170) student attendance days and calendar days for the purposes of a student instructional year, employment contracts that are based on the school term, service credit under KRS 161.500, and funding under KRS 157.350.
- (2) (a) ~~{Beginning with the 2018-2019 school year, and each year thereafter,}~~ The local board of education, upon recommendation of the local school district superintendent, shall annually appoint a school district calendar committee to review, develop, and recommend school calendar options.
- (b) The school district calendar committee, after seeking feedback from school district employees, parents, and community members, shall recommend school calendar options to the local school district superintendent for presentation to the local board of education. The committee's recommendations shall comply with state laws and regulations and consider the economic impact of the school calendar on the community and the state.
- (c) Prior to adopting a school calendar, the local board of education shall hear for discussion the school district calendar committee's recommendations and the recommendation of the superintendent at a meeting of the local board of education.
- (d) During a subsequent meeting of the local board of education, the local board shall adopt a school calendar for the upcoming school year that establishes the opening and closing dates of the school term, beginning and ending dates of each school month, student attendance days, and days on which schools shall be dismissed. The local board may schedule days for breaks in the school calendar that shall not be counted as a part of the minimum school term.
- (e) For local board of education meetings described in paragraphs (c) and (d) of this subsection, if the meeting is a regular meeting, notice shall be given to media outlets that have requests on file to be notified of special meetings stating the date of the regular meeting and that one (1) of the items to be considered in the regular meeting will be the school calendar. The notice shall be sent at least twenty-four (24) hours before the regular meeting. This requirement shall not be deemed to make any requirements or limitations relating to special meetings applicable to the regular meeting.
- (f) ~~{Beginning with the 2018-2019 school year, and each year thereafter,}~~ A local school board of education that adopts a school calendar with the first student attendance day in the school term starting no earlier than the Monday closest to August 26 may use a variable student instructional year. Districts may set the length of individual student attendance days in a variable student instructional schedule, but no student attendance day shall contain more than seven (7) hours of instructional time unless the district submitted and received approval from the commissioner of education for an innovative alternative calendar.
- (3) (a) Each local board of education shall use four (4) days of the minimum school term for professional development and collegial planning activities for the professional staff without the presence of students pursuant to the requirements of KRS 156.095. At the discretion of the superintendent, one (1) day of professional development may be used for district-wide activities and for training that is mandated by federal or state law. The use of three (3) days shall be planned by each school council, except that the district is encouraged to provide technical assistance and leadership to school councils to maximize existing resources and to encourage shared planning.
- (b) At least one (1) hour of self-study review of seizure disorder materials shall be required for all principals, guidance counselors, and teachers hired after July 1, 2019.
- (c) 1. A local board may approve a school's flexible professional development plan that permits teachers or other certified personnel within a school to participate in professional development activities outside the days scheduled in the school calendar or the regularly scheduled hours in the school work day and receive credit towards the four (4) day professional development requirement within the minimum one hundred eighty-five (185) days that a teacher shall be employed.

2. A flexible schedule option shall be reflected in the school's professional development component within the school improvement plan and approved by the local board. Credit for approved professional development activities may be accumulated in periods of time other than full day segments.
 3. No teacher or administrator shall be permitted to count participation in a professional development activity under the flexible schedule option unless the activity is related to the teacher's classroom assignment and content area, or the administrator's job requirements, or is required by the school improvement plan, or is tied to the teacher's or the administrator's individual growth plan. The supervisor shall give prior approval and shall monitor compliance with the requirements of this paragraph. In the case of teachers, a professional development committee or the school council by council policy may be responsible for reviewing requests for approval.
- (d) The local board of each school district may use up to a maximum of four (4) days of the minimum school term for holidays; provided, however, any holiday which occurs on Saturday may be observed on the preceding Friday.
 - (e) Each local board may use two (2) days for planning activities without the presence of students.
 - (f) Each local board may close schools for the number of days deemed necessary for:
 1. National or state emergency or mourning when proclaimed by the President of the United States or the Governor of the Commonwealth of Kentucky;
 2. Local emergency which would endanger the health or safety of children; and
 3. Mourning when so designated by the local board of education and approved by the Kentucky Board of Education upon recommendation of the commissioner of education.
- (4) (a) The Kentucky Board of Education, upon recommendation of the commissioner of education, shall adopt administrative regulations governing the use of student attendance days as a result of a local emergency, as described in subsection (3)(f)2. of this section, and regulations setting forth the guidelines and procedures to be observed for the approval of waivers from the requirements of a student instructional year in subsection (1)(f) of this section for districts that wish to adopt innovative instructional calendars, or for circumstances that would create extreme hardship.
 - (b) If a local board of education amends its school calendar after its adoption due to an emergency, it may lengthen or shorten any remaining student attendance days by thirty (30) minutes or more, as it deems necessary, provided the amended calendar complies with the requirements of a student instructional year in subsection (1)(f) of this section or a variable student instructional year in subsection (1)(h) of this section. No student attendance day shall contain more than seven (7) hours of instructional time unless the district submitted and received approval from the commissioner of education for an innovative alternative calendar.
- (5) (a)
 1. In setting the school calendar, school may be closed for two (2) consecutive days for the purpose of permitting professional school employees to attend statewide professional meetings.
 2. These two (2) days for statewide professional meetings may be scheduled to begin with the first Thursday after Easter, or upon request of the statewide professional education association having the largest paid membership, the commissioner of education may designate alternate dates.
 3. If schools are scheduled to operate during days designated for the statewide professional meeting, the school district shall permit employees who are delegates to attend as compensated professional leave time and shall employ substitute teachers in their absence.
 4. The commissioner of education shall designate one (1) additional day during the school year when schools may be closed to permit professional school employees to participate in regional or district professional meetings.
 5. These three (3) days so designated for attendance at professional meetings may be counted as a part of the minimum school term.
 - (b)
 1. If any school in a district is used as a polling place, the school district shall be closed on the day of the election, and those days may be used for professional development activities, professional meetings, or parent-teacher conferences.

2. A district may be open on the day of an election if no school in the district is used as a polling place.
- (c) All schools shall be closed on the third Monday of January in observance of the birthday of Martin Luther King, Jr. Districts may:
 1. Designate the day as one (1) of the four (4) holidays permitted under subsection (3)(d) of this section; or
 2. Not include the day in the minimum school term specified in subsection (1) of this section.
- (6) (a) The Kentucky Board of Education, or the organization or agency designated by the board to manage interscholastic athletics, shall be encouraged to schedule athletic competitions outside the regularly scheduled student attendance day.
- (b) ~~Beginning with the 2009-2010 school year,~~ Any member of a school-sponsored interscholastic athletic team who competes in a regional tournament or state tournament sanctioned by the Kentucky Board of Education, or the organization or agency designated by the board to manage interscholastic athletics, and occurring on a regularly scheduled student attendance day may be counted present at school on the date or dates of the competition, as determined by local board policy, for a maximum of two (2) days per student per year. The student shall be expected to complete any assignments missed on the date or dates of the competition.
- (c) The school attendance record of any student for whom paragraph (b) of this subsection applies shall indicate that the student was in attendance on the date or dates of competition.
- (7) Students applying for excused absence for attendance at the Kentucky State Fair shall be granted one (1) day of excused absence.
- (8) Schools shall provide continuing education for those students who are determined to need additional time to achieve the outcomes defined in KRS 158.6451, and schools shall not be limited to the minimum school term in providing this education. Continuing education time may include extended days, extended weeks, or extended years. A local board of education may adopt a policy requiring its students to participate in continuing education. The local policy shall set out the conditions under which attendance will be required and any exceptions which are provided. The Kentucky Board of Education shall promulgate administrative regulations establishing criteria for the allotment of grants to local school districts and shall include criteria by which the commissioner of education may approve a district's request for a waiver to use an alternative service delivery option, including providing services during the student attendance day on a limited basis. These grants shall be allotted to school districts to provide instructional programs for pupils who are identified as needing additional time to achieve the outcomes defined in KRS 158.6451. A school district that has a school operating a model early reading program under KRS 158.792 may use a portion of its grant money as part of the matching funds to provide individualized or small group reading instruction to qualified students outside of the regular classroom during the student attendance day.
- (9) Notwithstanding any other statute, each school term shall include no less than the equivalent of the student instructional year in subsection (1)(f) of this section, or a variable student instructional year in subsection (1)(h) of this section, except that the commissioner of education may grant up to the equivalent of ten (10) student attendance days for school districts that have a nontraditional instruction plan approved by the commissioner of education on days when the school district is closed for health or safety reasons. The district's plan shall indicate how the nontraditional instruction process shall be a continuation of learning that is occurring on regular student attendance days. Instructional delivery methods, including the use of technology, shall be clearly delineated in the plan. Average daily attendance for purposes of Support Education Excellence in Kentucky program funding during the student attendance days granted shall be calculated in compliance with administrative regulations promulgated by the Kentucky Board of Education.
- (10) ~~By December 31, 2018,~~ The Kentucky Board of Education shall promulgate administrative regulations ~~to be effective beginning with the 2019-2020 school year~~ to prescribe the conditions and procedures for districts to be approved for the nontraditional instruction program. Administrative regulations promulgated by the board under this section shall specify:
 - (a) The application, plan review, approval, and amendment process;
 - (b) Reporting requirements for districts approved for the program, which may include but are not limited to examples of student work, lesson plans, teacher work logs, and student and teacher participation on

nontraditional instruction days. Documentation to support the use of nontraditional instruction days shall include clear evidence of learning continuation;

- (c) Timelines for initial approval as a nontraditional instruction district, length of approval, the renewal process, and ongoing evaluative procedures required of the district;
 - (d) Reporting and oversight responsibilities of the district and the Kentucky Department of Education, including the documentation required to show clear evidence of learning continuation during nontraditional instruction days; and
 - (e) Other components deemed necessary to implement this section.
- (11) Notwithstanding the provisions of KRS 158.060(3) and the provisions of subsection (2) of this section, a school district shall arrange bus schedules so that all buses arrive in sufficient time to provide breakfast prior to the beginning of the student attendance day. ~~[In the event of an unforeseen bus delay,]~~ **The *superintendent of a school district***~~[administrator of a school]~~ that participates in the Federal School Breakfast Program may **also** authorize up to fifteen (15) minutes of the student attendance day~~[if necessary]~~ to provide the opportunity for children to eat breakfast **during instructional time**~~[not to exceed eight (8) times during the school year within a school building]~~.
- (12) Notwithstanding any other statute to the contrary, the following provisions shall apply to a school district that misses student attendance days due to emergencies, including weather-related emergencies:
- (a) A certified school employee shall be considered to have fulfilled the minimum one hundred eighty-five (185) day contract with a school district under KRS 157.350 and shall be given credit for the purpose of calculating service credit for retirement under KRS 161.500 for certified school personnel if:
 - 1. State and local requirements under this section are met regarding the equivalent of the number and length of student attendance days, teacher professional days, professional development days, holidays, and days for planning activities without the presence of students; and
 - 2. The provisions of the district's school calendar to make up student attendance days missed due to any emergency, as approved by the Kentucky Department of Education when required, including but not limited to a provision for additional instructional time per day, are met.
 - (b) Additional time worked by a classified school employee shall be considered as equivalent time to be applied toward the employee's contract and calculation of service credit for classified employees under KRS 78.615 if:
 - 1. The employee works for a school district with a school calendar approved by the Kentucky Department of Education that contains a provision that additional instructional time per day shall be used to make up full days missed due to an emergency;
 - 2. The employee's contract requires a minimum six (6) hour work day; and
 - 3. The employee's job responsibilities and work day are extended when the instructional time is extended for the purposes of making up time.
 - (c) Classified employees who are regularly scheduled to work less than six (6) hours per day and who do not have additional work responsibilities as a result of lengthened student attendance days shall be excluded from the provisions of this subsection. These employees may be assigned additional work responsibilities to make up service credit under KRS 78.615 that would be lost due to lengthened student attendance days.

Signed by Governor March 29, 2022.

CHAPTER 42

(SB 94)

AN ACT relating to the Work Ready Kentucky Scholarship Program.

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

➔Section 1. KRS 164.787 is amended to read as follows:

- (1) The General Assembly hereby establishes the Work Ready Kentucky Scholarship Program to ensure that all Kentuckians who have not yet earned a postsecondary degree have affordable access to an industry-recognized certificate, diploma, or associate of applied science degree *and, for students with intellectual disabilities enrolled in comprehensive transition and postsecondary programs, affordable access to meaningful credentials to prepare for competitive integrated employment.*
- (2) For purposes of this section:
 - (a) "Academic term" means a fall, spring, or summer academic term or other time period specified in an administrative regulation promulgated by the authority;
 - (b) "Academic year" means July 1 through June 30 of each year;
 - (c) "Approved dual credit course" means a dual credit course developed in accordance with KRS 164.098 that is a career and technical education course within a career pathway approved by the Kentucky Department of Education that leads to an industry-recognized credential;
 - (d) "Dual credit tuition rate ceiling" means the same as defined in 164.786;
 - (e) "Eligible institution" means an institution defined in KRS 164.001 that:
 1. Actively participates in the federal Pell Grant program;
 2. Executes a contract with the authority on terms the authority deems necessary or appropriate for the administration of its programs;
 3. Charges no more than the dual credit tuition rate ceiling per credit hour, including any additional fees, for any dual credit course it offers to any Kentucky public or nonpublic high school student; and
 4. Is a:
 - a. Kentucky Community and Technical College System institution;
 - b. Kentucky public university; or
 - c. College, university, or vocational-technical school that is accredited by a recognized regional or national accrediting body and licensed to operate at a site in Kentucky;
 - (f) "Eligible program of study" means a program approved by the authority that leads to an industry-recognized certificate, diploma, or associate of applied science degree in one (1) of Kentucky's top five (5) high-demand workforce sectors identified by the Kentucky Workforce Innovation Board and the Education and Workforce Development Cabinet *or a program of study in a comprehensive transition and postsecondary program that leads to a credential, certificate, diploma, or degree;*
 - (g) "Fees" means mandatory fees charged by an eligible institution for enrollment in a course, including but not limited to online course fees, lab fees, and administrative fees. "Fees" does not include tools, books, or other instructional materials that may be required for a course; and
 - (h) "Tuition" means the in-state tuition charged to all students as a condition of enrollment in an eligible institution.
- (3) In consultation with the Education and Workforce Development Cabinet, the Kentucky Department of Education, and the Council on Postsecondary Education, the Kentucky Higher Education Assistance Authority shall administer the Work Ready Kentucky Scholarship Program and promulgate administrative regulations in accordance with KRS Chapter 13A as may be needed for the administration of the scholarship.
- (4) An eligible high school student shall:
 - (a) Be a Kentucky resident;
 - (b) Be enrolled in a Kentucky high school;
 - (c) Be enrolled, or accepted for enrollment, in an approved dual credit course at an eligible institution; and
 - (d) Complete and submit a Work Ready Kentucky Scholarship dual credit application to the authority.
- (5) An eligible workforce student shall:

- (a) Be a citizen or permanent resident of the United States;
 - (b) Be a Kentucky resident as determined by the eligible institution in accordance with criteria established by the Council on Postsecondary Education for the purposes of admission and tuition assessment;
 - (c)
 1. Have earned a high school diploma or a High School Equivalency Diploma or be enrolled in a High School Equivalency Diploma program; *or*
 2. *For a student enrolled in a comprehensive transition and postsecondary program, have received an alternative high school diploma described in KRS 158.140(2)(b) or have attended a Kentucky public high school and is a student with an intellectual disability as defined in 34 C.F.R. sec. 668.231;*
 - (d) Not have earned an associate's degree or higher level postsecondary degree;
 - (e) Complete the Free Application for Federal Student Aid for the academic year in which the scholarship is awarded;
 - (f) Complete and submit a Work Ready Kentucky Scholarship application to the authority;
 - (g) Enroll in an eligible program of study at an eligible institution;
 - (h) Not be enrolled in an ineligible degree program, such as a bachelor or unapproved associate program, at any postsecondary institution;
 - (i) Following the first academic term scholarship funds are received, achieve and maintain satisfactory academic progress as determined by the eligible institution; and
 - (j) Not be in default on any program under Title IV of the federal act or any obligation to the authority under any program administered by the authority under KRS 164.740 to 164.7891 or 164.7894, except that ineligibility for this reason may be waived by the authority for cause.
- (6) (a) Beginning with the 2019-2020 academic year, the authority shall award a Work Ready Kentucky Scholarship each academic term to any person who meets the requirements of this section to the extent funds are available for that purpose.
- (b) The scholarship amount awarded to an eligible workforce student for an academic term shall be the amount remaining after subtracting the student's federal and state grants and scholarships from the maximum scholarship amount. The maximum scholarship amount shall be the per credit hour in-state tuition rate at the Kentucky Community and Technical College System multiplied by the number of credit hours in which the student is enrolled and the fees charged to the student. The authority shall promulgate an administrative regulation in accordance with KRS Chapter 13A to specify the maximum amount to be awarded for fees, except that for the 2019-2020 academic year the amount awarded for fees shall not exceed four hundred dollars (\$400).
- (c) The scholarship award for an eligible high school student shall be limited to two (2) approved dual credit courses per academic year. The scholarship amount awarded shall be equal to the amount charged by an eligible institution for an approved dual credit course, in accordance with subsection (2)(e)3. of this section.
- (7) (a) ***Except as provided in paragraph (b) of this subsection,*** an eligible workforce student's eligibility for the scholarship shall terminate upon the earlier of:
- ~~[(a) Receiving the scholarship for four (4) academic terms;]~~
1. ~~[(b)]~~ Receiving the scholarship for a total of sixty (60) credit hours; or
2. ~~[(c)]~~ Obtaining an associate's degree.
- (b) ***For an eligible workforce student enrolled in a comprehensive transition and postsecondary program, eligibility for the scholarship shall terminate upon the earlier of completing the program or receiving the scholarship for up to nine (9) academic terms within three (3) academic years.***
- (8) The authority shall annually provide a report on the Work Ready Kentucky Scholarship Program, prepared in collaboration with the Office for Education and Workforce Statistics, to the secretary of the Education and Workforce Development Cabinet that includes, by academic term, academic year, institution, and workforce sector, the number of:
- (a) Students served by the scholarship and the total amount disbursed;~~and~~

- (b) Credits, certificates, diplomas, and associate of applied science degrees earned by students receiving the scholarship; *and*
 - (c) *Students receiving the scholarship who are enrolled in a comprehensive transition and postsecondary program and credentials earned by those students.*
- (9) The authority shall report Work Ready Kentucky Scholarship program data to the Office for Education and Workforce Statistics for analysis of the program's success in meeting the goal of increasing skilled workforce participation rates.
- (10) (a) The Work Ready Kentucky Scholarship fund is hereby created as a trust fund in the State Treasury to be administered by the authority for the purpose of providing scholarships as described in this section.
- (b) The trust fund shall consist of state general fund appropriations, gifts and grants from public and private sources, and federal funds. All moneys included in the fund shall be appropriated for the purposes set forth in this section.
- (c) Any unallotted or unencumbered balances in the trust fund shall be invested as provided in KRS 42.500(9). Income earned from the investments shall be credited to the trust fund.
- (d) Notwithstanding KRS 45.229, any fund balance at the close of the fiscal year shall not lapse but shall be carried forward to the next fiscal year and continuously appropriated only for the purposes specified in this section.

Signed by Governor March 29, 2022.

CHAPTER 43

(HB 275)

AN ACT relating to CPA licensure.

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

➔Section 1. KRS 325.240 is amended to read as follows:

- (1) The board shall elect annually a president and such other officers as it deems necessary.
- (2) The board may promulgate, and amend from time to time, administrative regulations, in accordance with the provisions of KRS Chapter 13A, for the orderly conduct of its affairs, for the administration of this chapter, and to establish and maintain a high standard of integrity and dignity in the profession of public accounting.
- (3) A majority of the board shall constitute a quorum for the transaction of business.
- (4) The board shall have a seal which shall be judicially noticed. The board shall keep records of its proceedings, and in any proceeding in court, civil or criminal, arising out of or founded upon any provision of this chapter, copies of said records certified as correct under the seal of the board shall be admissible in evidence as tending to prove the content of said records.
- (5) The board may employ an executive director and such other personnel as it deems necessary in its administration and enforcement of this chapter. It may appoint such committees or persons, to advise or assist it in the administration and enforcement, as it may see fit. It may retain its own counsel to advise and assist it, in addition to such advice and assistance as is provided by the Attorney General of this state.
- (6) The board may join or participate in professional organizations and associations that promote improvement of the practice of accounting for the protection of the public or to facilitate the activities of the board.
- (7) The board may expend funds from its account created by KRS 325.250 to:
 - (a) Assist with accounting educational programs proposed or offered in the primary and secondary schools in this state; *and*
 - (b) *Support scholarship programs that assist students enrolled in a Kentucky-based college or university who also satisfy other criteria contained in an administrative regulation promulgated by the board.*

The amount of the expenditure *for these programs* shall not interfere with the performance of the board's other responsibilities.

- (8) **Former and current members of the board, its agents, and employees shall be immune from suit for any discretionary act performed by them in good faith**~~[The board may purchase professional liability insurance for its members, staff, and investigators. The purchase of or failure to purchase insurance shall not be deemed a waiver of any immunity already conferred on the board, its members, staff, and investigators].~~

➔Section 2. KRS 325.280 is amended to read as follows:

- (1) The board may issue a license to practice by reciprocity, if the applicant:
- (a) Submits an application for a license to practice any regulated activity, upon forms approved by the board;~~[that includes]~~
 - (b) **Pays** all required fees, in the amounts as determined by administrative regulation promulgated by the board;~~[and]~~
 - (c) Meets the following requirements:
 - 1.~~[(a)]~~ **Satisfies the educational requirement in KRS 325.261(3);**
 2. **Receives**~~[The applicant received]~~ a grade on the Uniform CPA~~[Certified Public Accountants]~~ Examination in another state that was equivalent to a passing grade at the time in this Commonwealth;
 - 3.~~[(b)]~~ ~~[The applicant]~~ Holds a valid active license, and is in good standing as a certified public accountant, issued under the laws of any other state; and
 - 4.~~[(c)]~~ ~~[1. The applicant]~~ Meets all current experience requirements in this **chapter, except for KRS 325.261(6)(b),**~~[Commonwealth]~~ at the time application is made,~~[or]~~ or~~[2.]~~
 2. ~~]~~ within the ten (10) years immediately preceding the application, had four (4) years of experience in the practice of the regulated activities acceptable to the board upon which the license was based.
- (2) The board may issue a license to practice the regulated activities without examination to an applicant who holds a valid license to engage in the practice of the regulated activities in good standing from a foreign country if:
- (a) The applicant's foreign country makes similar provisions to allow a person who holds a valid license to practice the regulated activities issued by this Commonwealth to obtain that foreign country's comparable designation;
 - (b) The authority of the foreign country that issued the designation regulates the practice of the regulated activities, including the issuance of reports;
 - (c) The foreign designation was granted upon education and examination requirements which were established by the foreign authority or law and were substantially equivalent to those in effect in this Commonwealth at the time the foreign designation was granted;
 - (d) The applicant satisfies the applicable experience requirement contained in paragraph (c) of subsection (1) of this section;
 - (e) The applicant has successfully passed a uniform qualifying examination on United States national standards **prepared by the National Association of State Boards of Accountancy**~~[approved by the board]~~; and
 - (f) The applicant submits an application for a license to practice the regulated activities, upon forms approved by the board, **and pays the fees listed in administrative regulations**~~[that includes all required fees, in the amounts as determined by administrative regulation]~~ promulgated by the board.

Signed by Governor March 29, 2022.

CHAPTER 44

(HB 345)

AN ACT relating to military leave.

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

➔Section 1. KRS 61.394 is amended to read as follows:

- (1) All officers and employees of this state, or of any department or agency thereof who are members of the National Guard or of any reserve component of the Armed Forces of the United States, or of the reserve corps of the United States Public Health Service, shall be entitled to leave of absence from their respective duties, without loss of time, pay, regular leave, impairment of efficiency rating, or of any other rights or benefits to which they are entitled, while:
- (a) In the performance of duty or training in the service of a state or of the United States under competent orders as specified in this section;
 - (b) *Physically disabled as a result of an injury, illness, or disease incurred or aggravated in the line of duty while performing active-duty or inactive-duty training; or*
 - (c) *Entitled to incapacitation pay pursuant to 37 U.S.C. sec. 204.*
- Leave pursuant to paragraphs (b) and (c) of this subsection shall not exceed six (6) months unless approved by the employee's appointing authority.*
- (2) In any one (1) federal fiscal year, officers or employees, while on military leave, shall, *upon request*, be paid their salaries or compensations for a period or periods not exceeding twenty-one (21) calendar days. Any unused military leave in a federal fiscal year shall be carried over to the next year. Any unused military leave shall expire two (2) years after it has accrued.

Signed by Governor March 29, 2022.

CHAPTER 45

(HB 442)

AN ACT relating to newborn safety devices.

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

➔Section 1. KRS 405.075 is amended to read as follows:

- (1) As used in this section:
- (a) "Newborn infant" means an infant who is medically determined to be less than thirty (30) days old;
 - (b) "Newborn safety device" means a device:
 - 1. Designed to permit a parent to anonymously place a newborn infant in the device with the intent to leave the newborn and for an emergency medical services provider to remove the newborn from the device and take custody of the newborn infant;
 - 2. Installed with an adequate dual alarm system connected to the physical location where the device is physically installed. The dual alarm system shall be:
 - a. Tested at least one (1) time per month to ensure the alarm system is in working order; and
 - b. Visually checked at least two (2) times per day to ensure the alarm system is in working order;
 - 3. Approved by and physically located inside a participating staffed *Class I, Class II, Class III, or Class IV ground ambulance provider, staffed* police station, staffed fire station, or staffed hospital that:
 - a. Is licensed or otherwise legally operating in this state; and

- b. Is staffed continuously on a twenty-four (24) hour basis every day by a licensed emergency medical services provider; and
 4. Located in an area that is conspicuous and visible to *Class I, Class II, Class III, or Class IV ground ambulance provider*, police station, fire station, or hospital staff; and
 - (c) "Participating place of worship" means a recognized place of religious worship that has voluntarily agreed to perform the duty granted in this section and display signage prominently on its premises regarding its participation in this section and its operating hours during which staff will be present.
- (2) A parent shall have the right to remain anonymous, shall not be pursued, and shall not be considered to have abandoned or endangered a newborn infant under KRS Chapters 508 and 530 if the parent:
 - (a) Places a newborn infant:
 1. With an emergency medical services provider;
 2. At a staffed police station, fire station, or hospital;
 3. At a participating place of worship; or
 4. Inside a newborn safety device that meets the requirements of subsection (1) of this section; and
 - (b) Expresses no intent to return for the newborn infant.
- (3)
 - (a) Any emergency medical services provider, police officer, or firefighter who accepts physical custody of a newborn infant, or who physically retrieves a newborn infant from a newborn safety device that meets the requirements of subsection (1) of this section, in accordance with this section shall immediately arrange for the infant to be taken to the nearest hospital emergency room and shall have implied consent to any and all appropriate medical treatment.
 - (b) Any staff member at a participating place of worship who accepts physical custody of a newborn infant in accordance with this section shall immediately contact the 911 emergency telephone service as set forth in KRS 65.750 to 65.760, wireless enhanced 911 system as set forth in KRS 65.7621 to 65.7643, or emergency medical services as set forth in KRS Chapter 311A for transportation to the nearest hospital emergency room.
- (4) By placing a newborn infant in the manner described in this section, the parent:
 - (a) Waives the right to notification required by subsequent court proceedings conducted under KRS Chapter 620 until such time as a claim of parental rights is made; and
 - (b) Waives legal standing to make a claim of action against any person who accepts physical custody of the newborn infant.
- (5) A staffed police station, fire station, hospital, emergency medical facility, or participating place of worship may post a sign easily seen by the public stating that: "This facility is a safe and legal place to surrender a newborn infant who is less than 30 days old. A parent who places a newborn infant at this facility and expresses no intent to return for the infant shall have the right to remain anonymous and not be pursued and shall not be considered to have abandoned or endangered their newborn infant under KRS Chapters 508 and 530."
- (6) Actions taken by an emergency medical services provider, police officer, firefighter, or staff member at a participating place of worship in conformity with the duty granted in this section shall be immune from criminal or civil liability. Nothing in this subsection shall limit liability for negligence.
- (7) The provisions of subsection (2) of this section shall not apply when indicators of child physical abuse or child neglect are present.
- (8) KRS 211.951, 216B.190, 405.075, 620.350, and 620.355 shall be known as "The Representative Thomas J. Burch Safe Infants Act."

Signed by Governor March 29, 2022.

CHAPTER 46

(HB 95)

AN ACT relating to the selling and fitting of hearing instruments.

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

➔Section 1. KRS 334.020 is amended to read as follows:

No person shall engage in the sale or practice of fitting hearing instruments or display a sign or in any other way advertise or represent himself *or herself* as a person who practices the sale or fitting of hearing instruments unless he *or she* holds:

- (1) An unsuspended, unrevoked license issued by the board pursuant to KRS 334.080;
- (2) ~~At, or unless he holds a~~ current, unsuspended, unrevoked apprentice permit pursuant to KRS 334.090. The license or permit shall be conspicuously posted in each office or place of business; *or*
- (3) *A license to practice as an audiologist issued by the Kentucky Board of Speech-Language Pathology and Audiology pursuant to KRS Chapter 334A.*

➔Section 2. KRS 334.030 is amended to read as follows:

- (1) Any person who practices the sale or fitting of hearing instruments shall obtain from the buyer of a hearing instrument, at the time such buyer assumes any financial obligation with respect to the purchase, the buyer's signature on a written and dated agreement, offer to purchase, or receipt. The written agreement, offer to purchase, or receipt shall contain the following information:
 - (a) Licensee's signature, printed name and business address, and license number issued to the licensee by the board pursuant to this chapter;
 - (b) Make, model, and serial number of the hearing instrument;
 - (c) Immediately following the information required by subsection (1)(a), (b), and (d) of this section, shall be the statement, in all capital letters in no smaller type than the largest used in the body copy portion, that: **ANY COMPLAINTS CONCERNING THE SALE OR SERVICE OF THIS HEARING INSTRUMENT WHICH ARE NOT CORRECTED BY THE SPECIALIST IN HEARING INSTRUMENTS SHOULD BE DIRECTED TO: KENTUCKY LICENSING BOARD FOR SPECIALISTS IN HEARING INSTRUMENTS AT ITS CURRENT MAILING ADDRESS FOUND ON THE BOARD WEB SITE**~~[COMMONWEALTH OF KENTUCKY, FRANKFORT, KENTUCKY 40601]~~; and
 - (d) Notice and statement of the purchaser's thirty (30) day right to cancel pursuant to KRS 334.210.
- (2) The written agreement, offer to purchase, or receipt shall bear in no smaller type than the largest used in the body copy portion the following statement: "The purchaser has been advised at the outset of his *or her* relationship with the specialist in hearing instruments that any examination(s) or representation(s) is not an examination, diagnosis, or prescription by a person licensed to practice medicine in this state and therefore shall not be regarded as medical opinion or advice."
- (3) Upon delivery of a hearing instrument, the client shall be furnished a delivery statement which shall include specifications as to the make, model, serial number, and delivery date, with full terms of the sale clearly stated. If a hearing instrument which is not new is offered for sale or is sold, that fact shall be clearly stated and conspicuously disclosed and read in the oral sales presentation before the buyer assumes any financial obligation with respect to the purchase, and the receipt shall be clearly marked as "used," "reconditioned," or "not new," whatever is applicable, with terms of guarantee, if any.
- (4) No person who practices the selling or fitting of hearing instruments shall visit the home or place of business of a potential buyer for the purpose of soliciting or inducing a sale of a hearing instrument without having obtained, prior to any visit, the expressed written consent of the potential buyer to such a visit. The consent required by this subsection shall clearly and conspicuously state that the potential buyer is aware that the specialist in hearing instruments may attempt to sell a hearing instrument during his *or her* visit.

➔Section 3. KRS 334A.020 is amended to read as follows:

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

- (1) "Board" means the Kentucky Board of Speech-Language Pathology and Audiology;

- (2) "Person" means any individual, organization, or corporate body, except that only individuals can be licensed under this chapter;
- (3) "Speech-language pathologist" means one who practices speech-language pathology. A speech-language pathologist may describe himself to the public by any title or description of services incorporating the words "speech-language pathologist," "speech-language pathology," "speech-language therapy," "speech-language correction," "speech-language correctionist," "speech-language therapist," "speech clinic," "speech clinician," "speech pathologist," "language pathologist," "language pathology," "language therapist," "logopedics," "logopedist," "communicology," "communicologist," "aphasiologist," "voice therapy," "voice therapist," "voice pathology," "voice pathologist," "phoniatrist," "communication disorders," or "verbal therapist";
- (4) "The practice of speech pathology" means the application of principles, methods, and procedures for the measurement, testing, audiometric screening, identification, appraisal, determination of prognosis, evaluation, consultation, remediation, counseling, instruction, and research related to the development and disorders of speech, voice, verbal and written language, cognition/communication, or oral and pharyngeal sensori-motor competencies for the purpose of designing and implementing programs for the amelioration of these disorders and conditions. Any representation to the public by title or by description of services, methods, or procedures for the evaluation, counseling, remediation consultation, measurement, testing, audiometric screening, identification, appraisal, instruction, and research of persons diagnosed with conditions or disorders affecting speech, voice, verbal and written language, cognition/communication, or oral and pharyngeal sensori-motor competencies shall be considered to be the practice of speech-language pathology;
- (5) "Audiologist" is defined as one who practices audiology. An audiologist may describe himself to the public by any title or description of services incorporating the words "audiologist," "audiology," "audiological," "hearing center," "hearing clinic," "hearing clinician," "hearing therapist," "audiometry," "audiometrist," "audiometrics," "otometry," "otometrist," "aural rehabilitationist," or "hearing conservationist";
- (6) "The practice of audiology" means the application of principles, methods, and procedures of measurement, testing, appraisal, prediction, consultation, counseling, and instruction related to hearing and disorders of hearing for the purpose of modifying communicative disorders involving speech, language, auditory behavior, or other aberrant behavior related to hearing loss; planning, directing, conducting, or participating in identification and hearing conservation programs; and habilitative and rehabilitative programs, including hearing aid recommendations and evaluation, *selling or fitting of hearing instruments*, auditory training, or speech reading;
- (7) "Continuing professional education" in speech-language pathology and audiology consists of planned learning experiences beyond a basic educational program leading to a degree. These experiences are designed to promote knowledge, skills, and attitudes of speech-language pathology and audiology practitioners to enable them to provide professional services in their areas of training that are based on current research and best practices;
- (8) "Speech-language pathology assistant" means one who assists in the practice of speech-language pathology only under the supervision and direction of an appropriately qualified supervisor and only within the public school system in the Commonwealth. Any speech pathology services provided without appropriate supervision or outside the public school system shall be deemed to be the unlicensed practice of speech pathology and shall subject the offending party to penalties established pursuant to KRS 334A.990;
- (9) "Assisting in the practice of speech pathology" means the provision of certain specific components of a speech or language service program provided by a speech-language pathology assistant under the supervision and direction of an appropriately qualified supervisor.
 - (a) If the training, supervision, documentation, and planning are appropriate, the following tasks may be delegated to a speech-language pathology assistant:
 1. Conduct speech-language and hearing screenings without interpretation following specified screening protocols developed by a speech-language pathologist and audiologist, respectively;
 2. Follow documented treatment plans or protocols as prescribed by the supervisor;
 3. Document student progress toward meeting established objectives as stated in the treatment plan;
 4. Provide direct treatment assistance to identified students under the supervision of the supervisor;
 5. Assist with clerical and other related duties as directed by the supervisor;
 6. Report to the supervisor about the treatment plan based on a student's performance;

7. Schedule activities, prepare charts, records, graphs, or otherwise display data. This shall not include report generation;
 8. Perform simple checks and maintenance of equipment;
 9. Participate with the supervisor in research projects, inservice training, and public relations programs;
 10. Assist in the development and maintenance of an appropriate schedule for service delivery;
 11. Assist in implementing collaborative activities with other professionals;
 12. Assist in administering tests for diagnostic evaluations and progress monitoring; and
 13. Participate in parent conferences, case conferences, or any interdisciplinary team in consultation with, or in the presence of, the supervisor.
- (b) The following activities shall be outside the scope of practice of the speech-language pathology assistant:
1. Performing any activity which violates the code of ethics promulgated by the board by administrative regulation;
 2. Interpreting test results, or performing diagnostic evaluations without supervision;
 3. Conducting client or family counseling without the recommendation, guidance, and approval of the supervisor;
 4. Writing, developing, or modifying a student's individualized treatment plan in any way without the recommendation, guidance, and approval of the supervisor;
 5. Treating students without following the individualized treatment plan prepared by the supervisor or without access to supervision;
 6. Signing any due process document without the co-signature of the supervisor;
 7. Selecting or discharging students;
 8. Disclosing clinical or confidential information, either orally or in writing, to anyone not designated by the supervisor;
 9. Making referrals for additional services; and
 10. Representing himself or herself as something other than a speech-language pathology assistant;
- (10) "Supervisor" means a person who holds a Kentucky license as a speech-language pathologist or who holds Education Professional Standards Board master's level certification as a teacher of exceptional children in the areas of speech and communication disorders as established by administrative regulation;
- (11) "Interim license" means a license issued by the board pursuant to KRS 334A.035 to a person for the purpose of completing the supervised postgraduate professional experience required under that section prior to an application for licensure as a speech-language pathologist or a speech-language pathology assistant; and
- (12) "Temporary license" means a license that may be issued by the board administrator pursuant to KRS 334A.183 to any applicant who has met all the requirements for permanent licensure in accordance with that section.

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 334A IS CREATED TO READ AS FOLLOWS:

- (1) *Any person who practices the sale or fitting of hearing instruments shall obtain from the buyer of a hearing instrument, at the time the buyer assumes any financial obligation regarding the purchase, the buyer's signature on a written and dated agreement, offer to purchase, or receipt. The written agreement, offer to purchase, or receipt shall contain the:*
- (a) *1. Licensee's signature and printed name;*
 - 2. Licensee's business address; and*
 - 3. License number issued to the licensee by the board pursuant to this chapter;*
- (b) *Make, model, and serial number of the hearing instrument;*

- (c) *Notice and statement of the purchaser's thirty (30) day right to cancel pursuant to Section 6 of this Act; and*
 - (d) *Immediately following the information required by paragraphs (a), (b), and (c) of this subsection, the statement, in all capital letters in no smaller type than the largest used in the body copy portion, that: "ANY COMPLAINTS CONCERNING THE SALE OR SERVICE OF THIS HEARING INSTRUMENT WHICH ARE NOT CORRECTED BY A LICENSED AUDIOLOGIST SHOULD BE DIRECTED TO: KENTUCKY BOARD OF SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY, COMMONWEALTH OF KENTUCKY, FRANKFORT, KENTUCKY 40601."*
- (2) *The written agreement, offer to purchase, or receipt shall bear in no smaller type than the largest used in the body copy portion the following statement: "The purchaser has been advised at the outset of his or her relationship with an audiologist licensed under KRS Chapter 334A that any examination or representation is not an examination, diagnosis, or prescription by a person licensed to practice medicine in this state and, therefore, shall not be regarded as medical opinion or advice."*
 - (3) *Upon delivery of a hearing instrument, the client shall be furnished a delivery statement which shall include specifications as to the make, model, serial number, and delivery date, with full terms of the sale clearly stated. If a hearing instrument which is not new is offered for sale or is sold, that fact shall be clearly stated and conspicuously disclosed and read in the oral sales presentation before the buyer assumes any financial obligation regarding the purchase, and the receipt shall be clearly marked as "used," "reconditioned," or "not new," whatever is applicable, with terms of guarantee, if any.*
 - (4) *No person who practices the selling or fitting of hearing instruments shall visit the home or place of business of a potential buyer for the purpose of soliciting or inducing a sale of a hearing instrument without having previously obtained the express written consent of the potential buyer to such a visit. The consent required by this subsection shall clearly and conspicuously state that the potential buyer is aware that the licensed audiologist may attempt to sell a hearing instrument during his or her visit.*

➔SECTION 5. A NEW SECTION OF KRS CHAPTER 334A IS CREATED TO READ AS FOLLOWS:

- (1) (a) *Any person who desires to make a complaint against a licensee under this chapter shall file a written complaint with the board.*
- (b) *The board may conduct an investigation into any complaint which it feels may constitute a violation of this chapter or the administrative regulations it promulgates.*
- (c) *The board may require that the licensee file a written statement or report regarding the facts and circumstances concerning the complaint along with other information, material, or data reasonably related to it.*
- (d) *The board may request the assistance of the Attorney General in connection with an investigation.*
- (e) *The board may employ the services of a hearing officer to:*
 - 1. *Conduct hearings and prehearing conferences;*
 - 2. *Advise the board as to legal matters; and*
 - 3. *Provide other legal services deemed appropriate by the board.*
- (2) *If the board determines the charges made in the complaint are sufficient to warrant a hearing to determine whether the license issued under this chapter shall be suspended, revoked, or subject to reprimand or fine, it shall conduct a hearing in accordance with KRS Chapter 13B.*
- (3) *The provisions of this chapter shall in no way limit the jurisdiction and authority of the Attorney General to take any necessary action under the Kentucky Consumer Protection Act, KRS 367.110 to 367.300.*
- (4) *The board may suspend, revoke, refuse to issue or renew any license for a fixed period of time, place on probation, issue a written reprimand to a licensee, levy a fine not to exceed one thousand dollars (\$1,000), or any combination thereof, based on a finding of the board that a person licensed under this chapter has committed any of the following acts:*
 - (a) *Change of personal name, corporate name, charter, entity, or partnership name or composition to avoid the imposition of liens or court action;*

- (b) *The conviction of a felony or misdemeanor, if in accordance with KRS Chapter 335B, including KRS 335B.020. The record of conviction, or a copy thereof, certified by the clerk of the court or by the judge in whose court the conviction is had, shall be conclusive evidence of that conviction;*
- (c) *Procuring of a license by fraud or deceit practiced upon the board;*
- (d) *Unethical conduct as defined by the board by promulgation of an administrative regulation;*
- (e) *Engaging in any unfair, false, misleading, or deceptive act or practice;*
- (f) *Incompetence or negligence in the practice of selling or fitting hearing instruments; or*
- (g) *Violating any provision of this chapter or the administrative regulations promulgated by the board.*

➔SECTION 6. A NEW SECTION OF KRS CHAPTER 334A IS CREATED TO READ AS FOLLOWS:

- (1) *The client in a hearing instrument purchase has the right to cancel the purchase for any reason at any time prior to midnight of the thirtieth calendar day after actual receipt of the hearing instrument.*
- (2) *Cancellation occurs when the client gives written notice of cancellation to the seller at the address stated in the notice and statement of the client's right to cancel as provided in subsection (5) of this section.*
- (3) *Notice of cancellation, if given by mail, is given when it is deposited in the mail properly addressed and postage prepaid.*
- (4) *Notice of cancellation given by the client need not take a particular form and is sufficient if it indicates in writing the intention of the client not to be bound by the hearing instrument sale.*
- (5) *In the sale of a hearing instrument, the seller shall present to each client, at the time the client assumes any financial obligation regarding the purchase of a hearing instrument, a written notice and statement of the client's right to cancel which shall:*
 - (a) *Appear under the conspicuous caption, "CLIENT'S RIGHT TO CANCEL WITHIN 30 DAYS"; and*
 - (b) *Contain the following specific statement in all capital letters in no smaller type than the largest used in the body copy portion of the written agreement, offer to purchase, or receipt: "THE CLIENT HAS THE RIGHT TO CANCEL THIS PURCHASE FOR ANY REASON AT ANY TIME PRIOR TO MIDNIGHT OF THE 30TH CALENDAR DAY AFTER ACTUAL RECEIPT OF THE HEARING INSTRUMENT(S). YOU MAY CANCEL THE PURCHASE BY NOTIFYING THE SELLER THAT YOU DO NOT WANT THE HEARING INSTRUMENT(S) BY MAILING A NOTICE BEFORE.....TO THE SELLER AT: UPON CANCELLATION, THE SELLER MAY KEEP UP TO 10% OF THE SELLING PRICE."*
- (6) *The seller shall enter on the notice and statement presented under subsection (5) of this section the:*
 - (a) *Date which is thirty (30) calendar days after the client receives the hearing instrument;*
 - (b) *Seller's full name and address; and*
 - (c) *Cancellation charges allowed by this section.*
- (7) *Until the seller has complied with this section, the client may cancel the purchase by notifying the seller in any manner and by any means of his or her intention to cancel.*
- (8) *Within fifteen (15) days after the return of the hearing instrument and any other goods or property delivered by the seller pursuant to the sale by the client, the seller shall tender to the client any payments made by the client, less any amount retained by the seller to repair damage to the hearing instrument due to a lack of reasonable care of the hearing instrument purchased, and terminate all financial obligations created in connection with the purchase of the canceled hearing instrument or instruments by the client.*
- (9) *If payment by the client includes any goods or property traded in, the goods or property shall be tendered to the client in substantially as good condition as when they were received by the seller. If the seller fails to tender the goods or property as provided by this subsection, the client may elect to recover an amount equal to the trade-in allowance for the goods or property.*
- (10) *This section shall not apply to a sale of a hearing instrument that replaces a damaged or unworkable hearing instrument when the replacement hearing instrument is identical to the damaged or unworkable hearing instrument.*

- (11) *Until the seller has complied with this section, the client may retain possession of all goods or property delivered to him or her by the seller and has a lien on the goods or property in his or her possession or control for any recovery to which he or she is entitled.*
- (12) *The client shall take reasonable care of the goods, as defined by the board through the promulgation of administrative regulations, in his or her possession before cancellation and for a reasonable time thereafter until delivered to the seller.*
- (13) *Any waiver by the client of rights provided in this section shall be void and shall not operate to relieve the seller of any obligation placed upon him or her by this section.*
- (14) *Nothing in this section shall in any way limit the right to cancel home solicitation sales pursuant to KRS 367.410 to 367.460.*

➔SECTION 7. A NEW SECTION OF KRS CHAPTER 334A IS CREATED TO READ AS FOLLOWS:

Any person licensed to sell hearing instruments under this chapter shall maintain for not less than three (3) years, in a file under the name of the person to whom a hearing instrument was sold:

- (1) *A copy of the written approval for a hearing instrument;*
- (2) *Recommendation for or written waiver of a hearing instrument; and*
- (3) *An agreement, offer to purchase, or receipt given the person, pursuant to subsection (1) of Section 4 of this Act.*

➔Section 8. KRS 334A.040 is amended to read as follows:

- (1) Nothing in this chapter shall be construed to prevent a qualified person licensed in this state under any other law from engaging in the profession for which the person is licensed.
- (2) Nothing in this chapter shall be construed to prevent qualified hearing aid dispensers from engaging in those practices and procedures used solely for the fitting and selling of hearing aids.
- (3) Nothing in this chapter shall be construed as restricting or preventing activities of a speech-language pathology or audiology nature or the use of the official title of the position for which they were employed on the part of the following persons:
 - (a) Speech-language pathologists or audiologists employed by the federal government, if they are performing such activities solely within the confines or under the jurisdiction of the organization in which they are employed and do not offer to render speech-language pathology or audiology services as defined in subsections (4) and (6) of KRS 334A.020 to the public outside of the institutions or organizations in which they are employed. However, such persons may, without obtaining a license under this chapter, consult or disseminate their research findings and scientific information to other such accredited academic institutions or governmental agencies. They also may offer lectures to the public for a fee, monetary or otherwise, without being licensed under this chapter; or
 - (b) Registered and practical nurses or others trained to perform audiometric testing under the direct supervision of a licensed physician or surgeon.
- (4) Nothing in this chapter shall be construed as restricting the activities and services of a student or speech-language pathology intern pursuing a course of study leading to a degree in speech-language pathology at an accredited or approved college or university or an approved clinical training facility, if these activities and services constitute a part of the planned course of study and if such persons are designated by such title as "speech-language pathology intern," "speech-language pathology trainee," or other such title clearly indicating the training status appropriate to his or her level of training under the supervision of a licensed speech-language pathologist.
- (5) Nothing in this chapter shall be construed as restricting the activities and services of a student or audiology intern pursuing a course of study leading to a degree in audiology at an accredited or approved college or university or an approved clinical training facility, if these activities and services constitute a part of the planned course of study and if such persons are designated by such title as "audiology intern," "audiology trainee," or other such title clearly indicating the training status appropriate to his or her level of training, under supervision of a licensed audiologist.
- (6) Nothing in this chapter shall be construed as restricting a speech-language pathologist or audiologist from another state from offering his or her speech-language pathology or audiology services in this state if the

services are performed for no more than five (5) days in any calendar year and if that person meets the qualifications and requirements stated in the section on qualifications, except that such person need not apply for licensure under this chapter.

- (7) *This chapter shall not apply to a person while he or she is engaged in the practice of fitting hearing instruments and assistive listening devices if his or her practice is part of the academic curriculum of an accredited institution of higher education or part of a program conducted by a public, charitable institution or nonprofit organization, which is primarily supported by voluntary contributions.*
- (8) *This chapter shall not be construed to prevent any person who is a medical or osteopathic physician licensed to practice in the Commonwealth of Kentucky from treating or fitting hearing instruments to the human ear, which includes the making of ear molds, so long as he or she does not engage in the sale of hearing instruments.*

Signed by Governor March 29, 2022.

CHAPTER 47

(HJR 28)

A JOINT RESOLUTION directing the Department for Medicaid Services to request guidance from the Centers for Medicare and Medicaid Services for Medicaid coverage on prescription digital therapeutics in the Commonwealth of Kentucky.

WHEREAS, the Kentucky Office of Drug Control Policy reported that 1,964 Kentuckians died from drug overdoses in 2020, a 49 percent increase from the 1,316 overdose deaths in 2019; and

WHEREAS, the coronavirus pandemic has further challenged access to in-person treatment for Kentuckians in recovery for substance and opioid use disorders; and

WHEREAS, the Kentucky Opioid Response Effort has piloted the use of prescription digital therapeutics (PDTs) with successful results in Kentucky; and

WHEREAS, PDTs are a new software-based treatment designed to directly treat disease; and

WHEREAS, PDTs provide clinicians and patients with evidence-based remote treatment modalities to treat substance and opioid use disorders, mental health disorders, and other diseases and conditions; and

WHEREAS, PDTs give patients a discreet, 24 hours per day, 7 days a week tool to complement remote or in-office addiction therapy and provide patients with around-the-clock interventions to treat substance use disorder and opioid use disorder during critical hours when access to in-person support may be unavailable; and

WHEREAS, PDTs is a Class II medical device authorized by the United States Food and Drug Administration for treatment of substance use or opioid use disorder;

NOW, THEREFORE,

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

➔Section 1. The Department for Medicaid Services shall request guidance from the Centers for Medicare and Medicaid Services on coverage and reimbursement of prescription digital therapeutics for use in the Medicaid program no later than 30 days from the effective date of this Act.

➔Section 2. As part of the guidance request, the Department for Medicaid Services shall request:

(1) Acceptable methods to cover prescription digital therapeutics, including but not limited to the utilization of the Medicaid program's existing pharmacy benefit, the coverage of durable medical equipment under the Medicaid program, or other mechanisms suggested by the Centers for Medicare and Medicaid Services; and

(2) Whether federal financial participation is available for coverage and reimbursement of prescription digital therapeutics in the Medicaid program.

➔Section 3. The Department for Medicaid Services shall provide a report summarizing the status of the Centers for Medicare and Medicaid Services' guidance and response on whether the state can claim federal

participation for coverage of and payment for certain prescription digital therapeutics approved by the United States Food and Drug Administration to the Interim Joint Committee on Health, Welfare, and Family Services, the Medicaid Oversight and Advisory Committee, the Legislative Research Commission, and the Kentucky Congressional delegation by December 1, 2022.

Signed by Governor March 29, 2022.

CHAPTER 48

(HB 370)

AN ACT relating to health care trade practices.

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

➔SECTION 1. A NEW SECTION OF SUBTITLE 17C OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

As used in Sections 1 to 5 of this Act:

- (1) *"Covered person" means an individual who is covered by a dental benefit plan;*
- (2) *"Dental benefit plan" means a limited health service benefit plan that provides coverage for dental services;*
- (3) *"Dental carrier" means a health insurer that provides coverage for dental services;*
- (4) *"Dental services":*
 - (a) *Means services for the diagnosis, prevention, treatment, or cure of a dental condition, illness, injury, or disease; and*
 - (b) *Does not include services delivered by a provider that are billed as medical expenses under a health insurance plan;*
- (5) *"Dentist" means any dentist licensed or otherwise authorized in this state to furnish dental services;*
- (6) *"Health insurer" means any insurance company, health maintenance organization, self-insurer or multiple employer welfare arrangement not exempt from state regulation by ERISA, provider-sponsored integrated health delivery network, self-insured employer-organized association, nonprofit hospital, medical-surgical, dental, and health service corporation, or limited health service organization authorized to transact health insurance business in Kentucky; and*
- (7) *"Provider":*
 - (a) *Means an individual or entity, acting within the scope of the individual or entity's licensure or certification, that provides dental services or supplies defined by the dental benefit plan; and*
 - (b) *Does not include a physician organization or physician hospital organization that leases or rents its network to a third party.*

➔SECTION 2. A NEW SECTION OF SUBTITLE 17C OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section:*
 - (a) *"Contracting entity" means a dental carrier, a third-party administrator, or any other person that enters into direct contracts with providers for the delivery of dental services in the ordinary course of business;*
 - (b) *"Provider network contract" means a contract between a contracting entity and a provider that:*
 1. *Specifies the rights and responsibilities of the contracting entity; and*
 2. *Provides for the delivery and payment of dental services to a covered person; and*
 - (c) *"Third party":*

1. *Means an individual or entity that enters into a contract with a contracting entity or with another person to gain access to the dental services or contractual discounts of a provider network contract; and*
 2. *Does not include an employer or other group for whom the dental carrier or contracting entity provides administrative services.*
- (2) *A contracting entity may grant a third party access to a provider network contract or a provider's dental services or contractual discounts provided pursuant to a provider network contract if:*
- (a) *At the time the provider network contract is entered into or renewed, or when there are material modifications to the provider network contract relevant to granting a third party access to a provider network contract, the dental carrier allows any provider which is part of the dental carrier's provider network to choose to:*
 1. *Not participate in third-party access to the provider network contract; or*
 2. *Enter into a provider network contract directly with the health insurer that acquired the provider network;*
 - (b) *The provider network contract includes the following third-party access provisions:*
 1. *That the contracting entity may enter into an agreement with third parties allowing the third parties to obtain the contracting entity's rights and responsibilities as if the third party were the contracting entity; and*
 2. *When the contracting entity is a dental carrier:*
 - a. *That the provider network contract grants third-party access to the provider network;*
 - b. *The provider chose to participate in third-party access at the time the provider network contract was entered into or renewed; and*
 - c. *The provider has the right to choose not to participate in third-party access;*
 - (c) *The third party accessing the provider network contract agrees to comply with all of the contract's terms;*
 - (d) *The contracting entity:*
 1. *Identifies all third parties in existence in a list on its Internet Web site, which shall be updated at least once every sixty (60) days;*
 2. *Except for electronic transactions required by the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, requires the third party to identify the source of the discount on all remittance advices or explanations of payment under which a discount is taken; and*
 3. *Makes available a copy of the provider network contract relied on in the adjudication of a claim to a participating provider within thirty (30) days of a request from the provider; and*
 - (e) *The third party's right to a provider's discounted rate ceases as of the termination date of the provider network contract with the exception of covered dental services that are in progress.*
- (3) *A dental carrier:*
- (a) *Shall not cancel or otherwise end a contractual relationship with a provider as a result of the provider opting out of third-party access in accordance with subsection (2)(a) of this section; and*
 - (b) *When initially contracting with a provider, shall accept a qualified provider even if the provider opts out of a third-party access provision.*
- (4) *A provider shall not be bound by, or required to provide dental services under, a provider network contract that has been granted to a third party in violation of this section.*
- (5) *This section shall not apply:*
- (a) *If access to a provider network contract is granted to:*
 1. *A dental carrier or any other entity operating in accordance with the same brand licensee program as the contracting entity; or*

2. *An entity that is an affiliate of the contracting entity. A contracting entity shall make a list of its affiliates available to providers on its Internet Web site; or*
- (b) *To a provider network contract for dental services provided to beneficiaries of state-sponsored public medical assistance programs, including Medicaid and the Kentucky Children's Health Insurance Program.*

➔SECTION 3. A NEW SECTION OF SUBTITLE 17C OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section, "prior authorization" means any written communication that:*
 - (a) *Indicates that a specific procedure is, or multiple procedures are, covered under the covered person's dental benefit plan and reimbursable at a specific amount, subject to applicable cost sharing; and*
 - (b) *Is issued in response to a request submitted by a dentist using a format prescribed by the dental carrier.*
- (2) *A dental benefit plan shall not deny any claim subsequently submitted by a dentist for procedures specifically included in a prior authorization unless at least one (1) of the following circumstances applies for each procedure denied:*
 - (a) *Benefit limitations, which may include annual maximums and frequency limitations, not applicable at the time of prior authorization are reached due to utilization subsequent to issuance of the prior authorization;*
 - (b) *Documentation for the claim provided by the person submitting the claim clearly fails to support the claim as originally authorized;*
 - (c) *In accordance with the dental benefit plan, the service:*
 1. *Is not considered medically necessary; or*
 2. *Does not meet any other terms or conditions for coverage that were in effect at the time the prior authorization was issued;*
 - (d) *Another payer is responsible for payment;*
 - (e) *The dentist has already been paid for procedures identified on the claim;*
 - (f) *The covered person was not eligible to receive the procedure on the date of service and the dental carrier did not know, and with the exercise of reasonable care could not have known, of the covered person's eligibility status; or*
 - (g) *The prior authorization was based upon fraudulent, materially inaccurate, or misrepresented information submitted by the covered person or dentist.*

➔SECTION 4. A NEW SECTION OF SUBTITLE 17C OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section:*
 - (a) *"Credit card payment":*
 1. *Means a type of electronic funds transfer in which a dental benefit plan or its contracted vendor issues a single-use series of numbers associated with the payment of dental services:*
 - a. *Performed by a dentist and chargeable to a predetermined dollar amount; and*
 - b. *For which the dentist is responsible for processing the payment by a credit card terminal or Internet portal; and*
 2. *Shall include virtual or online credit card payments for which no physical credit card is presented to the dentist and the single-use credit card expires upon payment processing;*
 - (b) *"Dentist agent" means a person that establishes an agency relationship contract with a dentist to process bills for services provided by the dentist under terms and conditions established between the agent and dentist. Such contracts may permit the dentist agent to submit bills, request reconsideration, and receive reimbursement; and*
 - (c) *"Electronic funds transfer payment":*

1. *Means a payment by any method of electronic funds transfer other than health care electronic fund transfer and remittance advice transactions under 45 C.F.R. secs. 162.1601 and 162.1602; and*
 2. *Shall include virtual credit card payments.*
- (2) *A dental benefit plan shall not contain restrictions on methods of payment from the dental benefit plan or its vendors to the dentist in which the only acceptable payment method is a credit card payment.*
 - (3) *When initiating or changing payments to a dentist using electronic funds transfer payments, a dental benefit plan or its vendors shall:*
 - (a) *Notify the dentist if any fees are associated with a particular payment method;*
 - (b) *Advise the dentist of the available methods of payment; and*
 - (c) *Provide clear instructions to the dentist as to how to select an alternative payment method.*
 - (4) (a) *A dental benefit plan or its vendor that initiates or changes payments to a dentist for health care electronic fund transfer and remittance advice transactions under 45 C.F.R. secs. 162.1601 and 162.1602 shall not charge a fee solely to transmit the payment to the dentist unless the dentist has consented to the fee.*
 - (b) *When transmitting health care electronic fund transfer and remittance advice transactions under 45 C.F.R. secs. 162.1601 and 162.1602, a dentist agent may charge reasonable fees for payments related to transaction management, data management, portal services, and other value-added services in addition to the bank transmittal.*

➔SECTION 5. A NEW SECTION OF SUBTITLE 17C OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

The provisions of Sections 1 to 5 of this Act shall not be waived by contract. Any contractual arrangement in conflict with this section or that purports to waive any requirement of this section of shall be null and void.

➔Section 6. KRS 304.17C-085 is amended to read as follows:

- (1) *As used in this section:*
 - (a) *"Contractual discount" means a percentage reduction from a provider's usual and customary rate for covered services and material required under a participating provider agreement; and*
 - (b) *"Covered services" means services and materials for which:*
 1. *Reimbursement from a plan is provided by the enrollee's plan contract; or*
 2. *Reimbursement would be available but for the application of the enrollee's contractual limitations of deductibles, copayments, coinsurance, or frequency limitations.*
- (2) *A participating provider agreement shall not require a participating provider to provide services to an enrollee~~enrolled participant~~ at a fee set by or subject to the approval of the limited health service benefit plan unless the services are covered services under the provider agreement.*
- (3) *A provider shall not charge more for services and materials that are noncovered services under a limited health service benefit plan than the provider's rate for the services and materials.*
- (4) *The amount of a contractual discount shall not result in a fee that is less than the limited health service benefit plan would pay for covered services but for the application an enrollee's contractual limitations of deductibles, copayments, coinsurance, or frequency limitations.*
- (5) *Reimbursement paid by the limited health service benefit plan for covered services:*
 - (a) *Shall be reasonable; and*
 - (b) *Shall not provide nominal reimbursement in order to claim that services and materials are covered services.*

➔Section 7. Pursuant to KRS 304.2-110, the commissioner of insurance may promulgate administrative regulations to aid in the effectuation of the provisions of this Act.

➔Section 8. Sections 1 to 6 of this Act shall apply to contracts issued, delivered, entered, extended, or renewed on or after the effective date of this Act.

Signed by Governor March 29, 2022.

CHAPTER 49

(HB 317)

AN ACT relating to the payment of insurance premiums and cost sharing on behalf of an insured.

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

➔Section 1. KRS 304.17A-255 is amended to read as follows:

(1) As used in this section:~~{}~~

(a) "Cost sharing" means the cost to an individual insured under a health benefit plan according to any coverage limit, copayment, coinsurance, deductible, or other out-of-pocket expense requirements imposed by the plan; *and*

(b) "*Plan year*" means the year that is designated as the plan year in the plan document of a health benefit plan, except that if the plan document does not designate a plan year or if there is no plan document, the plan year is:

1. *The deductible or limit year used under the plan;*

2. *If the plan does not impose deductibles or limits on a yearly basis, the policy year;*

3. *If the plan does not impose deductibles or limits on a yearly basis and either the plan is not insured or the insurance policy is not renewed on an annual basis, the employer or sponsor's taxable year; or*

4. *If none of the preceding subparagraphs apply, the calendar year.*

(2) Except as provided in subsection (4) of this section, all health benefit plans~~{ issued or renewed on or after January 1, 2022, }~~ shall accept, and count towards the insured's contributions to any applicable premium or cost-sharing requirement, premium and cost-sharing payments made on behalf of an insured from the following:

(a) A state or federal government program, including payments made by programs operating in accordance with Title XXVI of the federal Public Health Service Act, 42 U.S.C. secs. 300ff et. seq., as amended;

(b) An Indian tribe, tribal organization, or urban Indian organization; and

(c) A program conducted by an organization that certifies that the organization~~{ is}~~:

1. *Is exempt from taxation under 26 U.S.C. sec. 501(a), as amended;*

2. *Is described in 26 U.S.C. sec. 170(b)(1)(A)(i) or (vi); ~~{and}~~*

3. *Is operating in compliance with applicable federal laws, including the False Claims Act, 31 U.S.C. secs. 3729 to 3733; and*

4. *If the organization is not a church or a convention or association of churches, as described in 26 U.S.C. sec. 170(b)(1)(A)(i), is in compliance with at least one (1) of the following:*

a. *The organization does not receive funding in any form from a health care provider, as defined in KRS 304.17A-005;*

b. *Any premium assistance offered by the organization to an insured is sufficient to cover the insured's premiums payments for a full plan year; or*

c. *The organization has been issued an advisory opinion under 42 U.S.C. sec. 1320a-7d(b), as amended, determining that the:*

i. *Program conducted by the organization is not prohibited remuneration in violation of federal law;*

ii. *Program conducted by the organization would not constitute grounds for the*

imposition of civil monetary penalties under 42 U.S.C. 1320a-7a(a)(5), as amended; or

iii. Issuing agency would not impose sanctions in connection with the program conducted by the organization.

- (3) To the extent permitted under federal law, all health benefit plans may accept, and count towards the insured's contributions to any applicable premium or cost-sharing requirement, premium and cost-sharing payments made on behalf of an insured by any person not referenced in subsection (2) of this section.
- (4) ~~(a)~~ If the application of ~~any~~~~the~~ ~~requirement~~~~requirements~~ of subsection (2) of this section would be the sole cause of a health benefit plan's failure to qualify as a Health Savings Account-qualified High Deductible Health Plan under 26 U.S.C. sec. 223, as amended, then the ~~requirement~~~~requirements~~ of ~~subsection (2) of this section~~ shall not apply to that health benefit plan until the minimum deductible under 26 U.S.C. sec. 223, as amended, is satisfied.
- ~~(b) Subsection (2)(c) of this section shall not apply to payments made by, or on behalf of, any organization that receives funding in any form from a health care provider, as defined in KRS 304.17A-005.~~
- (5) Nothing in this section shall be construed to imply that the insured is not responsible for the timely payment of premiums in accordance with the terms of the health benefit plan contract between the insurer and the insured, even if the payment is made on behalf of the insured by a person referenced in subsection (2) of this section.

➔Section 2. This Act applies to health benefit plans issued or renewed on or after the effective date of this Act.

Signed by Governor March 29, 2022.

CHAPTER 50

(HB 506)

AN ACT relating to the recognition and registration of professional employer organizations.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 336 IS CREATED TO READ AS FOLLOWS:

The General Assembly finds and declares that:

- (1) *Professional employer organizations provide a valuable service to commerce and the citizens of this Commonwealth by increasing the opportunities of employers to develop cost-effective methods of satisfying their personnel requirements and providing employees with access to certain employment benefits which might not otherwise be available; and*
- (2) *Professional employer organizations operating in this Commonwealth should be properly recognized and regulated.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 336 IS CREATED TO READ AS FOLLOWS:

As used in Sections 1 to 11 of this Act, unless the context requires otherwise:

- (1) *"Client" means any person who enters into a professional employer agreement with a professional employer organization;*
- (2) *"Co-employer" means either a professional employer organization or a client;*
- (3) *"Co-employment relationship" means a relationship which is intended to be an ongoing relationship rather than a temporary or project-specific relationship wherein the rights, duties, and obligations of an employer that arise out of an employment relationship have been allocated between co-employers pursuant to a professional employer agreement under Sections 1 to 11 of this Act, under which:*
 - (a) *The professional employer organization is entitled to enforce only those employer rights and is subject to only those obligations specifically allocated to the professional employer organization by the professional employer agreement or Sections 1 to 11 of this Act;*

- (b) *The client is entitled to enforce those rights, and obligated to provide and perform those employer obligations, allocated to the client by the professional employer agreement and Sections 1 to 11 of this Act; and*
- (c) *The client is entitled to enforce any right and obligated to perform any obligation of an employer not specifically obligated to the professional employer organization by the professional employer agreement or Sections 1 to 11 of this Act;*
- (4) *"Covered employee" means an individual having a co-employment relationship with a professional employer organization and a client who meets the following criteria:*
 - (a) *The individual has received written notice of co-employment with the professional employer organization; and*
 - (b) *The individual's co-employment relationship is pursuant to a professional employer agreement under Sections 1 to 11 of this Act.*

Individuals who are officers, directors, shareholders, partners, and managers of the client will be covered employees, except to the extent the professional employer organization and the client have expressly agreed in the professional employer agreement that those individuals would not be covered employees, provided the individuals meet the criteria of this subsection and act as operational managers or perform day-to-day operational services for the client. A covered employee shall not be considered a party to the professional employer agreement;

- (5) *"Insurer" includes every person engaged as principal and as indemnitor, surety, or contractor in the business of entering into contracts of insurance as defined in KRS 304.1-040;*
- (6) *"Person" means any individual, partnership, corporation, limited liability company, association, or any other form of legally recognized entity;*
- (7) *"Professional employer agreement" means a written contract by and between a client and a professional employer organization that provides for the:*
 - (a) *Co-employment of covered employees;*
 - (b) *Allocation of employer rights and obligations between the client and the professional employer organization with respect to the covered employees; and*
 - (c) *Assumption of responsibilities required under Sections 1 to 11 of this Act by the client and the professional employer organization;*
- (8) (a) *"Professional employer organization" means any person engaged in the business of providing professional employer services or conducting business as a staff leasing company, registered staff leasing company, employee leasing company, administrative employer, or other similar name.*
 - (b) *The following shall not be considered to be a "professional employer organization":*
 1. *Persons providing temporary help services;*
 2. *Independent contractor arrangements by which a person assumes responsibility for the product produced or service performed by the person or the person's agents and retains and exercises primary direction and control over the work performed by the individuals whose services are supplied under the arrangements; and*
 3. *Arrangements wherein a person, whose principal business activity is not entering into professional employer arrangements and which does not hold itself out as a professional employer organization, shares employees with a commonly owned company within the meaning of Section 414(b) and (c) of the Internal Revenue Code of 1986, as amended;*
- (9) *"Professional employer organization group" means two (2) or more professional employer organizations that are majority owned or commonly controlled by the same entity, parent, or controlling person or persons;*
- (10) *"Professional employer services" means the service of entering into a co-employment relationship under Sections 1 to 11 of this Act in which all or a majority of the employees providing services to a client or to a division or work unit of a client are covered employees;*
- (11) *"Registrant" means a professional employer organization registered under Sections 1 to 11 of this Act; and*

(12) *"Temporary help service" means services consisting of a person:*

- (a) *Recruiting and hiring its own employees;*
- (b) *Finding other organizations that need the services of those employees;*
- (c) *Assigning those employees to perform work at or services for the other organizations to support or supplement the other organizations' workforce, or to provide assistance in special work situations, including but not limited to employee absences, skill shortages, seasonal workloads, or performing special assignments or projects; and*
- (d) *Customarily attempting to reassign the employees to other organizations when they finish each assignment.*

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 336 IS CREATED TO READ AS FOLLOWS:

(1) *Nothing in any professional employer agreement, or in Sections 1 to 11 of this Act, shall:*

- (a) *Affect, modify, or amend any collective bargaining agreement, or the rights or obligations of any covered employee, client, or professional employer organization, covered by the federal Railway Labor Act or the National Labor Relations Act;*
- (b) *Affect, modify, or amend any contractual relationship or restrictive covenant between a covered employee and any client in effect at the time a professional employer agreement becomes effective or any contractual relationship or restrictive covenant that is entered into subsequently between a client and a covered employee. A professional employer organization shall have no responsibility in connection with, or arising out of, any existing or new contractual relationship or restrictive covenant between the covered employee and client unless the professional employer organization has specifically agreed otherwise in writing;*
- (c) *Diminish, abolish, or remove rights of covered employees to a client or obligations of the client to a covered employee existing prior to the effective date of the professional employer agreement;*
- (d) *Create any new or additional enforceable right of a covered employee against a professional employer organization that is not specifically provided by the professional employer agreement or Sections 1 to 11 of this Act;*
- (e) *Affect, modify, or amend any state, local, or federal licensing, registration, or certification requirement applicable to any client or covered employee. A covered employee who must be licensed, registered, or certified according to statute or regulation is deemed solely an employee of the client for purposes of any such license, registration, or certification requirement. A professional employer organization shall not be deemed to engage in any occupation, trade, profession, or other activity that is subject to licensing, registration, or certification requirements, or is otherwise regulated by a governmental entity, solely by entering into and maintaining a co-employment relationship with a covered employee who is subject to the requirements or regulations. A client shall have the sole right of direction and control of the professional or licensed activities of a covered employee and of the client's business. Covered employees and clients shall remain subject to regulation by the regulatory agency responsible for licensing, registration, or certification of the covered employees or clients; or*
- (f) *Include language in a professional employer agreement or be construed in Sections 1 to 11 of this Act to abrogate any constitutional, statutory, or common law cause of action of persons not a party to the professional employer agreement.*

(2) *For purposes of determining tax credits or other economic incentives provided by the Commonwealth based on employment, covered employees shall be deemed employees solely of the client. A client shall be entitled to the benefit of any tax credit, economic incentive, or other benefit arising as the result of the employment of a covered employee of the client. Notwithstanding that the professional employer organization is the federal form W-2 wage and tax statement reporting employer, the client shall continue to qualify for the tax credit, economic incentive, or benefit. If the grant or amount of any incentive is based on the number of employees, then each client shall be treated as employing only those covered employees that are co-employed by each client. Covered employees working for other clients of the professional employer organization shall not be counted. Each professional employer organization shall provide, upon request by a client or any state agency responsible for administration of any tax credit, economic incentive, or benefit, information reasonably required to support any request, claim, application, or any other action by a client*

seeking the tax credit, economic incentive, or benefit, including wage information, and locations and duties of covered employees.

- (3) *With respect to a bid, contract, purchase order, or agreement entered into with the Commonwealth or any political subdivision of the Commonwealth, a client company's status or certification as a small, minority-owned, disadvantaged, or woman-owned business enterprise or as a historically underutilized business shall not be affected because the client company has entered into an agreement with or uses the services of a professional employer organization.*

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 336 IS CREATED TO READ AS FOLLOWS:

- (1) *A person engaged in providing professional employer services pursuant to a co-employment relationship in which all or a majority of the employees of a client are covered employees shall be registered under Sections 1 to 11 of this Act. A person who is not registered under Sections 1 to 11 of this Act shall not offer or provide professional employer services in this Commonwealth and shall not use the names professional employer organization, PEO, staff leasing company, employee leasing company, administrative employer, or any other name or title representing professional employer services.*
- (2) *Each applicant for registration under Sections 1 to 11 of this Act shall provide the Department of Workers' Claims with the following:*
- (a) *The name or names under which the professional employer organization conducts business;*
 - (b) *The address of the principal place of business of the professional employer organization and the address of each office it maintains in this Commonwealth;*
 - (c) *The professional employer organization's taxpayer identification number or federal and state employer identification number;*
 - (d) *A list, by jurisdiction, of each name under which the professional employer organization has operated in the preceding five (5) years, including any alternative names, names of predecessors, and, if known, successor business entities;*
 - (e) *A statement of ownership, which shall include the name and evidence of the business experience of any person that, individually or acting in concert with one (1) or more other persons, owns or controls, directly or indirectly, twenty-five percent (25%) or more of the equity interest in the professional employer organization; and*
 - (f)
 1. *A financial statement setting forth the financial condition of the professional employer organization or professional employer organization group.*
 2. *At the time of the initial application for a new registration, the applicant shall submit the most recent audit of the applicant, which shall not be older than thirteen (13) months. Thereafter, a professional employer organization or professional employer organization group shall file a succeeding audit on an annual basis within one hundred eighty (180) days after the end of the fiscal year.*
 3. *An applicant may apply for an extension with the Department of Workers' Claims, but any extension request shall be accompanied by a letter from the auditors stating the reasons for the delay and the anticipated date for completion of the audit.*
 4. *The financial statement shall be prepared in accordance with generally accepted accounting principles and audited by an independent certified public accountant licensed to practice in the jurisdiction in which the accountant is located, and shall be without qualification as to the going concern status of the professional employer organization.*
 5. *A professional employer organization group may submit combined or consolidated audited financial statements to meet the requirements of this paragraph.*
 6. *A professional employer organization that has not had sufficient operating history to have audited financial statements based on at least twelve (12) months of operating history shall meet the requirements in Section 6 of this Act and present financial statements reviewed by a certified public accountant.*
- (3) *Each professional employer organization operating within this Commonwealth as of the effective date of this Act shall complete its initial registration no later than one hundred eighty (180) days after the effective date of this Act. The initial registration shall be valid until one hundred eighty (180) days from the end of*

the professional employer organization's first fiscal year that is more than one (1) fiscal year after the effective date of this Act.

- (4) *Each professional employer organization not operating within this Commonwealth as of the effective date of this Act shall complete its initial registration prior to initiating operations within this Commonwealth. If a professional employer organization not operating within this Commonwealth becomes aware that an existing client that is not based in this Commonwealth had employees and operations in this Commonwealth, the professional employer organization shall either decline to provide professional employer services for those employees or notify the Department of Workers' Claims within five (5) business days of its knowledge of this fact and file a limited registration application or file a full business registration if there are more than fifty (50) covered employees. The Department of Workers' Claims may issue an interim operating permit for the period the registration applications are pending if the professional employer organization is currently registered or licensed by another state and the Department of Workers' Claims determines it to be in the best interests of the potential covered employees.*
- (5) *Within one hundred eighty (180) days after the end of the fiscal year, a registrant shall renew its registration by notifying the Department of Workers' Claims of any changes in the information provided in the registrant's most recent registration or renewal. A registrant's existing registration shall remain in effect during the pendency of a renewal application.*
- (6) *Professional employer organizations in a professional employer organization group may satisfy the reporting and financial requirements of Sections 1 to 11 of this Act on a combined or consolidated basis provided that each member of the professional employer organization group guarantees the financial capacity obligations under Sections 1 to 11 of this Act of each other member of the professional employer organization group. In the case of a professional employer organization group that submits a combined or consolidated audited financial statement that includes entities that are not professional employer organizations or that are not in the professional employer organization group, the controlling entity of the professional employer organization group under the consolidated or combined statement shall guarantee the obligations of the professional employer organizations in the professional employer organization group.*
- (7)
 - (a) *A professional employer organization is eligible for a limited registration under Sections 1 to 11 of this Act if the professional employer organization:*
 1. *Submits a properly executed request for limited registration on a form provided by the Department of Workers' Claims;*
 2. *Is domiciled outside this Commonwealth and is licensed or registered as a professional employer organization in another state;*
 3. *Does not maintain an office in this Commonwealth or directly solicit clients located or domiciled within this Commonwealth; or*
 4. *Does not have more than fifty (50) covered employees domiciled or employed in this Commonwealth on any given day.*
 - (b) *A limited registration is valid for one (1) year and may be renewed.*
 - (c) *A professional employer organization seeking limited registration under this subsection shall provide the Department of Workers' Claims with information and documentation necessary to show that the professional employer organization qualifies for a limited registration.*
 - (d) *Section 6 of this Act does not apply to applicants for limited registration.*
- (8) *The Department of Workers' Claims shall maintain a list of professional employer organizations registered pursuant to Sections 1 to 11 of this Act that is readily available to the public by electronic or other means.*
- (9) *The Department of Workers' Claims shall to the extent practical permit by administrative regulation the acceptance of electronic filings, including applications, documents, reports, and other filings required under Sections 1 to 11 of this Act. The Department of Workers' Claims may provide for the acceptance of electronic filings and other assurance by an independent and qualified assurance organization approved by the secretary that provides satisfactory assurance of compliance acceptable to the Department of Workers' Claims consistent with or in lieu of the requirements of this section and Section 6 of this Act, and other requirements of Sections 1 to 11 of this Act. The secretary shall permit a professional employer organization to authorize an approved assurance organization to act on behalf of the professional employer organization in complying with the registration requirements of Sections 1 to 11 of this Act, including*

electronic filings of information and payment of registration fees. Use of an approved assurance organization shall be optional for a registrant. Nothing in this subsection shall limit or change the Department of Workers' Claims' authority to register or terminate registration of a professional employer organization or to investigate or enforce any provision of Sections 1 to 11 of this Act.

- (10) *All records, reports, and other information obtained from a professional employer organization under Sections 1 to 11 of this Act, except to the extent necessary for the proper administration of Sections 1 to 11 of this Act by the Department of Workers' Claims, shall be confidential and shall not be published or open to public inspection other than to public employees in the performance of their public duties.*
- (11) *The Department of Workers' Claims may promulgate administrative regulations and prescribe forms necessary to promote the efficient administration of this section.*

➔SECTION 5. A NEW SECTION OF KRS CHAPTER 336 IS CREATED TO READ AS FOLLOWS:

- (1) *Upon filing an initial registration statement pursuant to Sections 1 to 11 of this Act, a professional employer organization shall pay an initial registration fee not to exceed five hundred dollars (\$500) to the Department of Workers' Claims.*
- (2) *Upon each annual renewal of a registration statement filed under Sections 1 to 11 of this Act, a professional employer organization shall pay a renewal fee not to exceed two hundred fifty dollars (\$250) to the Department of Workers' Claims.*
- (3) *Each professional employer organization seeking limited registration under Section 4 of this Act shall pay a fee in the amount not to exceed two hundred fifty dollars (\$250) to the Department of Worker's Claim upon initial application for the limited registration and upon each annual renewal of limited registration.*

➔SECTION 6. A NEW SECTION OF KRS CHAPTER 336 IS CREATED TO READ AS FOLLOWS:

Except as provided in Section 4 of this Act, each professional employer organization or collectively each professional employer organization group shall either:

- (1) *Maintain positive working capital as indicated by current assets minus current liabilities and defined by generally accepted accounting principles at registration as reflected in the financial statements submitted to the Department of Workers' Claims with the initial registration; or*
- (2) *Provide a bond, irrevocable letter of credit, or securities with a minimum market value equaling the deficiency plus one hundred thousand dollars (\$100,000) to the Department of Workers' Claims if the professional employer organization or professional employer organization group does not have positive working capital. The bond shall be held by a depository designated by the Department of Workers' Claims, securing payment by the professional employer organization of all taxes, wages, benefits, or other entitlement due to or with respect to covered employees should the professional employer organization fail to make payments when due.*

➔SECTION 7. A NEW SECTION OF KRS CHAPTER 336 IS CREATED TO READ AS FOLLOWS:

- (1) *Except as specifically provided in Sections 1 to 11 of this Act, or in a professional employer agreement, in each co-employment relationship:*
 - (a) *The client shall be entitled to exercise all rights, and shall be obligated to perform all duties and responsibilities, otherwise applicable to an employer in an employment relationship;*
 - (b) *The professional employer organization shall be entitled to exercise only those rights, and shall be obligated to perform only those duties and responsibilities, specifically required by Sections 1 to 11 of this Act or set forth in the professional employer agreement. The rights, duties, and obligations of the professional employer organization as co-employer with respect to any covered employee shall be limited to those arising out of the professional employer agreement and Sections 1 to 11 of this Act during the term of co-employment by the professional employer organization of the covered employee; and*
 - (c) *Unless otherwise expressly agreed by the professional employer organization and the client in a professional employer agreement, the client retains the exclusive right to direct and control the covered employees as necessary to conduct the client's business, to discharge any of the client's fiduciary responsibilities, or to comply with any licensure requirements applicable to the client of the covered employees.*

- (2) *Except as otherwise provided in Sections 1 to 11 of this Act, the co-employment relationship between the client and the professional employer organization, and between each co-employer and each covered employee, shall be governed by the professional employer agreement. Each professional employer agreement shall:*
- (a) *Include the allocation of rights, duties, and obligations as set forth in subsection (1) of this section;*
 - (b) *Provide that the professional employer organization shall have responsibility to pay wages to covered employees; to withhold, collect, report and remit payroll and unemployment taxes; and, to the extent the professional employer organization has assumed responsibility in the professional employer agreement, to make payments for employee benefits for covered employees as a result of the outsourcing of payroll duty to the professional employer organization by the client. As used in this paragraph, "wages" does not include any obligation between a client and a covered employee for payments beyond or in addition to the covered employee's salary, draw, or regular rate of pay such as bonuses, commissions, severance pay, deferred compensation, profit sharing, or vacation, sick, or other paid time off, unless the professional employer organization has expressly agreed to assume liability for payments in the professional employer agreement;*
 - (c) *Provide that the professional employer organization shall have a right to hire, discipline, and terminate a covered employee as may be necessary to fulfill the professional employer organization's responsibilities under Section 1 to 11 of this Act and the professional employer agreement. The client shall have a right to hire, discipline, and terminate a covered employee; and*
 - (d) *Provide that the responsibility to obtain and maintain workers' compensation coverage for covered employees from an insurer licensed to do business in this Commonwealth and otherwise in compliance with all applicable requirements shall be specifically allocated to either the client or the professional employer organization in the professional employment agreement.*
- (3) *A professional employer organization shall provide written notice to each covered employee affected by a professional employer agreement entered into by a professional employer organization. The notice shall set forth the general nature of the co-employment relationship between and among the professional employer organization, the client, and the covered employees. Nothing in this subsection shall create a presumption of liability against a professional employer organization for the acts, errors, or omissions of the covered employees. Notwithstanding any provision to the contrary, the statute of limitations for a claim of a covered employee against a professional employer organization shall not begin to run until the covered employee knew or should have known about the professional employer organization agreement and the identity of the professional employer organization, but in no event shall the statute of limitations be more than one (1) year from the date the original lawsuit was timely filed by the covered employee. Nothing in this subsection shall limit the existing statute of limitations for any causes of action contained in the original lawsuit for the covered employee.*
- (4) *Except to the extent otherwise expressly provided by the applicable professional employer agreement:*
- (a) *A client shall be solely responsible for workplace safety and for the quality and adequacy of the goods and services produced or sold in the client's business. Nothing in Sections 1 to 11 of this Act shall limit an injured workers' ability to recover increased compensation under KRS 342.165 from the co-employer;*
 - (b) *A client shall be solely responsible for directing, supervising, training, retaining, and controlling the work of the covered employees with respect to the business activities of the client and solely responsible for the acts, errors, or omissions of the covered employees with regard to these activities. Nothing in this subsection shall create a presumption of liability against a professional employer organization for the acts, errors, or omissions of the covered employees. Notwithstanding any provision to the contrary, the statute of limitations for a claim of an injured party who is not a covered employee against a professional organization shall not begin to run until the injured party who is not a covered employee knew or should have known about the professional employer organization agreement and the identity of the professional employer organization, but in no event shall the statute of limitations be more than one (1) year from the date the original lawsuit was timely filed by the injured party who is not a covered employee. Nothing in this paragraph shall limit the existing statute of limitations for any causes of action contained in the original lawsuit for the injured party who is not a covered employee;*

- (c) *A client shall not be liable for the acts, errors, or omissions of a professional employer organization, or of any covered employee of the client and a professional employer organization when the covered employee is acting under the express direction and control of the professional employer organization;*
 - (d) *A professional employer organization shall not be liable for the acts, errors, or omissions of a client or of any covered employee of the client when the covered employee is acting under the express direction and control of the client;*
 - (e) *Nothing in this subsection shall serve to limit any contractual liability or obligation specifically provided in the written professional employer agreement; and*
 - (f) *A covered employee is not, solely as a result of being a covered employee of a professional employer organization, an employee of the professional employer organization for the purposes of general liability insurance, fidelity bonds, surety bonds, employer's liability which is not covered by workers' compensation, or liquor liability insurance carried by the professional employer organization unless the covered employees are included by specific reference in the professional employer agreement and applicable prearranged employment contract, insurance contract, or bond.*
- (5) *A professional employer organization under Sections 1 to 11 of this Act is not engaged in the sale of insurance or in acting as a third-party administrator by providing professional employer services which include services and employee benefit plans for covered employees.*
- (6) *For purposes of the Commonwealth or any city, county, or other political subdivision thereof:*
- (a) *Covered employees whose services are subject to sales tax shall be deemed the employees of the client for purposes of collecting and levying sales tax on the services performed by the covered employee. Nothing contained in Sections 1 to 11 of this Act shall relieve a client of any sales tax liability with respect to its goods or services;*
 - (b) *Any tax or assessment imposed upon professional employer services or any business license or other fee which is based upon gross receipts shall allow a deduction for the gross income or receipts of the business derived from performing professional employer services that is equal to that portion of the fee charged to a client that represents the actual cost of wages and salaries, benefits, workers' compensation, payroll taxes, withholding, or other assessments paid to or on behalf of a covered employee by the professional employer organization under a professional employer agreement;*
 - (c) *Any tax or assessment or mandated expenditure on a per capita or per employee basis shall be assessed against the client for covered employees and against the professional employer organization for its employees who are not covered employees co-employed with a client. Benefits or monetary consideration that meet the requirements of mandates imposed on a client and that are received by covered employees through the professional employer organization either through payroll or through benefit plans sponsored by the professional employer organization shall be credited against the client's obligation to fulfill the mandates; and*
 - (d) *In the case of a tax or assessment imposed or calculated upon the basis of total payroll, the professional employer organization shall be eligible to apply any small business allowance or exemption available to the client for the covered employees for purpose of commuting the tax.*

➔SECTION 8. A NEW SECTION OF KRS CHAPTER 336 IS CREATED TO READ AS FOLLOWS:

- (1) *Any professional employer organization whose workers' compensation insurance has been terminated within the past five (5) years in any jurisdiction due to a determination that a professional employer organization arrangement was being utilized to avoid premiums, taxes, or assessments otherwise payable by clients shall be ineligible to register with the Department of Workers' Claims or to remain registered, if previously registered.*
- (2) *A client shall fulfill its statutory responsibility to secure benefits for covered employees under this chapter by purchasing and maintaining a standard workers' compensation policy approved by the commissioner of the Department of Workers' Claims. A client may fulfill that responsibility by contracting with a professional employer organization to secure coverage. Where a client contracts with a professional employer organization to secure coverage for a portion of its employees, a client shall obtain and maintain workers' compensation coverage in compliance with KRS Chapter 342 for all employees not covered in the co-employment relationship. In either event, it shall be the responsibility of the client to maintain in its files, at all times, the certificate of insurance, or a copy thereof, evidencing the existence of the required*

insurance. The exposure and experience of the client shall be used in determining the premium for the policy and shall include coverage for all covered employees.

- (3) *A temporary help service shall be deemed the employer of a temporary worker and shall be subject to this chapter.*

➔SECTION 9. A NEW SECTION OF KRS CHAPTER 336 IS CREATED TO READ AS FOLLOWS:

- (1) *A client and a registered professional employer organization shall each be deemed an employer under the laws of this Commonwealth for purposes of sponsoring retirement and welfare benefit plans for its covered employees.*
- (2) *A fully insured welfare benefit plan offered to the covered employees of a professional employer organization shall be treated for the purposes of state law as a single employer welfare benefit plan.*
- (3) *For purposes of sponsoring retirement and welfare benefit plans for its covered employees, a professional employer organization shall be considered the employer of all of its covered employees, and all covered employees of one (1) or more clients participating in a health benefit plan sponsored by a professional employer organization shall be considered employees of that professional employer organization.*

➔SECTION 10. A NEW SECTION OF KRS CHAPTER 336 IS CREATED TO READ AS FOLLOWS:

For the purposes of KRS Chapter 341:

- (1) *Covered employees of a registered professional employer organization shall be considered employees of the professional employer organization, which shall be responsible for the payment of contributions, penalties, and interest on wages paid by the professional employer organization to its covered employees during the term of the applicable professional employer agreement;*
- (2) *The professional employer organization shall report and pay all required contributions to the unemployment insurance fund using the state employer identification number and the contribution rate of the professional employer organization; and*
- (3) *Upon the termination of a contract between a professional employer organization and a client or the failure of a professional employer organization to submit reports or make tax payments as required by Sections 1 to 11 of this Act, the client shall be treated as a new employer without a previous experience record unless that client is otherwise eligible for an experience rating.*

➔SECTION 11. A NEW SECTION OF KRS CHAPTER 336 IS CREATED TO READ AS FOLLOWS:

- (1) *A person shall not knowingly:*
- (a) *Offer or provide professional employer services or use the names professional employer organization, PEO, staff leasing, employee leasing, administrative employer, or other title representing professional employer services without first becoming registered under Sections 1 to 11 of this Act; or*
- (b) *Provide false or fraudulent information to the Department of Workers' Claims in conjunction with any registration, renewal, or in any report required under Sections 1 to 11 of this Act.*
- (2) *Action may be taken by the Department of Workers' Claims against:*
- (a) *Any person for violation of subsection (1) of this section;*
- (b) *A professional employer organization or the controlling person of a professional employer organization upon the conviction of a professional employer organization or the controlling person of a professional employer organization of a crime that relates to the operation of the professional employer organization or the ability of the registrant or the controlling person of the registrant to operate the professional employer organization;*
- (c) *A professional employer organization or the controlling person of a professional employer organization for knowingly making a material misrepresentation to the Department of Workers' Claims or any other state agency; or*
- (d) *A professional employer organization or the controlling person of a professional employer organization for a willful violation of Sections 1 to 11 of this Act or any order or administrative regulation issued by the Department of Workers' Claims under Sections 1 to 11 of this Act.*

- (3) *Upon finding that a professional employer organization or the controlling person of a professional employer organization has violated any provision of Sections 1 to 11 this Act, the Department of Workers' Claims may:*
- (a) *Deny an application for a registration;*
 - (b) *Revoke, restrict, or refuse a registration;*
 - (c) *Impose a civil penalty not to exceed one thousand dollars (\$1,000) for each violation;*
 - (d) *Place a registration on probation and subject to conditions specified by the Department of Workers' Claims; or*
 - (e) *Issue a cease and desist order.*

➔Section 12. KRS 342.0011 is amended to read as follows:

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

- (1) "Injury" means any work-related traumatic event or series of traumatic events, including cumulative trauma, arising out of and in the course of employment which is the proximate cause producing a harmful change in the human organism evidenced by objective medical findings. "Injury" does not include the effects of the natural aging process, and does not include any communicable disease unless the risk of contracting the disease is increased by the nature of the employment. "Injury" when used generally, unless the context indicates otherwise, shall include an occupational disease and damage to a prosthetic appliance, but shall not include a psychological, psychiatric, or stress-related change in the human organism, unless it is a direct result of a physical injury;
- (2) "Occupational disease" means a disease arising out of and in the course of the employment;
- (3) An occupational disease as defined in this chapter shall be deemed to arise out of the employment if there is apparent to the rational mind, upon consideration of all the circumstances, a causal connection between the conditions under which the work is performed and the occupational disease, and which can be seen to have followed as a natural incident to the work as a result of the exposure occasioned by the nature of the employment and which can be fairly traced to the employment as the proximate cause. The occupational disease shall be incidental to the character of the business and not independent of the relationship of employer and employee. An occupational disease need not have been foreseen or expected but, after its contraction, it must appear to be related to a risk connected with the employment and to have flowed from that source as a rational consequence;
- (4) "Injurious exposure" shall mean that exposure to occupational hazard which would, independently of any other cause whatsoever, produce or cause the disease for which the claim is made;
- (5) "Death" means death resulting from an injury or occupational disease;
- (6) "Carrier" means any insurer, or legal representative thereof, authorized to insure the liability of employers under this chapter and includes a self-insurer;
- (7) "Self-insurer" is an employer who has been authorized under the provisions of this chapter to carry his own liability on his employees covered by this chapter;
- (8) "Department" means the Department of Workers' Claims in the Labor Cabinet;
- (9) "Commissioner" means the commissioner of the Department of Workers' Claims under the direction and supervision of the secretary of the Labor Cabinet;
- (10) "Board" means the Workers' Compensation Board;
- (11)
 - (a) "Temporary total disability" means the condition of an employee who has not reached maximum medical improvement from an injury and has not reached a level of improvement that would permit a return to employment;
 - (b) "Permanent partial disability" means the condition of an employee who, due to an injury, has a permanent disability rating but retains the ability to work; and
 - (c) "Permanent total disability" means the condition of an employee who, due to an injury, has a permanent disability rating and has a complete and permanent inability to perform any type of work as a result of an injury, except that total disability shall be irrebuttably presumed to exist for an injury that results in:

1. Total and permanent loss of sight in both eyes;
 2. Loss of both feet at or above the ankle;
 3. Loss of both hands at or above the wrist;
 4. Loss of one (1) foot at or above the ankle and the loss of one (1) hand at or above the wrist;
 5. Permanent and complete paralysis of both arms, both legs, or one (1) arm and one (1) leg;
 6. Incurable insanity or imbecility; or
 7. Total loss of hearing;
- (12) "Income benefits" means payments made under the provisions of this chapter to the disabled worker or his dependents in case of death, excluding medical and related benefits;
- (13) "Medical and related benefits" means payments made for medical, hospital, burial, and other services as provided in this chapter, other than income benefits;
- (14) "Compensation" means all payments made under the provisions of this chapter representing the sum of income benefits and medical and related benefits;
- (15) "Medical services" means medical, surgical, dental, hospital, nursing, and medical rehabilitation services, medicines, and fittings for artificial or prosthetic devices;
- (16) "Person" means any individual, partnership, limited partnership, limited liability company, firm, association, trust, joint venture, corporation, or legal representative thereof;
- (17) "Wages" means, in addition to money payments for services rendered, the reasonable value of board, rent, housing, lodging, fuel, or similar advantages received from the employer, and gratuities received in the course of employment from persons other than the employer as evidenced by the employee's federal and state tax returns;
- (18) "Agriculture" means the operation of farm premises, including the planting, cultivation, producing, growing, harvesting, and preparation for market of agricultural or horticultural commodities thereon, the raising of livestock for food products and for racing purposes, and poultry thereon, and any work performed as an incident to or in conjunction with the farm operations, including the sale of produce at on-site markets and the processing of produce for sale at on-site markets. It shall not include the commercial processing, packing, drying, storing, or canning of such commodities for market, or making cheese or butter or other dairy products for market;
- (19) "Beneficiary" means any person who is entitled to income benefits or medical and related benefits under this chapter;
- (20) "United States," when used in a geographic sense, means the several states, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, and the territories of the United States;
- (21) "Alien" means a person who is not a citizen, a national, or a resident of the United States or Canada. Any person not a citizen or national of the United States who relinquishes or is about to relinquish his residence in the United States shall be regarded as an alien;
- (22) "Insurance carrier" means every insurance carrier or insurance company authorized to do business in the Commonwealth writing workers' compensation insurance coverage and includes the Kentucky Employers Mutual Insurance Authority and every self-insured group operating under the provisions of this chapter;
- (23) (a) "Severance or processing of coal" means all activities performed in the Commonwealth at underground, auger, and surface mining sites; all activities performed at tipple or processing plants that clean, break, size, or treat coal; and all activities performed at coal loading facilities for trucks, railroads, and barges. Severance or processing of coal shall not include acts performed by a final consumer if the acts are performed at the site of final consumption.
- (b) "Engaged in severance or processing of coal" shall include all individuals, partnerships, limited partnerships, limited liability companies, corporations, joint ventures, associations, or any other business entity in the Commonwealth which has employees on its payroll who perform any of the acts stated in paragraph (a) of this subsection, regardless of whether the acts are performed as owner of the coal or on a contract or fee basis for the actual owner of the coal. A business entity engaged in the severance or processing of coal, including but not limited to administrative or selling functions, shall be

considered wholly engaged in the severance or processing of coal for the purpose of this chapter. However, a business entity which is engaged in a separate business activity not related to coal, for which a separate premium charge is not made, shall be deemed to be engaged in the severance or processing of coal only to the extent that the number of employees engaged in the severance or processing of coal bears to the total number of employees. Any employee who is involved in the business of severing or processing of coal and business activities not related to coal shall be prorated based on the time involved in severance or processing of coal bears to his total time;

- (24) "Premium" for every self-insured group means any and all assessments levied on its members by such group or contributed to it by the members thereof. For special fund assessment purposes, "premium" also includes any and all membership dues, fees, or other payments by members of the group to associations or other entities used for underwriting, claims handling, loss control, premium audit, actuarial, or other services associated with the maintenance or operation of the self-insurance group;
- (25) (a) "Premiums received" for policies effective on or after January 1, 1994, for insurance companies means direct written premiums as reported in the annual statement to the Department of Insurance by insurance companies, except that "premiums received" includes premiums charged off or deferred, and, on insurance policies or other evidence of coverage with provisions for deductibles, the calculated cost for coverage, including experience modification and premium surcharge or discount, prior to any reduction for deductibles. The rates, factors, and methods used to calculate the cost for coverage under this paragraph for insurance policies or other evidence of coverage with provisions for deductibles shall be the same rates, factors, and methods normally used by the insurance company in Kentucky to calculate the cost for coverage for insurance policies or other evidence of coverage without provisions for deductibles, except that, for insurance policies or other evidence of coverage with provisions for deductibles effective on or after January 1, 1995, the calculated cost for coverage shall not include any schedule rating modification, debits, or credits. For policies with provisions for deductibles with effective dates on or after January 1, 1995, assessments shall be imposed on premiums received as calculated by the deductible program adjustment. The cost for coverage calculated under this paragraph by insurance companies that issue only deductible insurance policies in Kentucky shall be actuarially adequate to cover the entire liability of the employer for compensation under this chapter, including all expenses and allowances normally used to calculate the cost for coverage. For policies with provisions for deductibles with effective dates of May 6, 1993, through December 31, 1993, for which the insurance company did not report premiums and remit special fund assessments based on the calculated cost for coverage prior to the reduction for deductibles, "premiums received" includes the initial premium plus any reimbursements invoiced for losses, expenses, and fees charged under the deductibles. The special fund assessment rates in effect for reimbursements invoiced for losses, expenses, or fees charged under the deductibles shall be those percentages in effect on the effective date of the insurance policy. For policies covering ~~covered~~~~leased~~ employees **having a co-employment relationship with a professional employer organization and a client** as defined in **KRS Chapter 336**~~[KRS 342.615]~~, "premiums received" means premiums calculated using the experience modification factor of each ~~client~~~~lessee~~ as defined in **KRS Chapter 336**~~[KRS 342.615]~~ for each ~~covered~~~~leased~~ employee for that portion of the payroll pertaining to the ~~covered~~~~leased~~ employee.
- (b) "Direct written premium" for insurance companies means the gross premium written less return premiums and premiums on policies not taken but including policy and membership fees.
- (c) "Premium," for policies effective on or after January 1, 1994, for insurance companies means all consideration, whether designated as premium or otherwise, for workers' compensation insurance paid to an insurance company or its representative, including, on insurance policies with provisions for deductibles, the calculated cost for coverage, including experience modification and premium surcharge or discount, prior to any reduction for deductibles. The rates, factors, and methods used to calculate the cost for coverage under this paragraph for insurance policies or other evidence of coverage with provisions for deductibles shall be the same rates, factors, and methods normally used by the insurance company in Kentucky to calculate the cost for coverage for insurance policies or other evidence of coverage without provisions for deductibles, except that, for insurance policies or other evidence of coverage with provisions for deductibles effective on or after January 1, 1995, the calculated cost for coverage shall not include any schedule rating modifications, debits, or credits. For policies with provisions for deductibles with effective dates on or after January 1, 1995, assessments shall be imposed as calculated by the deductible program adjustment. The cost for coverage calculated under this paragraph by insurance companies that issue only deductible insurance policies in Kentucky shall be actuarially adequate to cover the entire liability of the employer for compensation under this chapter,

including all expenses and allowances normally used to calculate the cost for coverage. For policies with provisions for deductibles with effective dates of May 6, 1993, through December 31, 1993, for which the insurance company did not report premiums and remit special fund assessments based on the calculated cost for coverage prior to the reduction for deductibles, "premium" includes the initial consideration plus any reimbursements invoiced for losses, expenses, or fees charged under the deductibles.

- (d) "Return premiums" for insurance companies means amounts returned to insureds due to endorsements, retrospective adjustments, cancellations, dividends, or errors.
 - (e) "Deductible program adjustment" means calculating premium and premiums received on a gross basis without regard to the following:
 - 1. Schedule rating modifications, debits, or credits;
 - 2. Deductible credits; or
 - 3. Modifications to the cost of coverage from inception through and including any audit that are based on negotiated retrospective rating arrangements, including but not limited to large risk alternative rating options;
- (26) "Insurance policy" for an insurance company or self-insured group means the term of insurance coverage commencing from the date coverage is extended, whether a new policy or a renewal, through its expiration, not to exceed the anniversary date of the renewal for the following year;
- (27) "Self-insurance year" for a self-insured group means the annual period of certification of the group created pursuant to KRS 342.350(4) and 304.50-010;
- (28) "Premium" for each employer carrying his own risk pursuant to KRS 342.340(1) shall be the projected value of the employer's workers' compensation claims for the next calendar year as calculated by the commissioner using generally-accepted actuarial methods as follows:
- (a) The base period shall be the earliest three (3) calendar years of the five (5) calendar years immediately preceding the calendar year for which the calculation is made. The commissioner shall identify each claim of the employer which has an injury date or date of last injurious exposure to the cause of an occupational disease during each one (1) of the three (3) calendar years to be used as the base, and shall assign a value to each claim. The value shall be the total of the indemnity benefits paid to date and projected to be paid, adjusted to current benefit levels, plus the medical benefits paid to date and projected to be paid for the life of the claim, plus the cost of medical and vocational rehabilitation paid to date and projected to be paid. Adjustment to current benefit levels shall be done by multiplying the weekly indemnity benefit for each claim by the number obtained by dividing the statewide average weekly wage which will be in effect for the year for which the premium is being calculated by the statewide average weekly wage in effect during the year in which the injury or date of the last exposure occurred. The total value of the claims using the adjusted weekly benefit shall then be calculated by the commissioner. Values for claims in which awards have been made or settlements reached because of findings of permanent partial or permanent total disability shall be calculated using the mortality and interest discount assumptions used in the latest available statistical plan of the advisory rating organization defined in Subtitle 13 of KRS Chapter 304. The sum of all calculated values shall be computed for all claims in the base period;
 - (b) The commissioner shall obtain the annual payroll for each of the three (3) years in the base period for each employer carrying his own risk from records of the department and from the records of the Department of Workforce Investment, Education and Workforce Development Cabinet. The commissioner shall multiply each of the three (3) years of payroll by the number obtained by dividing the statewide average weekly wage which will be in effect for the year in which the premium is being calculated by the statewide average weekly wage in effect in each of the years of the base period;
 - (c) The commissioner shall divide the total of the adjusted claim values for the three (3) year base period by the total adjusted payroll for the same three (3) year period. The value so calculated shall be multiplied by 1.25 and shall then be multiplied by the employer's most recent annualized payroll, calculated using records of the department and the Department of Workforce Investment data which shall be made available for this purpose on a quarterly basis as reported, to obtain the premium for the next calendar year for assessment purposes under KRS 342.122;

- (d) For November 1, 1987, through December 31, 1988, premium for each employer carrying its own risk shall be an amount calculated by the board pursuant to the provisions contained in this subsection and such premium shall be provided to each employer carrying its own risk and to the funding commission on or before January 1, 1988. Thereafter, the calculations set forth in this subsection shall be performed annually, at the time each employer applies or renews its application for certification to carry its own risk for the next twelve (12) month period and submits payroll and other data in support of the application. The employer and the funding commission shall be notified at the time of the certification or recertification of the premium calculated by the commissioner, which shall form the employer's basis for assessments pursuant to KRS 342.122 for the calendar year beginning on January 1 following the date of certification or recertification;
 - (e) If an employer having fewer than five (5) years of doing business in this state applies to carry its own risk and is so certified, its premium for the purposes of KRS 342.122 shall be based on the lesser number of years of experience as may be available including the two (2) most recent years if necessary to create a three (3) year base period. If the employer has less than two (2) years of operation in this state available for the premium calculation, then its premium shall be the greater of the value obtained by the calculation called for in this subsection or the amount of security required by the commissioner pursuant to KRS 342.340(1);
 - (f) If an employer is certified to carry its own risk after having previously insured the risk, its premium shall be calculated using values obtained from claims incurred while insured for as many of the years of the base period as may be necessary to create a full three (3) year base. After the employer is certified to carry its own risk and has paid all amounts due for assessments upon premiums paid while insured, the employer shall be assessed only upon the premium calculated under this subsection;
 - (g) "Premium" for each employer defined in KRS 342.630(2) shall be calculated as set forth in this subsection; and
 - (h) Notwithstanding any other provision of this subsection, the premium of any employer authorized to carry its own risk for purposes of assessments due under this chapter shall be no less than thirty cents (\$0.30) per one hundred dollars (\$100) of the employer's most recent annualized payroll for employees covered by this chapter;
- (29) "SIC code" as used in this chapter means the Standard Industrial Classification Code contained in the latest edition of the Standard Industrial Classification Manual published by the Federal Office of Management and Budget;
- (30) "Investment interest" means any pecuniary or beneficial interest in a provider of medical services or treatment under this chapter, other than a provider in which that pecuniary or investment interest is obtained on terms equally available to the public through trading on a registered national securities exchange, such as the New York Stock Exchange or the American Stock Exchange, or on the National Association of Securities Dealers Automated Quotation System;
- (31) "Managed health care system" means a health care system that employs gatekeeper providers, performs utilization review, and does medical bill audits;
- (32) "Physician" means physicians and surgeons, psychologists, optometrists, dentists, podiatrists, and osteopathic and chiropractic practitioners acting within the scope of their license issued by the Commonwealth;
- (33) "Objective medical findings" means information gained through direct observation and testing of the patient applying objective or standardized methods;
- (34) "Work" means providing services to another in return for remuneration on a regular and sustained basis in a competitive economy;
- (35) "Permanent impairment rating" means percentage of whole body impairment caused by the injury or occupational disease as determined by the "Guides to the Evaluation of Permanent Impairment";
- (36) "Permanent disability rating" means the permanent impairment rating selected by an administrative law judge times the factor set forth in the table that appears at KRS 342.730(1)(b); and
- (37) "Guides to the Evaluation of Permanent Impairment" means, except as provided in KRS 342.262:
- (a) The fifth edition published by the American Medical Association; and

- (b) For psychological impairments, Chapter 12 of the second edition published by the American Medical Association.

➔Section 13. KRS 342.990 is amended to read as follows:

- (1) The commissioner shall initiate enforcement of civil and criminal penalties imposed in this section.
- (2) When the commissioner receives information that he or she deems sufficient to determine that a violation of this chapter has occurred, he or she shall seek civil penalties pursuant to subsections (3) to (7) of this section, criminal penalties pursuant to subsections (8) and (9) of this section, or both.
- (3) The commissioner shall initiate enforcement of a civil penalty by simultaneously citing the appropriate party for the offense and stating the civil penalty to be paid.
- (4) If, within fifteen (15) working days from the receipt of the citation, a cited party fails to notify the commissioner that he or she intends to contest the citation, then the citation shall be deemed final.
- (5) If a cited party notifies the commissioner that he or she intends to challenge a citation issued under this section, the commissioner shall cause the matter to be heard as soon as practicable by an administrative law judge and in accordance with the provisions of KRS Chapter 13B. The burden of proof shall be upon the attorney representing the commissioner to prove the offense stated in the citation by a preponderance of the evidence. The parties shall stipulate to uncontested facts and issues prior to the hearing before the administrative law judge. The administrative law judge shall issue a ruling within sixty (60) days following the hearing.
- (6) A party may appeal the ruling of the administrative law judge to the Franklin Circuit Court in conformity with KRS 13B.140.
- (7) The following civil penalties shall be applicable for violations of particular provisions of this chapter:
 - (a) Any employer, insurer, or payment obligor subject to this chapter who fails to make a report required by KRS 342.038 within fifteen (15) days from the date it was due, shall be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) for each offense;
 - (b) Any employer, insurer, or payment obligor acting on behalf of an employer who fails to make timely payment of a statement for services under KRS 342.020(4) without having reasonable grounds to delay payment may be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) for each offense;
 - (c) Any person who violates KRS 342.020(12), 342.035(2), 342.040, 342.340, 342.400, 342.420, or 342.630 shall be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) for each offense. With respect to employers who fail to maintain workers' compensation insurance coverage on their employees, each employee of the employer and each day of violation shall constitute a separate offense. With respect to KRS 342.040, any employer's insurance carrier or other party responsible for the payment of workers' compensation benefits shall be fined for failure to notify the commissioner of a failure to make payments when due if a report indicating the reason payment of income benefits did not commence within twenty-one (21) days of the date the employer was notified of an alleged work-related injury or disease is not filed with the commissioner within twenty-one (21) days of the date the employer received notice, and if the employee has not returned to work within that period of time. The date of notice indicated in the report filed with the department pursuant to KRS 342.038(1), shall raise a rebuttable presumption of the date on which the employer received notice;
 - (d) Any person who violates any of the provisions of KRS 342.165(2), 342.335, 342.395, 342.460, 342.465, or 342.470 shall be fined not less than two hundred dollars (\$200) nor more than two thousand dollars (\$2,000) for each offense. With respect to KRS 342.395, each required notice of rejection form executed by an employee or potential employee of an employer shall constitute a separate offense;
 - (e) Any person who fails to comply with the data reporting provisions of administrative regulations promulgated by the commissioner pursuant to KRS 342.039, or with utilization review and medical bill audit administrative regulations promulgated pursuant to KRS 342.035(5), shall be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) for each violation;
 - (f) Except as provided in paragraph (g) of this subsection, a person who violates any of the provisions of KRS 342.335(1) or (2) where the claim, compensation, benefit, or money referred to in KRS 342.335(1) or (2) is less than or equal to three hundred dollars (\$300) shall be fined per occurrence not more than

one thousand dollars (\$1,000) per individual nor five thousand dollars (\$5,000) per corporation, or twice the amount of gain received as a result of the violation, whichever is greater;

- (g) Any person who violates any of the provisions of KRS 342.335(1) or (2) where the claim, compensation, benefit, or money referred to in KRS 342.335(1) or (2) exceeds three hundred dollars (\$300) shall be fined per occurrence not more than five thousand dollars (\$5,000) per individual nor ten thousand dollars (\$10,000) per corporation, or twice the amount of gain received as a result of the violation, whichever is greater;
 - (h) Any person who violates the employee leasing provision of this chapter shall be fined not less than five hundred dollars (\$500) nor more than five thousand dollars (\$5,000) for each violation;
 - (i) Any violation of the provisions of this chapter relating to self-insureds shall constitute grounds for decertification of such self-insured, a fine of not less than five hundred dollars (\$500) nor more than five thousand dollars (\$5,000) per occurrence, or both; and
 - (j) Actions to collect the civil penalties imposed under this subsection shall be instituted in the Franklin District Court and the Franklin Circuit Court.
- (8) The commissioner shall initiate enforcement of a criminal penalty by causing a complaint to be filed with the appropriate local prosecutor. If the prosecutor fails to act on the violation within twenty (20) days following the filing of the complaint, the commissioner shall certify the inaction by the local prosecutor to the Attorney General who shall initiate proceedings to prosecute the violation. The provisions of KRS 15.715 shall not apply to this section.
- (9) The following criminal penalties shall be applicable for violations of particular provisions of this chapter:
- (a) Any person who violates KRS 342.020(12), 342.035(2), 342.040, 342.400, 342.420, or 342.630, shall, for each offense, be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000), or imprisoned for not less than thirty (30) days nor more than one hundred eighty (180) days, or both;
 - (b) Any person who violates any of the provisions of KRS 342.165(2), 342.335, 342.460, 342.465, or 342.470 shall, for each offense, be fined not less than two hundred dollars (\$200) nor more than two thousand dollars (\$2,000), or imprisoned for not less than thirty (30) days nor more than one hundred and eighty (180) days, or both; *and*
 - (c) ~~{Any corporation, partnership, sole proprietorship, or other form of business entity and any officer, general partner, agent, or representative of the foregoing who knowingly utilizes or participates in any employee leasing arrangement or mechanism as defined in KRS 342.615 for the purpose of depriving one (1) or more insurers of premium otherwise properly payable or for the purpose of depriving the Commonwealth of any tax or assessment due and owing and based upon said premium shall upon conviction thereof be subject to a fine of not less than five hundred dollars (\$500) nor more than five thousand dollars (\$5,000), or imprisonment for not more than one hundred eighty (180) days, or both, for each offense; and~~
 - (d) ~~Notwithstanding any other provisions of this chapter to the contrary, when any employer, insurance carrier, or individual self-insured fails to comply with this chapter for which a penalty is provided in subparagraphs (7), (8), and (9) above, such person, if the person is an owner in the case of a sole proprietorship, a partner in the case of a partnership, a principal in the case of a limited liability company, or a corporate officer in the case of a corporation, who knowingly authorized, ordered, or carried out the violation, failure, or refusal shall be personally and individually liable, both jointly and severally, for the penalties imposed in the above cited subparagraphs. Neither the dissolution nor withdrawal of the corporation, partnership, or other entity from the state, nor the cessation of holding status as a proprietor, partner, principal, or officer shall discharge the foregoing liability of any person.~~
- (10) Fines paid pursuant to KRS 342.267 and subsections (7) and (9) of this section shall be paid into the self-insurance fund established in KRS 342.920.
- (11) In addition to the penalties provided in this section, the commissioner and any administrative law judge or court of jurisdiction may order restitution of a benefit secured through conduct proscribed by this chapter.

➔Section 14. The following KRS section is repealed:

342.615 Registration of employee leasing companies -- Coverage requirements for lessees -- Status of temporary help service.

➔Section 15. If any provisions of this Act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

Signed by Governor March 29, 2022.

CHAPTER 51

(SB 158)

AN ACT relating to reorganization.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 42 IS CREATED TO READ AS FOLLOWS:

- (1) *The Office of Fleet Management pursuant to Section 3 of this Act shall be generally responsible for all technical and administrative services related to the Commonwealth's fleet of vehicles, including but not limited to:*
 - (a) *Procuring vehicles;*
 - (b) *Maintaining and repairing vehicles;*
 - (c) *Reserving, assigning, and distributing vehicles;*
 - (d) *Reporting fleet mileage; and*
 - (e) *Performing any additional administrative functions and duties the secretary may assign.*
- (2) *There shall be established in the Office of Fleet Management the following divisions which shall be headed by a division director who shall report to the executive director of the Office of Fleet Management:*
 - (a) *Division of Maintenance; and*
 - (b) *Division of Operations and Administration.*
- (3) *The division directors appointed under this section shall be appointed by the secretary with the approval of the Governor under KRS 12.050. There may be, if needed, sections assigned to specific areas of work, responsible directly to the executive director of the Office of Fleet Management.*

➔Section 2. KRS 12.020 is amended to read as follows:

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

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

- (1) The Governor.
- (2) Lieutenant Governor.
- (3) Department of State.
 - (a) Secretary of State.
 - (b) Board of Elections.
 - (c) Registry of Election Finance.

- (4) Department of Law.
 - (a) Attorney General.
- (5) Department of the Treasury.
 - (a) Treasurer.
- (6) Department of Agriculture.
 - (a) Commissioner of Agriculture.
 - (b) Agricultural Development Board.
 - (c) Kentucky Agricultural Finance Corporation.
- (7) Auditor of Public Accounts.

II. Program cabinets headed by appointed officers:

- (1) Justice and Public Safety Cabinet:
 - (a) Department of Kentucky State Police.
 - 1. Office of Administrative Services.
 - a. Division of Operational Support.
 - b. Division of Management Services.
 - 2. Office of Operations.
 - a. Division of West Troops.
 - b. Division of East Troops.
 - c. Division of Special Enforcement.
 - d. Division of Commercial Vehicle Enforcement.
 - 3. Office of Technical Services.
 - a. Division of Forensic Sciences.
 - b. Division of Information Technology.
 - (b) Department of Criminal Justice Training.
 - (c) Department of Corrections.
 - (d) Department of Juvenile Justice.
 - (e) Office of the Secretary.
 - (f) Office of Drug Control Policy.
 - (g) Office of Legal Services.
 - (h) Office of the Kentucky State Medical Examiner.
 - (i) Parole Board.
 - (j) Kentucky State Corrections Commission.
 - (k) Office of Legislative and Intergovernmental Services.
 - (l) Office of Human Resource Management.
 - 1. Division of Human Resource Administration.
 - 2. Division of Employee Management.
 - (m) Department of Public Advocacy.
 - (n) Office of Communications.
 - 1. Information Technology Services Division.

- (o) Office of Financial Management Services.
 - 1. Division of Financial Management.
- (p) Grants Management Division.
- (2) Education and Workforce Development Cabinet:
 - (a) Office of the Secretary.
 - 1. Governor's Scholars Program.
 - 2. Governor's School for Entrepreneurs Program.
 - 3. Office of the Kentucky Workforce Innovation Board.
 - 4. Foundation for Adult Education.
 - 5. Early Childhood Advisory Council.
 - (b) Office of Legal and Legislative Services.
 - 1. Client Assistance Program.
 - (c) Office of Communication.
 - (d) Office of Administrative Services.
 - 1. Division of Human Resources.
 - 2. Division of Operations and Support Services.
 - 3. Division of Fiscal Management.
 - (e) Office of Technology Services.
 - (f) Office of Educational Programs.
 - (g) Office of the Kentucky Center for Statistics.
 - (h) Board of the Kentucky Center for Statistics.
 - (i) Board of Directors for the Center for School Safety.
 - (j) Department of Education.
 - 1. Kentucky Board of Education.
 - 2. Kentucky Technical Education Personnel Board.
 - 3. Education Professional Standards Board.
 - (k) Department for Libraries and Archives.
 - (l) Department of Workforce Investment.
 - 1. Office of Vocational Rehabilitation.
 - a. Division of Kentucky Business Enterprise.
 - b. Division of the Carl D. Perkins Vocational Training Center.
 - c. Division of Blind Services.
 - d. Division of Field Services.
 - e. Statewide Council for Vocational Rehabilitation.
 - 2. Office of Unemployment Insurance.
 - 3. Office of Employer and Apprenticeship Services.
 - a. Division of Apprenticeship.
 - 4. Career Development Office.
 - 5. Office of Adult Education.

6. Unemployment Insurance Commission.
 7. Kentucky Apprenticeship Council.
 8. Division of Technical Assistance.
- (m) Foundation for Workforce Development.
- (n) Kentucky Workforce Investment Board.
- (o) Kentucky Commission on the Deaf and Hard of Hearing.
- (p) Kentucky Educational Television.
- (q) Kentucky Environmental Education Council.
- (3) Energy and Environment Cabinet:
- (a) Office of the Secretary.
1. Office of Legislative and Intergovernmental Affairs.
 2. Office of Legal Services.
 - a. Legal Division I.
 - b. Legal Division II.
 3. Office of Administrative Hearings.
 4. Office of Communication.
 5. Mine Safety Review Commission.
 6. Office of Kentucky Nature Preserves.
 7. Kentucky Public Service Commission.
- (b) Department for Environmental Protection.
1. Office of the Commissioner.
 2. Division for Air Quality.
 3. Division of Water.
 4. Division of Environmental Program Support.
 5. Division of Waste Management.
 6. Division of Enforcement.
 7. Division of Compliance Assistance.
- (c) Department for Natural Resources.
1. Office of the Commissioner.
 2. Division of Mine Permits.
 3. Division of Mine Reclamation and Enforcement.
 4. Division of Abandoned Mine Lands.
 5. Division of Oil and Gas.
 6. Division of Mine Safety.
 7. Division of Forestry.
 8. Division of Conservation.
 9. Office of the Reclamation Guaranty Fund.
- (d) Office of Energy Policy.
1. Division of Energy Assistance.

- (e) Office of Administrative Services.
 - 1. Division of Human Resources Management.
 - 2. Division of Financial Management.
 - 3. Division of Information Services.
- (4) Public Protection Cabinet.
 - (a) Office of the Secretary.
 - 1. Office of Communications and Public Outreach.
 - 2. Office of Legal Services.
 - a. Insurance Legal Division.
 - b. Charitable Gaming Legal Division.
 - c. Alcoholic Beverage Control Legal Division.
 - d. Housing, Buildings and Construction Legal Division.
 - e. Financial Institutions Legal Division.
 - f. Professional Licensing Legal Division.
 - 3. Office of Administrative Hearings.
 - 4. Office of Administrative Services.
 - a. Division of Human Resources.
 - b. Division of Fiscal Responsibility.
 - (b) Office of Claims and Appeals.
 - 1. Board of Tax Appeals.
 - 2. Board of Claims.
 - 3. Crime Victims Compensation Board.
 - (c) Kentucky Boxing and Wrestling Commission.
 - (d) Kentucky Horse Racing Commission.
 - 1. Office of Executive Director.
 - a. Division of Pari-mutuel Wagering and Compliance.
 - b. Division of Stewards.
 - c. Division of Licensing.
 - d. Division of Enforcement.
 - e. Division of Incentives and Development.
 - f. Division of Veterinary Services.
 - (e) Department of Alcoholic Beverage Control.
 - 1. Division of Distilled Spirits.
 - 2. Division of Malt Beverages.
 - 3. Division of Enforcement.
 - (f) Department of Charitable Gaming.
 - 1. Division of Licensing and Compliance.
 - 2. Division of Enforcement.
 - (g) Department of Financial Institutions.

1. Division of Depository Institutions.
2. Division of Non-Depository Institutions.
3. Division of Securities.
- (h) Department of Housing, Buildings and Construction.
 1. Division of Fire Prevention.
 2. Division of Plumbing.
 3. Division of Heating, Ventilation, and Air Conditioning.
 4. Division of Building Code Enforcement.
- (i) Department of Insurance.
 1. Division of Health and Life Insurance and Managed Care.
 2. Division of Property and Casualty Insurance.
 3. Division of Administrative Services.
 4. Division of Financial Standards and Examination.
 5. Division of Licensing.
 6. Division of Insurance Fraud Investigation.
 7. Division of Consumer Protection.
- (j) Department of Professional Licensing.
 1. Real Estate Authority.
- (5) Labor Cabinet.
 - (a) Office of the Secretary.
 1. Office of General Counsel.
 - a. Workplace Standards Legal Division.
 - b. Workers' Claims Legal Division.
 2. Office of Administrative Services.
 - a. Division of Human Resources Management.
 - b. Division of Fiscal Management.
 - c. Division of Professional Development and Organizational Management.
 - d. Division of Information Technology and Support Services.
 3. Office of Inspector General.
 - (b) Department of Workplace Standards.
 1. Division of Occupational Safety and Health Compliance.
 2. Division of Occupational Safety and Health Education and Training.
 3. Division of Wages and Hours.
 - (c) Department of Workers' Claims.
 1. Division of Workers' Compensation Funds.
 2. Office of Administrative Law Judges.
 3. Division of Claims Processing.
 4. Division of Security and Compliance.
 5. Division of Information Services.

6. Division of Specialist and Medical Services.
 7. Workers' Compensation Board.
 - (d) Workers' Compensation Funding Commission.
 - (e) Occupational Safety and Health Standards Board.
 - (f) State Labor Relations Board.
 - (g) Employers' Mutual Insurance Authority.
 - (h) Kentucky Occupational Safety and Health Review Commission.
 - (i) Workers' Compensation Nominating Committee.
- (6) Transportation Cabinet:
- (a) Department of Highways.
 1. Office of Project Development.
 2. Office of Project Delivery and Preservation.
 3. Office of Highway Safety.
 4. Highway District Offices One through Twelve.
 - (b) Department of Vehicle Regulation.
 - (c) Department of Aviation.
 - (d) Department of Rural and Municipal Aid.
 1. Office of Local Programs.
 2. Office of Rural and Secondary Roads.
 - (e) Office of the Secretary.
 1. Office of Public Affairs.
 2. Office for Civil Rights and Small Business Development.
 3. Office of Budget and Fiscal Management.
 4. Office of Inspector General.
 5. Secretary's Office of Safety.
 - (f) Office of Support Services.
 - (g) Office of Transportation Delivery.
 - (h) Office of Audits.
 - (i) Office of Human Resource Management.
 - (j) Office of Information Technology.
 - (k) Office of Legal Services.
- (7) Cabinet for Economic Development:
- (a) Office of the Secretary.
 1. Office of Legal Services.
 2. Department for Business Development.
 3. Department for Financial Services.
 - a. Kentucky Economic Development Finance Authority.
 - b. Finance and Personnel Division.
 - c. IT and Resource Management Division.

- d. Compliance Division.
 - e. Incentive Administration Division.
 - f. Bluegrass State Skills Corporation.
 - 4. Office of Marketing and Public Affairs.
 - a. Communications Division.
 - b. Graphics Design Division.
 - 5. Office of Workforce, Community Development, and Research.
 - 6. Office of Entrepreneurship and Small Business Innovation.
 - a. Commission on Small Business Innovation and Advocacy.
- (8) Cabinet for Health and Family Services:
- (a) Office of the Secretary.
 - 1. Office of the Ombudsman and Administrative Review.
 - 2. Office of Public Affairs.
 - 3. Office of Legal Services.
 - 4. Office of Inspector General.
 - 5. Office of Human Resource Management.
 - 6. Office of Finance and Budget.
 - 7. Office of Legislative and Regulatory Affairs.
 - 8. Office of Administrative Services.
 - 9. Office of Application Technology Services.
 - 10. *Office of Data Analytics.***
 - (b) Department for Public Health.
 - (c) Department for Medicaid Services.
 - (d) Department for Behavioral Health, Developmental and Intellectual Disabilities.
 - (e) Department for Aging and Independent Living.
 - (f) Department for Community Based Services.
 - (g) Department for Income Support.
 - (h) Department for Family Resource Centers and Volunteer Services.
 - (i) Office for Children with Special Health Care Needs.
 - ~~(j) Office of Health Data and Analytics.~~
- (9) Finance and Administration Cabinet:
- (a) Office of the Secretary.
 - (b) Office of the Inspector General.
 - (c) Office of Legislative and Intergovernmental Affairs.
 - (d) Office of General Counsel.
 - (e) Office of the Controller.
 - (f) Office of Administrative Services.
 - (g) Office of Policy and Audit.
 - (h) Department for Facilities and Support Services.

- (i) Department of Revenue.
 - (j) Commonwealth Office of Technology.
 - (k) State Property and Buildings Commission.
 - (l) Office of Equal Employment Opportunity and Contract Compliance.
 - (m) Kentucky Employees Retirement Systems.
 - (n) Commonwealth Credit Union.
 - (o) State Investment Commission.
 - (p) Kentucky Housing Corporation.
 - (q) Kentucky Local Correctional Facilities Construction Authority.
 - (r) Kentucky Turnpike Authority.
 - (s) Historic Properties Advisory Commission.
 - (t) Kentucky Higher Education Assistance Authority.
 - (u) Kentucky River Authority.
 - (v) Kentucky Teachers' Retirement System Board of Trustees.
 - (w) Executive Branch Ethics Commission.
 - (x) ***Office of Fleet Management.***
- (10) Tourism, Arts and Heritage Cabinet:
- (a) Kentucky Department of Tourism.
 - 1. Division of Tourism Services.
 - 2. Division of Marketing and Administration.
 - 3. Division of Communications and Promotions.
 - (b) Kentucky Department of Parks.
 - 1. Division of Information Technology.
 - 2. Division of Human Resources.
 - 3. Division of Financial Operations.
 - 4. Division of Facilities Management.
 - 5. Division of Facilities Maintenance.
 - 6. Division of Customer Services.
 - 7. Division of Recreation.
 - 8. Division of Golf Courses.
 - 9. Division of Food Services.
 - 10. Division of Rangers.
 - 11. Division of Resort Parks.
 - 12. Division of Recreational Parks and Historic Sites.
 - (c) Department of Fish and Wildlife Resources.
 - 1. Division of Law Enforcement.
 - 2. Division of Administrative Services.
 - 3. Division of Engineering, Infrastructure, and Technology.
 - 4. Division of Fisheries.

5. Division of Information and Education.
 6. Division of Wildlife.
 7. Division of Marketing.
- (d) Kentucky Horse Park.
1. Division of Support Services.
 2. Division of Buildings and Grounds.
 3. Division of Operational Services.
- (e) Kentucky State Fair Board.
1. Office of Administrative and Information Technology Services.
 2. Office of Human Resources and Access Control.
 3. Division of Expositions.
 4. Division of Kentucky Exposition Center Operations.
 5. Division of Kentucky International Convention Center.
 6. Division of Public Relations and Media.
 7. Division of Venue Services.
 8. Division of Personnel Management and Staff Development.
 9. Division of Sales.
 10. Division of Security and Traffic Control.
 11. Division of Information Technology.
 12. Division of the Louisville Arena.
 13. Division of Fiscal and Contract Management.
 14. Division of Access Control.
- (f) Office of the Secretary.
1. Office of Finance.
 2. Office of Government Relations and Administration.
- (g) Office of Legal Affairs.
- (h) Office of Human Resources.
- (i) Office of Public Affairs and Constituent Services.
- (j) Office of Arts and Cultural Heritage.
- (k) Kentucky African-American Heritage Commission.
- (l) Kentucky Foundation for the Arts.
- (m) Kentucky Humanities Council.
- (n) Kentucky Heritage Council.
- (o) Kentucky Arts Council.
- (p) Kentucky Historical Society.
1. Division of Museums.
 2. Division of Oral History and Educational Outreach.
 3. Division of Research and Publications.
 4. Division of Administration.

- (q) Kentucky Center for the Arts.
 - 1. Division of Governor's School for the Arts.
 - (r) Kentucky Artisans Center at Berea.
 - (s) Northern Kentucky Convention Center.
 - (t) Eastern Kentucky Exposition Center.
- (11) Personnel Cabinet:
- (a) Office of the Secretary.
 - (b) Department of Human Resources Administration.
 - (c) Office of Employee Relations.
 - (d) Kentucky Public Employees Deferred Compensation Authority.
 - (e) Office of Administrative Services.
 - (f) Office of Legal Services.
 - (g) Governmental Services Center.
 - (h) Department of Employee Insurance.
 - (i) Office of Diversity, Equality, and Training.
 - (j) Office of Public Affairs.
- III. Other departments headed by appointed officers:
- (1) Council on Postsecondary Education.
 - (2) Department of Military Affairs.
 - (3) Department for Local Government.
 - (4) Kentucky Commission on Human Rights.
 - (5) Kentucky Commission on Women.
 - (6) Department of Veterans' Affairs.
 - (7) Kentucky Commission on Military Affairs.
 - (8) Office of Minority Empowerment.
 - (9) Governor's Council on Wellness and Physical Activity.
 - (10) Kentucky Communications Network Authority.
- ➔Section 3. KRS 42.0145 is amended to read as follows:
- (1) The Office of the Secretary of the Finance and Administration Cabinet shall consist of the Office of Inspector General, Office of General Counsel, Office of Administrative Services, Office of Legislative and Intergovernmental Affairs, Office of Policy and Audit, ~~and~~ Office of Equal Employment Opportunity and Contract Compliance, **and Office of Fleet Management**, each headed by an executive director who shall be appointed by the secretary with the approval of the Governor. The Office of the Secretary shall include a deputy secretary who shall be appointed by the secretary with the approval of the Governor. The deputy secretary shall be responsible to and have such authority to sign for the secretary as the secretary designates in writing.
 - (2) The secretary may organize the office into such additional administrative units as he deems necessary to perform the functions and fulfill the duties of the cabinet, subject to the provisions of KRS Chapter 12.
 - (3) All appointments under this chapter to positions not in the classified service shall be made pursuant to KRS 12.050, and such appointees shall be major assistants to the secretary and shall assist in the development of policy.
- ➔Section 4. KRS 42.0171 is amended to read as follows:

- (1) The Office of Administrative Services established in KRS 42.0145 shall be generally responsible for all internal administrative and human resource functions of the cabinet, including but not limited to providing administrative assistance; managing and preparing the cabinet's budget; performing general accounting; managing fiscal, personnel, and payroll functions of the cabinet; providing statewide postal and printing services; providing administrative support to boards and commissions; and performing any additional administrative functions and duties the secretary may assign.
- (2) There shall be established in the Office of Administrative Services:
 - (a) The Office of Budget and Fiscal Management, headed by an executive director who shall report directly to the executive director of the Office of Administrative Services, and consisting of the:
 1. Division of Budget; and
 2. Division of Fiscal Management; and
 - (b) The following divisions which shall be headed by a division director who shall report to the executive director of the Office of Administrative Services:
 1. Division of Human Resources; *and*
 2. Division of Postal Services~~}; and~~
 3. ~~Division of Fleet Management}.~~
- (3) Executive directors and division directors appointed under this section shall be appointed by the secretary with the approval of the Governor under KRS 12.050~~. Each division shall be headed by a division director appointed by the secretary of the Finance and Administration Cabinet}. There may be, if needed, sections assigned to specific areas of work, responsible directly to the executive director of the Office of Administrative Services.~~

➔Section 5. KRS 45A.625 is amended to read as follows:

- (1) The Finance and Administration Cabinet shall develop a strategy to:
 - (a) Replace at least fifty percent (50%) of the state-owned passenger vehicles and light-duty trucks managed by the ~~Office~~~~Division~~ of Fleet Management as of January 1, 2014, with:
 1. New qualified hybrid motor vehicles as defined in 26 U.S.C. sec. 30B;
 2. New advanced lean burn technology motor vehicles as defined in 26 U.S.C. sec. 30B;
 3. New qualified fuel cell motor vehicles as defined in 26 U.S.C. sec. 30B; or
 4. New qualified alternative fuel motor vehicles as defined in 26 U.S.C. sec. 30B; and
 - (b) Increase the use of ethanol, cellulosic ethanol, biodiesel, and other alternative transportation fuels as defined in KRS 152.715 to reduce state government's dependence on petroleum-based transportation fuels, where possible.
- (2) On or before December 1, 2013, and every December 1 thereafter, the cabinet shall report to the Legislative Research Commission:
 - (a) The strategy for transitioning to motor vehicles outlined in subsection (1) of this section, including a life-cycle cost comparison, and a projected timetable to replace motor vehicles in the state motor pool as provided in subsection (1) of this section; and
 - (b) The strategy for increased use of ethanol, cellulosic ethanol, biodiesel, and alternative transportation fuels, including the targeted amount and the dates by which these targets shall be achieved.

➔Section 6. KRS 194A.030 is amended to read as follows:

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

- (1) Office of the Secretary. Within the Office of the Secretary, there shall be an Office of the Ombudsman and Administrative Review, an Office of Legal Services, an Office of Inspector General, an Office of Public Affairs, an Office of Human Resource Management, an Office of Finance and Budget, an Office of Legislative and Regulatory Affairs, an Office of Administrative Services, ~~and~~ an Office of Application Technology Services, *and an Office of Data Analytics*, as follows:

- (a) The Office of the Ombudsman and Administrative Review shall be headed by an executive director who shall be appointed by the secretary with the approval of the Governor under KRS 12.050 and shall:
1. Investigate, upon complaint or on its own initiative, any administrative act of an organizational unit, employee, or contractor of the cabinet, without regard to the finality of the administrative act. Organizational units, employees, or contractors of the cabinet shall not willfully obstruct an investigation, restrict access to records or personnel, or retaliate against a complainant or cabinet employee;
 2. Make recommendations that resolve citizen complaints and improve governmental performance and may require corrective action when policy violations are identified;
 3. Provide evaluation and information analysis of cabinet performance and compliance with state and federal law;
 4. Place an emphasis on research and best practices, program accountability, quality service delivery, and improved governmental performance;
 5. Provide information on how to contact the office for public posting at all offices where Department for Community Based Services employees or contractors work, at any facility where a child in the custody of the cabinet resides, and to all cabinet or contracted foster parents;
 6. Report to the Office of Inspector General for review and investigation any charge or case against an employee of the Cabinet for Health and Family Services where it has cause to believe the employee has engaged in dishonest, unethical, or illegal conduct or practices related to his or her job duties; or any violation of state law or administrative regulation by any organization or individual regulated by, or contracted with the cabinet;
 7. Compile a report of all citizen complaints about programs or services of the cabinet and a summary of resolution of the complaints and submit the report upon request to the Child Welfare Oversight and Advisory Committee established in KRS 6.943, and the Interim Joint Committee on Health and Welfare and Family Services;
 8. Include oversight of administrative hearings; and
 9. Provide information to the Office of the Attorney General, when requested, related to substantiated violations of state law against an employee, a contractor of the cabinet, or a foster or adoptive parent;
- (b) The Office of Legal Services shall provide legal advice and assistance to all units of the cabinet in any legal action in which it may be involved. The Office of Legal Services shall employ all attorneys of the cabinet who serve the cabinet in the capacity of attorney, giving legal advice and opinions concerning the operation of all programs in the cabinet. The Office of Legal Services shall be headed by a general counsel who shall be appointed by the secretary with the approval of the Governor under KRS 12.050 and 12.210. The general counsel shall be the chief legal advisor to the secretary and shall be directly responsible to the secretary. The Attorney General, on the request of the secretary, may designate the general counsel as an assistant attorney general under the provisions of KRS 15.105;
- (c) The Office of Inspector General shall be headed by an inspector general who shall be appointed by the secretary with the approval of the Governor. The inspector general shall be directly responsible to the secretary. The Office of Inspector General shall be responsible for:
1. The conduct of audits and investigations for detecting the perpetration of fraud or abuse of any program by any client, or by any vendor of services with whom the cabinet has contracted; and the conduct of special investigations requested by the secretary, commissioners, or office heads of the cabinet into matters related to the cabinet or its programs;
 2. Licensing and regulatory functions as the secretary may delegate;
 3. Review of health facilities participating in transplant programs, as determined by the secretary, for the purpose of determining any violations of KRS 311.1911 to 311.1959, 311.1961, and 311.1963;
 4. The duties, responsibilities, and authority pertaining to the certificate of need functions and the licensure appeals functions, pursuant to KRS Chapter 216B; ~~and~~

5. The notification and forwarding of any information relevant to possible criminal violations to the appropriate prosecuting authority;
 6. ***The oversight of the operations of the Kentucky Health Information Exchange; and***
 7. ***The support and guidance to health care providers related to telehealth services including the development of policy, standards, resources, and education to expand telehealth services across the Commonwealth;***
- (d) The Office of Public Affairs shall be headed by an executive director appointed by the secretary with the approval of the Governor in accordance with KRS 12.050. The office shall provide information to the public and news media about the programs, services, and initiatives of the cabinet;
 - (e) The Office of Human Resource Management shall be headed by an executive director appointed by the secretary with the approval of the Governor in accordance with KRS 12.050. The office shall coordinate, oversee, and execute all personnel, training, and management functions of the cabinet. The office shall focus on the oversight, development, and implementation of quality improvement services; curriculum development and delivery of instruction to staff; the administration, management, and oversight of training operations; health, safety, and compliance training; and equal employment opportunity compliance functions;
 - (f) The Office of Finance and Budget shall be headed by an executive director appointed by the secretary with the approval of the Governor in accordance with KRS 12.050. The office shall provide central review and oversight of budget, contract, and cabinet finances. The office shall provide coordination, assistance, and support to program departments and independent review and analysis on behalf of the secretary;
 - (g) The Office of Legislative and Regulatory Affairs shall be headed by an executive director appointed by the secretary with the approval of the Governor in accordance with KRS 12.050. The office shall provide central review and oversight of legislation, policy, and administrative regulations. The office shall provide coordination, assistance, and support to program departments and independent review and analysis on behalf of the secretary;
 - (h) The Office of Administrative Services shall be headed by an executive director appointed by the secretary with the approval of the Governor in accordance with KRS 12.050. The office shall provide central review and oversight of procurement, general accounting including grant monitoring, and facility management. The office shall provide coordination, assistance, and support to program departments and independent review and analysis on behalf of the secretary;~~and~~
 - (i) The Office of Application Technology Services shall be headed by an executive director appointed by the secretary with the approval of the Governor in accordance with KRS 12.050. The office shall provide application technology services including central review and oversight. The office shall provide coordination, assistance, and support to program departments and independent review and analysis on behalf of the secretary; ***and***
 - (j) ***The Office of Data Analytics shall be headed by an executive director who shall be appointed by the secretary with the approval of the Governor under KRS 12.050 and shall identify and innovate strategic initiatives to inform public policy initiatives and provide opportunities for improved health outcomes for all Kentuckians through data analytics. The office shall provide leadership in the redesign of the health care delivery system using electronic information technology to improve patient care and reduce medical errors and duplicative services;***
- (2) Department for Medicaid Services. The Department for Medicaid Services shall serve as the single state agency in the Commonwealth to administer Title XIX of the Federal Social Security Act. The Department for Medicaid Services shall be headed by a commissioner for Medicaid services, who shall be appointed by the secretary with the approval of the Governor under KRS 12.050. The commissioner for Medicaid services shall be a person who by experience and training in administration and management is qualified to perform the duties of this office. The commissioner for Medicaid services shall exercise authority over the Department for Medicaid Services under the direction of the secretary and shall only fulfill those responsibilities as delegated by the secretary;
 - (3) Department for Public Health. The Department for Public Health shall develop and operate all programs of the cabinet that provide health services and all programs for assessing the health status of the population for the promotion of health and the prevention of disease, injury, disability, and premature death. This shall include

but not be limited to oversight of the Division of Women's Health. The Department for Public Health shall be headed by a commissioner for public health who shall be appointed by the secretary with the approval of the Governor under KRS 12.050. The commissioner for public health shall be a duly licensed physician who by experience and training in administration and management is qualified to perform the duties of this office. The commissioner shall advise the head of each major organizational unit enumerated in this section on policies, plans, and programs relating to all matters of public health, including any actions necessary to safeguard the health of the citizens of the Commonwealth. The commissioner shall serve as chief medical officer of the Commonwealth. The commissioner for public health shall exercise authority over the Department for Public Health under the direction of the secretary and shall only fulfill those responsibilities as delegated by the secretary;

- (4) Department for Behavioral Health, Developmental and Intellectual Disabilities. The Department for Behavioral Health, Developmental and Intellectual Disabilities shall develop and administer programs for the prevention of mental illness, intellectual disabilities, brain injury, developmental disabilities, and substance ~~use[abuse]~~ disorders and shall develop and administer an array of services and support for the treatment, habilitation, and rehabilitation of persons who have a mental illness or emotional disability, or who have an intellectual disability, brain injury, developmental disability, or a substance ~~use[abuse]~~ disorder. The Department for Behavioral Health, Developmental and Intellectual Disabilities shall be headed by a commissioner for behavioral health, developmental and intellectual disabilities who shall be appointed by the secretary with the approval of the Governor under KRS 12.050. The commissioner for behavioral health, developmental and intellectual disabilities shall be by training and experience in administration and management qualified to perform the duties of the office. The commissioner for behavioral health, developmental and intellectual disabilities shall exercise authority over the department under the direction of the secretary, and shall only fulfill those responsibilities as delegated by the secretary;
- (5) Office for Children with Special Health Care Needs. The duties, responsibilities, and authority set out in KRS 200.460 to 200.490 shall be performed by the office. The office shall advocate the rights of children with disabilities and, to the extent that funds are available, shall ensure the administration of services for children with disabilities as are deemed appropriate by this office pursuant to Title V of the Social Security Act. The office may promulgate administrative regulations under KRS Chapter 13A as may be necessary to implement and administer its responsibilities. The duties, responsibilities, and authority of the Office for Children with Special Health Care Needs shall be performed through the office of the executive director. The executive director shall be appointed by the secretary with the approval of the Governor under KRS 12.050;
- (6) Department for Family Resource Centers and Volunteer Services. The Department for Family Resource Centers and Volunteer Services shall streamline the various responsibilities associated with the human services programs for which the cabinet is responsible. This shall include, but not be limited to, oversight of the Division of Family Resource and Youth Services Centers and Serve Kentucky. The Department for Family Resource Centers and Volunteer Services shall be headed by a commissioner who shall be appointed by the secretary with the approval of the Governor under KRS 12.050. The commissioner for family resource centers and volunteer services shall be by training and experience in administration and management qualified to perform the duties of the office, shall exercise authority over the department under the direction of the secretary, and shall only fulfill those responsibilities as delegated by the secretary;
- (7) ~~{The Office of Health Data and Analytics shall identify and innovate strategic initiatives to inform public policy initiatives and provide opportunities for improved health outcomes for all Kentuckians through data analytics. The office shall provide leadership in the redesign of the health care delivery system using electronic information technology as a means to improve patient care and reduce medical errors and duplicative services. The office shall facilitate the purchase of individual and small business health insurance coverage for Kentuckians. The office shall be headed by an executive director appointed by the secretary with the approval of the Governor under KRS 12.050;~~
- ~~(8)~~ }Department for Community Based Services. The Department for Community Based Services shall administer and be responsible for child and adult protection, violence prevention resources, foster care and adoption, permanency, and services to enhance family self-sufficiency, including child care, social services, public assistance, and family support. The department shall be headed by a commissioner appointed by the secretary with the approval of the Governor in accordance with KRS 12.050;
- ~~(8)~~~~(9)~~ } Department for Income Support. The Department for Income Support shall be responsible for child support enforcement and disability determination. The department shall serve as the state unit as required by Title II and Title XVI of the Social Security Act, and shall have responsibility for determining eligibility for disability for those citizens of the Commonwealth who file applications for disability with the Social Security

Administration. The department shall be headed by a commissioner appointed by the secretary with the approval of the Governor in accordance with KRS 12.050; and

- (9)~~(10)~~ Department for Aging and Independent Living. The Department for Aging and Independent Living shall serve as the state unit as designated by the Administration on Aging Services under the Older Americans Act and shall have responsibility for administration of the federal community support services, in-home services, meals, family and caregiver support services, elder rights and legal assistance, senior community services employment program, the state health insurance assistance program, state home and community based services including home care, Alzheimer's respite services and the personal care attendant program, certifications of assisted living facilities, the state Council on Alzheimer's Disease and other related disorders, and guardianship services. The department shall also administer the Long-Term Care Ombudsman Program and the Medicaid Home and Community Based Waivers Participant Directed Services Option (PDS) Program. The department shall serve as the information and assistance center for aging and disability services and administer multiple federal grants and other state initiatives. The department shall be headed by a commissioner appointed by the secretary with the approval of the Governor in accordance with KRS 12.050.

➔Section 7. KRS 194A.101 is amended to read as follows:

- (1) The ~~Office~~~~Division~~ of ~~Data~~ Analytics is hereby created in the Office of ~~the Secretary~~~~Health Data and Analytics~~. The ~~office~~~~division~~ shall provide oversight and strategic direction and be responsible for coordinating the data analysis initiatives for the various departments that regulate health care and social services to ensure that policy is consistent with the long-term goals across the Commonwealth.
- (2) The ~~office~~~~division~~ shall have the authority to review all data requests received by the cabinet from the public, review the requests for content to determine the cabinet's response, and approve the release of the requested information. The ~~office~~~~division~~ shall review data analyses conducted by the departments within the cabinet to ensure the consistency, quality, and validity of the analysis prior to its use in operational and policy decisions. The ~~office~~~~division~~ shall facilitate the process of data integration by initiating and maintaining data-sharing agreements in order to improve inter-agency and cross-cabinet collaboration.
- (3) The Office of ~~Health~~ Data ~~and~~ Analytics shall promulgate administrative regulations in accordance with KRS Chapter 13A to implement this section.

➔Section 8. KRS 194A.103 is amended to read as follows:

- (1) The Division of **Kentucky Health Information Exchange** is hereby created in the Office of ~~Inspector General~~~~Health Data and Analytics~~. The division shall provide leadership in the redesign of the health care delivery system using electronic information technology as a means to improve patient care and reduce medical errors and duplicative services.
- (2) The Office of ~~Inspector General~~~~Health Data and Analytics~~ shall promulgate administrative regulations in accordance with KRS Chapter 13A to implement the provisions of this section.

➔Section 9. KRS 194A.105 is amended to read as follows:

There is hereby created a Division of Telehealth Services within the Office of ~~Inspector General~~~~Health Data and Analytics~~ to be headed by a director appointed by the secretary pursuant to KRS 12.050. The division shall:

- (1) Provide guidance and direction to healthcare providers delivering care using telehealth;
- (2) Develop guidance, resources, and education to help promote access to healthcare services in the Commonwealth;
- (3) Assist the Cabinet for Health and Family Services with the implementation of KRS 211.334; and
- (4) Provide the Department for Medicaid Services with any additional information deemed relevant by the division for inclusion in the report required by KRS 211.334(3).

➔Section 10. KRS 211.334 is amended to read as follows:

- (1) The cabinet, in consultation with the Division of Telehealth Services within the Office of ~~Inspector General~~~~Health Data and Analytics~~ as established in KRS 194A.105, shall:
 - (a) Provide guidance and direction to providers delivering health care services using telehealth or digital health;
 - (b) Promote access to health care services provided via telehealth or digital health;

- (c) Maintain an online telehealth provider directory for consumer use; and
- (d) No later than thirty (30) days after June 29, 2021, promulgate administrative regulations in accordance with KRS Chapter 13A to:
 - 1. Establish a glossary of telehealth terminology to provide standard definitions for all healthcare providers who deliver health care services via telehealth, all state agencies authorized or required to promulgate administrative regulations relating to telehealth, and all payors;
 - 2. Establish minimum requirements for the proper use and security of telehealth, including requirements for confidentiality and data integrity, privacy and security, informed consent, privileging and credentialing, reimbursement, and technology;
 - 3. Establish minimum requirements to prevent waste, fraud, and abuse related to telehealth; and
 - 4. Maintain the discretion of state agencies authorized or required to promulgate administrative regulations relating to telehealth to establish requirements to authorize, prohibit, or otherwise govern the use of telehealth in accordance with the state agencies' respective jurisdictions.
- (2) In order to comply with the deadline for the promulgation of administrative regulations established in subsection (1)(d) of this section, the cabinet may promulgate emergency administrative regulations in accordance with KRS 13A.190.
- (3) The cabinet, in consultation with the Department for Medicaid Services and any managed care organization with whom the department contracts for the delivery of Medicaid services, shall study the impact of telehealth on the health care delivery system in Kentucky and shall submit an annual report to the Legislative Research Commission no later than December 1 of each year. This report shall include analysis of:
 - (a) The economic impact of telehealth on the Medicaid budget, including any costs or savings as a result of decreased transportation expenditures and office or emergency room visits;
 - (b) The quality of care as a result of telehealth services;
 - (c) Reimbursement and delivery of telehealth among all managed care organizations with whom the department contracts for the delivery of Medicaid services; and
 - (d) Any other issues deemed relevant by the cabinet, including any issues or information deemed relevant by the Division of Telehealth Services pursuant to KRS 194A.105(4).

Signed by Governor March 29, 2022.

CHAPTER 52

(SB 272)

AN ACT relating to sound that is recorded or performed live.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

As used in Sections 1 to 5 of this Act:

- (1) *"Commercial recording or audiovisual work" means a recording or work whose owner, assignee, authorized agent, or licensee has disseminated or intends to disseminate the recording for sale, rental, performance, or exhibition to the public, including under license, but does not include an excerpt consisting of less than substantially all of a work or recording. A recording or work may be commercial regardless of whether a person who electronically disseminates it seeks commercial advantage or private financial gain from the dissemination;*
- (2) *"Electronic dissemination" means initiating a transmission of, making available, or otherwise offering a commercial recording or audiovisual work for distribution, display, or performance through the Internet or other digital network regardless of whether another person has previously electronically disseminated the same commercial recording or audiovisual work; and*

- (3) *"Web site" means a set of related Web pages served from a single Web domain. The term does not include a home page or channel page for the user account of a person who is not the owner or operator of the Web site upon which the user home page or channel page appears.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

- (1) *A person who owns or operates a Web site or online service dealing in substantial part in the electronic dissemination of third-party commercial recordings or audiovisual work, directly or indirectly, and who electronically disseminates such recordings or audiovisual works to consumers in this state shall clearly and conspicuously disclose his or her true and correct name, physical address, telephone number, and e-mail address on his or her Web site or online service in a location readily accessible to a consumer using or visiting the Web site or online service.*
- (2) *The following locations are deemed readily accessible for purposes of this section:*
- (a) *A landing or home Web page or screen;*
 - (b) *An "about" or "about us" Web page or screen;*
 - (c) *A "contact" or "contact us" Web page or screen;*
 - (d) *An information Web page or screen; or*
 - (e) *Another place on the Web site or online service commonly used to display identifying information to consumers.*

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

- (1) *An owner, assignee, authorized agent, or exclusive licensee of a commercial recording or audiovisual work electronically disseminated by a Web site or online service in violation of Section 2 of this Act may bring a private cause of action to obtain a declaratory judgment that an act or practice violates Section 2 of this Act and obtain an injunction against any person who knowingly has violated, is violating, or is otherwise likely to violate that section. As a condition precedent to filing a civil action under Sections 1 to 5 of this Act, the aggrieved party must make reasonable efforts to place an individual alleged to be in violation of Section 2 of this Act on notice of the alleged violation and that failure to cure within fourteen (14) business days may result in a civil action filed in a court of competent jurisdiction.*
- (2) *Upon motion of the party instituting the action, the court may make appropriate orders to compel compliance with Section 2 of this Act.*
- (3) *The prevailing party in a cause under subsection (1) of this section is entitled to recover necessary expenses and reasonable attorney's fees.*

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

- (1) *The remedies and penalties provided in Section 3 of this Act are supplemental to those provisions of state and federal criminal and civil law which impose prohibitions or provide penalties, sanctions, or remedies against the same conduct prohibited by Sections 1 to 5 of this Act.*
- (2) *Sections 1 to 5 of this Act shall not be construed to:*
- (a) *Bar any cause of action or preclude the imposition of sanctions or penalties that would otherwise be available under state or federal law; or*
 - (b) *Impose financial liability on providers of an interactive computer service, communications service, commercial or mobile service, or information service, including but not limited to an Internet provider, advertising network or exchange, domain name registration provider, and a hosting service provider, to the extent that the providers provide the transmission, storage, or caching of electronic communications or messages of others or provide another related telecommunications service, commercial mobile radio service, or information service, for use of such services by another person in violation of Sections 1 to 5 of this Act.*

➔SECTION 5. A NEW SECTION OF KRS CHAPTER 367 IS CREATED TO READ AS FOLLOWS:

- (1) *A violation of Section 2 of this Act shall be deemed an unfair, false, misleading, or deceptive act or practice in the conduct of trade or commerce in violation of KRS 367.170.*
- (2) *A public or private right or remedy prescribed by KRS 367.110 to 367.300 may be used to enforce Sections 1 to 5 of this Act.*

- (3) *All of the remedies, powers, and duties delegated to the Attorney General by KRS 367.190 to 367.300, and the penalties provided in KRS 367.990, relating to acts and practices violating KRS 367.170, shall apply with equal force and effect to acts and practices declared unlawful by Sections 1 to 5 of this Act.*
- (4) *A person who violates Section 2 of this Act is liable to this Commonwealth for a civil penalty of not more than two thousand dollars (\$2,000) per violation. Each twenty-four (24) hour period for which a person does not comply with Section 2 of this Act shall constitute a separate violation.*
- (5) *Nothing in Sections 1 to 5 of this Act shall be construed to limit or restrict the exercise of powers or the performance of the duties of the Attorney General authorized under any other provision of law.*

➔SECTION 6. A NEW SECTION OF KRS CHAPTER 365 IS CREATED TO READ AS FOLLOWS:

As used in Sections 6 to 8 of this Act:

- (1) *"Performing group" means a vocal or instrumental group of one (1) or more members that intends to advertise or perform under the name of a recording group or a name confusingly similar to a recording group;*
- (2) *"Recording group" means a vocal or instrumental group of one (1) or more members, at least one (1) of whose members previously released a commercial sound recording under that group's name and the legal rights to which have not been abandoned; and*
- (3) *"Sound recording" means a work that results from the fixation of a series of musical, spoken, or other sounds, regardless of the nature of the material object, such as a phonograph, disc, tape, wire, digital storage, or other medium, in which sounds are embodied.*

➔SECTION 7. A NEW SECTION OF KRS CHAPTER 365 IS CREATED TO READ AS FOLLOWS:

- (1) *A person shall not advertise or conduct a live musical performance or production in this Commonwealth through the use of a false, deceptive, or misleading affiliation, connection, or association between a performing group and a recording group.*
- (2) *This section shall not apply if:*
 - (a) *The performing group is the authorized registrant and owner of a federal service mark or trademark for the recording group which is:*
 1. *Registered in the United States; or*
 2. *A licensee of or otherwise authorized to use the mark by such registrant and owner;*
 - (b) *At least one (1) member of the performing group was a member of the recording group and that member has a legal right to use or operate under the name of the recording group without having abandoned the name or affiliation with the recording group;*
 - (c) *The live musical performance or production is identified in all advertising and promotion as a salute or tribute and the name of the performing group is not confusingly similar to a recording group; or*
 - (d) *The performance or production is expressly authorized by the recording group.*

➔SECTION 8. A NEW SECTION OF KRS CHAPTER 365 IS CREATED TO READ AS FOLLOWS:

- (1) *The Attorney General or county attorney may bring a civil action for temporary or permanent injunctive relief against a person, if the Attorney General or county attorney has reason to believe a person is advertising, conducting, or intends to advertise or conduct a live musical performance or production in violation of Section 7 of this Act.*
- (2) *A person who violates Section 7 of this Act shall be assessed a civil penalty of not less than two thousand dollars (\$2,000) or more than fifteen thousand dollars (\$15,000) per violation. Each performance or production in violation of Section 7 of this Act constitutes a separate violation.*
- (3) *The civil penalty provided by subsection (2) of this section is in addition to injunctive relief and any other remedy that may be available.*
- (4) *Any party, or assignee, authorized agent, or licensee of that party, who is injured as a result of a person's violation of Section 7 of this Act may bring a civil action for compensable damages and equitable relief, including injunctive relief, and for treble damages, reasonable attorney's fees, filing fees, and costs for the injured party.*

(5) *Each performance or production in violation of Section 7 of this Act constitutes a separate violation.*

➔Section 9. Sections 1 to 8 of this Act may be cited as the Kentucky True Origin of Digital Goods and Truth in Musical Advertising Act.

Signed by Governor March 30, 2022.

CHAPTER 53

(SB 91)

AN ACT relating to motor vehicle dealers.

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

➔Section 1. KRS 190.030 is amended to read as follows:

- (1) (a) *Except as provided in paragraph (b) of this subsection*, a motor vehicle dealer, new, used, or auction motor vehicle dealer, nonprofit motor vehicle dealer, motor vehicle leasing dealer, restricted motor vehicle dealer, motorcycle dealer, broker, wholesaler, automotive recycling dealer, new recreational vehicle dealer, a salesperson of motor vehicles, or a salesperson of new recreational vehicles shall not engage in business in this state at any location without a license issued for that location as provided in KRS 190.010 to 190.080.
- (b) *An entity identified in paragraph (a) of this subsection with an established place of business may conduct sales activities via the Internet and deliver vehicles sold or leased by the licensed dealer to a customer at the customer's residence or other suitable location, as long as the sale, lease, or delivery is requested by the customer.*
- (c) If a person licensed as a motor vehicle dealer or new recreational vehicle dealer acts as a motor vehicle salesperson or a new recreational vehicle salesperson, that person shall secure a motor vehicle salesperson's license or a new recreational vehicle salesperson's license in addition to a license for a motor vehicle dealer or for a new recreational vehicle dealer.
- ~~[(c) In addition to the authority granted under subsection (6) of this section, the motor vehicle commission may promulgate administrative regulations in accordance with KRS Chapter 13A to establish licenses and appropriate fees for other licensee activities.]~~
- (2) A manufacturer of motor vehicles, recreational vehicles, factory branch, distributor, distributor branch, or wholesaler shall not engage in business in this state without a license as provided in KRS 190.010 to 190.080.
- (3) A factory representative or distributor representative shall not engage in business in this state without a license as provided in KRS 190.010 to 190.080.
- (4) Application for license shall be made to the licensor, at a time, in a form, and containing information the licensor shall require and shall be accompanied by the required fee. The licensor may require, as part of the application process, information relating to the applicant's solvency, financial standing, or other pertinent matter commensurate with the safeguarding of the public interest in the locality in which the applicant proposes to engage in business. The information may be considered by the licensor in determining the fitness of the applicant to engage in business as set forth in this section.
- (5) All licenses shall be granted or refused within thirty (30) days after submission of a complete application and shall expire, unless revoked or suspended, on December 31 of the calendar year for which they are granted. If a complaint of unfair cancellation of dealer franchise is in the process of being heard, a replacement application for the franchise shall not be considered until a decision is rendered by the commission.
- (6) (a) The commission shall promulgate administrative regulations in accordance with KRS Chapter 13A to establish annual license fees, not to exceed five hundred dollars (\$500), for:
 1. New motor vehicle dealers;
 2. Used motor vehicle dealers;
 3. Motor vehicle leasing dealers;

4. Restricted motor vehicle dealers;
 5. Motorcycle dealers;
 6. Motor vehicle manufacturers and factory branches;
 7. Distributors, motor vehicle auction dealers, and wholesalers;
 8. Factory representatives and distributor branch representatives;
 9. Automotive mobility dealers;
 10. Nonprofit motor vehicle dealers;
 11. Recreational vehicle manufacturers and distributors; and
 12. New recreational vehicle dealers.
- (b) The commission shall promulgate administrative regulations in accordance with KRS Chapter 13A to establish annual license fees, not to exceed fifty dollars (\$50), for motor vehicle salespersons and new recreational vehicle salespersons.
- (c) ***In addition to the annual license fees established under paragraph (b) of this subsection, the commission may promulgate administrative regulations in accordance with KRS Chapter 13A to establish licenses and appropriate fees for other licensee activities.***
- ~~(d)(e)~~ A ~~The~~ license fee imposed on motor vehicle salespersons and new recreational vehicle salespersons shall be paid by the licensed dealer for every salesperson the dealer employs.
- ~~(e)(d)~~ A license fee shall not be imposed on nonprofit motor vehicle dealer salespersons.
- (7) (a) The licenses of dealers, manufacturers, factory branches, distributors, and distributor branches shall specify the location of the office or branch and shall be conspicuously displayed there. If the location is changed, the licensor shall endorse the change of location on the license. A licensee shall not be charged a fee for changing locations. A change of location shall require a new application.
- (b) 1. A motor vehicle dealer who is not a new motor vehicle dealer may conduct a temporary sale or display in the county where the dealer is licensed to conduct business.
2. A new motor vehicle dealer may conduct a temporary sale or display in the dealer's market as defined in KRS 190.047(6).
3. A recreational vehicle dealer may conduct a temporary sale or display in the county where the dealer is licensed to conduct business or in any other county where there is no licensed recreational vehicle dealer.
- (c) A temporary sale or display may be conducted under this subsection if the temporary sale or display is permitted under an enabling ordinance enacted by the city, county, urban-county, or consolidated local government within whose boundaries the temporary sale or display is to be conducted. A temporary sale or display shall be advertised as temporary in nature and shall consist of a representative sampling of the inventory of each participating licensee.
- (d) The provisions of this subsection shall not apply to a nonprofit motor vehicle dealer.
- (8) Every salesperson, factory representative, or distributor representative shall carry his license when engaged in business, and display it upon request. The license shall name his employer; and in case of a change of employer, the salesperson shall immediately mail his license to the licensor who shall endorse the change on the license without charge.
- (9) If the licensor has reasonable cause to doubt the financial responsibility or the compliance by the applicant or licensee with the provisions of this statute, the licensor may require the applicant or licensee to furnish and maintain a bond in a form, amount and with sureties up to one hundred thousand dollars (\$100,000), conditioned upon the applicant or licensee complying with the provisions of the statutes applicable to the licensee. The bonds shall be executed in the name of the State of Kentucky for the benefit of any aggrieved parties, but the penalty of the bond shall not be invoked except after a court adjudication. The commission may promulgate administrative regulations to permit the applicant to submit evidence, in lieu of posting bond, that reliable financial arrangements, deposits, or commitments exist providing assurance, substantially equivalent to that afforded by a bond complying with this subsection, for payment on conditions and indemnity set forth

in this subsection. The bonding requirements of this subsection shall not apply to manufacturers, factory branches, and their agents.

- (10) Application for dealer's license shall be submitted to the commission and contain information the commission may require. A motor vehicle dealer, unless licensed under KRS 190.010 to 190.080, shall not be permitted to register, receive, or use any motor vehicle registration plates.
- (11) Every motor vehicle dealer or new recreational vehicle dealer licensed in accordance with the provisions of this section shall make reports to the licensor at intervals and show information the licensor may require.

Signed by Governor March 30, 2022.

CHAPTER 54

(SB 61)

AN ACT relating to early high school graduation.

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

➔Section 1. KRS 158.142 is amended to read as follows:

- (1) Beginning with the 2014-2015 school year, a public school student may complete an early high school graduation program and qualify for an Early Graduation Scholarship Certificate for use at a Kentucky public two (2) year community and technical college or a Kentucky four (4) year public or nonprofit, independent institution that is accredited by the Southern Association of Colleges and Schools, if conditions specified in this section are met.
- (2) Each student desiring to complete an early graduation program shall indicate to the secondary school principal his or her intent prior to the beginning of grade nine (9) or as soon thereafter as the intent is known. The intent shall be indicated on a form provided by the Kentucky Department of Education and signed by the parent.
- (3) For early graduation in accordance with this section, a student shall ~~};~~
 - (a) ~~Obtain a qualifying benchmark score as determined by the Kentucky Board of Education on each of the end of course examinations that make up the high school achievement portion of the accountability system under KRS 158.6453;~~
 - (b) ~~successfully complete the requirements for early high school graduation as established in administrative regulation by the Kentucky Board of Education}; and~~
 - (c) ~~Score on the ACT examination at or above the benchmarks set by the Council on Postsecondary Education for mathematics, reading, and English and any additional content areas for which the Council on Postsecondary Education establishes benchmarks}.~~
- (4) The Kentucky Board of Education or a local board of education shall not impose graduation requirements that would prohibit a student who is pursuing an early graduation program as described in this section from finishing high school in less than four (4) years.
- (5) Students pursuing early graduation may take two (2) high school English courses in an academic year.
- (6) Students pursuing early graduation may complete selected courses at the middle school level. Each school district is encouraged to provide access to all middle school students to English I and Algebra I courses for high school credit. Access may be provided by each middle school offering the course on-site or by the district providing transportation for students to a central location within the district, to a neighboring school within the district, or to a neighboring school district. The district may also provide access for the student to take these courses online based on the local board of education policy.
- (7)
 - (a) In addition to the regular high school diploma, a student who completes a program of study that meets the requirements of subsection (3) of this section shall receive an Early Graduation Scholarship Certificate signed by the high school principal and district superintendent.
 - (b) A student who earns an Early Graduation Scholarship Certificate shall be eligible for a scholarship award to be used at an institution described in subsection (1) of this section. The award amount shall be

equal to one-half (1/2) of the state portion of the average statewide per pupil guaranteed base funding level as described in KRS 157.360 for the year in which the student graduates.

- (c) The student shall be eligible for the scholarship award only for the next academic year following early graduation.
- (d) Each public high school shall report all Early Graduation Scholarship Certificate recipients by July 1 for the previous academic year to the Kentucky Higher Education Assistance Authority.
- (e) Each postsecondary institution described in subsection (1) of this section shall notify the Kentucky Higher Education Assistance Authority of students with an Early Graduation Scholarship Certificate who enroll in the institution. The authority shall disburse the award amount described in paragraph (b) of this subsection from the early graduation trust fund established by KRS 164.7892.

Signed by Governor March 30, 2022.

CHAPTER 55

(SB 32)

AN ACT relating to the Judicial Form Retirement System.

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

➔Section 1. KRS 21.525 is amended to read as follows:

- (1) The state, by appropriation to the Judicial Retirement Board, shall contribute annually to the Judicial Retirement System an amount equal to the percent as computed under subsection (2)(a) of this section of the creditable compensation of active members of the Judicial Retirement System, to be known as the "normal **cost contribution**~~[contributions]~~," and an additional amount **computed under subsection (2)(b) of this section**,~~[equal to one percent (1%) of the unfunded past service liabilities, plus annual interest accruing thereon at the actuarially assumed rate of interest adopted by the board]~~ to be known as the "**actuarially accrued liability**~~[past service]~~ contribution."
- (2) (a) The normal **cost** contribution ~~[rate]~~ shall be determined **using**:~~[either by]~~
 - 1. The entry age normal cost funding method;
 - 2. *An asset smoothing method that smooths investment gains and losses over a five (5) year period; and*
 - 3. *Other funding methods and assumptions established*~~[or the unit credit actuarial method, as selected]~~ by the board.
- (b) *The actuarially accrued liability contribution shall be computed as follows:*
 - 1. *The total unfunded actuarially accrued liability shall be amortized over a closed period of twenty (20) years beginning with the 2023 actuarial valuation;*
 - 2. *Any increase or decrease in the unfunded actuarially accrued liability occurring after the completion of the 2023 actuarial valuation shall be amortized over a closed period of twenty (20) years beginning with the actuarial valuation in which the increase or decrease in the unfunded actuarially accrued liability is recognized. An increase or decrease in the unfunded actuarially accrued liability may result from, but not be limited to, legislative changes to benefits, changes in actuarial methods or assumptions, or actuarial gains or losses;*
 - 3. *If the annual valuation determines that the plan has surplus actuarial assets, the prior amortization bases established under subparagraph 2. of this paragraph shall be eliminated, and one (1) base equal to the amount of surplus actuarial assets shall be established and amortized over an open period of twenty (20) years; and*
 - 4. The **actuarially accrued liability contribution**~~[past service liability]~~ shall be determined by actuarial methods consistent with the methods prescribed for determining the normal **cost**

contribution, *except that beginning with the 2023 actuarial valuation the level dollar amortization method shall be utilized*~~[rate]~~.

- (c) The board shall adopt the actuarial assumptions that are to be used in making the determinations.
- (3) *The normal cost contribution*~~[contributions]~~ and the *actuarially accrued liability*~~[past service liability]~~ contribution for each fiscal biennium shall be determined on the basis of the actuarial valuation last preceding the commencement of the biennium.
- (4) Employer costs for the hybrid cash balance plan as provided by KRS 21.402 shall be incorporated into the employer contribution rate of the Legislators' Retirement Plan and the Judicial Retirement Plan as a new benefit tier within the plans.

➔Section 2. KRS 21.540 is amended to read as follows:

- (1) (a) Except as provided in KRS 21.550, 21.560, and subsections (3) and (7) of this section, the board of trustees of the Judicial Form Retirement System shall be charged with the administration of *KRS 6.500 to 6.577*~~[that system]~~ and~~[of KRS]~~ 21.350 to 21.510.
- (b) *The Judicial Form Retirement System*~~[, and]~~ shall have all powers necessary *to administer KRS 6.500 to 6.577 and 21.350 to 21.510*~~[thereto]~~, including the power to promulgate all reasonable administrative regulations, pass upon questions of eligibility and disability, make employments for services,~~[and]~~ to contract for fiduciary liability insurance,~~[and for]~~ investment counseling, *and* actuarial, auditing, and other professional services subject to the limitations of KRS Chapters 45, 45A, 56, and 57.
- (c) 1. The administrative expenses shall be paid out of an administrative account which shall be funded by transfers of the necessary money, in appropriate ratio, from the funds provided for in KRS 21.550 and 21.560.
2. *Authorization for all administrative expenses relating to the operations of the Judicial Form Retirement System shall be contained in the biennial budget unit request, branch budget recommendations, and the financial plan adopted by the General Assembly pursuant to KRS Chapter 48.*
3. *The request from the Judicial Form Retirement System shall include any specific administrative expenses requested by the board of trustees that are not otherwise specified by this subsection.*
- (2) (a) A qualified domestic relations order issued by a court or administrative agency shall be honored by the Judicial Form Retirement System if the order is in compliance with the requirements established by the retirement system.
- (b) Except in cases involving child support payments, the Judicial Form Retirement System may charge reasonable and necessary fees and expenses to the participant and the alternate payee of a qualified domestic relations order for the administration of the qualified domestic relations order by the retirement system. All fees and expenses shall be established by administrative regulations promulgated by the board of trustees of the retirement system. The qualified domestic relations order shall specify whether the fees and expenses provided by this subsection shall be paid:
1. Solely by the participant;
 2. Solely by the alternate payee; or
 3. Equally shared by the participant and alternate payee.
- (c) For purposes of this subsection, a "qualified domestic relations order" shall mean any judgment, decree, or order, including approval of a property settlement agreement, that:
1. Is issued by a court or administrative agency; and
 2. Relates to the provision of child support, alimony payments, or marital property rights to a spouse, former spouse, child, or other dependent of a member.
- (3) Notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that the provisions of KRS 21.345 to 21.580 and 6.500 to 6.577 shall conform with federal statutes or regulations and meet the qualification requirements under 26 U.S.C. sec. 401(a), applicable federal regulations, and other published guidance, and the board shall have the authority to promulgate administrative

regulations, with retroactive effect if required under federal law, to conform the Legislators' Retirement Plan and the Judicial Retirement Plan with federal statutes and regulations and to meet the qualification requirements under 26 U.S.C. sec. 401(a).

- (4) In order to improve public transparency regarding the administration of the Legislators' Retirement Plan and the Judicial Retirement Plan, the board of trustees of the Judicial Form Retirement System shall adopt a best-practices model by posting the following information to the system's Web site and shall make it available to the public:
- (a) Meeting notices and agendas for all meetings of the board. Notices and agendas shall be posted to the system's Web site at least seventy-two (72) hours in advance of the board or committee meetings, except in the case of special or emergency meetings as provided by KRS 61.823;
 - (b) A list of the members of the board of trustees and membership on each committee established by the board, including any investment committees;
 - (c) A list of system staff and each staff's salary;
 - (d) A list of the fund's professional consultants and their respective fees and commissions paid by the system;
 - (e) A list of the system's expenditures;
 - (f) The annual financial audit of the system, which shall include but not be limited to a statement of plan net assets, a statement of changes in plan net assets, an actuarial value of assets, a schedule of investments, a statement of funded status and funding progress, and other supporting data;
 - (g) All external audits;
 - (h) The annual actuarial valuation report of pension and retiree health benefits of each retirement plan administered by the system, which shall include a general statistical section and information on contributions, benefit payouts, and retirement plan demographic data;
 - (i) All board minutes or other materials that require adoption or ratification by the board of trustees or committees of the board. The items listed in this paragraph shall be posted within seventy-two (72) hours of adoption or ratification by the board or committees;
 - (j) All bylaws, policies, or procedures adopted or ratified by the board of trustees or by committees of the board;
 - (k) The summary plan description for each plan administered by the system;
 - (l) A document or a link to documents containing an unofficial copy of the statutes governing the plans administered by the Judicial Form Retirement System;
 - (m) Investment information, including all investment holdings in aggregate, fees, and commissions for each fund administered by the board, which shall be updated on a quarterly basis for fiscal years beginning on or after July 1, 2017. The system shall request from all managers, partnerships, and any other available sources all information regarding fees and commissions and shall, based on the requested information received:
 1. Disclose the dollar value of fees and commissions paid to each individual manager or partnership;
 2. Disclose the dollar value of any profit sharing, carried interest, or any other partnership incentive arrangements, partnership agreements, or any other partnership expenses received by or paid to each manager or partnership; and
 3. As applicable, report each fee or commission by manager or partnership consistent with standards established by the Institutional Limited Partners Association (ILPA).

In addition to the requirements of this paragraph, the system shall also disclose the name and address of all individual underlying managers or partners in any fund of funds in which system assets are invested;
 - (n) An update of net investment returns, asset allocations, and the performance of the funds against benchmarks adopted by the board for each fund, for each asset class administered by the board, and for each manager over a historical period. The update shall be posted on a quarterly basis for fiscal years beginning on or after July 1, 2017;

- (o) All contracts or offering documents for services, goods, or property purchased or utilized by the system. Notwithstanding KRS 61.878, all contracts, including investment contracts, shall be subject to review by the board, the Auditor of Public Accounts, and the Government Contract Review Committee established pursuant to KRS 45A.705. If any public record contains material which is not excepted under KRS 61.878, the system shall separate the excepted material by removal, segregation, or redaction, and make the nonexcepted material available for examination; and
- (p) Information regarding the system's financial and actuarial condition that is easily understood by the members, retired members, and the public.

Nothing in this subsection shall require or compel the Judicial Form Retirement System to disclose information specific to the account of an individual member of the Legislators' Retirement Plan or the Judicial Retirement Plan.

- (5) No trustee or employee of the board shall:
 - (a) Have any interest, direct or indirect, in the gains or profits of any investment or transaction made by the board, provided that the provisions of this paragraph shall not prohibit a member or retiree of one (1) of the retirement plans administered by the system from serving as a trustee;
 - (b) Directly or indirectly, for himself or herself or as an agent, use the assets of the system, except to make current and necessary payments authorized by the board;
 - (c) Become an endorser, surety, or obligor for moneys loaned by or borrowed from the board;
 - (d) Have a contract or agreement with the retirement system, individually or through a business owned by the trustee or the employee;
 - (e) Use his or her official position with the retirement system to obtain a financial gain or benefit or advantage for himself or herself or a family member;
 - (f) Use confidential information acquired during his or her tenure with the systems to further his or her own economic interests or that of another person; or
 - (g) Hold outside employment with, or accept compensation from, any person or business with which he or she has involvement as part of his or her official position with the system. The provisions of this paragraph shall not prohibit:
 - 1. A trustee from serving as a judge or member of the General Assembly; or
 - 2. A trustee from serving on the board if the compensation is de minimus and incidental to the trustee's outside employment. If the compensation is more than de minimus, the trustee shall disclose the amount of the compensation to the other trustees and recuse himself or herself from any matters involving hiring or retaining a person or a business from whom more than de minimus amounts are received by the trustee. For purposes of this section, "de minimus" means an insignificant amount that does not raise a reasonable question as to the trustee's objectivity.
- (6) Notwithstanding any other provision of KRS 6.500 to 6.577 and 21.345 to 21.580 to the contrary, no funds of the Legislators' Retirement Plan or the Judicial Retirement Plan, including fees and commissions paid to an investment manager, private fund, or company issuing securities, who manages systems assets, shall be used to pay fees and commissions to placement agents. For purposes of this subsection, "placement agent" means a third-party individual, who is not an employee, or firm, wholly or partially owned by the entity being hired, who solicits investments on behalf of an investment manager, private fund, or company issuing securities.
- (7) All contracts for the investment or management of assets of the system shall not be subject to KRS Chapters 45, 45A, 56, and 57. Instead, the board shall conduct the following process to develop and adopt an investment procurement policy with which all prospective contracts for the investment or management of assets of the system shall comply:
 - (a) On or before July 1, 2017, the board shall consult with the secretary of the Finance and Administration Cabinet or his or her designee to develop an investment procurement policy, which shall be written to meet best practices in investment management procurement;
 - (b) Thirty (30) days prior to adoption, the board shall tender the preliminary investment procurement policy to the secretary of the Finance and Administration Cabinet or his or her designee for review and comment;

- (c) Upon receipt of comments from the secretary of the Finance and Administration Cabinet or his or her designee, the board shall choose to adopt or not adopt any recommended changes;
 - (d) Upon adoption, the board shall tender the final investment procurement policy to the secretary of the Finance and Administration Cabinet or his or her designee;
 - (e) No later than thirty (30) days after receipt of the investment procurement policy, the secretary or his or her designee shall certify whether the board's investment procurement policy meets or does not meet best practices for investment management procurement; and
 - (f) Any amendments to the investment procurement policy shall adhere to the requirements set forth by paragraphs (b) to (e) of this subsection.
- (8) (a) 1. Upon request by any person, the Judicial Form Retirement System shall release the following information from the accounts of any member or retiree of the Legislators' Retirement Plan or the Judicial Retirement Plan, if the member or retiree is a current or former officeholder in the Kentucky General Assembly:
- a. The first and last name of the member or retiree;
 - b. The plan or plans in which the member has an account or from which the retiree is receiving a monthly retirement allowance;
 - c. The status of the member or retiree, including but not limited to whether he or she is a contributing to the plans but has not retired, or a retiree drawing a monthly retirement allowance;
 - d. If the individual is a retiree, the monthly retirement allowance that he or she was receiving at the end of the most recently completed fiscal year; and
 - e. If the individual is a member who has not yet retired, the estimated monthly retirement allowance that he or she is eligible to receive on the first date he or she would be eligible for an unreduced retirement allowance, using his or her service credit, final compensation, and accumulated account balance at the end of the most recently completed fiscal year.
2. No information shall be disclosed under this paragraph from an account that is paying benefits to a beneficiary due to the death of a member or retiree.
- (b) The release of information under paragraph (a) of this subsection shall not constitute a violation of the Open Records Act, KRS 61.870 to 61.884.

➔Section 3. KRS 6.505 is repealed, reenacted, and amended to read as follows:

- (1) (a) Each legislator in office on July 1, 1980, may within thirty (30) days after that date, and any legislator thereafter taking office may within thirty (30) days after the date thereof, elect to make monthly contributions to the Legislators' Retirement Plan, in an amount equal to five percent (5%) of his *or her* monthly creditable compensation, as defined in KRS 61.510(13), ~~or the amount specified by paragraph (d) of this subsection~~. The election shall be effective to establish membership in the plan as of July 1, 1980, or as of the date from which the thirty (30) day period is measured, as the case may be. Provided, however, that any legislator who was in office on July 1, 1980, and who is in office at the time he *or she* makes the election may, after the expiration of the thirty (30) day period and until May 1, 1982, make the election, in which event he *or she* shall pay to the Legislators' Retirement Plan, for the months between July 1, 1980, and the date of his *or her* election such sum as, when added to any member's contribution by him *or her* that is transferred from another retirement system under KRS 6.535, will equal the member's contribution required by this section. If the member makes his *or her* election after February 1, 1981, he *or she* shall in addition pay to the plan interest on the foregoing sum, at six percent (6%) per annum, calculated as if the sum consisted of equal monthly payments, one (1) of which was due at the end of each month between July 1, 1980, and the date the election was made. The election shall be addressed to and filed with the secretary of the Finance and Administration Cabinet and shall constitute an authorization to the secretary to thereafter cause to be deducted from the member's monthly creditable compensation an amount equal to five percent (5%) thereof, as a voluntarily elected contribution by the member towards the funding of the Legislators' Retirement Plan.
- (b) 1. For a member who begins participating in the Legislators' Retirement Plan prior to January 1, 2014, the election shall operate to create an inviolable contract between such member and the Commonwealth, guaranteeing to and vesting in the member the rights and benefits provided for

under KRS 6.515 to 6.530~~], except that the General Assembly reserves the right to amend, reduce, or suspend any legislative changes to the provisions of KRS 6.500 to 6.577 that become effective on or after July 1, 2018].~~

2.
 - a. For members who begin participating in the Legislators' Retirement Plan on or after January 1, 2014, the General Assembly reserves the right to amend, suspend, or reduce the benefits and rights provided under KRS 6.500 to 6.577 if, in its judgment, the welfare of the Commonwealth so demands, except that the amount of benefits the member has accrued at the time of amendment, suspension, or reduction shall not be affected.
 - b. For purposes of this subparagraph, the amount of benefits the member has accrued at the time of amendment, suspension, or reduction shall be limited to the accumulated account balance the member has accrued at the time of amendment, suspension, or reduction.
 - c. The provisions of this subsection shall not be construed to limit the General Assembly's authority to change any other benefit or right specified by KRS 6.500 to 6.577, for members who begin participating in the Legislators' Retirement Plan on or after January 1, 2014, except the benefits specified by subparagraph 2.b. of this paragraph.
 3. The provisions of this paragraph shall not be construed to limit the General Assembly's authority to amend, reduce, or suspend the benefits and rights of members of the Legislators' Retirement Plan as provided by KRS 6.500 to 6.577 that the General Assembly had the authority to amend, reduce, or suspend, prior to July 1, 2013.
- (c) An election once made under this section either to participate or not to participate in the Legislators' Retirement Plan, shall be considered to apply to all future service as a legislator~~—except as provided by KRS 21.374 or 21.385(3)],~~ whether in the same or a different office as a legislator, and whether or not it is in successive terms.
- (d) Notwithstanding the provisions of this subsection:
1. A legislator who becomes a member of the Legislators' Retirement Plan on or after September 1, 2008, but prior to January 1, 2014, shall make monthly contributions to the Legislators' Retirement Plan in an amount equal to six percent (6%) of his *or her* monthly creditable compensation, as defined in KRS 61.510(13);
 2. A legislator who becomes a member of the Legislators' Retirement Plan on or after January 1, 2014, shall make monthly contributions to the Legislators' Retirement Plan in an amount equal to six percent (6%) of his or her monthly creditable compensation, as defined in KRS 61.510(13), of which:
 - a. Five percent (5%) of his or her monthly creditable compensation, as defined in KRS 61.510(13), shall be used to provide funding for benefits provided under KRS 21.402; and
 - b. One percent (1%) of his or her monthly creditable compensation, as defined in KRS 61.510(13), shall be used exclusively to help fund retiree health benefits as provided by KRS 6.577 and shall not be refunded to the member if the member withdraws his or her accumulated account balance as provided by KRS 21.460. The amounts deducted under this subdivision shall be credited to an account established pursuant to 26 U.S.C. sec. 401(h), within the fund established by KRS 6.530.
- (2) A legislator entitled to elect membership in the retirement system who failed to elect membership within thirty (30) days after taking office may elect membership not later than August 31, 2005. An election, upon being made pursuant to this section, shall operate to create an inviolable contract between the member entitled to elect membership under this subsection and the Commonwealth, guaranteeing to and vesting in the member the rights and benefits provided for under the terms and conditions of KRS 6.500 to 6.577~~], except that the General Assembly reserves the right to amend, reduce, or suspend any legislative changes to the provisions of KRS 6.500 to 6.577 that become effective on or after July 1, 2018].~~
- (3) When any legislator makes a delayed election of membership in the Legislators' Retirement Plan under subsection (2) of this section, his *or her* active membership in the Kentucky Employees Retirement System shall terminate, as of the date his *or her* membership in the Legislators' Retirement Plan becomes effective, and any credit in the Kentucky Employees Retirement System, earned for service as a legislator, which he *or she* then has or which he *or she* subsequently regains while being an active member of the Legislators' Retirement Plan, shall be transferred to and counted as service credit in the Legislators' Retirement Plan, and

shall no longer constitute credit in the Kentucky Employees Retirement System, except for the purpose of validating any other credit in that system if the member pays the difference, if any, between the amount transferred from the Kentucky Employees Retirement System and the actuarial value of the transferred service. However, any credit he *or she* then has in the Kentucky Employees Retirement System, earned for service in any capacity other than a legislator, shall not be affected. No person may attain credit in more than one (1) of the retirement plans or systems mentioned in this section for the same period of service. When credit is transferred from the Kentucky Employees Retirement System to the Legislators' Retirement Plan, the Kentucky Employees Retirement System shall transfer to the Legislators' Retirement Fund an amount equal to the employee's and employer's contributions attributable to that credit, together with interest on the contributions from the date made to the date of transfer at the actuarially assumed interest rate of the Kentucky Employees Retirement System in effect at the time the contributions were made, compounded annually at that same interest rate.

- (4) The state shall, solely for the purpose of compliance with Section 414(h) of the United States Internal Revenue Code, pick up the employee contributions required by this section for all compensation earned after August 1, 1982, and the contributions so picked up shall be treated as employer contributions in determining tax treatment under the United States Internal Revenue Code and KRS 141.010. The picked-up employee contribution shall satisfy all obligations to the retirement system satisfied prior to August 1, 1982, by the employee contribution, and the picked-up employee contribution shall be in lieu of an employee contribution. The state shall pay these picked-up employee contributions from the same source of funds which is used to pay earnings to the employee. The employee shall have no option to receive the contributed amounts directly instead of having them paid by the employer to the system. Employee contributions picked up after August 1, 1982, shall be treated for all purposes of KRS 6.500 to 6.535 in the same manner and to the same extent as employee contributions made prior to August 1, 1982.
- (5) When any legislator elects membership in the Legislators' Retirement Plan in accordance with this section, his *or her* active membership in the Kentucky Employees Retirement System, State Police Retirement System, County Employees Retirement System, or Teachers' Retirement System shall terminate, as of the date his *or her* membership in the Legislators' Retirement Plan becomes effective, and any credit in such other system or systems, earned for service as a legislator, which he *or she* then has or which he *or she* subsequently regains while being an active member of the Legislators' Retirement Plan, shall be transferred to and counted as service credit in the Legislators' Retirement Plan, and shall no longer constitute credit in such other retirement system except for the purpose of validating any other credit in that system. However, any credit he *or she* then has in such other retirement system, earned for service in any capacity other than a legislator, shall not be affected. No person may attain credit in more than one (1) of the retirement plans or systems mentioned in this section, for the same period of service.
- (6) A member of the Legislators' Retirement Plan who would be entitled, under KRS 61.552, to repurchase credit in the Kentucky Employees Retirement System, for previous service as a legislator, which credit had been lost by refund of contributions, may pay the amount required by KRS 61.552 directly to the Legislators' Retirement Plan and thereby obtain credit in that plan for such service, rather than making payment to the Kentucky Employees Retirement System for credit which would be transferred to the Legislators' Retirement Plan. In such event, the Kentucky Employees Retirement System shall transfer to the Legislators' Retirement Plan an amount equal to the employer's contributions that originally were made to the Kentucky Employees Retirement System for the regained service credit, with interest as provided in KRS 6.535. Six (6) months' current service shall be required in the Legislators' Retirement Plan in order for the repurchased credit to remain in force, the same as provided in KRS 61.552. Service purchased under this subsection on or after January 1, 2014, shall not be used to determine the member's participation date in the Legislators' Retirement Plan.

➔Section 4. KRS 6.518 is repealed, reenacted, and amended to read as follows:

- (1) For purposes of this section, "bona fide promotion or career advancement":
 - (a) Means a professional advancement in substantially the same line of work held by the member in the four (4) years immediately prior to the final five (5) annual years preceding retirement or a change in employment position based on the training, skills, education, or expertise of the member that imposes a significant change in job duties and responsibilities to clearly justify the increased compensation to the member; and
 - (b) Does not include any circumstance in which a legislator participating in the Legislators' Retirement Plan takes a position of employment with an employer participating in any of the other state-administered retirement systems.

- (2) (a) For members retiring on or after January 1, 2018, the plan shall, for each of the retiring member's last five (5) annual years of service in the General Assembly or with any employer participating in any of the state-administered retirement systems, identify any annual year in which the creditable compensation used to calculate benefits in the Legislators' Retirement Plan increased at a rate of ten percent (10%) or more annually over the immediately preceding annual year's creditable compensation.
- (b) Except as limited or excluded by subsections (3) and (4) of this section, any amount of increase in creditable compensation for an annual year identified under paragraph (a) of this subsection that exceeds ten percent (10%) more than the member's creditable compensation from the immediately preceding annual year shall not be included in the creditable compensation used to calculate the member's monthly pension benefits. If the creditable compensation for a specific annual year identified under paragraph (a) of this subsection as exceeding the ten percent (10%) increase limitation is not used to calculate the retiring member's monthly pension benefits, then no reduction in creditable compensation shall occur for that annual year. Reductions to creditable compensation as provided by this paragraph shall include any creditable compensation used to calculate the retiring member's benefits, including creditable compensation earned in another state-administered retirement system.
- (c) If the creditable compensation of the retiring member is reduced as provided by paragraph (b) of this subsection, the retirement system shall, notwithstanding KRS 21.460 and as applicable, refund the member contributions attributable to the reduction in creditable compensation.
- (3) In order to ensure the prospective application of the limitations on increases in creditable compensation contained in subsection (2) of this section, only the creditable compensation earned by the retiring member on or after July 1, 2017, shall be subject to reduction under subsection (2) of this section. Creditable compensation earned by the retiring member prior to July 1, 2017, shall not be subject to reduction under subsection (2) of this section.
- (4) Subsections (2) and (3) of this section shall not apply to increases that are the direct result of a bona fide promotion or career advancement.
- (5) The Judicial Form Retirement System board of trustees shall determine whether increases in creditable compensation during the last five (5) annual years of employment prior to retirement constitute a bona fide promotion or career advancement and may promulgate administrative regulations in accordance with KRS Chapter 13A to administer this section. All state-administered retirement systems shall cooperate to implement this section.
- (6) This section shall not apply to ~~the~~
- (a) ~~employees participating in the hybrid cash balance plan[plans] as provided by KRS 21.402[or 61.597];~~
~~or~~
- (b) ~~Service earned in the 401(a) money purchase plan as provided by KRS 61.5956].~~

➔Section 5. KRS 6.520 is repealed, reenacted, and amended to read as follows:

- (1) A member of the Legislators' Retirement Plan who retires on or after his *or her* normal retirement date shall receive a service retirement allowance, payable monthly during his *or her* lifetime, in an amount per month equal to three and fifty one-hundredths percent (3.50%) of his *or her* final compensation multiplied by the number of years of his *or her* service, but in no event to exceed one hundred percent (100%) of final compensation. For this purpose, "final compensation" means the average monthly creditable compensation as determined in KRS 61.510(13) of the member for services as a legislator for the three (3) years during which the member had the highest creditable legislative compensation.
- (2) A member shall have rights, with respect to retirement before reaching normal retirement date in the Legislators' Retirement Plan, identical in terms with those rights provided in KRS 21.400(2) and (3) in the Judicial Retirement Plan for members of that plan, except that the reduction in a legislators' service retirement allowance for early retirement shall be at the rate of five percent (5%) of the allowance for each year that retirement precedes the normal retirement date.
- (3) Subsections (1) and (2) of this section to the contrary notwithstanding, each legislator in office on July 1, 1982, that is a member of the Legislators' Retirement Plan, who retires on or after his *or her* normal retirement date, shall receive a service retirement allowance, payable monthly, on a formula equal to that of a justice or judge of the Court of Justice with an equivalent service entrance date, but in no event less than that specified in subsection (1) of this section, of his *or her* final compensation multiplied by the number of years of his *or her* service, but in no event to exceed one hundred percent (100%) of ~~his~~ final compensation. For this purpose,

"final compensation" means the average monthly creditable compensation as determined in KRS 61.510(13) of the three (3) years during which the member had the highest creditable legislative compensation.

- (4) **Subsections (1) and (2) of this section** ~~[Notwithstanding any other provision of KRS 6.500 to 6.577 or 21.345 to 21.580]~~ to the contrary **notwithstanding**, a member of the Legislators' Retirement Plan with a service entrance date after July 1, 1982 but prior to January 1, 2014, who retires on or after his **or her** normal retirement date, shall receive a service retirement allowance, payable monthly during his **or her** lifetime, in an amount per month equal to ~~⌋~~
- (a) ~~⌋~~two and seventy-five one-hundredths percent (2.75%) of his **or her** final compensation multiplied by the number of years of his **or her** service, **but** ~~⌋~~ ~~accrued prior to January 1, 2019; and~~
- (b) ~~⌋~~One and ninety seven one hundredths percent (1.97%) of his **or her** final compensation multiplied by the number of years of his **or her** service accrued on or after January 1, 2019.
- ~~⌋~~in no event **to** ~~⌋~~ ~~shall the benefit provided by this subsection~~ exceed one hundred percent (100%) of final compensation. For this purpose, "final compensation" means the average monthly creditable compensation as determined in KRS 61.510(13) of the member for services as a legislator for the three (3) years during which the member had the highest creditable legislative compensation.
- (5) Subsections (1) to (4) of this section shall not apply to members who begin participating in the Legislators' Retirement Plan on or after January 1, 2014.

➔Section 6. KRS 6.525 is repealed, reenacted, and amended to read as follows:

The Legislators' Retirement Plan shall be governed by KRS 21.560 and by provisions identical in terms with those provided in KRS 21.345(1), 21.345(3) to (6), 21.357, 21.360(1), 21.370 to 21.410, 21.374, 21.420, 21.425, 21.450, 21.460, 21.470, 21.480, 21.525, 21.540, and 61.552 for the Judicial Retirement Plan, except that:

- (1) Five (5) years of service as a legislator will be sufficient for vesting; and
- (2) (a) A member of the Legislators' Retirement Plan may combine his **or her** service credit with his **or her** service credit in the Teachers' Retirement System, Kentucky Employees Retirement System, County Employees Retirement System, and State Police Retirement System at the time of his **or her** retirement, according to the procedure of KRS 61.680(2)(a), except that the salary used to determine final compensation, if applicable, shall be based on the creditable compensation in KRS 61.510(13) for service while a member of the General Assembly whether or not a member of the Legislators' Retirement Plan.
- (b) ~~⌋~~For members contributing on or after June 20, 2005, but prior to January 1, 2014~~⌋~~ ~~who have service credit in the State Police Retirement System, Kentucky Employees Retirement System, County Employees Retirement System, or Teachers' Retirement System prior to January 1, 2019~~: Upon retirement, a member's accounts under the Legislators' Retirement Plan, State Police Retirement System, Kentucky Employees Retirement System, County Employees Retirement System, and Teachers' Retirement System shall be consolidated for the purpose of determining eligibility and amount of benefits as provided in KRS 61.680(2)(a) and in the same manner as for the other retirement systems using the highest salary regardless of the system in which it was earned. ~~⌋~~ ~~except that any salary earned in the State Police Retirement System, Kentucky Employees Retirement System, County Employees Retirement System, or Kentucky Teachers' Retirement System on or after January 1, 2019, shall not be used to determine benefits in the Legislators' Retirement Plan.~~
- ~~2. The consolidation of accounts as provided by this paragraph shall not apply to accounts in the State Police Retirement System, the Kentucky Employees Retirement System, the County Employees Retirement System, and the Teachers' Retirement System, from which the member is receiving a retirement benefit.~~
- ~~3. For purposes of this paragraph, "retirement" means the month in which the member elects to begin receiving benefits or benefits become payable due to the member's death.~~
- (c) A member who has an account in the Legislators' Retirement Plan and the Judicial Retirement Plan may combine his **or her** service in both plans for purposes of determining:
1. Eligibility and the amount of benefits; and
 2. Final compensation, provided the member began participating in the Legislators' Retirement Plan prior to January 1, 2014~~⌋~~ ~~and except that any salary earned in the Judicial Retirement Plan on or~~

~~after January 1, 2019, shall not be used to determine final compensation in the Legislators' Retirement Plan].~~

- (d) A member who began participating in the Legislators' Retirement Plan prior to January 1, 2014, may retire at the completion of twenty-seven (27) or more years of combined service credit, so long as at least fifteen (15) years of such credit were earned after January 1, 1960, and there shall be no reduction in the retirement allowance because of retirement before the age of sixty-five (65).
 - (e) For the purposes of this section, any reference in the KRS sections listed above to the Judicial Retirement Plan shall also be read as a reference to the Legislators' Retirement Plan, and any reference to the Legislators' Retirement Plan shall also be read as a reference to the Judicial Retirement Plan.
- (3) Any other statute to the contrary notwithstanding, a member of any state-administered retirement system who has ceased to qualify for membership but subsequently returns to a qualified status, shall, for the purposes of determining the date of entry into the state-administered retirement system for the subsequent period or periods of service, be deemed to have never left the retirement system.

➔Section 7. KRS 21.360 is repealed, reenacted, and amended to read as follows:

- (1) (a) Each Judge of the District Court in office on July 1, 1978, may within thirty (30) days after that date, and any judge or justice of any court entitled to be a member thereafter taking office may within thirty (30) days after taking office, elect to make monthly contributions to the retirement system in an amount equal to:
 - 1. Five percent (5%) of his or her monthly official salary, if the judge or justice became a member of the Kentucky Judicial Retirement Plan prior to September 1, 2008;
 - 2. Six percent (6%) of his or her monthly official salary, if the judge or justice became a member of the Kentucky Judicial Retirement Plan on or after September 1, 2008, but prior to January 1, 2014; or
 - 3. Six percent (6%) of his or her monthly official salary, if the judge or justice who becomes a member of the Kentucky Judicial Retirement Plan on or after January 1, 2014, which shall be used to fund benefits as follows:
 - a. Five percent (5%) of the monthly official salary shall be used to provide funding for benefits provided under KRS 21.402; and
 - b. One percent (1%) of the monthly official salary to be used exclusively to help fund retiree health benefits as provided by KRS 21.427 and which shall not be refunded to the member if the member withdraws his or her accumulated account balance as provided by KRS 21.460. The deducted amounts under this subdivision shall be credited to an account established pursuant to 26 U.S.C. sec. 401(h), within the fund established by KRS 21.347.
 - (b) The election shall be effective to establish membership in the system as of July 1, 1978, or as of the date the judge or justice took office, as the case may be. The election shall be addressed to and filed with the secretary of the Finance and Administration Cabinet, and shall constitute an authorization by the member, to the secretary, to thereafter cause to be deducted from the member's official salary, each month, the amount required by paragraph (a) of this subsection, as a voluntary contribution by the member towards the funding of the retirement system. For a member who began contributing to the Judicial Retirement Plan prior to January 1, 2014, the contribution shall continue until the judge or justice is vested in a service retirement allowance equal to one hundred percent (100%) of final compensation. Thereafter employee contributions shall be discontinued but continued service and retirement benefits shall not be affected thereby.
- (2) A judge or justice entitled to elect membership in the retirement system who failed to elect membership within thirty (30) days after taking office in 1980 or who elected membership in the Kentucky Employees Retirement System may elect membership not later than August 31, 2005. An election, upon being made pursuant to this section, shall operate to create an inviolable contract between the member entitled to elect membership under this subsection and the Commonwealth, guaranteeing to and vesting in the member the rights and benefits provided for under the terms and conditions of KRS 21.350 to 21.510~~, except that the General Assembly reserves the right to amend, reduce, or suspend any legislative changes to the provisions of KRS 21.345 to 21.580 that become effective on or after July 1, 2018].~~

- (3) (a) When any judge makes a delayed election of membership in the Judicial Retirement Plan under subsection (2) of this section, his *or her* active membership in the Kentucky Employees Retirement System shall terminate, as of the date his *or her* membership in the Judicial Retirement Plan becomes effective, and any credit in the Kentucky Employees Retirement System, earned for service as a judge, which he *or she* then has or which he *or she* subsequently regains while being an active member of the Judicial Retirement Plan, shall be transferred to and counted as service credit in the Judicial Retirement Plan, and shall no longer constitute credit in the Kentucky Employees Retirement System, except for the purpose of validating any other credit in that system, if the member pays the difference, if any, between the amount transferred from the Kentucky Employees Retirement System and the actuarial value of the transferred service.
- (b) Any credit he *or she* then has in the Kentucky Employees Retirement System, earned for service in any capacity other than a judge, shall not be affected. Notwithstanding any provisions of KRS 61.680 to the contrary, final compensation used to determine benefits for any service credit remaining in the Kentucky Employees Retirement System shall be based on the highest years of compensation as a judge whether the years occur before or after the judge elects membership in the Judicial Retirement Plan.
- (c) No person may attain credit in more than one (1) of the retirement plans or systems mentioned in this section for the same period of service. When credit is transferred from the Kentucky Employees Retirement System to the Judicial Retirement Plan, the Kentucky Employees Retirement System shall transfer to the Judicial Retirement Fund an amount equal to the employee's and employer's contributions attributable to that credit, together with interest on the contributions from the date made to the date of transfer at the actuarially-assumed interest rate of the Kentucky Employees Retirement System in effect at the time the contributions were made, compounded annually at that same interest rate.
- (4) Membership and benefit rights for judges and justices ~~{other than judges of the District Court}~~, and for the commissioners and administrative director, who took office prior to July 1, 1978, shall be dependent upon valid elections having been made under this section ~~{and KRS 21.355 and 21.365}~~ prior to the 1978 amendment to this section. The terms of such elections, including the contribution rate, shall continue to govern for the duration of the member's service.
- (5) When any Judge of the District Court in office on July 1, 1978, elects membership in the Judicial Retirement Plan in accordance with this section, his *or her* membership in the Kentucky Employees Retirement System shall terminate as of July 1, 1978, and any credit in that system he *or she* earned for service as a judge of the District Court shall be nullified; provided that the effect of such service to validate any other service credit in that system shall not be nullified.
- (6) The state shall, solely for the purpose of compliance with Section 414(h) of the United States Internal Revenue Code, pick up the employee contributions required by this section for all compensation earned after August 1, 1982, and the contributions so picked up shall be treated as employer contributions in determining tax treatment under the United States Internal Revenue Code and KRS 141.010. The picked-up employee contribution shall satisfy all obligations to the retirement system satisfied prior to August 1, 1982, by the employee contribution, and the picked-up employee contribution shall be in lieu of an employee contribution. The state shall pay these picked-up employee contributions from the same source of funds which is used to pay earnings to the employee. The employee shall have no option to receive the contributed amounts directly instead of having them paid by the employer to the system. Employee contributions picked up after August 1, 1982, shall be treated for all purposes of KRS 21.345 to 21.570 in the same manner and to the same extent as employee contributions made prior to August 1, 1982.
- (7) An election once made under this section, either to participate or not to participate in the Judicial Retirement Plan, shall be considered to apply, to all future service in any office covered by the plan, ~~except as provided by KRS 21.374 and 21.385(3)~~, whether such service is in the same or a different office, and whether or not it is continuous.

➔Section 8. KRS 21.385 is repealed, reenacted, and amended to read as follows:

- (1) In a situation in which, by reason of federal tax law, the failure to commence the payment of retirement benefits to a vested member of the Kentucky Judicial Retirement Plan, by a specified date after the member reaches a specified age, as designated by the federal tax law, will result in the imposition of a special excise tax, the member, without retiring, shall be entitled, as of the specified date, to commence drawing from the plan the monthly benefit he *or she* would have been entitled to had he *or she* retired on that date. Notwithstanding the provisions of KRS 21.360 and 61.680, a member who began participating in the Judicial

Retirement Plan prior to January 1, 2014, may, at his *or her* option, continue to be a participating member of the plan thereafter until he *or she* retires, or, may elect to cease to be a participating member of the plan, in which latter event he *or she* shall not be required to become a participating member of the Kentucky Employees Retirement System.

- (2) A member drawing benefits from the Kentucky Judicial Retirement Plan pursuant to subsection (1) of this section who elects to continue as a participating member of the plan, or a person drawing benefits from the plan by reason of having retired, who by reason of reemployment again becomes a participating member of the plan, shall continue to draw the benefits until he *or she* retires, and accrue additional benefits, but in the calculation of the additional benefits only the years of service after he *or she* commenced drawing the initial benefits shall be counted, and the monthly additional benefit shall not exceed such amount as, when added to the initial monthly benefit, will equal the final compensation on which the additional benefit was calculated. The member's surviving spouse, if married to the member at the time of his *or her* ultimate retirement, shall be considered to be the surviving spouse with respect to both the additional and the initial benefits.

~~{(3) Notwithstanding any other provision of KRS 6.500 to 6.577 or 21.345 to 21.580 to the contrary, an individual who retires and begins drawing a retirement allowance from one (1) or more of the systems or plans administered by the Kentucky Retirement Systems, the Teachers' Retirement System, or the Judicial Form Retirement System on or after January 1, 2019, shall not be eligible to earn benefits in the Legislators' Retirement Plan or Judicial Retirement Plan for service as a judge, justice, or legislator that occurs on or after January 1, 2019.}~~

➔Section 9. KRS 21.402 is repealed, reenacted, and amended to read as follows:

- (1) A member of the Legislators' Retirement Plan or the Judicial Retirement Plan, whose participation in the Legislators' Retirement Plan or the Judicial Retirement Plan begins on or after January 1, 2014, ***or a member making an election pursuant to KRS 21.374***, shall receive the retirement benefits provided by this section in lieu of the retirement benefits provided under KRS 6.520 and 21.400. The retirement benefit provided by this section shall be known as the hybrid cash balance plan and shall operate as another benefit tier within the Legislators' Retirement Plan and the Judicial Retirement Plan.
- (2) The hybrid cash balance plan shall provide a retirement benefit based upon the member's accumulated account balance, which shall include:
- (a) Contributions made by the member as provided by KRS 6.500 to 6.577 and 21.345 to 21.580, except for employee contributions prescribed by KRS 6.505(1)(d)2.b. and 21.360(1)(a)3.b.;
 - (b) An employer pay credit of four percent (4%) of the creditable compensation earned by the employee for each month the employee is contributing to the hybrid cash balance plan provided by this section; and
 - (c) Interest credits added annually to the member's accumulated account balance as provided by this section.
- (3) (a) Member contributions and employer pay credits as provided by subsection (2)(a) and (b) of this section shall be credited to the member's account monthly as contributions are reported and posted to the plan.
- (b) Interest credits, as provided by subsection (2)(c) of this section, shall be credited to the member's account annually on June 30 of each fiscal year, as determined by subsection (4) of this section.
- (4) (a) On June 30 of each fiscal year, the plan shall determine if the member contributed to the hybrid cash balance plan~~[or another state administered retirement system]~~ during the fiscal year.
- (b) If the member contributed to the hybrid cash balance plan~~[or another state administered retirement system]~~ during the fiscal year, the interest credit added to the member's account for that fiscal year shall be determined by multiplying the member's accumulated account balance on June 30 of the preceding fiscal year by a percentage increase equal to:
1. ***Four percent (4%); plus***
 2. ***Seventy-five percent (75%)***~~[eighty five percent (85%)]~~ of the plan's geometric average net investment return~~[.]~~ ***in excess of a four percent (4%) rate of return***~~[but in no case shall be less than zero percent (0%)].~~
- (c) If the member did not contribute to the hybrid cash balance plan~~[or another state administered retirement system]~~ during the fiscal year, ~~the~~~~[then no]~~ interest credit~~[shall be]~~ added to the member's

account for that fiscal year *shall be determined by multiplying the member's accumulated account balance on June 30 of the preceding fiscal year by four percent (4%)*.

- (d) For purposes of this subsection, "plan's geometric average net investment return":
1. Means the annual average geometric investment return, net of administrative and investment fees and expenses, over the last five (5) fiscal years as of the date the interest is credited to the member's account; and
 2. Shall be expressed as a percentage and based upon the plan in which the member has an account.
- (5) (a) Upon termination of employment, a member who has less than five (5) years of service credited under the Legislators' Retirement Plan or the Judicial Retirement Plan, who elects to take a refund of his or her accumulated account balance as provided by KRS 21.460, shall forfeit the accumulated employer credit, and shall only receive a refund of his or her accumulated contributions.
- (b) Upon termination of employment, a member who has five (5) or more years of service credited under the Legislators' Retirement Plan or the Judicial Retirement Plan, who elects to take a refund of his or her accumulated account balance as provided by KRS 21.460, shall receive a full refund of his or her accumulated account balance.
- (6) A member participating in the hybrid cash balance plan provided by this section may retire:
- (a) Upon reaching normal retirement age, provided he or she has earned five (5) or more years of service credited under the Legislators' Retirement Plan or the Judicial Retirement Plan, or another state-administered retirement system; or
 - (b) If the member is at least age fifty-seven (57) and has an age and years of service total of at least eighty-seven (87) years. The years of service used to determine eligibility for retirement under this paragraph shall only include years of service credited under the Legislators' Retirement Plan or the Judicial Retirement Plan, or another state-administered retirement system.
- (7) A member eligible to retire under subsection (6) of this section may elect to:
- (a) Receive a monthly retirement allowance payable for life by having his or her accumulated account balance annuitized by the retirement plan in accordance with the actuarial assumptions and actuarial methods adopted by the board and in effect on the member's retirement date;
 - (b) Receive the actuarial equivalent of his or her retirement allowance calculated under paragraph (a) of this subsection payable under one (1) of the options set forth in KRS 21.420(8)(b); or
 - (c) Take a refund of his or her accumulated account balance as provided by KRS 21.460.
- (8) The board of the Judicial Form Retirement System shall establish individual members' accounts for each member participating in the hybrid cash balance plan as provided by this section. The Judicial Form Retirement System may promulgate administrative regulations in accordance with KRS Chapter 13A to administer the provisions of this section.
- (9) The provisions of this section shall not apply to members who began participating in the Legislators' Retirement Plan or the Judicial Retirement Plan prior to January 1, 2014, *except for those members who make an election pursuant to KRS 21.374.*

➔Section 10. KRS 21.480 is repealed, reenacted, and amended to read as follows:

- (1) For members who begin participating in the Judicial Retirement Plan prior to January 1, 2014, it is hereby declared that in consideration of the contributions by the members, and in further consideration of benefits received by the state through the inducement of qualified and experienced judges and commissioners to continue in service, KRS 21.350 to 21.510, except as provided in KRS 6.696, shall constitute an inviolable contract of the Commonwealth, and the rights and benefits provided therein shall, not be subject to reduction or impairment by alteration, amendment or repeal, ~~except~~ *as provided in KRS 6.696*
- ~~(a) As provided in KRS 6.696; and~~
- ~~(b) The General Assembly reserves the right to amend, reduce, or suspend any legislative changes to the provisions of KRS 21.345 to 21.580 that become effective on or after July 1, 2018.~~

- (2) (a) For members who begin participating in the Judicial Retirement Plan on or after January 1, 2014, the General Assembly reserves the right to amend, suspend, or reduce the benefits and rights provided under KRS 21.345 to 21.580 if, in its judgment, the welfare of the Commonwealth so demands, except that the amount of benefits the member has accrued at the time of amendment, suspension, or reduction shall not be affected.
 - (b) For purposes of this subsection, the amount of benefits the member has accrued at the time of amendment, suspension, or reduction shall be limited to the accumulated account balance the member has accrued at the time of amendment, suspension, or reduction.
 - (c) The provisions of this subsection shall not be construed to limit the General Assembly's authority to change any other benefit or right specified by KRS 21.345 to 21.580, for members who begin participating in the Judicial Retirement Plan on or after January 1, 2014, except the benefits specified by paragraph (b) of this subsection.
- (3) The provisions of this section shall not be construed to limit the General Assembly's authority to amend, reduce, or suspend the benefits and rights of members of the Judicial Retirement Plan as provided by KRS 21.345 to 21.580 that the General Assembly had the authority to amend, reduce, or suspend, prior to July 1, 2013.

Signed by Governor March 30, 2022.

CHAPTER 56

(SB 27)

AN ACT relating to employment of part-time adjunct instructors for the Kentucky Fire Commission.

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

➔Section 1. KRS 61.637 is amended to read as follows:

- (1) A retired member who is receiving monthly retirement payments under any of the provisions of KRS 61.510 to 61.705 and 78.510 to 78.852 and who is reemployed as an employee by a participating agency prior to August 1, 1998, shall have his or her retirement payments suspended for the duration of reemployment. Monthly payments shall not be suspended for a retired member who is reemployed if he or she anticipates that he or she will receive less than the maximum permissible earnings as provided by the Federal Social Security Act in compensation as a result of reemployment during the calendar year. The payments shall be suspended at the beginning of the month in which the reemployment occurs.
- (2) Employer and employee contributions shall be made as provided in KRS 61.510 to 61.705 and 78.510 to 78.852 on the compensation paid during reemployment, except where monthly payments were not suspended as provided in subsection (1) of this section or would not increase the retired member's last monthly retirement allowance by at least one dollar (\$1), and the member shall be credited with additional service credit.
- (3) In the month following the termination of reemployment, retirement allowance payments shall be reinstated under the plan under which the member was receiving payments prior to reemployment.
- (4) (a) Notwithstanding the provisions of this section, the payments suspended in accordance with subsection (1) of this section shall be paid retroactively to the retired member, or his or her estate, if he or she does not receive more than the maximum permissible earnings as provided by the Federal Social Security Act in compensation from participating agencies during any calendar year of reemployment.
- (b) If the retired member is paid suspended payments retroactively in accordance with this section, employee contributions deducted during his or her period of reemployment, if any, shall be refunded to the retired employee, and no service credit shall be earned for the period of reemployment.
- (c) If the retired member is not eligible to be paid suspended payments for his or her period of reemployment as an employee, his or her retirement allowance shall be recomputed under the plan under which the member was receiving payments prior to reemployment as follows:

1. The retired member's final compensation shall be recomputed using creditable compensation for his or her period of reemployment; however, the final compensation resulting from the recalculation shall not be less than that of the member when his or her retirement allowance was last determined;
 2. If the retired member initially retired on or subsequent to his or her normal retirement date, his or her retirement allowance shall be recomputed by using the formula in KRS 61.595(1);
 3. If the retired member initially retired prior to his or her normal retirement date, his or her retirement allowance shall be recomputed using the formula in KRS 61.595(2), except that the member's age used in computing benefits shall be his or her age at the time of his or her initial retirement increased by the number of months of service credit earned for service performed during reemployment;
 4. The retirement allowance payments resulting from the recomputation under this subsection shall be payable in the month following the termination of reemployment in lieu of payments under subparagraph 3. of this paragraph. The member shall not receive less in benefits as a result of the recomputation than he or she was receiving prior to reemployment or would receive as determined under KRS 61.691; and
 5. Any retired member who was reemployed prior to March 26, 1974, shall begin making contributions to the system in accordance with the provisions of this section on the first day of the month following March 26, 1974.
- (5) A retired member, or his or her estate, shall pay to the retirement fund the total amount of payments which are not suspended in accordance with subsection (1) of this section if the member received more than the maximum permissible earnings as provided by the Federal Social Security Act in compensation from participating agencies during any calendar year of reemployment, except the retired member or his or her estate may repay the lesser of the total amount of payments which were not suspended or fifty cents (\$0.50) of each dollar earned over the maximum permissible earnings during reemployment if under age sixty-five (65), or one dollar (\$1) for every three dollars (\$3) earned if over age sixty-five (65).
- (6) (a) "Reemployment" or "reinstatement" as used in this section shall not include a retired member who has been ordered reinstated by the Personnel Board under authority of KRS 18A.095.
- (b) A retired member who has been ordered reinstated by the Personnel Board under authority of KRS 18A.095 or by court order or by order of the Human Rights Commission and accepts employment by an agency participating in the Kentucky Employees Retirement System or County Employees Retirement System shall void his or her retirement by reimbursing the system in the full amount of his or her retirement allowance payments received.
- (7) (a) Effective August 1, 1998, the provisions of subsections (1) to (4) of this section shall no longer apply to a retired member who is reemployed in a position covered by the same retirement system from which the member retired. Reemployed retired members shall be treated as new members upon reemployment. Any retired member whose reemployment date preceded August 1, 1998, who does not elect, within sixty (60) days of notification by the retirement systems, to remain under the provisions of subsections (1) to (4) of this section shall be deemed to have elected to participate under this subsection.
- (b) A retired member whose disability retirement was discontinued pursuant to KRS 61.615 and who is reemployed in one (1) of the systems administered by the Kentucky Retirement Systems or County Employees Retirement System prior to his or her normal retirement date shall have his or her accounts combined upon termination for determining eligibility for benefits. If the member is eligible for retirement, the member's service and creditable compensation earned as a result of his or her reemployment shall be used in the calculation of benefits, except that the member's final compensation shall not be less than the final compensation last used in determining his or her retirement allowance. The member shall not change beneficiary or payment option designations. This provision shall apply to members reemployed on or after August 1, 1998.
- (8) If a retired member accepts employment or begins serving as a volunteer with an employer participating in the systems administered by Kentucky Retirement Systems or County Employees Retirement System within twelve (12) months of his or her retirement date, the retired member shall notify the Authority and the participating employer shall submit the information required or requested by the Authority to confirm the individual's employment or volunteer status. The retired member shall not be required to notify the Authority

regarding any employment or volunteer service with a participating agency that is accepted after twelve (12) months following his or her retirement date.

- (9) If the retired member is under a contract to provide services as an independent contractor or leased employee to an employer participating in the systems administered by Kentucky Retirement Systems or County Employees Retirement System within twelve (12) months of his or her retirement date, the member shall submit a copy of that contract to the Authority, and the Authority shall determine if the member is an independent contractor or leased employee for purposes of retirement benefits. The retired member and the participating employer shall submit the information required or requested by the Authority to confirm the individual's status as an independent contractor or leased employee. The retired member shall not be required to notify the Authority regarding any services entered into as an independent contractor or leased employee with a participating agency that the employee enters into after twelve (12) months following his or her retirement date.
- (10) If a member is receiving a retirement allowance, or has filed the forms required for a retirement allowance, and is employed within one (1) month of the member's initial retirement date in a position that is required to participate in the same retirement system from which the member retired, the member's retirement shall be voided and the member shall repay to the retirement system all benefits received. The member shall contribute to the member account established for him or her prior to his or her voided retirement. The retirement allowance for which the member shall be eligible upon retirement shall be determined by total service and creditable compensation.
- (11)
 - (a) If a member of the Kentucky Employees Retirement System retires from a department which participates in more than one (1) retirement system and is reemployed within one (1) month of his or her initial retirement date by the same department in a position participating in another retirement system, the retired member's retirement allowance shall be suspended for the first month of his or her retirement, and the member shall repay to the retirement system all benefits received for the month.
 - (b) A retired member of the County Employees Retirement System who after initial retirement is hired by the county from which the member retired shall be considered to have been hired by the same employer.
- (12)
 - (a) If a hazardous member who retired prior to age fifty-five (55), or a nonhazardous member who retired prior to age sixty-five (65), is reemployed within six (6) months of the member's termination by the same employer, the member shall obtain from his or her previous and current employers a copy of the job description established by the employers for the position and a statement of the duties performed by the member for the position from which he or she retired and for the position in which he or she has been reemployed.
 - (b) The job descriptions and statements of duties shall be filed with the retirement office.
- (13) If the retirement system determines that the retired member has been employed in a position with the same principal duties as the position from which the member retired:
 - (a) The member's retirement allowance shall be suspended during the period that begins on the month in which the member is reemployed and ends six (6) months after the member's termination;
 - (b) The retired member shall repay to the retirement system all benefits paid from systems administered by Kentucky Retirement Systems or County Employees Retirement System under reciprocity, including medical insurance benefits, that the member received after reemployment began;
 - (c) Upon termination, or subsequent to expiration of the six (6) month period from the date of termination, the retired member's retirement allowance based on his or her initial retirement account shall no longer be suspended, and the member shall receive the amount to which he or she is entitled, including an increase as provided by KRS 61.691;
 - (d) Except as provided in subsection (7) of this section, if the position in which a retired member is employed after initial retirement is a regular full-time position, the retired member shall contribute to a second member account established for him or her in the retirement system. Service credit gained after the member's date of reemployment shall be credited to the second member account; and
 - (e) Upon termination, the retired member shall be entitled to benefits payable from his or her second retirement account.

- (14) (a) If the retirement system determines that the retired member has not been reemployed in a position with the same principal duties as the position from which he or she retired, the retired member shall continue to receive his or her retirement allowance.
- (b) If the position is a regular full-time position, the member shall contribute to a second member account in the retirement system.
- (15) (a) If a retired member is reemployed at least one (1) month after initial retirement in a different position, or at least six (6) months after initial retirement in the same position, and prior to normal retirement age, the retired member shall contribute to a second member account in the retirement system and continue to receive a retirement allowance from the first member account.
- (b) Service credit gained after reemployment shall be credited to the second member account. Upon termination, the retired member shall be entitled to benefits payable from the second member account.
- (16) A retired member who is reemployed and contributing to a second member account shall not be eligible to purchase service credit under any of the provisions of KRS 16.505 to 16.652, 61.510 to 61.705, or 78.510 to 78.852 which he or she was eligible to purchase prior to his or her initial retirement.
- (17) Notwithstanding any provision of subsections (1) to (7)(a) and (10) to (15) of this section, the following shall apply to retired members who are reemployed by an agency participating in one (1) of the systems administered by Kentucky Retirement Systems or County Employees Retirement System on or after September 1, 2008:
- (a) Except as provided by paragraphs (c) and (d) of this subsection, if a member is receiving a retirement allowance from one (1) of the systems administered by Kentucky Retirement Systems or County Employees Retirement System, or has filed the forms required to receive a retirement allowance from one (1) of the systems administered by Kentucky Retirement Systems or County Employees Retirement System, and is employed in a regular full-time position required to participate in one (1) of the systems administered by Kentucky Retirement Systems or County Employees Retirement System or is employed in a position that is not considered regular full-time with an agency participating in one (1) of the systems administered by Kentucky Retirement Systems or County Employees Retirement System within three (3) months following the member's initial retirement date, the member's retirement shall be voided, and the member shall repay to the retirement system all benefits received, including any health insurance benefits. If the member is returning to work in a regular full-time position required to participate in one (1) of the systems administered by Kentucky Retirement Systems:
1. The member shall contribute to a member account established for him or her in one (1) of the systems administered by Kentucky Retirement Systems or County Employees Retirement System, and employer contributions shall be paid on behalf of the member by the participating employer; and
 2. Upon subsequent retirement, the member shall be eligible for a retirement allowance based upon total service and creditable compensation, including any additional service or creditable compensation earned after his or her initial retirement was voided;
- (b) Except as provided by paragraphs (c) and (d) of this subsection, if a member is receiving a retirement allowance from one (1) of the systems administered by Kentucky Retirement Systems or County Employees Retirement System and is employed in a regular full-time position required to participate in one (1) of the systems administered by Kentucky Retirement Systems or County Employees Retirement System after a three (3) month period following the member's initial retirement date, the member may continue to receive his or her retirement allowance during the period of reemployment subject to the following provisions:
1. If a member is reemployed by a participating agency within twelve (12) months of the member's retirement date, the participating agency shall certify in writing on a form prescribed by the Authority that no prearranged agreement existed between the employee and agency prior to the employee's retirement for the employee to return to work with the participating agency. If an elected official is reelected to a new term of office in the same position and has retired from the elected office within twelve (12) months prior to taking the new term of office, he or she shall be deemed by the system as having a prearranged agreement under the provisions of this subparagraph and shall have his or her retirement voided. If the participating agency fails to complete the certification, the member's retirement shall be voided and the provisions of paragraph (a) of this subsection shall apply to the member and the employer. Employment that is

- accepted by the retired member after twelve (12) months following the member's retirement date shall not constitute a prearranged agreement under this paragraph;
2. Notwithstanding any other provision of KRS Chapter 16, 61, or 78 to the contrary, the member shall not contribute to the systems and shall not earn any additional benefits for any work performed during the period of reemployment;
 3. Except as provided by KRS 70.291 to 70.293, 95.022, and 164.952 and except for any retiree employed as a school resource officer as defined by KRS 158.441, the employer shall pay employer contributions as specified by KRS 61.565, 61.702, and 78.635, as applicable, on all creditable compensation earned by the employee during the period of reemployment. The additional contributions paid shall be used to reduce the unfunded actuarial liability of the systems; and
 4. Except as provided by KRS 70.291 to 70.293, 95.022, and 164.952 and except for any retiree employed as a school resource officer as defined by KRS 158.441, the employer shall be required to reimburse the systems for the cost of the health insurance premium paid by the systems to provide coverage for the retiree, not to exceed the cost of the single premium. Effective July 1, 2015, local school boards shall not be required to pay the reimbursement required by this subparagraph for retirees employed by the board for eighty (80) days or less during the fiscal year;
- (c) If a member is receiving a retirement allowance from the State Police Retirement System or from hazardous duty retirement coverage with the Kentucky Employees Retirement System or the County Employees Retirement System, or has filed the forms required to receive a retirement allowance from the State Police Retirement System or from hazardous duty retirement coverage with the Kentucky Employees Retirement System or the County Employees Retirement System, and is employed in a regular full-time position required to participate in the State Police Retirement System or in a hazardous duty position with the Kentucky Employees Retirement System or the County Employees Retirement System within one (1) month following the member's initial retirement date, the member's retirement shall be voided, and the member shall repay to the retirement system all benefits received, including any health insurance benefits. If the member is returning to work in a regular full-time position required to participate in one (1) of the systems administered by Kentucky Retirement Systems or County Employees Retirement System:
1. The member shall contribute to a member account established for him or her in one (1) of the systems administered by Kentucky Retirement Systems or County Employees Retirement System, and employer contributions shall be paid on behalf of the member by the participating employer; and
 2. Upon subsequent retirement, the member shall be eligible for a retirement allowance based upon total service and creditable compensation, including any additional service or creditable compensation earned after his or her initial retirement was voided;
- (d) If a member is receiving a retirement allowance from the State Police Retirement System or from hazardous duty retirement coverage with the Kentucky Employees Retirement System or the County Employees Retirement System and is employed in a regular full-time position required to participate in the State Police Retirement System or in a hazardous duty position with the Kentucky Employees Retirement System or the County Employees Retirement System after a one (1) month period following the member's initial retirement date, the member may continue to receive his or her retirement allowance during the period of reemployment subject to the following provisions:
1. If a member is reemployed by a participating agency within twelve (12) months of the member's retirement date, the participating agency shall certify in writing on a form prescribed by the Authority that no prearranged agreement existed between the employee and agency prior to the employee's retirement for the employee to return to work with the participating agency. If an elected official is reelected to a new term of office in the same position and has retired from the elected office within twelve (12) months prior to taking the new term of office, he or she shall be deemed by the Authority as having a prearranged agreement under the provisions of this subparagraph and shall have his or her retirement voided. If the participating agency fails to complete the certification, the member's retirement shall be voided and the provisions of paragraph (c) of this subsection shall apply to the member and the employer. Employment that is

accepted by the retired member after twelve (12) months following the member's retirement date shall not constitute a prearranged agreement under this paragraph;

2. Notwithstanding any other provision of KRS Chapter 16, 61, or 78 to the contrary, the member shall not contribute to the systems and shall not earn any additional benefits for any work performed during the period of reemployment;
 3. Except as provided by KRS 70.291 to 70.293, 95.022, and 164.952 and except for any retiree employed as a school resource officer as defined by KRS 158.441, the employer shall pay employer contributions as specified by KRS 61.565, 61.702, and 78.635, as applicable, on all creditable compensation earned by the employee during the period of reemployment. The additional contributions paid shall be used to reduce the unfunded actuarial liability of the systems;
 4. Except as provided by KRS 70.291 to 70.293, 95.022, and 164.952 and except for any retiree employed as a school resource officer as defined by KRS 158.441, the employer shall be required to reimburse the systems for the cost of the health insurance premium paid by the systems to provide coverage for the retiree, not to exceed the cost of the single premium;
- (e) Notwithstanding paragraphs (a) to (d) of this subsection, a retired member who qualifies as a volunteer for an employer participating in one (1) of the systems administered by Kentucky Retirement Systems or County Employees Retirement System and who is receiving reimbursement of actual expenses, a nominal fee for his or her volunteer services, or both, shall not be considered an employee of the participating employer and shall not be subject to paragraphs (a) to (d) of this subsection if:
1. Prior to the retired member's most recent retirement date, he or she did not receive creditable compensation from the participating employer in which the retired member is performing volunteer services;
 2. Any reimbursement or nominal fee received prior to the retired member's most recent retirement date has not been credited as creditable compensation to the member's account or utilized in the calculation of the retired member's benefits;
 3. The retired member has not purchased or received service credit under any of the provisions of KRS 61.510 to 61.705 or 78.510 to 78.852 for service with the participating employer for which the retired member is performing volunteer services; and
 4. Other than the status of volunteer, the retired member does not become an employee, leased employee, or independent contractor of the employer for which he or she is performing volunteer services for a period of at least twelve (12) months following the retired member's most recent retirement date.

If a retired member, who provided volunteer services with a participating employer under this paragraph violates any provision of this paragraph, then he or she shall be deemed an employee of the participating employer as of the date he or she began providing volunteer services and both the retired member and the participating employer shall be subject to paragraphs (a) to (d) of this subsection for the period of volunteer service;

- (f) Notwithstanding any provision of this section, any mayor or member of a city legislative body shall not be required to resign from his or her position as mayor or as a member of the city legislative body in order to begin drawing benefits from the systems administered by Kentucky Retirement Systems or subject to any provision of this section as it relates solely to his or her service as a mayor or member of the city legislative body if the mayor or member of a city legislative body:
1. Has not participated in the County Employees Retirement System prior to retirement, but is otherwise eligible to retire from the Kentucky Employees Retirement System or the State Police Retirement System; or
 2. Has been or is participating in the County Employees Retirement System and is at least sixty-two (62) years of age. If a mayor or member of a city legislative body who is at least sixty-two (62) years of age retires from the systems administered by Kentucky Retirement Systems but remains in office after his or her effective retirement date, the mayor or member of the city legislative body shall not accrue any further service credit or benefits in the systems administered by Kentucky Retirement Systems for any employment occurring on or after the effective retirement date;

(g) *Notwithstanding any provision of this section, any current or future part-time adjunct instructor for the Kentucky Fire Commission who has not participated in the Kentucky Employees Retirement System prior to retirement, but who is otherwise eligible to retire from the County Employees Retirement System, shall not be:*

1. *Required to resign from his or her position as a part-time adjunct instructor for the Kentucky Fire Commission in order to begin drawing benefits from the County Employees Retirement System; or*
2. *Subject to any provision of this section as it relates solely to his or her service as a part-time adjunct instructor for the Kentucky Fire Commission;*

(h) If a member is receiving a retirement allowance from any of the retirement systems administered by the Kentucky Retirement Systems or County Employees Retirement System and enters into a contract or becomes a leased employee of an employer under contract with an employer participating in one (1) of the systems administered by the Kentucky Retirement Systems or County Employees Retirement System:

1. At any time following retirement, if the Authority determines the employment arrangement does qualify as an independent contractor or leased employee, the member may continue to receive his or her retirement allowance during the period of the contract;
2. Within three (3) months following the member's initial retirement date, if the Authority determines the employment arrangement does not qualify as an independent contractor or leased employee, the member's retirement shall be voided in accordance with paragraph (a) of this subsection;
3. After three (3) months but within twelve (12) months following the member's initial retirement, if the Authority determines the employment arrangement does not qualify as an independent contractor or leased employee and that a prearranged agreement existed between the member and the agency for the member to return to work with the agency, the member's retirement shall be voided in accordance with paragraph (a) of this subsection; and
4. After a twelve (12) month period following the member's initial retirement, the member may continue to receive his or her retirement allowance during the period of the contract and the member shall not be required to notify the system or submit any documentation for purposes of this section to the system.

The initiation of a contract or the initial date of the leased employment of a retired member by a participating agency that occurs after twelve (12) months or more following the retired member's retirement date shall not constitute a prearranged agreement under this subsection; and

(i)~~(h)~~ The Authority shall issue a final determination regarding a certification of the absence of a prearranged agreement or the retired member's qualification as an independent contractor or leased employee as required under this section no later than thirty (30) days after the retired member and participating employer provide all required forms and additional information required by the Authority.

(18) The Authority shall promulgate administrative regulations to implement the requirements of this section, including incorporating by reference board-prescribed forms that a retired member and participating agency shall provide the systems under subsections (8), (9), and (17) of this section.

➔Section 2. KRS 78.5540 is amended to read as follows:

- (1) A retired member whose disability retirement was discontinued pursuant to KRS 78.5528 and who is reemployed by an employer participating in the system or the Kentucky Retirement Systems prior to his or her normal retirement date shall have his or her accounts combined upon termination for determining eligibility for benefits. If the member is eligible for retirement, the member's service and creditable compensation earned as a result of his or her reemployment shall be used in the calculation of benefits, except that the member's final compensation shall not be less than the final compensation last used in determining his or her retirement allowance. The member shall not change beneficiary or payment option designations.
- (2) (a) If a retired member accepts employment or begins serving as a volunteer with an employer participating in the systems administered by Kentucky Retirement Systems or the County Employees Retirement System within twelve (12) months of his or her retirement date, the retired member shall notify the Authority and the participating employer shall submit the information required or requested by the

Authority to confirm the individual's employment or volunteer status. The retired member shall not be required to notify the Authority regarding any employment or volunteer service with a participating agency that is accepted after twelve (12) months following his or her retirement date.

- (b) If the retired member is under a contract to provide services as an independent contractor or leased employee to an employer participating in the systems administered by Kentucky Retirement Systems or the County Employees Retirement System within twelve (12) months of his or her retirement date, the member shall submit a copy of that contract to the Authority, and the Authority shall determine if the member is an independent contractor or leased employee for purposes of retirement benefits. The retired member and the participating employer shall submit the information required or requested by the Authority to confirm the individual's status as an independent contractor or leased employee. The retired member shall not be required to notify the Authority regarding any services entered into as an independent contractor or leased employee with a participating agency that the employee enters into after twelve (12) months following his or her retirement date.
- (3) Retired members of the County Employees Retirement System who returned to work with an employer that participates in the County Employees Retirement System or Kentucky Retirement Systems prior to September 1, 2008, shall be governed by the provisions of KRS 61.637(1) to (16).
 - (4) The following shall apply to retired members of the County Employees Retirement System who are reemployed on or after September 1, 2008, by an agency participating in the systems administered by the County Employees Retirement System or the Kentucky Retirement Systems:
 - (a) Except as provided by paragraphs (c) and (d) of this subsection, if a retired member is receiving a retirement allowance from the County Employees Retirement System, or has filed the forms required to receive a retirement allowance from the County Employees Retirement System, and is employed in a regular full-time position required to participate in the County Employees Retirement System or the Kentucky Retirement Systems or is employed in a position that is not considered regular full-time with an employer participating in the County Employees Retirement System or the Kentucky Retirement Systems within three (3) months following the member's initial retirement date, the member's retirement shall be voided, and the member shall repay to the system all benefits received, including any health insurance benefits. If the retired member is returning to work in a regular full-time position required to participate in the County Employees Retirement System:
 - 1. The member shall contribute to a member account established for him or her in the County Employees Retirement System or the Kentucky Retirement Systems, and employer contributions shall be paid on behalf of the member by the participating employer to the system; and
 - 2. Upon subsequent retirement, the member shall be eligible for a retirement allowance based upon total service and creditable compensation, including any additional service or creditable compensation earned after his or her initial retirement was voided;
 - (b) Except as provided by paragraphs (c) and (d) of this subsection, if a retired member is receiving a retirement allowance from the County Employees Retirement System and is employed in a regular full-time position required to participate in the County Employees Retirement System or the Kentucky Retirement Systems after a three (3) month period following the member's initial retirement date, the member may continue to receive his or her retirement allowance during the period of reemployment subject to the following provisions:
 - 1. If a member is reemployed by a participating employer within twelve (12) months of the member's retirement date, the participating employer shall certify in writing on a form prescribed by the Authority that no prearranged agreement existed between the employee and employer prior to the employee's retirement for the employee to return to work with the participating employer. If the participating employer fails to complete the certification or the Authority determines a prearranged agreement exists, the member's retirement shall be voided and the provisions of paragraph (a) of this subsection shall apply to the member and the employer. For purposes of this paragraph:
 - a. If an elected official is reelected to a new term of office in the same position and has retired from the elected office within twelve (12) months prior to taking the new term of office, he or she shall be deemed by the Authority as having a prearranged agreement; and

- b. Employment that is accepted by the retired member after twelve (12) months following the member's retirement date shall not constitute a prearranged agreement under this paragraph;
 2. Notwithstanding any other provision of KRS Chapter 78 to the contrary, the member shall not contribute to the system and shall not earn any additional benefits for any work performed during the period of reemployment;
 3. Except as provided by KRS 70.291 to 70.293, 95.022, and 164.952 and except for any retiree employed as a school resource officer as defined by KRS 158.441, the employer shall pay employer contributions as specified by KRS 78.5536 and 78.635 on all creditable compensation earned by the employee during the period of reemployment. The additional contributions paid shall be used to reduce the unfunded actuarial liability of the system; and
 4. Except as provided by KRS 70.291 to 70.293, 95.022, and 164.952 and except for any retiree employed as a school resource officer as defined by KRS 158.441, the employer shall be required to reimburse the system for the cost of the health insurance premium paid by the system to provide coverage for the retiree, not to exceed the cost of the single premium. Effective July 1, 2015, local school boards shall not be required to pay the reimbursement required by this subparagraph for retirees employed by the board for eighty (80) days or less during the fiscal year;
- (c) If a member is receiving a retirement allowance from hazardous position coverage with the County Employees Retirement System, or has filed the forms required to receive a retirement allowance from the County Employees Retirement System for service in a hazardous position, and is employed in a regular full-time hazardous position required to participate in the County Employees Retirement System or the Kentucky Retirement Systems within one (1) month following the member's initial retirement date, the member's retirement shall be voided, and the member shall repay to the system all benefits received, including any health insurance benefits. If the member is returning to work in a regular full-time position required to participate in the County Employees Retirement System or the Kentucky Retirement Systems:
 1. The member shall contribute to a member account established for him or her in the County Employees Retirement System or the Kentucky Retirement Systems, and employer contributions shall be paid on behalf of the member by the participating employer; and
 2. Upon subsequent retirement, the member shall be eligible for a retirement allowance based upon total service and creditable compensation, including any additional service or creditable compensation earned after his or her initial retirement was voided;
- (d) If a member is receiving a retirement allowance from the hazardous position coverage with the County Employees Retirement System and is employed in a regular full-time hazardous position required to participate in the County Employees Retirement System or the Kentucky Retirement Systems after a one (1) month period following the member's initial retirement date, the member may continue to receive his or her retirement allowance during the period of reemployment subject to the following provisions:
 1. If a member is reemployed by a participating employer within twelve (12) months of the member's retirement date, the participating employer shall certify in writing on a form prescribed by the Authority that no prearranged agreement existed between the employee and employer prior to the employee's retirement for the employee to return to work with the participating employer. If the participating employer fails to complete the certification or the Authority determines a prearranged agreement exists, the member's retirement shall be voided and the provisions of paragraph (c) of this subsection shall apply to the member and the employer. For purposes of this paragraph:
 - a. If an elected official is reelected to a new term of office in the same position and has retired from the elected office within twelve (12) months prior to taking the new term of office, he or she shall be deemed by the system as having a prearranged agreement; and
 - b. Employment that is accepted by the retired member after twelve (12) months following the member's retirement date shall not constitute a prearranged agreement under this paragraph;

2. Notwithstanding any other provision of KRS Chapter 78 to the contrary, the member shall not contribute to the system or the Kentucky Retirement Systems and shall not earn any additional benefits for any work performed during the period of reemployment;
 3. Except as provided by KRS 70.291 to 70.293, 95.022, and 164.952 and except for any retiree employed as a school resource officer as defined by KRS 158.441, the employer shall pay employer contributions as specified by KRS 78.5536 and 78.635 on all creditable compensation earned by the employee during the period of reemployment. The additional contributions paid shall be used to reduce the unfunded actuarial liability of the system; and
 4. Except as provided by KRS 70.291 to 70.293, 95.022, and 164.952 and except for any retiree employed as a school resource officer as defined by KRS 158.441, the employer shall be required to reimburse the system for the cost of the health insurance premium paid by the system to provide coverage for the retiree, not to exceed the cost of the single premium;
- (e) Notwithstanding paragraphs (a) to (d) of this subsection, a retired member who qualifies as a volunteer for an employer participating in the County Employees Retirement System or the Kentucky Retirement Systems and who is receiving reimbursement of actual expenses, a nominal fee for his or her volunteer services, or both, shall not be considered an employee of the participating employer and shall not be subject to paragraphs (a) to (d) of this subsection if:
1. Prior to the retired member's most recent retirement date, he or she did not receive creditable compensation from the participating employer in which the retired member is performing volunteer services;
 2. Any reimbursement or nominal fee received prior to the retired member's most recent retirement date has not been credited as creditable compensation to the member's account or utilized in the calculation of the retired member's benefits;
 3. The retired member has not purchased or received service credit under any of the provisions of KRS 78.510 to 78.852 for service with the participating employer for which the retired member is performing volunteer services; and
 4. Other than the status of volunteer, the retired member does not become an employee, leased employee, or independent contractor of the employer for which he or she is performing volunteer services for a period of at least twelve (12) months following the retired member's most recent retirement date.

If a retired member, who provided volunteer services with a participating employer under this paragraph violates any provision of this paragraph, then he or she shall be deemed an employee of the participating employer as of the date he or she began providing volunteer services and both the retired member and the participating employer shall be subject to paragraphs (a) to (d) of this subsection for the period of volunteer service;

- (f) Notwithstanding any provision of this section, any mayor or member of a city legislative body shall not be required to resign from his or her position as mayor or as a member of the city legislative body in order to begin drawing benefits from the systems administered by the Kentucky Retirement Systems or the County Employees Retirement System or subject to any provision of this section as it relates solely to his or her service as a mayor or member of the city legislative body, if the mayor or member of a city legislative body:
1. Has not participated in the County Employees Retirement System prior to retirement, but is otherwise eligible to retire from the Kentucky Employees Retirement System or the State Police Retirement System; or
 2. Has been or is participating in the County Employees Retirement System and is at least sixty-two (62) years of age. If a mayor or member of a city legislative body who is at least sixty-two (62) years of age retires from the systems administered by Kentucky Retirement Systems or the County Employees Retirement System but remains in office after his or her effective retirement date, the mayor or member of the city legislative body shall not accrue any further service credit or benefits in the systems administered by Kentucky Retirement Systems or the County Employees Retirement System for any employment occurring on or after the effective retirement date;

- (g) *Notwithstanding any provision of this section, any current or future part-time adjunct instructor for the Kentucky Fire Commission who has not participated in the Kentucky Employees Retirement System prior to retirement, but who is otherwise eligible to retire from the County Employees Retirement System, shall not be:*
1. *Required to resign from his or her position as a part-time adjunct instructor for the Kentucky Fire Commission in order to begin drawing benefits from the County Employees Retirement System; or*
 2. *Subject to any provision of this section as it relates solely to his or her service as a part-time adjunct instructor for the Kentucky Fire Commission;*
- (h) If a member is receiving a retirement allowance from the County Employees Retirement System and enters into a contract or becomes a leased employee of an employer under contract with an employer participating in the County Employees Retirement System or the Kentucky Retirement Systems:
1. At any time following retirement, if the Authority determines the employment arrangement does qualify as an independent contractor or leased employee, the member may continue to receive his or her retirement allowance during the period of the contract;
 2. Within three (3) months following the member's initial retirement date, if the Authority determines the employment arrangement does not qualify as an independent contractor or leased employee, the member's retirement shall be voided in accordance with paragraph (a) of this subsection;
 3. After three (3) months but within twelve (12) months following the member's initial retirement, if the Authority determines the employment arrangement does not qualify as an independent contractor or leased employee and that a prearranged agreement existed between the member and the agency for the member to return to work with the agency, the member's retirement shall be voided in accordance with paragraph (a) of this subsection; and
 4. After a twelve (12) month period following the member's initial retirement, the member may continue to receive his or her retirement allowance during the period of the contract and the member shall not be required to notify the Authority or submit any documentation for purposes of this section to the Authority. The initiation of a contract or the initial date of the leased employment of a retired member by a participating agency that occurs after twelve (12) months or more following the retired member's retirement date shall not constitute a prearranged agreement under this subsection;
- ~~(i)(h)~~ The Authority shall issue a final determination regarding a certification of the absence of a prearranged agreement or the retired member's qualification as an independent contractor or leased employee as required under this section no later than thirty (30) days after the retired member and participating employer provide all required forms and additional information required by the Authority; and
- ~~(j)(i)~~ Retired members of one (1) of the systems administered by Kentucky Retirement Systems who are reemployed by an employer in the County Employees Retirement System on or after September 1, 2008, shall not be eligible to earn a second retirement account in the County Employees Retirement System for his or her service to the employer.
- (5) The Authority shall promulgate administrative regulations to implement the requirements of this section, including incorporating by reference Authority-prescribed forms that a retired member and participating agency shall provide the systems under subsections (1) and (4) of this section.
 - (6) "Reemployment" or "reinstatement" as used in this section shall not include a retired member who has been ordered reinstated by the Personnel Board under authority of KRS 18A.095. A retired member who has been ordered reinstated by the Personnel Board under authority of KRS 18A.095 or by court order or by order of the Human Rights Commission and accepts employment by an agency participating in the Kentucky Employees Retirement System or County Employees Retirement System shall void his or her retirement by reimbursing the system in the full amount of his or her retirement allowance payments received.

Signed by Governor March 30, 2022.

CHAPTER 57**(SB 189)**

AN ACT relating to fire protection.

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

➔Section 1. KRS 95A.520 is amended to read as follows:

- (1) *For volunteer fire departments merging prior to the effective date of this Act*, the Kentucky Fire Commission shall pay to the merged district, for the first, second, and third years after the merger, the number of qualified shares of volunteer fire department aid allotted under KRS 95A.262(2) equal to the total number of qualified shares that each department would have received previous to merger;
- (2) The Kentucky Fire Commission shall pay to the merged district, for the fourth, fifth, and sixth years after the merger, the number of qualified shares of volunteer fire department aid allotted under KRS 95A.262(2) equal to fifty percent (50%) of the total number of qualified shares that each department would have received previous to merger, plus one (1) yearly disbursement of four thousand dollars (\$4,000) as a merger incentive; and
- (3) The Kentucky Fire Commission shall pay to the merged district, for the seventh year after the merger and thereafter, one (1) qualified share of volunteer fire department aid allotted under KRS 95A.262(2).

➔Section 2. KRS 95A.540 is amended to read as follows:

For volunteer fire departments merging prior to the effective date of this Act, if a new volunteer fire department is created from territory in an existing fire department merged under the provisions of KRS 95A.500 to 95A.560, the newly created volunteer fire district shall be able to receive one (1) share at the next regular disbursement date, if qualified. The parent fire department shall have aid allotted under KRS 95A.262(2) reduced by one (1) qualified share for calculations of aid, for the first, second, third, fourth, fifth, and sixth years after merger.

➔SECTION 3. A NEW SECTION OF KRS 95A.500 TO 95A.560 IS CREATED TO READ AS FOLLOWS:

- (1) *For volunteer fire departments merging on or after the effective date of this Act, the Kentucky Fire Commission shall pay to the resulting merged district the number of qualified shares of volunteer fire department aid allotted under KRS 95A.262 equal to the total number of qualified shares that each merging department would have received prior to merger.*
- (2) *If the resulting merged district does not remain qualified to receive the volunteer fire department aid allotted under KRS 95A.262, then the Kentucky Fire Commission shall suspend all payments calculated under subsection (1) of this section. The merged district shall have ninety (90) days to come into compliance with the requirements for qualification. If the merged district does so, then the commission shall resume payments as calculated under subsection (1) of this section. If the merged district does not come into compliance within ninety (90) days of the loss of qualification, then the commission shall not resume payments as calculated under subsection (1) of this section. Should the merged district come into compliance after ninety (90) days, it shall receive only one (1) qualified share of the volunteer fire department aid under KRS 95A.262.*

Signed by Governor March 30, 2022.

CHAPTER 58**(SB 121)**

AN ACT relating to agriculture exemption license numbers, and declaring an emergency.

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

➔Section 1. KRS 139.481 is amended to read as follows:

- (1) On and after January 1, ~~2023~~[2022], every person claiming an exemption provided under KRS 139.480(4) to (9), KRS 139.480(11), KRS 139.480(13) to (15), and KRS 139.480(23) to (30) shall **provide to the seller or retailer**~~[include on the appropriate exemption certificate an]~~ **a valid** agriculture exemption **license** number issued by the department.
- (2) A person is eligible to apply for an agriculture exemption **license** number if the person is:
- (a) Regularly engaged in the occupation of tilling and cultivating the soil for the production of crops as a business;
 - (b) Regularly engaged in the occupation of raising and feeding livestock of a kind the products of which ordinarily constitute food for human consumption;
 - (c) Raising and feeding poultry;
 - (d) Producing milk for sale; or
 - (e) Regularly engaged in raising ratite birds, llamas, alpacas, buffalos, cervids, or aquatic organisms as an agricultural pursuit.
- (3) (a) On and after January 1, ~~2023~~[2022], persons that receive an agriculture exemption **license** number and choose to claim the exemptions outlined in subsection (1) of this section shall, at least one (1) time, provide the seller or retailer from whom they purchase exempt tangible personal property with one (1) of the following:
1. ~~[A fully completed exemption certificate, as prescribed by the department, which shall contain]~~The agriculture exemption **license** number issued by the department; or
 2. A fully completed Streamlined Sales Tax Certificate of Exemption which shall include the agriculture exemption **license** number.
- (b) A purchaser that has met the requirements of paragraph (a) of this subsection may issue the agriculture exemption **license** number to the seller or retailer for subsequent purchases as evidence of an exempt purchase for as long as the agriculture exemption **license** number is valid.
- (c) Persons that meet the requirements of subsection (2) of this section but have not yet received an agriculture exemption **license** number from the department prior to January 1, ~~2023~~[2022], may issue a fully completed exemption certificate **or a fully completed Streamlined Sales Tax Certificate of Exemption** without the agriculture exemption **license** number prior to ~~January 1, 2023~~[July 1, 2022].
- (4) (a) ~~[On or before April 1, 2021,]~~The department, by administrative regulation, shall develop an application form for the agriculture exemption **license** number and procedures by which the application form may also be submitted either electronically or by paper filing~~[no later than January 1, 2022]~~.
- (b) The application shall include:
1. The person's name and mailing address;
 2. The farm address, if different from the person's mailing address;
 3. An affirmation that the person meets at least one (1) of the criteria outlined in subsection (2) of this section;
 4. The person's driver's license number; and
 5. One (1) of the following forms of documentation:
 - a. IRS Schedule F, Profit or Loss from Farming;
 - b. IRS Form 4835, Farm Rental Income and Expenses;
 - c. The farm service agency number or numbers assigned by the United States Department of Agriculture pertaining to the parcels of land on which agriculture activity will take place; or
 - d. Any other type of information that may establish to the satisfaction of the Commissioner that the applicant qualifies for the agriculture exemption **license** number.
- (5) (a) The agriculture exemption **license** number shall expire **on December 31, 2026, and every four (4) years thereafter**,~~[three (3) years from the date that the number is issued by the department]~~ or when the

person ceases to engage in the agriculture activity for which the agriculture exemption *license* number was granted, whichever comes first.

- (b) ***When a person ceases to engage in the agriculture activity for which the license number was granted, the person shall notify the department within sixty (60) days.***
 - (c) The person may apply for a renewal of the agriculture exemption *license* number prior to the expiration date if the person continues to meet the requirements of subsection (2) of this section and provides documentation required by subsection (4)(b)5. of this section. The department shall, by administrative regulation, prescribe the electronic process for renewing an agriculture exemption *license* number.
- (6) (a) On or before ***January 1, 2023***~~July 1, 2022~~, the department shall develop and provide an online searchable database on the department's Web site that the seller or retailer may use to confirm the agriculture exemption *license* number if the purchaser cannot produce documentation of the agriculture exemption *license* number at the time of sale.
- (b) To search the database, the seller or retailer shall provide the name of the person assigned the agriculture exemption *license* number and one (1) of the following:
 1. The agriculture exemption *license* number;
 2. The agriculture exemption *license* number expiration date;
 3. The person's driver's license number;
 4. The farm service agency parcel number; or
 5. Any other unique identifier that may be accepted by the department.
 - (c) The seller or retailer shall be relieved of the liability for collecting and remitting the sales and use tax if the seller or retailer meets the requirements of KRS 139.260 and 139.270.

➔Section 2. KRS 139.260 is amended to read as follows:

For the purpose of the proper administration of this chapter and to prevent evasion of the duty to collect the taxes imposed by KRS 139.200 and 139.310, it shall be presumed that all gross receipts and all tangible personal property, digital property, and services sold by any person for delivery or access in this state are subject to the tax until the contrary is established. The burden of proving the contrary is upon the person who makes the sale of:

- (1) (a) ***Except as provided in paragraph (b) of this subsection,*** tangible personal property or digital property unless the person takes from the purchaser a certificate to the effect that the property is either:
 - 1.~~(a)~~ Purchased for resale according to the provisions of KRS 139.270;
 - 2.~~(b)~~ Purchased through a fully completed certificate of exemption or fully completed Streamlined Sales and Use Tax Agreement Certificate of Exemption in accordance with KRS 139.270; or
 - 3.~~(c)~~ Purchased according to administrative regulations promulgated by the department governing a direct pay authorization; ***or***
 - (b) ***Tangible personal property to a purchaser claiming an agriculture exemption under KRS 139.480(4) to (9), 139.480(11), 139.480(13) to (15), or 139.480(23) to (30) unless the person obtains from the purchaser an agriculture exemption license number or a fully completed Streamlined Sales and Use Tax Agreement Certificate of Exemption that contains an agriculture exemption license number in accordance with Section 3 of this Act;***
- (2) A service included in KRS 139.200(2)(a) to (f) unless the person takes from the purchaser a certificate to the effect that the service is purchased through a fully completed certificate of exemption or fully completed Streamlined Sales and Use Tax Agreement Certificate of Exemption in accordance with KRS 139.270; and
 - (3) A service included in KRS 139.200(2)(g) to (q) unless the person takes from the purchaser a certificate to the effect that the service is:
 - (a) Purchased for resale according to KRS 139.270;
 - (b) Purchased through a fully completed certificate of exemption or fully completed Streamlined Sales and Use Tax Agreement Certificate of Exemption in accordance with KRS 139.270; or
 - (c) Purchased according to administrative regulations promulgated by the department governing a direct pay authorization.

➔Section 3. KRS 139.270 is amended to read as follows:

- (1) The resale certificate, certificate of exemption, *agriculture exemption license number*, or Streamlined Sales and Use Tax Agreement Certificate of Exemption relieves the retailer or seller from the burden of proof if the retailer or seller:
 - (a) Within ninety (90) days after the date of sale:
 1. Obtains a fully completed resale certificate, certificate of exemption, or Streamlined Sales and Use Tax Agreement Certificate of Exemption; ~~or~~
 2. *Obtains an agriculture exemption license number from the purchaser or a fully completed Streamlined Sales and Use Tax Agreement Certificate of Exemption that contains an agriculture exemption license number; or*
 3. Captures the relevant data elements that correspond to the information that the purchaser would otherwise provide to the retailer or seller on the Streamlined Sales and Use Tax Agreement Certificate of Exemption; and
 - (b) Maintains a file of the certificate, *agriculture exemption license number, or Streamlined Sales and Use Tax Agreement Certificate of Exemption* obtained or relevant data elements captured in accordance with KRS 139.720.
- (2) The relief from liability provided to the retailer or the seller in this section does not apply to a retailer or seller who:
 - (a) Fraudulently fails to collect the tax;
 - (b) Solicits purchasers to participate in the unlawful claiming of an exemption; or
 - (c) Accepts an exemption certificate when the purchaser claims an entity-based exemption when:
 1. The product sought to be covered by the exemption certificate is actually received by the purchaser at a location operated by the retailer or seller; and
 2. The state in which that location resides provides an exemption certificate that clearly and affirmatively indicates that the claimed exemption is not available in that state.

For purposes of this paragraph, "entity-based exemption" means an exemption based on who purchases the product or who sells the product. An exemption available to all individuals shall not be considered an entity-based exemption.
- (3) (a) If the department requests that the seller or retailer substantiate that the sale was a sale for resale or an exempt sale and the retailer or seller has not complied with subsection (1) of this section, the seller or retailer shall be relieved of any liability for the tax on the transaction if the seller or retailer, within one hundred twenty (120) days of the department's request:
 1. Obtains a fully completed resale certificate, exemption certificate, *agriculture exemption license number*, or Streamlined Sales and Use Tax Agreement Certificate of Exemption from the purchaser for an exemption that:
 - a. Was available under this chapter on the date the transaction occurred;
 - b. Could be applicable to the item being purchased; and
 - c. Is reasonable for the purchaser's type of business; or
 2. Obtains other information establishing that the transaction was not subject to the tax.
- (b) Notwithstanding paragraph (a) of this subsection, if the department discovers through the audit process that the seller or retailer had knowledge or had reason to know at the time the information was provided that the information relating to the exemption claimed was materially false, or the seller or retailer otherwise knowingly participated in activity intended to purposefully evade the tax that is properly due on the transaction, the seller or retailer shall not be relieved of the tax on the transaction. The department shall bear the burden of proof that the seller or retailer had knowledge or had reason to know at the time the information was provided that the information was materially false.

- (4) Notwithstanding subsections (1) and (3) of this section, the seller or retailer may still offer additional documentation that is acceptable by the department that the transaction is not subject to tax and to relieve the seller or retailer from the tax liability.
- (5) If the department later finds that the retailer or seller complied with subsections (1), (3), and (4) of this section, but that the purchaser used the property or service in a manner that would not have qualified for resale status or the purchaser issued a certificate of exemption, *an agriculture exemption license number*, or a Streamlined Sales and Use Tax Agreement Certificate of Exemption and used the property or service in some other manner or for some other purpose, the department shall hold the purchaser liable for the remittance of the tax originally due and may apply penalties provided in KRS 139.990.

➔Section 4. KRS 139.735 is amended to read as follows:

- (1) The department shall not promulgate any administrative regulation or policy, either written or unwritten, whose provisions are more stringent than KRS 139.270 regarding the acceptance of resale certificates, exemption certificates, *agriculture exemption license numbers*, Streamlined Sales and Use Tax Agreement Certificates of Exemption, and direct pay authorizations.
- (2) It shall be mandatory upon the department during any audit process to honor resale certificates, exemption certificates, *agriculture exemption license numbers*, Streamlined Sales and Use Tax Agreement Certificates of Exemption, and direct pay authorizations when executed according to KRS 139.270 and any administrative regulation promulgated by the department concerning direct pay authorizations.

➔Section 5. KRS 139.990 is amended to read as follows:

- (1) Any person who executes:
- (a) A resale certificate for property in accordance with KRS 139.270 knowing at the time of purchase that such property is not to be resold by him in the regular course of business, for the purpose of evading the tax imposed under this chapter;
- (b) An exemption certificate, *agriculture exemption license number*, or a Streamlined Sales and Use Tax Agreement Certificate of Exemption for property in accordance with KRS 139.270, knowing at the time of the purchase that he is not engaged in an occupation that would entitle him to exemption status or any person who does not intend to use the property in the prescribed manner; or
- (c) A direct pay authorization for property not in accordance with an administrative regulation promulgated by the department governing direct pay authorizations;

shall be guilty of a Class B misdemeanor.

- (2) A person who engages in business as a seller in this state without a permit or permits as required by this chapter or after a permit has been suspended, and each officer of any corporation which is so engaged in business, shall be guilty of a Class B misdemeanor.
- (3) Any person who violates any of the provisions of KRS 139.220, 139.380, or 139.700 shall be guilty of a Class B misdemeanor.
- (4) Any person who violates any of the regulations promulgated by the department shall be guilty of a Class B misdemeanor.
- (5) Any person, business, or motion picture production company falsifying expenditure reports, applications, or any other statements made in securing the tax credit afforded by KRS 139.538 shall be guilty of a Class D felony. Such motion picture production companies shall be denied any tax credit to which they would otherwise be entitled, and shall be prohibited from applying for any future credit afforded by KRS 139.538.

➔Section 6. Whereas, the Department of Revenue is currently processing applications for, and implementing the certification of, agriculture exemption license numbers, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor March 30, 2022.

(SJR 72)

A JOINT RESOLUTION directing the Cabinet for Health and Family Services to apply for a Medicaid waiver for individuals with severe mental illness and declaring an emergency.

WHEREAS, approximately 746,000 adults in Kentucky have a mental health condition and approximately 113,000 individuals have a severe mental illness (SMI); and

WHEREAS, individuals with SMI are the only population in Kentucky with a disability that does not have a Medicaid waiver; and

WHEREAS, housing is central to recovery for individuals with SMI, but individuals with SMI experience higher rates of housing insecurity and homelessness than the general population; and

WHEREAS, without suitable housing, individuals with SMI have little chance of maintaining other resources in their lives, such as supportive social relationships, employment, and meaningful activities; and

WHEREAS, temporary housing for individuals with SMI who are discharged from a hospital and need a safe place to stay for follow-up appointments while a more permanent plan is processing is also important; and

WHEREAS, employment rates decline with increasing mental illness severity, and individuals with SMI are less likely than individuals with no, mild, or moderate mental illness to be employed after age 49; and

WHEREAS, supported employment helps individuals with mental illness obtain and keep competitive employment; and

WHEREAS, there is evidence to conclude that supported employment significantly increases levels of employment over the long term; and

WHEREAS, a Medicaid waiver will allow housing services and supported employment to be reimbursable by Medicaid, thereby improving access to recovery for individuals with SMI;

NOW, THEREFORE,

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

➔Section 1. The General Assembly hereby directs the Cabinet for Health and Family Services to apply for a Medicaid waiver for individuals with severe mental illness to provide for:

- (1) Supported housing, which may include staffed residences, group homes, family care homes, specialized personal care homes, or personal care homes;
- (2) Medical respite care; and
- (3) Supported employment.

➔Section 2. The Cabinet for Health and Family Services shall report to the Interim Joint Committee on Health, Welfare, and Family Services by August 1, 2022, of any actions taken and any necessary legislative action that may be needed to obtain a Medicaid waiver targeting individuals with severe mental illness.

➔Section 3. Whereas, the General Assembly desires to provide individuals with SMI with supported housing and employment, an emergency is declared to exist, and this Resolution takes effect upon its passage and approval by the Governor or upon its otherwise becoming law.

Signed by Governor March 30, 2022.

CHAPTER 60**(HCR 40)**

A CONCURRENT RESOLUTION urging Kentucky's Congressional delegation to include Kentucky's Veterans Affairs Medical Centers into the Center for Compassionate Innovation, a U.S. Department of Veterans Affairs pilot program enabling the use of hyperbaric oxygen therapy treatment for veterans with a traumatic brain injury or post-traumatic stress disorder.

WHEREAS, the General Assembly values our citizens who are active duty military, National Guard and Reserve members, and veterans, and recognizes the importance of ensuring proper treatment for a wide variety of health issues, especially those caused as a result of their service; and

WHEREAS, the signature wounds of Iraq and Afghanistan are traumatic brain injury (TBI) and post-traumatic stress disorder (PTSD), which affect an estimated 877,450 veterans nationally and 12,800 in Kentucky; and

WHEREAS, although TBI and PTSD can result from any number of traumatic events, the causes for veterans often include roadside bombs, enemy mortar attacks, convoy attacks, and exchanging gunfire while on foot patrol; and

WHEREAS, the United States Congress has mandated significant improvements to the mental health care provided by the Department of Veterans Affairs including partnerships with non-federal government entities to provide hyperbaric oxygen therapy (HBOT) to veterans for treatment of TBI and PTSD; and

WHEREAS, published neurological studies and Institutional Review Board trials have found that HBOT can repair the brain tissue from a TBI and significantly improve the quality of life of over 95% of patients after HBOT sessions; and

WHEREAS, in 2018, Kentucky joined six other states in passing legislation allowing veterans to receive HBOT for TBI and PTSD; and

WHEREAS, Kentucky has several providers capable of providing HBOT services throughout the state, with approximately 34 Hospital Wound Care Centers equipped with 73 functional hyperbaric chambers; and

WHEREAS, the Kentucky veterans program trust fund supported partial funding for HBOT treatments for TBI and PTSD in 2021; and

WHEREAS, the Commander John Scott Hannon Veterans Mental Health Care Improvement Act of 2019 and numerous other pieces of legislation introduced in Congress all support HBOT treatment for veterans with TBI and PTSD; and

WHEREAS, the VA Mission Act of 2018 states, "the Secretary shall not limit the types of hospital care, medical services, or extended care services covered veterans may receive under this section if it is in the best medical interest of the veteran to receive such hospital care, medical services, or extended services, as determined by the veteran and the veteran's health care provider"; and

WHEREAS, the VA Community Care Program is currently available to veterans from local community providers outside of the VA when the VA is not able to provide the care that is needed; and

WHEREAS, the Commonwealth of Kentucky values the brave men and women who have served in the Armed Forces of the United States and the General Assembly supports and encourages the best available treatment for our veterans in gratitude for their service;

NOW, THEREFORE,

Be it resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky, the Senate concurring therein:

➔Section 1. Kentucky's Congressional delegation is strongly encouraged to communicate the importance and value of including Kentucky's Veterans Affairs Medical Centers into the Center for Compassionate Innovation to help veterans with traumatic brain injuries and post-traumatic stress disorders. Additionally, the VA Community Care Program should be utilized to contract with eligible community partners to provide HBOT treatment for veterans within reasonable travel distance, at prescribed Medicare rates, and pay for this critical care.

➔Section 2. The General Assembly urges a review of the medical results in the VA pilot program in order to improve treatment availability and eliminate current qualifying criteria that pose a serious obstacle to the majority of VA in-care veterans who may qualify for hyperbaric oxygen therapy treatment.

➔Section 3. The Clerk of the House of Representatives is directed to transmit a copy of this Resolution to all members of the Kentucky Congressional delegation; the Secretary of the U.S. Department of Veterans Affairs, Denis Richard McDonough; the Chairman of the U.S. House Committee on Veterans' Affairs, Representative Mark Takano; and the Chairman of the U.S. Senate Committee on Veterans' Affairs, Senator Jon Tester.

Signed by Governor March 30, 2022.

CHAPTER 61**(HB 171)**

AN ACT relating to delinquency proceedings involving insurer-members of federal home loan banks.

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

➔Section 1. KRS 304.33-030 is amended to read as follows:

For the purposes of this subtitle:

- (1) "Agent" means all persons who have collected or are holding premiums or other assets of the insurer, including but not limited to brokers, intermediaries, managing general agents, underwriting managers, and reinsurance managers, and any other persons who have entered into a fiduciary relationship with the insurer subject to delinquency proceedings, including but not limited to persons holding licenses under Subtitles 9, 32, 38, and 43 of KRS Chapter 304;
- (2) ~~["Commissioner" means the commissioner of the Department of Insurance of this state;~~
- ~~(3) "Receiver" means receiver, liquidator, rehabilitator, or conservator, as the context requires;~~
- (3)~~(4)~~ "Insurer" has the meaning defined in Subtitle 1 of this chapter. For purposes of this subtitle, all other persons included under KRS 304.33-020 shall be deemed to be insurers;
- (4)~~(5)~~ "Delinquency proceeding" means any proceeding commenced against an insurer for the purpose of liquidating, rehabilitating, reorganizing, or conserving such insurer, and any summary proceeding under KRS 304.33-110 to 304.33-130, inclusive;
- ~~(6) "State" has the meaning defined in Subtitle 1 of this chapter;~~
- (5)~~(7)~~ "Foreign country" means territory not in any state;
- (6)~~(8)~~ "Domiciliary state" means the state in which an insurer is incorporated or organized or, in the case of an alien insurer, the state in which the insurer has, at the commencement of delinquency proceedings, the largest amount of its assets held in trust and on deposit for the benefit of policyholders and creditors in the United States;
- (7)~~(9)~~ "Ancillary state" means any state other than a domiciliary state;
- (8)~~(10)~~ "Reciprocal state" means any state other than this state in which in substance and effect subsection (1) of KRS 304.33-200, subsections (1) and (3) of KRS 304.33-530, KRS 304.33-540, and KRS 304.33-560 to 304.33-590, inclusive, are in force, and in which provisions are in force requiring that the commissioner be the receiver of a delinquent insurer, and in which some provision exists for the avoidance of fraudulent conveyances and preferential transfers;
- (9)~~(11)~~ "General assets" means all property, real, personal or otherwise, not specifically mortgaged, pledged, deposited or otherwise encumbered for the security or benefit of specified persons or limited classes of persons, and as to specifically encumbered property the term includes all such property or its proceeds in excess of the amount necessary to discharge the sums secured thereby, except as otherwise expressly provided in this subtitle. Assets held in trust and on deposit for the security or benefit of all policyholders or all policyholders and creditors, in more than a single state, shall be treated as general assets;
- (10)~~(12)~~ "Reinsurance intermediary" means any person who acts as a broker in soliciting, negotiating, or procuring the making of any reinsurance contract or binder, or acts as an agent in accepting any reinsurance contract or binder on behalf of an insurer;
- (11)~~(13)~~ "Court" means the Franklin Circuit Court;
- (12)~~(14)~~ "Preferred claim" means any claim with respect to which the law accords priority of payment from the general assets of the insurer;
- (13)~~(15)~~ "Special deposit claim" means any claim secured by a deposit made pursuant to law for the security or benefit of one (1) or more limited classes of persons, but not including any claim secured by general assets;
- (14)~~(16)~~ "Secured claim":

- (a) Means any claim secured by mortgage, trust deed, pledge, deposit as security, escrow or otherwise, but not including special deposit claims or claims against general assets including, but not limited to, claims of setoff, counterclaim, or recoupment against obligations to pay premiums to the insurer; ~~and~~
- (b) **Shall include**~~The term also includes~~ claims which have become liens upon specific assets by reason of judicial process, except where they have been invalidated;
- ~~(15)(17)~~ "Premium" has the meaning set forth in Subtitle 14 of this chapter;
- ~~(16)(18)~~ "Insolvency" means that the insurer is unable to pay its debts or meet its obligations as they mature or that its assets do not exceed its liabilities plus the greater of:
- (a) Any capital and surplus required by law to be constantly maintained; or
- (b) Its authorized and issued capital stock. For purposes of this subsection, "assets" includes one-half (1/2) of the maximum total assessment liability of the policyholders of the insurer, and "liabilities" includes reserves required by law. For policies issued on the basis of unlimited assessment liability, the maximum total liability, for purposes of determining solvency only, shall be deemed to be that amount that could be obtained if there were one hundred percent (100%) collection of an assessment at the rate of ten (10) mills;
- ~~(17)(19)~~ "Fair consideration" is given for property or an obligation:
- (a) When in exchange for such property or obligation, as a fair equivalent therefor, and in good faith, property is conveyed or services are rendered or obligation is incurred or an antecedent debt is satisfied; or
- (b) When such property or obligation is received in good faith to secure a present advance or antecedent debt in amount not disproportionately small as compared to the value of the property or obligation obtained;
- ~~(18)(20)~~ "Creditor" is a person having any claim, whether matured or unmatured, liquidated or unliquidated, secured or unsecured, absolute, fixed or contingent;
- ~~(19)(21)~~ "Transfer" includes the sale and every other method, direct or indirect, of disposing of or of parting with property or with an interest therein or with the possession thereof or of fixing a lien upon property or upon an interest therein, absolutely or conditionally, voluntarily or involuntarily, by or without judicial proceedings. The retention of a security title to property delivered to a debtor shall be deemed a transfer suffered by the debtor;
- ~~(22) "Doing business" has the meaning designated in Subtitle 1 of this chapter; and~~
- ~~(20)(23)~~ "Guaranty association" means the Kentucky Insurance Guaranty Association, the Kentucky Life and Health Insurance Guaranty Association and any other similar entity now or hereafter created by the Legislature of this state for the payment of claims of insolvent insurers. "Foreign guaranty association" means any similar entities now in existence in, or hereafter created by the legislature of, any other state;
- (21) ***"Federal home loan bank" means an institution chartered under the Federal Home Loan Bank Act of 1932, 12 U.S.C. sec. 1421 et seq.; and***
- (22) ***"Insurer-member" means an insurer that is a member of a federal home loan bank.***

➔SECTION 2. A NEW SECTION OF SUBTITLE 33 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

- (1) (a) ***A federal home loan bank shall not be stayed or otherwise prohibited by a court from exercising its rights regarding collateral pledged by an insurer-member for more than ten (10) days following the date a temporary restraining order, preliminary injunction, or permanent injunction is issued by the court pursuant to Section 3 of this Act.***
- (b) ***A federal home loan bank exercising its rights regarding collateral pledged by an insurer-member shall, within seven (7) days of receiving a redemption request made by the insurer-member, repurchase any of the insurer-member's outstanding capital stock in excess of the amount the insurer-member must hold as a minimum investment. The federal home loan bank shall repurchase the excess outstanding capital stock only to the extent it determines in good faith that the repurchase is:***

1. *Permissible under federal laws and regulations and the federal home loan bank's capital plan; and*
 2. *Consistent with the capital stock practices currently applicable to the federal home loan bank's entire membership.*
- (2) (a) *Not later than ten (10) days after the date of appointment of a receiver in a proceeding under this subtitle involving an insurer-member, the federal home loan bank shall provide to the receiver a process and timeline for all of the following:*
1. *The release of any collateral held by the federal home loan bank that exceeds the amount that is required to support the secured obligation of the insurer-member and that is remaining after any repayment of loans, as determined under the applicable agreements between the federal home loan bank and insurer-member;*
 2. *The release of any collateral of the insurer-member remaining in the federal home loan bank's possession following the repayment in full of all outstanding secured obligations of the insurer-member;*
 3. *The payment of fees owed by the insurer-member and the operation, maintenance, closure, or disposition of deposits and other accounts of the insurer-member, as mutually agreed upon by the receiver and the federal home loan bank; and*
 4. *Any redemption or repurchase of federal home loan bank stock or excess stock of any class that the insurer-member is required to own under agreements between the federal home loan bank and the insurer-member.*
- (b) *Upon request of the receiver appointed in a proceeding under this subtitle involving an insurer-member, the federal home loan bank shall provide to the receiver any available options for the insurer-member to renew or restructure a loan. In determining which options are available, the federal home loan bank may consider:*
1. *Market conditions;*
 2. *The terms of any loans outstanding to the insurer-member;*
 3. *The applicable policies of the federal home loan bank; and*
 4. *The federal laws and regulations applicable to federal home loan banks.*

➔Section 3. KRS 304.33-050 is amended to read as follows:

- (1) *Except as provided in Section 2 of this Act*, any receiver appointed in a proceeding under this subtitle may at any time apply for and any court of general jurisdiction may grant such restraining orders, temporary and permanent injunctions, and other orders as are deemed necessary and proper to prevent:
- (a) The transaction of further business by or on behalf of the insurer;
 - (b) The transfer of property against which the receiver has a claim;
 - (c) Interference with the receiver or with the proceedings;
 - (d) Waste of the insurer's assets;
 - (e) Dissipation and transfer of bank accounts;
 - (f) The institution or further prosecution of any actions or proceedings by or on behalf of the insurer;
 - (g) The institution or further prosecution of any action against the receiver or the insurer including, but not limited to, interpleader or other actions involving assets against which the receiver has a claim;
 - (h) The obtaining of preferences, judgments, attachments, garnishments or liens against the insurer or its assets;
 - (i) The levying of execution against the insurer or its assets;
 - (j) The making of any sale or deed for nonpayment of taxes or assessments that would lessen the value of the assets of the insurer;
 - (k) The withholding from the receiver of books, accounts, documents, or other records relating to the business of the insurer;

- (l) Any other threatened or contemplated action that might lessen the value of the insurer's assets or prejudice the rights of policyholders, creditors, or shareholders, or the administration of the proceeding; or
 - (m) Any suit or other action against a reinsurer of the insurer.
- (2) The receiver may apply to any court outside of this state for the relief described in subsection (1) of this section.

➔Section 4. KRS 304.33-170 is amended to read as follows:

- (1) Stays in pending litigation. ***Except as provided in Section 2 of this Act,*** ~~on request of the rehabilitator,~~ any court in this state before which any action or proceeding by or against an insurer is pending when a rehabilitation order against the insurer is entered shall, ***upon request of the rehabilitator,*** stay the action or proceeding for such time as is necessary for the rehabilitator to obtain proper representation and prepare for further proceedings. The court that entered the rehabilitation order shall order the rehabilitator to take such action respecting the pending litigation as the court deems necessary in the interests of justice and for the protection of creditors and policyholders. The rehabilitator shall immediately consider all litigation pending outside this state and shall petition the courts having jurisdiction over that litigation for stays whenever necessary to protect the estate of the insurer.
- (2) Statutes of limitations on claims by insurer. The time between the filing of a petition for rehabilitation against an insurer and denial of the petition or an order of rehabilitation shall not be considered to be a part of the time within which any action may be commenced by the insurer. Any action by the insurer that might have been commenced when the petition was filed may be commenced for at least sixty (60) days after the order of rehabilitation is entered.
- (3) Statutes of limitations on claims against insurer. The time between the filing of a petition for rehabilitation against an insurer and the denial of the petition or an order of rehabilitation shall not be considered to be a part of the time within which any action may be commenced against the insurer. Any action against the insurer that might have been commenced when the petition was filed may be commenced for at least sixty (60) days after the order of rehabilitation is entered or the petition is denied.
- (4) A guaranty association or a foreign guaranty association shall have standing to appear in any court proceeding concerning the rehabilitation of an insurer if such association is or may become liable to act as a result of the rehabilitation.

➔Section 5. KRS 304.33-240 is amended to read as follows:

The liquidator shall report to the court monthly, or at other intervals specified by the court, on the progress of the liquidation in whatever detail the court orders. The liquidator may:

- (1) Appoint a special deputy to act for him or her under this subtitle, and, subject to the court's approval, determine his or her compensation. The special deputy shall have all powers of the liquidator granted by this section. The special deputy shall serve at the pleasure of the liquidator;
- (2) Appoint or engage employees and agents, legal counsel, actuaries, accountants, appraisers, consultants, and other personnel he or she deems necessary to assist in the liquidation;
- (3) Fix the compensation of persons under subsection (2) of this section, subject to the control of the court;
- (4) Defray all expenses of taking possession of, conserving, conducting, liquidating, disposing of, or otherwise dealing with the business and property of the insurer. If the property of the insurer does not contain sufficient cash or liquid assets to defray the costs incurred, the liquidator may advance the costs so incurred out of any available appropriation. Any amounts so paid shall be deemed expense of administration and shall be repaid for the credit of the Department of Insurance out of the first available moneys of the insurer;
- (5) Hold hearings, subpoena witnesses and compel their attendance, administer oaths, examine any person under oath, and compel any person to subscribe to his or her testimony after it has been correctly reduced to writing, and in connection therewith require the production of any books, papers, record, or other documents which he or she deems relevant to the inquiry;
- (6) Collect all debts and moneys due and claims belonging to the insurer, wherever located, and for this purpose institute timely action in other jurisdictions to marshal the assets of the insurer; forestall garnishment and attachment proceedings against such debts; do such other acts as are necessary or expedient to collect, conserve or protect its assets or property, including sell, compound, compromise, or assign for purposes of

collection, subject to court approval and upon such terms and conditions as the liquidator deems best, any disputed claims; and pursue any creditor's remedies available to enforce his or her claims. In lieu of collecting funds representing unearned premium of a policyholder which are in the possession of the insurer's agent with respect to the kinds of direct insurance protected under KRS 304.36-030, the liquidator may authorize the use of such funds to replace the insurance coverage terminated pursuant to KRS 304.33-210, upon receipt from the agent of appropriate notice of such replacement of the insurance coverage with an insurer within sixty (60) days after the date of the liquidation order;

- (7) Audit the books and records of all agents of the insurer insofar as these records relate to the business activities of the insurer;
- (8) Conduct public and private sales of the property of the insurer in a manner prescribed by the court;
- (9) Use assets of the estate to transfer policy obligations to a solvent assuming insurer, if the transfer can be arranged without prejudice to applicable priorities under KRS 304.33-430;
- (10) Acquire, hypothecate, encumber, lease, improve, sell, transfer, abandon, or otherwise dispose of or deal with any property of the insurer at its market value or upon such terms and conditions as are fair and reasonable, except that no transaction involving property the market value of which exceeds ten thousand dollars (\$10,000) shall be concluded without express permission of the court. The liquidator also may execute, acknowledge, and deliver any deeds, assignments, releases, and other instruments necessary or proper to effectuate any sale of property or other transaction in connection with the liquidation. In cases where real property sold by the liquidator is located other than in the county where the liquidation is pending, the liquidator shall cause to be filed with the county clerk for the county in which the property is located a certified copy of the order appointing him or her;
- (11) Borrow money, subject to court approval, on the security of the insurer's assets or without security and execute and deliver all documents necessary to that transaction for the purpose of facilitating the liquidation;
- (12) Enter into such contracts as are necessary to carry out the order to liquidate, and affirm or disavow any contracts to which the insurer is a party, ***except the liquidator shall not disavow, reject, or repudiate a federal home loan bank security agreement or any pledge agreement, security agreement, collateral agreement, guarantee agreement, or other similar arrangement or credit enhancement relating to a security agreement to which a federal home loan bank is a party;***
- (13) Continue to prosecute and institute in the name of the insurer or in his or her own name any suits and other legal proceedings, in this state or elsewhere, and abandon the prosecution of claims he or she deems unprofitable to pursue further. If the insurer is dissolved under KRS 304.33-220, he or she may apply to any court in this state or elsewhere for leave to substitute himself or herself for the insurer as plaintiff;
- (14) Prosecute any action which may exist in behalf of the creditors, members, policyholders, or shareholders of the insurer against any officer of the insurer, or any other person;
- (15) Remove any records and property of the insurer to the offices of the commissioner or to such other place as is convenient for the purposes of efficient and orderly execution of the liquidation;
- (16) Deposit in one (1) or more banks in this state such sums as are required for meeting current administration expenses and dividend distributions;
- (17) File any necessary documents for record in the office of any county clerk or record office in this state or elsewhere where property of the insurer is located;
- (18) Assert all defenses available to the insurer as against third persons, including statutes of limitations, statutes of frauds, and the defense of usury. A waiver of any defense by the insurer after a petition for liquidation has been filed shall not bind the liquidator;
- (19) Exercise and enforce all the rights, remedies and powers of any creditor, shareholder, policyholder, or member, including any power to avoid any transfer or lien that may be given by law and that is not included within KRS 304.33-290 to 304.33-310, inclusive;
- (20) Intervene in any proceeding wherever instituted that might lead to the appointment of a receiver or trustee, and act as the receiver or trustee whenever the appointment is offered;
- (21) Enter into agreements with any receiver or commissioner of any other state relating to the rehabilitation, liquidation, conservation, or dissolution of an insurer doing business in both states;

- (22) Exercise all powers now held or hereafter conferred upon receivers by the laws of this state not inconsistent with this subtitle; and
- (23) The enumeration in this section of the powers and authority of the liquidator is not a limitation upon him or her, nor does it exclude his or her right to do such other acts not herein specifically enumerated or otherwise provided for as are necessary or expedient for the accomplishment of or in aid of the purpose of liquidation.

➔Section 6. KRS 304.33-290 is amended to read as follows:

- (1) Definition and effect. ***Except as provided in subsection (5) of this section***, every transfer made or suffered and every obligation incurred by an insurer within one (1) year prior to the filing of a successful petition for rehabilitation or liquidation under this subtitle shall be fraudulent as to then existing and future creditors if made or incurred without fair consideration, or with actual intent to hinder, delay or defraud either existing or future creditors. A transfer made or an obligation incurred by an insurer ordered to be rehabilitated or liquidated under this subtitle, which is fraudulent under this section, may be avoided by the receiver, except as to a person who in good faith is a purchaser, lienor, or obligee for a present fair equivalent value; and except that any purchaser, lienor, or obligee, who in good faith has given a consideration less than fair for such transfer, lien, or obligation, may retain the property, lien, or obligation as security for repayment. The court may, on due notice, order any such transfer or obligation to be preserved for the benefit of the estate, and in that event the receiver shall succeed to and may enforce the rights of the purchaser, lienor, or obligee.
- (2) Perfection of transfers.
- (a) Personal property. A transfer of property other than real property shall be deemed to be made or suffered when it becomes so far perfected that no subsequent lien obtainable by legal or equitable proceedings on a simple contract could become superior to the rights of the transferee under subsection (3) of KRS 304.33-310.
- (b) Real property. A transfer of real property shall be deemed to be made or suffered when it becomes so far perfected that no subsequent bona fide purchaser from the insurer could obtain rights superior to the rights of the transferee.
- (c) Equitable liens. A transfer which creates an equitable lien shall not be deemed to be perfected if there are available means by which a legal lien could be created.
- (d) Transfer not perfected prior to petition. Any transfer not perfected prior to the filing of a petition for liquidation shall be deemed to be made immediately before the filing of the successful petition.
- (e) Actual creditors unnecessary. This subsection shall apply whether or not there are or were creditors who might have obtained any liens or persons who might have become bona fide purchasers.
- (3) Fraudulent reinsurance transactions. Any transaction of the insurer with a reinsurer shall be deemed fraudulent and may be avoided by the receiver under subsection (1) of this section if:
- (a) The transaction consists of the termination, adjustment or settlement of a reinsurance contract in which the reinsurer is released from any part of its duty to pay the originally specified share of losses that had occurred prior to the time of the transaction, unless the reinsurer gives a present fair equivalent value for the release; and
- (b) Any part of the transaction took place within one (1) year prior to the date of filing of the petition through which the receivership was commenced.
- (4) Every person receiving any property from the insurer or any benefit thereof which is a fraudulent transfer under this section shall be personally liable therefor and shall be bound to account to the liquidator.
- (5) (a) ***Except as provided in paragraph (b) of this subsection, any transfer of, and any obligation to transfer, money or other property from an insurer-member to the federal home loan bank under a federal home loan bank security, pledge, collateral, or guarantee agreement, or other similar arrangement or credit enhancement, shall not be deemed fraudulent and shall not be avoided by the receiver under subsection (1) of this section if the agreement, arrangement, or enhancement is:***
1. ***Made in the ordinary course of business; and***
 2. ***Made in compliance with the applicable federal home loan bank agreement.***
- (b) ***A transfer may be deemed fraudulent and may be avoided by the receiver under subsection (1) of this section if the transfer is made with the intent to hinder, delay, or defraud:***

1. *An insurer-member;*
2. *The receiver of the insurer-member; or*
3. *Existing or future creditors of the insurer-member.*

➔Section 7. KRS 304.33-310 is amended to read as follows:

(1) Preferences.

- (a) Preference defined. A preference is a transfer of any of the property of an insurer to or for the benefit of a creditor, for or on account of an antecedent debt made or suffered by the insurer within one (1) year before the filing of a successful petition for liquidation under this subtitle, the effect of which transfer may be to enable the creditor to obtain a greater percentage of his debt than another creditor of the same class would receive. If a liquidation order is entered while the insurer is already subject to a rehabilitation order, transfers otherwise qualifying shall be deemed preferences if made or suffered within one (1) year before the filing of the successful petition for rehabilitation or within two (2) years before the filing of the successful petition for liquidation, whichever time is shorter.
- (b) Invalidation of preferences. *Except as provided in subsection (10) of this section*, any preference may be avoided by the liquidator, if:
 1. The insurer was insolvent at the time of the transfer;~~[- or]~~
 2. The transfer was made within four (4) months before the filing of the petition;~~[- or]~~
 3. The creditor receiving it or to be benefited thereby or his agent acting with reference thereto had reasonable cause to believe at the time when the transfer was made that the insurer was insolvent or was about to become insolvent;~~[-]~~ or
 4. The creditor receiving it was an officer, employee, attorney or other person who was in fact in a position of comparable influence in the insurer to an officer whether or not he held such position, or any shareholder holding directly or indirectly more than five percent (5%) of any class of any equity security issued by the insurer, or any other person with whom the insurer did not deal at arm's length.

Where the preference is voidable, the liquidator may recover the property or, if it has been converted, its value from any person who has received or converted the property, except a bona fide purchaser from or lienor of the debtor's transferee for a present fair equivalent value. Where the bona fide purchaser or lienor has given less than fair equivalent value, he shall have a lien upon the property to the extent of the consideration actually given by him. Where a preference by way of lien or security title is voidable, the court may on due notice order the lien or title to be preserved for the benefit of the estate, in which event the lien or title shall pass to the liquidator.

(2) Perfection of transfers.

- (a) Personal property. A transfer of property other than real property is deemed to be made or suffered when it becomes so far perfected that no subsequent lien obtainable by legal or equitable proceedings on a simple contract could become superior to the rights of the transferee.
- (b) Real property. A transfer of real property is deemed to be made or suffered when it becomes so far perfected that no subsequent bona fide purchaser from the insurer could obtain rights superior to the rights of transferee.
- (c) Equitable liens. A transfer which creates an equitable lien is not deemed to be perfected if there are available means by which a legal lien could be created.
- (d) Transfers not perfected prior to petition. A transfer not perfected prior to the filing of a petition for liquidation shall be deemed to be made immediately before the filing of the successful petition.
- (e) Actual creditors unnecessary. This subsection applies whether or not there were creditors who might have obtained liens or persons who might have become bona fide purchasers.

(3) Liens by legal or equitable proceedings.

- (a) Definition. A lien obtainable by legal or equitable proceedings upon a simple contract is one arising in the ordinary course of such proceedings upon the entry or docketing of a judgment or decree, or upon attachment, garnishment, execution or like process, whether before, upon or after judgment or decree

and whether before or upon levy. It does not include liens which under applicable law are given a special priority over other liens which are prior in time.

- (b) When liens are superior. A lien obtainable by legal or equitable proceedings could become superior to the rights of a transferee, or a purchaser could obtain rights superior to the rights of a transferee within the meaning of subsection (2) of this section, if such consequences would follow only from the lien or purchase itself, or from the lien or purchase followed by any step wholly within the control of the respective lienholder or purchaser, with or without the aid of ministerial action by public officials. Such a lien could not, however, become superior and such a purchase could not create superior rights for the purpose of subsection (2) of this section through any acts subsequent to the obtaining of such a lien or subsequent to such a purchase which require the agreement or concurrence of any third party or which require any further judicial action, or ruling.
- (4) Twenty-one day rule. A transfer of property for or on account of a new and contemporaneous consideration which is deemed under subsection (2) of this section to be made or suffered after the transfer because of delay in perfecting it does not thereby become a transfer for or on account of an antecedent debt if any acts required by the applicable law to be performed in order to perfect the transfer as against liens or bona fide purchasers' rights are performed within twenty-one (21) days or any period expressly allowed by the law, whichever is less. A transfer to secure a future loan, if such a loan is actually made, or a transfer which becomes security for a future loan shall have the same effect as a transfer for or on account of a new and contemporaneous consideration.
- (5) Indemnifying transfers also voidable. If any lien deemed voidable under paragraph (b) of subsection (1) of this section has been dissolved by the furnishing of a bond or other obligation, the surety on which has been indemnified directly or indirectly by the transfer of or the creation of a lien upon any property of an insurer before the filing of a petition under this subtitle which results in a liquidation order, the indemnifying transfer or lien shall also be deemed voidable.
- (6) Avoidance of lien. The property affected by any lien deemed voidable under paragraph (b) of subsection (1) of this section and subsection (5) of this section is discharged from the lien, and that property and any of the indemnifying property transferred to or for the benefit of a surety shall pass to the liquidator, except that the court may on due notice order the lien to be preserved for the benefit of the estate and the court may direct that a conveyance be executed which is adequate to evidence the title of the liquidator.
- (7) Hearings to determine rights. The court shall have summary jurisdiction of any proceeding by the liquidator to hear and determine the rights of any parties under this section. Reasonable notice of any hearing in the proceeding shall be given to all parties in interest, including the obligee of a releasing bond or other like obligation. Where an order is entered for the recovery of indemnifying property in kind or for the avoidance of an indemnifying lien, the court, upon application of any party in interest, shall in the same proceeding ascertain the value of the property or lien, and if the value is less than the amount for which the property is indemnity or than the amount of the lien, the transferee or lienholder may elect to retain the property or lien upon payment of its value, as ascertained by the court, to the liquidator within such reasonable times as the court fixes.
- (8) Surety's liability discharged. The liability of a surety under a releasing bond or other like obligation shall be discharged to the extent of the value of the indemnifying property recovered or the indemnifying lien nullified and avoided or, where the property is retained under subsection (7) of this section to the extent of the amount paid to the liquidator.
- (9) Setoff of new advances. If a creditor has been preferred and afterward in good faith gives the insurer further credit without security of any kind, for property which becomes a part of the insurer's estate, the amount of the new credit remaining unpaid at the time of the petition may be set off against the preference which would otherwise be recoverable from him.
- (10) ***Federal home loan bank preferences. A liquidator shall not avoid any preference arising under, or in connection with, a federal home loan bank security agreement or any pledge agreement, security agreement, collateral agreement, guarantee agreement, or other similar arrangement or credit enhancement relating to a security agreement to which a federal home loan bank is a party.***

Signed by Governor March 30, 2022.

CHAPTER 62

(HB 307)

AN ACT relating to liability and workers' compensation self-insurance group investments.

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

➔Section 1. KRS 304.48-090 is amended to read as follows:

- (1) *As used in this section, "nationally recognized statistical rating organization" or "NRSRO" means a credit rating agency approved by the United States Securities and Exchange Commission to provide assessments of the creditworthiness of financial instruments.*
- (2) The funds of a liability self-insurance group shall be invested in:
 - (a) United States Government bonds, United States Treasury notes, United States Treasury bills, or other direct obligations guaranteed by the full faith and credit of the United States Government or its agencies;
 - (b) Tax exempt *and taxable* obligations issued by *any state or any of its agencies, counties, cities, municipalities, districts, political subdivisions, or other legal authorities within the United States of America*~~the Commonwealth of Kentucky or its agencies~~ with a minimum rating of "**BBB**~~[A]~~" by *any NRSRO, except that no less than fifty percent (50%) of the investments made under this paragraph shall be in* ~~[Standard & Poor's];~~
 - ~~(e)~~ obligations issued by *the Commonwealth, its agencies, or* a county, *city*, district, municipality, *political subdivision*, or other legal authority within the Commonwealth ~~with a minimum rating of "AA" by Standard & Poor's~~;
 - ~~(c)~~~~(d)~~ Investment share accounts in a savings and loan association in the Commonwealth whose deposits are insured by a federal agency;
 - ~~(d)~~~~(e)~~ Certificates of deposit if issued by a duly chartered commercial bank;
 - ~~(e)~~~~(f)~~ Equity securities actively traded on the New York or NASDAQ Stock Exchanges or other registered national securities exchanges with no individual equity holding comprising greater than ten percent (10%) of the equity portion of the portfolio, reflected on the most recent quarterly or annual statement of financial condition on file with the commissioner, at the time of purchase, as follows:
 1. An investment in an individual equity holding shall not represent more than five percent (5%) of the total market value of the security; and
 2. Investments in equity securities shall not exceed twenty percent (20%) of the total market value of the investment portfolio of the liability self-insurance group reflected on the most recent quarterly or annual statement of financial condition on file with the commissioner;
 - ~~(f)~~~~(g)~~ Corporate bonds if:
 1. The bond is issued, assumed, or guaranteed by a solvent institution created or existing under the laws of the United States, or a state, province, district, or territory;
 2. The corporate bond investments do not exceed twenty-five percent (25%) of the total market value of the investment portfolio reflected on the most recent quarterly or annual statement of financial condition on file with the commissioner; and
 3. The bond has a minimum rating of "**BBB**~~[A]~~" by *any NRSRO*~~[Standard and Poor's]; [or]~~
 - ~~(g)~~~~(h)~~ Mutual funds and exchange traded funds if, at the time of purchase, the investments do not exceed twenty percent (20%) of the total market value of the investment portfolio reflected on the most recent quarterly or annual statement of financial condition on file with the commissioner; *or*
 - (h) *Asset-backed securities if:*
 1. *The bond is issued, assumed, or guaranteed by a solvent institution created or existing under the laws of the United States, or a state, province, district, or territory;*
 2. *The asset-backed security investments do not exceed ten percent (10%) of the total market value of the investment portfolio reflected on the most recent quarterly or annual statement of financial condition on file with the commissioner; and*

3. *The bond has a minimum rating of "BBB" by any NRSRO.*

~~(3)(2)~~ Of the aggregate investments made under this section:

- (a) Not less than fifty percent (50%) of the total market value of the entire investment portfolio shall be held in cash, cash equivalents, or securities as described in subsection ~~(2)(4)~~(a) to ~~(d)(e)~~ of this section; and
- (b) A minimum of five percent (5%) of the total investment portfolio value shall be maintained in cash or cash equivalent accounts or United States Treasury and Federal Agency Securities with a remaining maturity of one (1) year or less.

~~(4)(3)~~ *In the event that any security investment authorized by subsection (2) of this section is downgraded below "BBB," the liability self-insurance group shall divest itself of that investment as prudently as possible without incurring unnecessary losses.*

(5) The commissioner may permit variation from the requirements of this section for good cause shown.

➔Section 2. KRS 304.50-055 is amended to read as follows:

(1) *As used in this section, "nationally recognized statistical rating organization" or "NRSRO" means a credit rating agency approved by the United States Securities and Exchange Commission to provide assessments of the creditworthiness of financial instruments.*

(2) A workers' compensation self-insured group shall establish plans for premium payment, determination and collection of assessments, and for declaration and payment of dividends or other disbursements, which shall be filed for prior approval with the commissioner. Any change in the plans for premium payment, assessments, or dividends shall be filed for prior approval with the commissioner. Approval of plans for assessments and dividends does not constitute approval of any particular assessment or dividend by the commissioner.

~~(3)(2)~~ Prior to the inception of each group member's self-insurance year, the trustees shall collect from that member at least twenty-five percent (25%) of the estimated premium for the ensuing year, except that in the case of a self-insured group formed by governmental entities twenty-five percent (25%) of the estimated premium for the ensuing year shall be collected no later than thirty (30) days after the beginning of the self-insured group's self-insurance year. The balance of the estimated premium shall be collected in either quarterly or monthly installments as set forth in the enabling documents described in KRS 304.50-030(2)(b) or 304.50-060(2)(b). Each group member's payroll shall be audited annually and an adjustment to premium shall be made accordingly.

~~(4)(3)~~ A disbursement from a workers' compensation self-insured group fund shall be for a purpose related to the self-insured group. A dividend shall not be approved or paid until at least thirty-six (36) months after the expiration of the self-insurance year and shall be paid from surplus funds not required for payment of claims or other liabilities. The dividends shall be paid or credited to members according to the reasonable classifications the trustees may establish. A dividend shall not be paid which unfairly discriminates between members of the same classifications. A dividend plan shall specify whether past group members are eligible for the dividend. Payment of a dividend under a dividend plan shall not be made unless the self-insured group has notified the commissioner of its intent to make a dividend payment at least thirty (30) days prior to the payment, and the commissioner has not disapproved the payment within that time.

~~(5)(4)~~ The formula to be used for collection of assessments shall be determined by the trustees and approved by the commissioner. Assessments shall be fair and equitable and shall not unfairly discriminate between members of the same classification.

~~(6)(5)~~ A trustee, fiscal agent, or service organization shall not utilize an asset of the self-insured group for a purpose unrelated to workers' compensation. The trustees shall maintain cash or cash equivalent accounts as may be prudently necessary to pay expenses without having to liquidate long-term investments.

~~(7)(6)~~ The trustees may invest funds in:

- (a) United States Government bonds, United States Treasury notes, Treasury bills, or other direct obligations guaranteed by the full faith and credit of the United States Government or its agencies;
- (b) Tax exempt *and taxable* obligations issued by *any state or any of its agencies, counties, cities, municipalities, districts, political subdivisions, or other legal authorities within the United States of America*~~(the Commonwealth of Kentucky or its agencies)~~ with a minimum rating of "BBB[A]" by *any*

NRSRO, except that no less than fifty percent (50%) of the investments made under this paragraph shall be in ~~Standard & Poor;~~

- (e) ~~]~~ obligations issued by *the Commonwealth, its agencies, or* a county, *city* district, municipality, *political subdivision*, or other legal authority within the Commonwealth ~~with a minimum rating of "AA" by Standard & Poor;~~
- (c) ~~(d)~~ Investment share accounts in a savings and loan association in the Commonwealth whose deposits are insured by a federal agency;
- (d) ~~(e)~~ Certificates of deposit if issued by a duly chartered commercial bank;
- (e) ~~(f)~~
1. At the time of purchase, equity securities actively traded on the New York or NASDAQ Stock Exchanges or other registered national securities exchanges with no individual equity holding comprising greater than ten percent (10%) of the equity portion of the portfolio reflected on the most recent quarterly or annual statement of financial condition on file with the commissioner.
 2. ~~1-]~~ An investment in an individual equity holding shall not represent at the time of purchase more than five percent (5%) of the total market value of the security.
 3. ~~2-]~~ At the time of purchase, investments in equity securities shall not exceed twenty percent (20%) of the total market value of the investment portfolio of the self-insured group reflected on the most recent quarterly or annual statement of financial condition on file with the commissioner;
- (f) ~~(g)~~ Corporate bonds if:
1. The bond is issued, assumed, or guaranteed by a solvent institution created or existing under the laws of the United States, or a state, province, district, or territory;
 2. At the time of purchase, the corporate bond investments do not exceed twenty-five percent (25%) of the total market value of the investment portfolio reflected on the most recent quarterly or annual statement of financial condition on file with the commissioner; and
 3. The bond has a minimum rating of "BBB" ~~[A]~~ by *any NRSRO* ~~[Standard and Poor]; [and]~~
- (g) ~~(h)~~ At the time of purchase, mutual funds and exchange traded funds if the investments do not exceed twenty percent (20%) of the total market value of the investment portfolio reflected on the most recent quarterly or annual statement of financial condition on file with the commissioner; *and*
- (h) *Asset-backed securities if:*
1. *The bond is issued, assumed, or guaranteed by a solvent institution created or existing under the laws of the United States, or a state, province, district, or territory;*
 2. *The asset-backed security investments do not exceed ten percent (10%) of the total market value of the investment portfolio reflected on the most recent quarterly or annual statement of financial condition on file with the commissioner; and*
 3. *The bond has a minimum rating of "BBB" by any NRSRO.*
- (8) ~~(7)~~ Of the aggregate investments made by the trustees of the self-insured group under this section:
- (a) Not less than fifty percent (50%) of the total market value of the entire investment portfolio shall be held in cash, cash equivalents, or securities as described in subsection (7) ~~(6)~~ (a) to (d) ~~(e)~~ of this section; and
 - (b) A minimum of five percent (5%) of the total investment portfolio value shall be maintained in cash or cash equivalent accounts or United States Treasury and Federal Agency Securities with a remaining maturity of one (1) year or less.
- (9) ~~(8)~~ *In the event that any security investment authorized by subsection (7) of this section is downgraded below "BBB," the workers' compensation self-insurance group shall divest itself of that investment as prudently as possible without incurring unnecessary losses.*
- (10) The commissioner may permit variation from the requirements of this section for good cause.
- (11) ~~(9)~~ (a) Governmental entities that:

1. Participate or have participated in a workers' compensation self-insured group authorized by this subtitle; and
 2. Are assessed by the workers' compensation self-insured group to cover an accrued deficit; may finance the payment of the assessment over a period not to exceed twenty (20) years.
- (b) Financing obtained pursuant to paragraph (a) of this subsection may be accomplished by:
1. The issuance of bonds, notes, or other obligations; or
 2. A lease, installment payment agreement, or other similar agreement.
- (c) If the governmental entity fails to make a scheduled payment on the financing obtained pursuant to paragraph (a) of this subsection, any payments due to that governmental entity shall be withheld or intercepted using the process established in KRS 160.160(5).
- ~~(12)~~~~(10)~~ Except as provided in subsection ~~(11)~~~~(9)~~ of this section, all other provisions of the Kentucky Revised Statutes applying to any financing obtained by a governmental entity shall apply.

Signed by Governor March 30, 2022.

CHAPTER 63

(HB 175)

AN ACT relating to massage therapy.

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

➔Section 1. KRS 309.355 is amended to read as follows:

- (1) The board shall administer and enforce the provisions of KRS 309.350 to 309.364 and shall have the responsibility to evaluate the qualifications of applicants for licensure and to authorize issuing, renewing, suspending, and revoking licenses.
- (2) The board shall investigate alleged violations brought to its attention, conduct investigations, and schedule and conduct administrative hearings in accordance with KRS Chapter 13B to enforce the provisions of KRS 309.350 to 309.364 and administrative regulations promulgated pursuant to KRS 309.350 to 309.364. The board shall have the authority to administer oaths, receive evidence, interview persons, and require the production of books, papers, documents, or other evidence. The board may institute civil and criminal proceedings against violators of KRS 309.350 to 309.364. The Attorney General, Commonwealth's attorneys, and county attorneys shall assist the board in prosecuting violations of KRS 309.350 to 309.364.
- (3) The board shall promulgate administrative regulations, pursuant to KRS Chapter 13A, to carry out and enforce provisions of KRS 309.350 to 309.364, including creating a code of ethics, standards of practice, standards of educational program curriculum and instructor qualification, and continuing education requirements for licensed massage therapists.
- (4) The board shall keep a record of its proceedings and a register of all persons licensed as massage therapists. The register shall include the name, license number and date of issue, last known place of business, and residence of each licensee. The board shall publish annually a directory of licensed massage therapists and their places of business. The list shall be available to any Kentucky citizen upon request and payment of a fee not to exceed the cost of the publication.
- (5) The board shall make an annual report to the Governor and the General Assembly, which shall contain an account of its duties performed, actions taken, and appropriate recommendations.
- (6) The board may seek an injunction in the Circuit Court of the county where the alleged violation occurred against any individual who practices massage therapy in the Commonwealth without a license.
- (7) *The board shall require a national and state criminal background investigation for every applicant seeking a license, certificate, or temporary permit issued by the board permitting the applicant to engage in the practice of massage therapy. The criminal background investigation shall be by means of a fingerprint*

check by the Department of Kentucky State Police and Federal Bureau of Investigation, pursuant to the following requirements:

- (a) *The applicant shall provide his or her fingerprints to the Department of Kentucky State Police for submission to the Federal Bureau of Investigation after a state criminal background check is conducted;*
 - (b) *The results of the national and state criminal background check shall be sent to the board for the screening of applicants;*
 - (c) *The board shall be prohibited from releasing any criminal history record information to any private entity or other licensing board, or authorizing receipt by such entity or board; and*
 - (d) *Any fee charged by the Department of Kentucky State Police or the Federal Bureau of Investigation shall be an amount no greater than the actual cost of processing the request and conducting the background check. The board may charge this fee to the applicant for licensure or certification. ~~The board shall require a fingerprint supported criminal record check by the Department of Kentucky State Police and the Federal Bureau of Investigation of any applicant for licensure to practice massage therapy.~~*
- (8) The board may employ staff as needed in the conduct of its duties and functions, and shall fix their compensation.

Signed by Governor March 30, 2022.

CHAPTER 64

(HB 380)

AN ACT relating to insurance trade practices.

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

➔SECTION 1. A NEW SECTION OF SUBTITLE 12 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

Notwithstanding any other provision of this chapter:

- (1) *Except as provided in subsections (2) and (3) of this section, an insurer, by or through its employees, affiliates, or third-party representatives, or an insurance producer, as defined in KRS 304.9-020, may:*
 - (a) *In connection with the marketing, purchase, or renewal of insurance:*
 - 1. *Offer or provide gifts to any person, including any named insured, if:*
 - a. *The gifts are not in the form of cash;*
 - b. *The cost does not exceed two hundred fifty dollars (\$250) per year; and*
 - c. *Receipt of the gifts is not contingent on the purchase or renewal of an insurance policy; and*
 - 2. *Conduct sweepstakes or drawings if:*
 - a. *There is no participation cost to entrants;*
 - b. *Either:*
 - i. *The prizes do not exceed five hundred dollars (\$500) in value; or*
 - ii. *The combined value of all prizes divided by the number of entrants is less than ten dollars (\$10); and*
 - c. *The sweepstakes or drawings do not obligate entrants to purchase or renew an insurance policy; and*

- (b) *Offer or provide products or services that relate to, or in conjunction with, an insurance policy for free, or at a discounted price, if the products or services:*
1. *Are primarily intended to educate about, assess, monitor, control, mitigate, or prevent risk of loss to persons or their lives, health, property, or other insurable interests; or*
 2. *Have a connection to, or enhance the value of, the insurance benefits.*
- (2) *The offer or provision of products or services under subsection (1)(b) of this section shall be exempt from the prohibitions set forth in subsection (1)(a) of this section.*
- (3) *This section shall not:*
- (a) *Apply to charitable contributions by an insurer or insurance producer unless the contributions are made in connection with the purchase or renewal of insurance; or*
 - (b) *Be construed to limit or prohibit any conduct permitted under Section 3 of this Act.*

➔Section 2. KRS 304.12-110 is amended to read as follows:

No insurer, insurance producer as defined in KRS 304.9-020~~[(10)]~~, or other person shall, as an inducement to insurance, or in connection with any insurance transaction, provide in any policy for, or offer, sell, buy, or offer or promise to buy, sell, give, promise, or allow to the insured or prospective insured or to any other person on his *or her* behalf in any manner whatsoever:

- (1) Any employment;
- (2) Any shares of stock or other securities issued or at any time to be issued or any interest therein or rights thereto; *or*
- (3) Any advisory board contract, or any similar contract, agreement or understanding, offering, providing for, or promising any profits or special returns or special dividends~~[-or]~~
- ~~(4) Any prizes, goods, wares, merchandise, or property of an aggregate value in excess of twenty five dollars (\$25).~~

➔Section 3. KRS 304.12-100 is amended to read as follows:

Nothing in KRS 304.12-080, 304.12-090, or 304.12-110 shall be construed as prohibiting:

- (1) Payment of lawfully earned commission or other lawful compensation to duly licensed insurance producers, as defined in KRS 304.9-020~~[(10)]~~, or compensation disclosed in a written disclosure agreement, as described in KRS 304.11-042;
- (2) Distribution by a participating insurer to its participating policyholders of dividends, savings, or the unused or unabsorbed portion of premiums and premium deposits;
- (3) (a) Furnishing of information, advice, programs, *products*, or services that are intended to:
 1. Reduce the future cost of insurance ~~to~~~~of~~ the policyholder or the probability or severity of loss;~~and~~
 2. Assist in the efficient administration and management of the policyholder's insurance program; ~~or~~~~to~~
 3. Assist the client in complying with any state or federal law.
- (b) Such *information, advice, programs, products, or* services shall include but are not limited to providing software to administer an insured's employee benefits or risk management programs, employee wellness programs, risk management services, loss control services, *and* workers' compensation analysis forecasting~~[-, or any other service designed to assist in the efficient administration of a policyholder's insurance program];~~
- (4) Life insurers from paying bonuses to policyholders or otherwise abating their premiums in whole or in part out of surplus accumulated from nonparticipating insurance, if such bonus or abatement is fair and equitable to all policyholders and for the best interests of the insurer and its policyholders;
- (5) In the case of insurance policies issued on the debit plan, making allowance to policyholders who have continuously for a specified period made premium payments directly to an office of the insurer in an amount

which fairly represents the savings in collection expense or making allowance to policyholders who make premium payments at less frequent intervals than required;

- (6) Readjustment of the rate of premium for a group insurance policy based on the loss or expense experience thereunder, at the end of any policy year of insurance thereunder, which may be made retroactive only for such policy year;
- (7) An insurer from waiving, in whole or in part, a policyholder's deductible for food spoilage for an insured risk located in a county declared to be a federal disaster area;~~[-or]~~
- (8) Payment of any compensation, fee, or other consideration to an individual not licensed to sell insurance if such individual sells, solicits, or negotiates rental vehicle insurance in accordance with KRS 304.9-507 or for the referral of a consumer to a licensed individual in accordance with KRS 304.9-425;
- (9) ***Any conduct permitted under Section 1 of this Act; or***
- (10) ***Charitable contributions by an insurer or insurance producer, as defined in KRS 304.9-020, unless the contributions are made in connection with the purchase or renewal of insurance.***

➔Section 4. KRS 304.15-712 is amended to read as follows:

- (1) A broker or provider licensed pursuant to KRS 304.15-700 to 304.15-720 may conduct or participate in advertisements within this state. Such advertisements shall comply with all advertising and marketing laws of this chapter or rules and administrative regulations promulgated by the commissioner that are applicable to life insurers or to brokers, and providers licensed pursuant to this chapter.
- (2) Advertisements shall be accurate, truthful, and not misleading in fact or by implication.
- (3) No person or trust shall:
 - (a) Directly or indirectly market, advertise, solicit, or otherwise promote the purchase of a life insurance policy for the sole purpose of, or with a primary emphasis on, settling the policy; or
 - (b) ***Except as provided in Section 1 of this Act***, use the words "free," "no cost," or words of similar import in the marketing, advertising, soliciting, or otherwise promoting the purchase of a life insurance policy.

➔Section 5. KRS 304.17A-098 is amended to read as follows:

- (1) An insurer issuing a group or individual health benefit plan may offer a voluntary wellness or health improvement program that allows for rewards or incentives to encourage participation or to reward members for participation, including but not limited to:
 - (a) Merchandise;
 - (b) Gift cards;
 - (c) Debit cards;
 - (d) Premium discounts or rebates;
 - (e) Contributions toward a member's health savings account;
 - (f) Modification to copayment, deductible, or coinsurance amounts; or
 - (g) Any combination of the incentives authorized by paragraphs (a) to (f) of this subsection.
- (2) Any reward or incentive established under this section shall not be deemed an inappropriate inducement to obtain or retain insurance, in violation of KRS 304.12-090 and 304.12-110, ***or a violation of Section 1 of this Act***, if disclosed in the policy or certificate of coverage.
- (3) The health plan member may be required to provide verification, such as a statement from his or her physician, that a medical condition makes it unreasonably difficult or medically inadvisable for the member to participate in the wellness or health improvement program.
- (4) Nothing in this section shall prohibit an insurer from offering incentives or rewards to members for adherence to a voluntary wellness or health improvement program, if otherwise allowed by state or federal law.

➔Section 6. The purpose of this Act is to modernize Kentucky's anti-rebate laws while maintaining necessary consumer protections.

➔Section 7. Section 1 of this Act may be known as the Kentucky Rebate Reform Model Act.

Signed by Governor March 30, 2022.

CHAPTER 65

(HB 397)

AN ACT relating to disaster days for schools impacted by the western Kentucky tornadoes and declaring an emergency.

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

➔Section 1. Notwithstanding the requirement in KRS 158.070 that the student instructional year include 170 student attendance days and any other statute or administrative regulation to the contrary, for school year 2021-2022, the Commissioner of Education shall waive up to 15 student attendance days for days missed by school districts located in counties in which a major disaster was declared by the President of the United States as a result of the western Kentucky tornado outbreak that occurred on December 10 and 11, 2021.

➔Section 2. Notwithstanding any other statute or regulation to the contrary, student attendance days waived under this Act due to the tornado disaster shall be applied on a district-wide basis, except the commissioner of education shall waive additional days on a per school basis for schools that were closed on days that the closure was not district-wide. Student attendance days waived under this Act shall have occurred during the period of December 13, 2021, through January 14, 2022.

➔Section 3. Notwithstanding any other statute, administrative regulation, or local board of education policy to the contrary, each classified and certified employee of a school district who did not perform his or her employment contract work duties on one or more student instructional days waived under the provisions of this Act shall be considered to have completed one day of his or her employment contract for each day waived.

➔Section 4. Student attendance days waived under this Act shall not be counted against student attendance days authorized under a school district's approved nontraditional instruction plan.

➔Section 5. Whereas the provisions of this Act apply to the 2021-2022 school year and provide needed relief to school districts for days missed due to the historic western Kentucky tornado outbreak, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor March 31, 2022.

CHAPTER 66

(HB 33)

AN ACT relating to school facilities.

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

➔Section 1. KRS 157.455 is amended to read as follows:

(1) As used in this section:

- (a) "Life-cycle cost analysis" means to calculate and compare different building designs to identify which is the best investment over the long term. Life-cycle costs include design and construction costs, operating costs, maintenance costs, and repair and replacement costs, adjusted for the time value of money;
- (b) "Net zero building" means a building in which the amount of energy provided by on-site renewable energy sources is equal to the amount of energy used by the building; and
- (c) "Efficient school design" means a school building design:

1. That meets, at a minimum, the requirements of the United States Green Building Council's Leadership in Energy and Environmental Design (LEED) for schools at the "Certified" level or certification under a comparable system with equivalent requirements or other building performance certification systems, such as the United States Department of Energy's Energy Star program;
 2. That ensures energy savings from a building design that equates to or exceeds ten percent (10%) over the American Society of Heating, Refrigerating, and Air Conditioning Engineers energy standard 90.1-2007; and
 3. For which whole building life-cycle cost analysis illustrates that the design is cost-effective.
- (2) The General Assembly hereby finds that schools that are constructed or renovated using efficient school design are proven effective vehicles for accomplishing some or all of the following beneficial public purposes:
- (a) Lower operating costs and increased asset value;
 - (b) Reduced waste sent to landfills;
 - (c) Conservation of energy and water;
 - (d) Reduced storm drainage runoff;
 - (e) Healthier, safer environments for occupants;
 - (f) Reduced emissions of greenhouse gases; and
 - (g) Improved student attendance and performance by:
 1. Using the building as a teaching tool;
 2. Using the local environment as a context for curriculum integration;
 3. Providing rigorous, highly relevant, and applied learning; and
 4. Improving productivity by making buildings healthier for occupants, especially through the increased use of natural light.
- (3) The Kentucky Department of Education and all school districts undertaking the construction of new school buildings or the major renovation of existing school buildings are strongly encouraged to:
- (a) Meet or exceed efficient school design standards in planning and designing all new buildings and major renovation projects;
 - (b) Use life-cycle cost analysis to evaluate different design proposals; and
 - (c) Consider the possibility that each new school building or major renovation of a building could be a net zero building, either during the construction or renovation, or at a later date as resources become available.
- (4) ~~[(a) The Kentucky efficient school design trust fund is hereby created as a restricted account to be administered by the Department of Education.~~
- ~~(b) The account may receive contributions, gifts, donations, appropriations, and any other moneys made available for the account. Notwithstanding KRS 45.229, any moneys remaining in the account at the close of a fiscal year shall not lapse, but shall be carried forward into the succeeding fiscal year to be used for the purposes set forth in this section. Interest on moneys in the account shall accrue to the account.~~
- ~~(c) Moneys in the account shall be used to offset the initial additional cost, if any, associated with the construction or renovation of school buildings using efficient school design.~~
- ~~(d) The Kentucky Board of Education shall promulgate administrative regulations pursuant to KRS Chapter 13A to prescribe how a local school district may qualify for and use funds from the account created by this subsection.~~
- (5) ~~]The Department of Education shall develop and adopt guidelines for efficient school design, net zero buildings, and life-cycle cost analysis, including the identification of appropriate computer-based simulation programs for use in undertaking life-cycle cost analysis.~~
- (5)~~(6)~~ The Department of Education and the Office of Energy Policy shall assist school districts in:

- (a) Developing methods for measuring ongoing operating savings resulting from the use of efficient school design;
- (b) Identifying sources for training for school staff and students to ensure that efficient school design features and components are fully utilized; and
- (c) Identifying ways that efficient school design and its energy-saving components can be integrated into the school curriculum.

~~{(7) The Department of Education and the Office of Energy Policy shall, by November 1, 2010, and each year thereafter, for the fiscal year ending on June 30 of that year, prepare a report that shall be submitted to the Legislative Research Commission and the Governor. The report shall address new school buildings or building renovations and shall include but not be limited to the following:~~

- ~~(a) An assessment of the implementation of efficient school design within Kentucky's education system;~~
- ~~(b) Documented energy savings from any buildings built using efficient school design or net zero school buildings in operation;~~
- ~~(c) A list of the new or renovated school buildings completed or identified for future construction during the prior year using efficient school design, including the name of the school district, name of the school, total project cost, additional cost or savings, if any, associated with efficient school design features, and efficient school design features included in the project;~~
- ~~(d) A list of all school buildings that operate as a net zero building, and school buildings which school districts plan to convert to net zero. The list shall include the name of the school district, the name of the school, the total cost associated with the school building becoming a net zero building, and the components that will be installed to make the building a net zero building;~~
- ~~(e) Any recommendations relating to efficient school design; and~~
- ~~(f) A list of new school buildings completed during the prior year without using efficient school design and an explanation of why efficient school design was not used.}~~

➔Section 2. KRS 198B.060 is amended to read as follows:

- (1) Each local government shall employ a building official or inspector and other code enforcement personnel as necessary, or shall contract for inspection and code enforcement services in accordance with subsections (8) and (11) of this section to enforce the Uniform State Building Code within the boundaries of its jurisdiction, except that permits, inspections, and certificates of occupancy shall not be mandatory for single-family residences unless a local government passes an ordinance requiring inspections of single-family residences.
- (2)
 - (a) Local governments shall be responsible for the examination and approval or disapproval of plans and specifications for churches having a capacity of four hundred (400) or less persons, and six thousand (6,000) or less square feet of total floor area, and buildings of no more than three (3) stories in height, exclusive of attic and basement, which do not contain more than twenty thousand (20,000) square feet of floor area, and are not intended for educational, institutional, or high hazard occupancy; or assembly, business, or industrial occupancy in excess of one hundred (100) persons, except churches as stated in this subsection, or for use as a frozen food locker plant as defined in KRS 221.010.
 - (b) Local governments shall be responsible for the issuance and revocation of building permits, licenses, certificates, and similar documents which cover activities within their area of responsibility, and the inspection of all buildings pursuant to this chapter and the Uniform State Building Code. Each local government issuing a building or demolition permit or an initial certificate of occupancy on a new structure shall send a copy of the permit or certificate to the commissioner for his or her use in maintaining an accurate housing inventory for Kentucky.
 - (c) *Notwithstanding the provisions of paragraph (a) of this subsection or the provisions of KRS 162.060, local governments may have jurisdiction for plan review, inspection, and enforcement responsibility over buildings intended for educational purposes, other than licensed day-care centers, but only when agreed to in writing by the local government and the department. Copies of documentation related to plan review, inspection, and enforcement shall be provided to the Kentucky Department of Education at the time they are issued to the district. Any agreements relating to expanded jurisdiction in effect on the effective date of this Act may be amended accordingly.*

- (3) Urban-county governments may determine service districts within their boundaries within which farm dwellings and other farm buildings, not used in the business of retail trade or as a place of regular employment for ten (10) or more people, shall be exempt from the requirements of the Uniform State Building Code. The determination may be reviewed and altered by the department.
- (4)
 - (a) With the exception of single-family dwellings, the department shall be responsible for the examination and approval or disapproval of plans and specifications for all buildings which are not the responsibility of local governments. The department may issue and revoke permits, licenses, certificates, and similar documents within its area of responsibility, and shall have concurrent jurisdiction with local governments for the inspection of all buildings pursuant to this chapter and the Uniform State Building Code.
 - (b) If the commissioner determines that the local jurisdiction is not adequately performing any portion of its program, the department may preempt that portion of a local program, except that the department shall not preempt or assert jurisdiction for the enforcement of the code on single-family dwellings. The commissioner shall explain his or her reasons for preemption in writing and provide a copy to the local jurisdiction.
 - (c) The local jurisdiction may appeal the preemption directly to the commissioner, and the department shall review the appeal according to the procedures found in subsections (8) to (10) of KRS 198B.070. No preemption by the commissioner shall take place until a final decision has been issued in an appeal under this subsection.
 - (d) If the department preempts any portion of a local program, it shall collect the fees applicable to that portion of the program.
- (5)
 - (a) Any local government may petition the commissioner requesting that additional plan review functions be allocated to that local government. The petition shall include evidence of the local government's capability to perform additional plan review functions.
 - (b) The commissioner, after review of the petition and supporting evidence, may grant or deny to the local government any part of a request for additional responsibility. If the commissioner denies any part of a petition, he or she shall explain his or her reasons for denial in writing, and provide a copy to the local government.
 - (c) A local government may appeal the denial directly to the commissioner, and the department shall review the appeal according to the procedures found in subsections (8) to (10) of KRS 198B.070.
 - (d) If the local government is granted additional responsibility by the commissioner, the department shall hold concurrent jurisdiction over the additional responsibility, but the local government shall collect any fees for functions it performs pursuant to the additional responsibility.
- (6) Any local government may also petition the commissioner requesting that plans and specifications inspection, building inspection, and approval responsibility relating to the application of local plumbing permits for local installations be allocated to the local government. The petition shall not be granted unless the local government has demonstrated to the commissioner that it can perform these functions in accordance with KRS 198B.050 to 198B.090.
- (7) The commissioner shall expedite the review of plans and specifications by assigning responsibilities and coordinating review activities among the department's various functional divisions so as to prevent unnecessary duplication in the review of plans and specifications.
- (8) No building shall be constructed in this state until a local building official and an official representing the department, if the department has jurisdiction, issue a permit for the construction. Nothing in this subsection shall require a single-family dwelling to be permitted or inspected unless a local government has established a building inspection program as set out in this section.
- (9) The local building official or the representative of the department shall issue a permit if the proposed building satisfies the requirements of the Uniform State Building Code and if the party desiring to construct the building has complied with all other legal requirements concerning the location and construction of the building. The applicant for a building permit, by the act of applying for the permit, shall be deemed to have consented to inspection by the local government or the department, of the building during construction and upon the completion of construction for the purpose of determining that the building is constructed in compliance with the Uniform State Building Code.

- (10)
 - (a) No permit for building, construction, reconstruction, renovation, demolition, or maintenance or for any activity related to building, construction, reconstruction, renovation, demolition, or maintenance shall be issued by any building department or by any political subdivision of the Commonwealth of Kentucky to any person seeking the permit unless the person shall assure, by affidavit, that all contractors and subcontractors employed, or that will be employed, on activity covered by the permit shall be in compliance with Kentucky requirements for workers' compensation insurance according to KRS Chapter 342 and unemployment insurance according to KRS Chapter 341.
 - (b) Any person who fails to comply with the assurances required under paragraph (a) of this subsection upon such finding by a court of competent jurisdiction, shall be fined an amount not to exceed four thousand dollars (\$4,000) or an amount equal to the sum of all uninsured and unsatisfied claims brought under the provisions of KRS Chapter 342 and unemployment insurance claims for which no wages were reported as required by KRS Chapter 341, whichever is greater.
 - (c) The penalty imposed in paragraph (b) of this subsection shall be enforced by the county attorney for the county in which the violation occurred.
- (11) A certified electrical inspector shall be employed by, or contracted for, or contracted with a local government having responsibility over buildings described in this section as part of its building inspection program. After a certified electrical inspector has been provided for by the local government or the department, no utility shall initiate permanent electrical service to any new building, or any building which has been moved, until a final certificate of approval has been issued by a certified electrical inspector. Unless the department shall notify the utility in writing as to which buildings are subject to department approval, it shall be presumed by the utility that the building is subject to the jurisdiction of the local government. However, nothing in this section shall prohibit the supply or use of necessary electrical services during the construction and testing process.
- (12) This section shall apply to industrialized building systems, but destructive disassembly of industrialized building systems which carry a seal of approval pursuant to a manufactured building law in the state in which they were manufactured, which seal of approval is accepted by the department, shall not be performed in order to conduct the tests or inspections.
- (13) No building on which construction was begun nor any industrialized building system on which site preparation and assembly were begun after the Uniform State Building Code became effective shall be occupied until the local building official or a representative of the department issues a certificate of occupancy certifying that the building was constructed in conformance with the standards of the Uniform State Building Code, or assembled or installed in conformance with applicable instructions. Nothing in this subsection shall be construed to require a certificate of occupancy to be issued for any single-family dwelling unless a local government has established jurisdiction for the enforcement of the Uniform State Building Code under this section.
- (14) A local government may associate with other local governments, and may seek the technical assistance of other agencies or area development districts in order to provide for the local enforcement of the Uniform State Building Code.
- (15) Local governments or associations of local governments may contract with a person, firm, or company to perform the plans and specifications inspection or building inspection functions required of the local government by the provisions of this section if:
 - (a) The person performing the plans and specifications inspection is certified by the department as having successfully completed the test requirements provided by KRS 198B.090 to practice as a certified plans and specifications inspector;
 - (b) The person performing the building inspection is certified by the department as having successfully completed the test requirements provided in KRS 198B.090 to practice as a certified building inspector;
 - (c) The person, firm, or company does not have a conflict of interest between its plan review or inspection functions and any other employment or business activities;
 - (d) The person performing the plumbing inspection is certified by the department as having successfully completed the requirements provided in KRS 318.140 to practice as a certified plumbing inspector; and
 - (e) The person, firm, or company does not have a conflict of interest between its plan review or inspection functions and any other employment or business activities.
- (16) If the department has reason to believe that an inspector is not enforcing, or is improperly enforcing, the provisions of the Kentucky building codes, it shall conduct an informal hearing to review the inspector's

procedures and return in written form the required corrections resulting from the hearing to the inspector, or may take action to suspend or revoke the inspector's certificate.

- (17) If the inspector fails to comply within sixty (60) days of a written notification from the department that specifies the required corrections, the department shall suspend the inspector's certification until the inspector complies. Any action to suspend or revoke an inspector's certificate may be appealed to the department, and upon appeal an administrative hearing shall be conducted in accordance with KRS Chapter 13B.
- (18) Each local government and the department may establish a schedule of fees for the functions performed under this chapter. The fees shall be designed to fully cover, but shall not exceed, the cost of the service performed. Fees payable to the department shall be paid into the State Treasury and credited to a trust and agency fund to be used by the department in carrying out this chapter. No part of this fund shall revert to the general fund of the Commonwealth.

➔Section 3. The following KRS section is repealed:

- 162.062 Plans for new public school buildings required to provide sufficient water bottle filling stations and drinking fountains -- Specifications for design and maintenance of water bottle filling stations and drinking fountains.

Signed by Governor March 31, 2022.

CHAPTER 67

(HB 45)

AN ACT relating to resource recovery.

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

➔Section 1. KRS 224.1-010 is amended to read as follows:

As used in this chapter unless the context clearly indicates otherwise:

- (1) "Air contaminant" includes smoke, dust, soot, grime, carbon, or any other particulate matter, radioactive matter, noxious acids, fumes, gases, odor, vapor, or any combination thereof;
- (2) "Air contaminant source" means any and all sources of emission of air contaminants, whether privately or publicly owned or operated. Without limiting the generality of the foregoing, this term includes all types of business, commercial and industrial plants, works, shops, and stores, and heating and power plants and stations, buildings and other structures of all types, including single and multiple family residences, apartments, houses, office buildings, public buildings, hotels, restaurants, schools, hospitals, churches, and other institutional buildings, automobiles, trucks, tractors, buses and other motor vehicles, garages and vending and service locations and stations, railroad locomotives, ships, boats and other waterborne craft, portable fuel-burning equipment, incinerators of all types (indoor and outdoor), refuse dumps and piles, and all stack and other chimney outlets from any of the foregoing;
- (3) "Air pollution" means the presence in the outdoor atmosphere of one (1) or more air contaminants in sufficient quantities and of such characteristics and duration as is or threatens to be injurious to human, plant, or animal life, or to property, or which unreasonably interferes with the comfortable enjoyment of life or property;
- (4) "Closure" means the time at which a waste treatment, storage, or disposal facility permanently ceases to accept wastes, and includes those actions taken by the owner or operator of the facility to prepare the site for post-closure monitoring and maintenance or to make it suitable for other uses;
- (5) "Compost" means solid waste which has undergone biological decomposition of organic matter, been disinfected using composting or similar technologies, been stabilized to a degree which is potentially beneficial to plant growth and which is approved for use or sale as a soil amendment, artificial topsoil, growing medium amendment, or other similar uses;
- (6) "Composting" means the process by which biological decomposition of organic solid waste is carried out under controlled aerobic conditions, and which stabilizes the organic fraction into a material which can easily and safely be stored, handled, and used in an environmentally acceptable manner:

- (a) "Composting" may include a process which creates an anaerobic zone within the composting material;
 - (b) "Composting" does not include simple exposure of solid waste under uncontrolled conditions resulting in natural decay;
- (7) "Demonstration" means the initial exhibition of a new technology, process or practice or a significantly new combination or use of technologies, processes or practices, subsequent to the development stage, for the purpose of proving technological feasibility and cost effectiveness;
 - (8) "Cabinet" means the Energy and Environment Cabinet;
 - (9) "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any waste into or on any land or water so that such waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters;
 - (10) "District" means an air pollution control district as provided for in KRS Chapter 77;
 - (11) "Effluent limitations" means any restrictions or prohibitions established under state law which include, but are not limited to, effluent limitations, standards of performance for new sources, and toxic effluent standards on quantities, rates, and concentrations of chemical, physical, biological, and other constituents which are discharged into waters;
 - (12) "Generator" means any person, by site, whose act or process produces waste;
 - (13) "Materials recovery facility" means a solid waste management facility that provides for the extraction from solid waste of recyclable materials, materials suitable for use as a fuel or soil amendment, or any combination of those materials;
 - (14) "Municipal solid waste disposal facility" means any type of waste site or facility where the final deposition of any amount of municipal solid waste occurs, whether or not mixed with or including other waste allowed under Subtitle D of the Federal Resource Conservation and Recovery Act of 1976, as amended, and includes, but is not limited to, incinerators and waste-to-energy facilities that burn municipal solid waste, and contained and residential landfills, but does not include *an advanced recycling facility* or a waste site or facility which is operated exclusively by a solid waste generator on property owned by the solid waste generator which accepts only industrial solid waste from the solid waste generator or industrial solid waste generated at another facility owned and operated by the generator or wholly-owned subsidiary, or a medical waste incinerator which is owned, operated, and located on the property of a hospital or university which is regulated by the cabinet and used for the purpose of treatment, prior to landfill, of medical waste received from the generator exclusively or in combination with medical waste generated by professionals or facilities licensed or regulated or operated by the Commonwealth;
 - (15) "Municipal solid waste reduction" means source reduction, waste minimization, reuse, recycling, composting, and materials recovery;
 - (16) "Person" means an individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, federal agency, state agency, city, commission, political subdivision of the Commonwealth, or any interstate body;
 - (17) "Post-closure monitoring and maintenance" means the routine care, maintenance, and monitoring of a solid waste or hazardous waste treatment, storage, or disposal facility following closure of the facility;
 - (18) "Publicly owned treatment works" means any device or system used in the treatment (including recycling and recovery) of municipal sewage or industrial wastes of a liquid nature which is owned by the Commonwealth or a political subdivision of the Commonwealth;
 - (19) "Recovered material" means those materials, including but not limited to compost, which have known current use, reuse, or recycling potential, which can be feasibly used, reused, or recycled, and which have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation and processing, but does not include materials diverted or removed for purposes of energy recovery or combustion except refuse-derived fuel (RDF), which shall be credited as a recovered material in an amount equal to that percentage of the municipal solid waste received on a daily basis at the processing facility and processed into RDF; but not to exceed fifteen percent (15%) of the total amount of the municipal solid waste received at the processing facility on a daily basis. Notwithstanding any provision of law to the contrary, tire-derived fuel, as defined in subsection (53) of this section, shall be considered a recovered material;

- (20) "Recovered material processing facility" means a facility engaged solely in the storage, processing, and resale or reuse of recovered material, but does not mean a solid waste management facility if solid waste generated by a recovered material processing facility is managed pursuant to this chapter and administrative regulations adopted by the cabinet;
- (21) "Recycling" means any process by which materials which would otherwise become solid waste are collected, separated, or processed and reused or returned to use in the form of raw materials or products, including refuse-derived fuel when processed in accordance with administrative regulations established by the cabinet, but does not include the incineration or combustion of materials for the recovery of energy;
- (22) "Refuse-derived fuel" means a sized, processed fuel product derived from the extensive separation of municipal solid waste, which includes the extraction of recoverable materials for recycling and the removal of nonprocessables such as dirt and gravel prior to processing the balance of the municipal solid waste into the refuse-derived fuel product;
- (23) "Secretary" means the secretary of the Energy and Environment Cabinet;
- (24) "Sewage system" means individually or collectively those constructions or devices used for collecting, pumping, treating, and disposing of liquid or waterborne sewage, industrial wastes, or other wastes;
- (25) "Termination" means the final actions taken by the cabinet as to a solid waste or hazardous waste treatment, storage, or disposal facility when formal responsibilities for post-closure monitoring and maintenance cease;
- (26) "Waste site or facility" means any place where waste is managed, processed, or disposed of by incineration, landfilling, or any other method, but does not include a container located on property where solid waste is generated and which is used solely for the purpose of collection and temporary storage of that solid waste prior to off-site disposal, or a recovered material processing facility, *or an advanced recycling facility*, or the combustion of processed waste in a utility boiler;
- (27) "Storage" means the containment of wastes, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal of such wastes;
- (28) "Transportation" means any off-site movement of waste by any mode, and any loading, unloading, or storage incidental thereto;
- (29) "Treatment" means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any waste so as to neutralize such waste or so as to render such waste nonhazardous, safer for transport, amenable for recovery, amenable for storage, or reduced in volume. Such term includes any activity or processing designed to change the physical form or chemical composition of hazardous waste so as to render it nonhazardous;
- (30) "Waste" means:
- (a) "Solid waste" means any garbage, refuse, sludge, and other discarded material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining (excluding coal mining wastes, coal mining by-products, refuse, and overburden), agricultural operations, and from community activities, but does not include those materials including, but not limited to, sand, soil, rock, gravel, or bridge debris extracted as part of a public road construction project funded wholly or in part with state funds, recovered material, *post-use polymers or recovered feedstocks*, tire-derived fuel, special wastes as designated by KRS 224.50-760, solid or dissolved material in domestic sewage, manure, crops, crop residue, or a combination thereof which are placed on the soil for return to the soil as fertilizers or soil conditioners, or solid or dissolved material in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended (86 Stat. 880), or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923):
 1. "Household solid waste" means solid waste, including garbage and trash generated by single and multiple family residences, hotels, motels, bunkhouses, ranger stations, crew quarters, and recreational areas such as picnic areas, parks, and campgrounds, but it does not include tire-derived fuel;
 2. "Commercial solid waste" means all types of solid waste generated by stores, offices, restaurants, warehouses, and other service and nonmanufacturing activities, excluding tire-derived fuel and household and industrial solid waste;

3. "Industrial solid waste" means solid waste generated by manufacturing or industrial processes that is not a hazardous waste or a special waste as designated by KRS 224.50-760, including, but not limited to, waste resulting from the following manufacturing processes: electric power generation; fertilizer or agricultural chemicals; food and related products or by-products; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products, except tire-derived fuel; stone, glass, clay, and concrete products; textile manufacturing; transportation equipment; and water treatment; and
4. "Municipal solid waste" means household solid waste and commercial solid waste; and
 - (b) "Hazardous waste" means any discarded material or material intended to be discarded or substance or combination of such substances intended to be discarded, in any form which because of its quantity, concentration or physical, chemical or infectious characteristics may cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed;
- (31) "Waste management district" means any county or group of counties electing to form under the provisions of KRS Chapter 109 and operate in conformance with the provisions of KRS Chapter 109 and with Section 4006, Resource Conservation and Recovery Act of 1976, as amended (Public Law 94-580);
- (32) "Water" or "waters of the Commonwealth" means and includes any and all rivers, streams, creeks, lakes, ponds, impounding reservoirs, springs, wells, marshes, and all other bodies of surface or underground water, natural or artificial, situated wholly or partly within or bordering upon the Commonwealth or within its jurisdiction;
- (33) "Water pollution" means the alteration of the physical, thermal, chemical, biological, or radioactive properties of the waters of the Commonwealth in such a manner, condition, or quantity that will be detrimental to the public health or welfare, to animal or aquatic life or marine life, to the use of such waters as present or future sources of public water supply or to the use of such waters for recreational, commercial, industrial, agricultural, or other legitimate purposes;
- (34) "Pollutant" means and includes dredged spoil, solid waste, incinerator residue, sewage, sewage sludge, garbage, chemical, biological or radioactive materials, heat, wrecked or discarded equipment, rock, sand, soil, industrial, municipal or agricultural waste, and any substance resulting from the development, processing, or recovery of any natural resource which may be discharged into water;
- (35) "NPDES" means National Pollutant Discharge Elimination System;
- (36) "Manifest" means the form used for identifying the quantity, composition, and the origin, routing, and destination of waste during its transportation from the point of generation to the point of disposal, treatment, or storage;
- (37) "Open dump" means any facility or site for the disposal of solid waste which does not have a valid permit issued by the cabinet or does not meet the environmental performance standards established under regulations promulgated by the cabinet;
- (38) "Solid waste management" means the administration of solid waste activities: collection, storage, transportation, transfer, processing, treatment, and disposal, which shall be in accordance with a cabinet-approved county or multicounty solid waste management plan;
- (39) "Solid waste management area" or "area" means any geographical area established or designated by the cabinet in accordance with the provisions of this chapter;
- (40) "Solid waste management facility" means any facility for collection, storage, transportation, transfer, processing, treatment, or disposal of solid waste, whether such facility is associated with facilities generating such wastes or otherwise, but does not include a container located on property where solid waste is generated and which is used solely for the purpose of collection and temporary storage of that solid waste prior to off-site disposal, or a recovered material processing facility *or advanced recycling facility, both of which are otherwise* ~~is~~ subject to regulation pursuant to *this* ~~the~~ chapter for control of environmental impacts and to prevent any public nuisance;

- (41) "Hazardous constituent" shall conform to the requirements of the Resource Conservation and Recovery Act (RCRA), as amended;
- (42) "Land disposal" includes but is not limited to any placement of hazardous waste in a landfill, surface impoundment, waste pile, injection well, land treatment facility, salt dome formation, salt bed formation, or underground mine or cave;
- (43) "Key personnel" means an officer, partner, director, manager, or shareholder of five percent (5%) or more of stock or financial interest in a corporation, partnership, or association or parent, subsidiary, or affiliate corporation and its officers, directors, or shareholders of five percent (5%) or more of stock or financial interest;
- (44) "Universal collection" means a municipal solid waste collection system which is established by ordinance and approved by the cabinet and requires access for each household or solid waste generator in a county. A commercial or industrial entity which transports or contracts for the transport of the municipal solid waste it generates or which operates a solid waste management facility for its exclusive use may be excluded from participation;
- (45) "Governing body" means a county, a waste management district, an entity created pursuant to the Interlocal Cooperation Act, a taxing district created pursuant to the provisions of KRS 65.180 to 65.192, a special district created pursuant to the provisions of KRS 65.160 to 65.176, or counties acting under contract pursuant to KRS 109.082;
- (46) "Convenience center" means a facility that is manned during operating hours for the collection and subsequent transportation of municipal solid wastes;
- (47) "Transfer facility" means any transportation related facility including loading docks, parking areas, and other similar areas where shipments of solid waste are held or transferred during the normal course of transportation;
- (48) "Collection box" means an unmanned receptacle utilized to collect municipal solid waste;
- (49) "Newsprint" means that class or kind of paper chiefly used for printing newspapers and weighing more than twenty-four and one-half (24 1/2) pounds, but less than thirty-five (35) pounds for five hundred (500) sheets of paper two (2) feet by three (3) feet in size, on rolls that are not less than thirteen (13) inches wide and twenty-eight (28) inches in diameter and having a brightness of less than sixty (60);
- (50) "Postconsumer waste paper" means discarded paper after it has served its intended use by a publisher;
- (51) "Publisher" means a person engaged in the business of publishing newspapers, advertisement flyers, telephone books, and other printed material;
- (52) "Recycled content" means the proportion of fiber in newsprint that is derived from postconsumer waste paper;
- (53) "Tire-derived fuel" or "TDF" means a product made from waste tires to the exact specifications of a system designed to accept tire-derived fuel as a primary or supplemental fuel source, that have been reduced to particle sizes not greater than two (2) inches by two (2) inches and that is destined for transportation from the waste tire processor for use as a fuel. "Tire-derived fuel" shall not mean refuse-derived fuel;~~and~~
- (54) "Industrial energy facility" means a facility that produces transportation fuels, synthetic natural gas, chemicals, or electricity through a gasification process using coal, coal waste, or biomass resources, and costing in excess of seven hundred fifty million dollars (\$750,000,000) at the time of construction;
- (55) ***"Advanced recycling" means a manufacturing process for the conversion of post-use polymers and recovered feedstocks into basic hydrocarbon raw materials, feedstocks, chemicals, and other products through processes that include pyrolysis, gasification, depolymerization, catalytic cracking, reforming, hydrogenation, solvolysis, and other similar technologies. "Advanced recycling" does not include energy recovery or the conversion of post-use polymers into fuel substitutes for use in energy production;***
- (56) ***"Advanced recycling facility" means a manufacturing facility that receives, stores, and converts post-use polymers and recovered feedstocks it receives using advanced recycling;***
- (57) ***"Depolymerization" means a manufacturing process where post-use polymers are broken into smaller molecules such as monomers and oligomers or raw, intermediate, or final products, plastics and chemical feedstocks, basic and unfinished chemicals, waxes, lubricants, coatings, and other basic hydrocarbons;***

- (58) *"Gasification" means a process through which post-use polymers and recovered feedstocks are heated and converted into a fuel and gas mixture in an oxygen-deficient atmosphere, and then converted into raw, intermediate, and final products;*
- (59) *"Post-use polymer" means a plastic polymer that:*
- (a) *Is derived from any industrial, commercial, agricultural, or domestic activities;*
 - (b) *Is not mixed with solid waste or hazardous waste onsite or during processing at the advanced recycling facility;*
 - (c) *Has a use or intended use as a feedstock for the manufacturing of other feedstocks, raw materials, intermediate products, or final products using advanced recycling;*
 - (d) *Has been sorted from solid waste and other regulated waste, but may contain residual amounts of solid waste and incidental contaminants or impurities; and*
 - (e) *Is processed at an advanced recycling facility or held at such facility prior to processing;*
- (60) *"Pyrolysis" means a manufacturing process through which post-use polymers are heated in the absence of oxygen until melted and thermally decomposed, and are then cooled, condensed, and converted into raw materials, intermediate products, or final products;*
- (61) (a) *"Recovered feedstock" means one (1) or more of the following materials that has been processed so that it may be used as feedstock in an advanced recycling facility:*
1. *Post-use polymers; and*
 2. *Materials for which the United States Environmental Protection Agency has made a nonwaste determination pursuant to applicable federal requirements or has otherwise determined are feedstocks and not solid waste.*
- (b) *"Recovered feedstock" does not include:*
1. *Unprocessed municipal solid waste; or*
 2. *Material that is mixed with solid waste or hazardous waste onsite or during processing at an advanced recycling facility; and*
- (62) *"Solvolysis" means a manufacturing process through which post-use polymers are purified with the aid of solvents while heated at low temperatures or pressurized to make raw materials, intermediate products, or final products, while allowing additives and contaminants to be removed. "Solvolysis" includes but is not limited to hydrolysis, aminolysis, ammonolysis, methanolysis, and glycolysis.*

➔Section 2. KRS 109.012 is amended to read as follows:

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

- (1) "Board of directors" or "board" means the governing body of a solid waste management district;
- (2) "City" means an existing city of any class;
- (3) "County" means the governing body of a county, including urban-county governments;
- (4) "Cabinet" means the Energy and Environment Cabinet;
- (5) "Franchise" means a franchise, contract, right, authorization, or privilege granted by a local government for provision of solid waste management services;
- (6) "Local government" means a city, county, urban-county government, charter county government, consolidated local government, or unified local government or a solid waste management district created pursuant to KRS Chapter 109;
- (7) "Long-term contract" means a contract of sufficient duration to assure the viability of a resource recovery facility to the extent that such viability depends upon solid waste supply;
- (8) "Recovered material" means those materials which have known current use, reuse, or recycling potential, which can be feasibly used, reused, or recycled, and which have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation and processing, but does not include materials diverted or removed for purposes of energy recovery or combustion except refuse-derived fuel (RDF), which shall be credited as a recovered material in an amount equal to that

percentage of the municipal solid waste received on a daily basis at the processing facility and processed into RDF; but not to exceed fifteen percent (15%) of the total amount of the municipal solid waste received at the processing facility on a daily basis;

- (9) "Recovered material processing facility" means a facility engaged solely in the storage, processing, and resale or reuse of recovered material but does not mean a solid waste management facility if solid waste generated by a recovered material processing facility is managed pursuant to KRS Chapter 224 and administrative regulations adopted by the cabinet;
- (10) "Person" means an individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, federal agency, state agency, city, commission, political subdivision of the Commonwealth, or any interstate body;
- (11) "Service company" means any person or entity duly authorized by an agency of the Commonwealth of Kentucky pursuant to the Kentucky Revised Statutes, or administrative regulations promulgated thereunder, for the provision of solid waste management services;
- (12) "Solid waste" means any garbage, refuse, sludge, and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining (excluding coal mining waste, coal mining by-products, refuse and overburden), agricultural operations, and from community activities, but does not include those materials including but not limited to sand, soil, rock, gravel, or bridge debris extracted as part of a public road construction project funded wholly or in part with state funds, recovered material, *post-use polymers or recovered feedstocks as those terms are defined in Section 1 of this Act*, special wastes as designated by KRS 224.50-760, solid or dissolved material in domestic sewage, manure, crops, crop residue, or a combination thereof which are placed on the soil for return to the soil as fertilizers or soil conditions, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended (86 Stat. 880), or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended (68 Stat. 923).
 - (a) "Household solid waste" means solid waste, including garbage and trash generated by single and multiple family residences, hotels, motels, bunk houses, ranger stations, crew quarters, and recreational areas such as picnic areas, parks, and camp grounds;
 - (b) "Commercial solid waste" means all types of solid waste generated by stores, offices, restaurants, warehouses, and other service and nonmanufacturing activities, excluding household and industrial solid waste;
 - (c) "Industrial solid waste" means solid waste generated by manufacturing or industrial processes that is not a hazardous waste or a special waste as designated by KRS 224.50-760, including but not limited to waste resulting from the following manufacturing processes: electric power generation; fertilizer or agricultural chemicals; food and related products or by-products; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay, and concrete products; textile manufacturing; transportation equipment; and water treatment; and
 - (d) "Municipal solid waste" means household solid waste and commercial solid waste;
- (13) "Solid waste management" or "solid waste management services" means the administration of solid waste activities: collection, storage, transportation, transfer, processing, treatment, and disposal, which shall be in accordance with a cabinet approved county or multicounty solid waste management plan of the cabinet. For the purposes of subsection (5) of this section and KRS 109.0417, "solid waste management services" additionally includes collection, storage, transportation, transfer, processing, treatment, and disposal of special wastes, as designated by KRS 224.50-760, and *curbside collection of* recovered material, **but does not include advanced recycling as defined in Section 1 of this Act**;
- (14) "Solid waste management area" or "area" means any geographical area established or, designated by the cabinet in accordance with the provisions of KRS Chapter 224;
- (15) "Solid waste management facility" means any facility for collection, storage, transportation, transfer, processing, treatment, or disposal of solid waste, whether such facility is associated with facilities generating such wastes or otherwise, but does not include a container located on property where solid waste is generated and which is used solely for the purpose of collection and temporary storage of that solid waste prior to off-site

disposal, or a recovered material processing facility which is subject to regulation pursuant to the chapter for control of environmental impacts and to prevent any public nuisance, *or an advanced recycling facility as defined in Section 1 of this Act*; and

- (16) "Waste management district" means any county or group of counties electing to form under the provisions of KRS 109.115 and operate in conformance with the provisions of this chapter and with Section 4006 of the Resource Conservation and Recovery Act of 1976, as amended (P.L. 94-580).

➔Section 3. Nothing in this Act shall be construed as creating additional entities, equipment, or processes eligible to receive tax credits pursuant to KRS 141.390.

Signed by Governor March 31, 2022.

CHAPTER 68

(HB 188)

AN ACT relating to telehealth.

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

➔Section 1. KRS 211.336 is amended to read as follows:

If a state agency authorized or required to promulgate administrative regulations relating to telehealth chooses to promulgate an administrative regulation relating to telehealth, the state agency:

- (1) Shall:
 - (a) Use terminology consistent with the glossary of telehealth terminology established by the cabinet pursuant to KRS 211.334; and
 - (b) Comply with the minimum requirements established by the cabinet pursuant to KRS 211.334;
- (2) Shall not:
 - (a) Require a provider to be physically present with the recipient, unless the ~~[state agency or]~~ provider determines that it is medically necessary to perform those services in person;
 - (b) Require prior authorization, medical review, or administrative clearance for telehealth that would not be required if a service were provided in person;
 - (c) Require a provider to be employed by another provider or agency in order to provide telehealth services that would not be required if that service were provided in person;
 - (d) Require demonstration that it is necessary to provide services to a patient through telehealth;
 - (e) Restrict or deny coverage of telehealth based solely on the communication technology or application used to deliver the telehealth services;
 - (f) Prohibit the delivery of telehealth services to a person located in Kentucky by a provider who is a participant in a recognized interstate compact and delivers telehealth services to a person in Kentucky under the standards and provisions of that interstate compact;
 - (g) Prohibit an insurer or managed care organization from utilizing audits for medical coding accuracy in the review of telehealth services specific to audio-only encounters; ~~[or]~~
 - (h) Require a provider to be part of a telehealth network; ~~[and]~~
 - (i) ***Prohibit the delivery of telehealth services to a person who is a permanent resident of Kentucky who is temporarily located outside of Kentucky by a provider who is credentialed by a Kentucky professional licensure board;***
 - (j) ***Prohibit the delivery of telehealth services to a person who is not a permanent resident of Kentucky who is temporarily located in Kentucky by a provider who is credentialed by a professional licensure board in the person's state of permanent residence; or***

- (k) **Require a health care provider to be physically located in the state that he or she is credentialed in by a professional licensure board in order to provide telehealth services to a person who is a permanent resident of the same state. Nothing in this paragraph shall be construed to imply that the Kentucky Medicaid program would be responsible for reimbursement for any services provided in Kentucky by a provider not credentialed by the Kentucky Medicaid program; and**
- (3) May promulgate administrative regulations, which shall be no more restrictive than administrative regulations for providers who deliver healthcare services in person, to establish additional requirements relating to telehealth, including requirements:
- (a) For the proper use and security of telehealth;
 - (b) To address emergency situations, including but not limited to suicidal ideations or plans; threats to self or others; evidence of dependency, neglect, or abuse; or other life-threatening conditions;
 - (c) To prevent waste, fraud, and abuse of telehealth services, both in general and specific to the provision of telehealth services delivered via audio-only encounters; or
 - (d) That a telehealth provider be licensed in Kentucky, or as allowed under the standards and provisions of a recognized interstate compact, in order to receive reimbursement for telehealth services.

➔SECTION 2. A NEW SECTION OF KRS 211.332 TO 211.338 IS CREATED TO READ AS FOLLOWS:

- (1) **Within thirty (30) days of the effective date of this Act, the Cabinet for Health and Family Services shall promulgate administrative regulations in accordance with KRS Chapter 13A to add a definition of "temporarily located" to the glossary of telehealth terminology required under KRS 211.334. The definition shall establish the parameters of being temporarily located inside or outside of Kentucky for the purpose of delivering telehealth services to a person under paragraphs (i) and (j) of subsection (2) of Section 1 of this Act.**
- (2) **In order to comply with the deadline for the promulgation of administrative regulations required under subsection (1) of this section, the cabinet may promulgate emergency administrative regulations in accordance with KRS 13A.190.**

➔Section 3. KRS 205.5591 is amended to read as follows:

- (1) **For purposes of this section, "equivalent" has the same meaning as in Section 4 of this Act.**
- (2) The cabinet shall provide oversight, guidance, and direction to Medicaid providers delivering care using telehealth.
- (3)~~(2)~~ The Department for Medicaid Services shall:
- (a) Within thirty (30) days after June 29, 2021:
 1. Promulgate administrative regulations in accordance with KRS Chapter 13A to establish requirements for telehealth coverage and reimbursement rates, which shall be equivalent to coverage requirements and reimbursement rates for the same service provided in person unless the telehealth provider and the department or a managed care organization contractually agree to a lower reimbursement rate for telehealth services; and
 2. Create, establish, or designate the claim forms, records required, and authorization procedures to be followed in conjunction with this section and KRS 205.559;
 - (b) Require that specialty care be rendered by a health care provider who is recognized and actively participating in the Medicaid program;
 - (c) Require that any required prior authorization requesting a referral or consultation for specialty care be processed by the patient's primary care provider and that any specialist coordinate care with the patient's primary care provider; and
 - (d) Require a telehealth provider to be licensed in Kentucky, or as allowed under the standards and provisions of a recognized interstate compact, in order to receive reimbursement for telehealth services.
- (4)~~(3)~~ In accordance with KRS 211.336, the Department for Medicaid Services and any managed care organization with whom the department contracts for the delivery of Medicaid services shall not:
- (a) Require a Medicaid provider to be physically present with a Medicaid recipient, unless the provider determines that it is medically necessary to perform those services in person;

- (b) Require prior authorization, medical review, or administrative clearance for telehealth that would not be required if a service were provided in person;
 - (c) Require a Medicaid provider to be employed by another provider or agency in order to provide telehealth services that would not be required if that service were provided in person;
 - (d) Require demonstration that it is necessary to provide services to a Medicaid recipient through telehealth;
 - (e) Restrict or deny coverage of telehealth based solely on the communication technology or application used to deliver the telehealth services; or
 - (f) Require a Medicaid provider to be part of a telehealth network.
- ~~(5)~~~~(4)~~ Nothing in this section shall be construed to require the Medicaid program or a Medicaid managed care organization to:
- (a) Provide coverage for telehealth services that are not medically necessary; or
 - (b) Reimburse any fees charged by a telehealth facility for transmission of a telehealth encounter.
- ~~(6)~~~~(5)~~ The cabinet, in implementing KRS 211.334 and 211.336, shall maintain telehealth policies and guidelines to providing care that ensure that Medicaid-eligible citizens will have safe, adequate, and efficient medical care, and that prevent waste, fraud, and abuse of the Medicaid program.
- ~~(7)~~~~(6)~~ In order to comply with the deadline for the promulgation of administrative regulations established in subsection ~~(3)~~~~(2)~~ of this section, the Department for Medicaid Services may promulgate emergency administrative regulations in accordance with KRS 13A.190.
- ➔Section 4. KRS 304.17A-138 is amended to read as follows:
- (1) As used in this section:
 - (a) ***"Equivalent" means reimbursement in an amount equal to what reimbursement would have been had the service been furnished in person by that provider at the provider's place of service;***
 - (b) "Federally qualified health center" means the same as in 42 U.S.C. sec. 1396d;
 - ~~(c)~~~~(b)~~ "Federally qualified health center look-alike" means an organization that meets all of the eligibility requirements of a federally qualified health center but does not receive federal grants issued pursuant to 42 U.S.C. sec. 254b;
 - ~~(d)~~~~(c)~~ "Originating site" means the site at which a Medicaid beneficiary is physically located at the time a telehealth service or telehealth consultation is provided;
 - ~~(e)~~~~(d)~~ "Provider" means the same as in KRS 304.17A-005 and also includes behavioral health professionals licensed under KRS Chapters 309, 319, and 335;
 - ~~(f)~~~~(e)~~ "Telehealth" has the same meaning as in KRS 211.332; and
 - ~~(g)~~~~(f)~~ "Rural health clinic" means the same as in 42 U.S.C. sec. 1395x.
 - (2) (a) A health benefit plan, issued or renewed on or after January 1, 2022, shall reimburse for covered services provided to an insured person through telehealth, including telehealth services provided by a home health agency licensed under KRS Chapter 216. Telehealth coverage and reimbursement shall, except as provided in paragraph (b) of this subsection, be equivalent to the coverage for the same service provided in person unless the telehealth provider and the health benefit plan contractually agree to a lower reimbursement rate for telehealth services.
 - (b) Rural health clinics, federally qualified health centers, and federally qualified health center look-alikes shall be reimbursed as an originating site in an amount equal to that which is permitted under 42 U.S.C. sec. 1395m for Medicare-participating providers, if the insured was physically located at the rural health clinic, federally qualified health center, or federally qualified health center look-alike at the time of service or consultation delivery and the provider of the telehealth service or telehealth consultation is not employed by the rural health clinic, federally qualified health center, or federally qualified health center look-alike.
- (3) In accordance with KRS 211.336, a health benefit plan, issued or renewed on or after January 1, 2022:
- (a) Shall not:

1. Require a provider to be physically present with a patient or client, unless the provider determines that it is necessary to perform those services in person;
 2. Require prior authorization, medical review, or administrative clearance for telehealth that would not be required if a service were provided in person;
 3. Require demonstration that it is necessary to provide services to a patient or client through telehealth;
 4. Require a provider to be employed by another provider or agency in order to provide telehealth services that would not be required if that service were provided in person;
 5. Restrict or deny coverage of telehealth based solely on the communication technology or application used to deliver the telehealth services; or
 6. Require a provider to be part of a telehealth network;
- (b) Shall:
1. Require that telehealth services reimbursed under this section meet all clinical, technology, and medical coding guidelines for recipient safety and appropriate delivery of services established by the Department of Insurance or the provider's professional licensure board;
 2. Require a telehealth provider to be licensed in Kentucky, or as allowed under the standards and provisions of a recognized interstate compact, in order to receive reimbursement for telehealth services; and
 3. Reimburse a rural health clinic, federally qualified health clinic, or federally qualified health center look-alike for covered telehealth services provided by a provider employed by the rural health clinic, federally qualified health clinic, or federally qualified health center look-alike, regardless of whether the provider was physically located on the premises of the rural health clinic, federally qualified health clinic, or federally qualified health clinic look-alike when the telehealth service was provided; and
- (c) May utilize audits for medical coding accuracy in the review of telehealth services specific to audio-only encounters.
- (4) Benefits for a service provided through telehealth required by this section may be made subject to a deductible, copayment, or coinsurance requirement. A deductible, copayment, or coinsurance applicable to a particular service provided through telehealth shall not exceed the deductible, copayment, or coinsurance required by the health benefit plan for the same service provided in person.
 - (5) Nothing in this section shall be construed to require a health benefit plan to:
 - (a) Provide coverage for telehealth services that are not medically necessary; or
 - (b) Reimburse any fees charged by a telehealth facility for transmission of a telehealth encounter.
 - (6) Providers and home health agencies are strongly encouraged to use audio-only encounters as a mode of delivering telehealth services when no other approved mode of delivering telehealth services is available.
 - (7) The department shall promulgate an administrative regulation in accordance with KRS Chapter 13A to designate the claim forms and records required to be maintained in conjunction with this section.

Signed by Governor March 31, 2022.

CHAPTER 69

(HB 192)

AN ACT relating to electrical work.

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

➔Section 1. KRS 227.460 is amended to read as follows:

- (1) KRS 227.450 to 227.500 shall not apply to installations under the exclusive control of electric utilities for the purpose of communication, metering, or for the generation, control, transformation, transmission, and distribution of electric energy located in buildings used exclusively by utilities for such purposes or located outdoors on property owned or leased by the utility or on public highways, streets or roads, or outdoors by established rights on private property.
- (2) *Notwithstanding any other provision of this chapter, for electrical work not related to buildings for human occupancy performed between the service disconnect and a facility owned or operated by an electric utility by or on behalf of the Kentucky Transportation Cabinet by prequalified electrical contractors within the public right-of-way, the electrical contractor shall have the option of having the electrical inspection conducted by an electrical inspector:*
- (a) *Appointed by a local government under KRS 227.480; or*
- (b) *Approved by the Kentucky Transportation Cabinet.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 322 IS CREATED TO READ AS FOLLOWS:

Notwithstanding Article 555.4 of the National Electrical Code or any other provision of law, the maximum voltage of one thousand (1,000) volts for yard and pier distribution systems may be exceeded when engineered by an electrical engineer licensed under this chapter.

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 198B IS CREATED TO READ AS FOLLOWS:

Notwithstanding Article 555.4 of the National Electrical Code or any other provision of law, the maximum voltage of one thousand (1,000) volts for yard and pier distribution systems may be exceeded when engineered by an electrical engineer licensed under KRS Chapter 322.

Signed by Governor March 31, 2022.

CHAPTER 70

(HB 195)

AN ACT relating to pipeline location notification.

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

➔SECTION 1. A NEW SECTION OF KRS 100.273 TO 100.292 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section:*
- (a) *"Interstate hazardous liquid pipeline facility" has the same meaning as in 49 U.S.C. 60101(a)(7);*
- (b) *"Natural gas transmission pipeline" means an interstate pipeline, as that term is defined in 15 U.S.C. sec. 3301;*
- (c) *"Operator" means a person who engages in the transportation of gas, as that term is defined in 49 C.F.R. sec. 192.3; and*
- (d) *"Person" means any individual, firm, joint venture, partnership, corporation, association, state, city, county, cooperative association, or joint stock association, and including any trustee, receiver, assignee, or personal representative thereof, as that term is defined in 49 C.F.R. sec. 192.3.*
- (2) *This section shall only apply to:*
- (a) *Cities and counties that have adopted the provisions of this chapter for purposes of approving residential and nonresidential developments; and*
- (b) *Preliminary development plans filed on or after the effective date of this Act.*
- (3) *For a new residential or nonresidential development that is located in whole or in part within six hundred sixty (660) feet of the center point of a natural gas transmission pipeline or interstate hazardous liquid pipeline facility that was constructed or operated prior to the development, the developer shall notify the operator of the natural gas transmission pipeline or interstate hazardous liquid pipeline facility of the*

planned development no later than ten (10) days from the date of application for approval of the development, or ninety (90) days prior to commencement of construction, whichever is earlier.

- (4) *Upon receiving notice of the filing of a preliminary development plan in accordance with this section, a pipeline operator shall provide pipeline location information to the developer within forty-five (45) days, including but not limited to documents reflecting the actual location of the pipeline, marking facilities on design drawings, and providing maps.*
- (5) *The developer of the development shall state on the final plat filed with the planning commission the following:*
"The developer has utilized reasonable means to notify the operator of the pipeline to verify the location of the pipeline and the pipeline easement. The developer has reviewed, or attempted to review, preliminary information about the proposed development with the pipeline operator."
- (6) *Within sixty (60) days of the effective date of this Act, planning commissions shall gather and confirm raw National Pipeline Mapping System geospatial data about the locations of pipelines from the Pipeline and Hazardous Materials Safety Administration within the United States Department of Transportation. A planning commission shall not be subject to liability related to the approval or construction of such a development when the approval is based upon information as provided in this subsection.*
- (7) *No later than August 15, 2022, a pipeline operator shall file the contact information for its point of contact with the planning commission or planning commissions having jurisdiction. A pipeline operator shall file updated information with the planning commission or planning commissions having jurisdiction in the event that the contact information for its point of contact changes.*
- (8) *A planning commission shall not give final approval to a development described under subsection (3) of this section until the requirements of this section have been satisfied. A planning commission may rely solely upon the note submitted under subsection (5) of this section, the geospatial data gathered under subsection (6) of this section, and the recordation required under subsection (7) of this section when determining whether the requirements of this section have been satisfied for purposes of granting final approval of such a development. A planning commission shall not be subject to liability related to the approval or construction of such a development when the approval is based upon information as provided in this subsection.*
- (9) *This section shall not exempt developers or operators from the requirements of the Underground Facility Damage Prevention Act of 1994, KRS 367.4901 to 367.4917.*
- (10) *Nothing contained in this section shall be interpreted or construed to alter or amend the full application of KRS 65.2001 to 65.2006 to local governments as defined in KRS 65.200.*

Signed by Governor March 31, 2022.

CHAPTER 71

(HB 219)

AN ACT relating to lung cancer screening.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 214 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in Sections 1 to 3 of this Act:*
 - (a) *"Department" means the Department for Public Health in the Cabinet for Health and Family Services; and*
 - (b) *"Program" means the Lung Cancer Screening Program.*
- (2) *The Lung Cancer Screening Program is hereby established within the department for the purpose of:*
 - (a) *Increasing lung cancer screening;*

- (b) *Reducing morbidity and mortality from lung cancer; and*
- (c) *Reducing the cost of treating lung cancer among citizens of the Commonwealth.*
- (3) *The requirements of Sections 1 to 3 of this Act shall be limited to the amount of appropriations to the department for the Lung Cancer Screening Program.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 214 IS CREATED TO READ AS FOLLOWS:

- (1) (a) *There is hereby created a restricted fund to be known as the Kentucky Lung Cancer Screening Program fund.*
- (b) *The fund shall be administered by the Finance and Administration Cabinet.*
- (c) *The fund shall include moneys:*
 - 1. *Appropriated by the General Assembly for the purpose of the Lung Cancer Screening Program; and*
 - 2. *Distributed by the Transportation Cabinet from extra fees associated with the issuance of any special lung cancer license plates.*
- (2) *Moneys in the fund shall be used by the department to administer Sections 1 to 3 of this Act.*
- (3) *Notwithstanding KRS 45.229, any moneys remaining in the fund at the close of the fiscal year shall not lapse but shall be carried forward into the succeeding fiscal year to be used solely for the purposes established in subsection (2) of this section.*
- (4) *Interest earned on any moneys in the fund shall accrue to the fund.*
- (5) *Moneys in the fund are hereby appropriated solely for the purposes set forth in Sections 1 to 3 of this Act.*

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 214 IS CREATED TO READ AS FOLLOWS:

- (1) *A Lung Cancer Screening Advisory Committee is hereby established. The advisory committee shall include:*
 - (a) *One (1) member of the House of Representatives who shall be appointed by and serve at the pleasure of the Speaker of the House;*
 - (b) *One (1) member of the Senate who shall be appointed by and serve at the pleasure of the President of the Senate;*
 - (c) *The deputy commissioner of the Department for Public Health;*
 - (d) *The commissioner of the Department of Insurance, or his or her designee;*
 - (e) *The commissioner of the Department for Medicaid Services, or his or her designee;*
 - (f) *Two (2) at-large members who shall be appointed by the Governor;*
 - (g) *One (1) member who shall be appointed by the Governor from a list of three (3) names provided by the American Cancer Society;*
 - (h) *The director of the Kentucky Cancer Program at the University of Kentucky;*
 - (i) *The director of the Kentucky Cancer Program at the University of Louisville;*
 - (j) *The director of the Kentucky Cancer Registry;*
 - (k) *The director of the American Lung Association of Kentucky;*
 - (l) *The chair of Kentucky African Americans Against Cancer; and*
 - (m) *The director of the Kentucky Cancer Consortium.*
- (2) *The chair of the advisory committee shall be elected from the membership of the advisory committee to serve for a two (2) year term. A member of the advisory committee may designate an alternate to attend meetings in his or her place.*
- (3) *The advisory committee may add members of subject matter expertise from other organizations as deemed appropriate.*
- (4) *The advisory committee shall:*

- (a) *Review relevant data, clinical guidelines, and best practices for lung cancer screening;*
- (b) *Provide recommendations for the overall implementation and conduct of the program with the goal of improving access to high quality lung cancer screening;*
- (c) *Establish and provide oversight for a lung cancer screening, public awareness, education, and outreach program to focus on individuals who are eligible for lung cancer screening; and*
- (d) *Provide an annual report on implementation and outcomes from the program and recommendations to the Legislative Research Commission, the Interim Joint Committee on Health, Welfare, and Family Services, the Interim Joint Committee on Appropriations and Revenue, the Governor, the secretary of the Cabinet for Health and Family Services, and the commissioner of the Department for Public Health.*

➔Section 4. Members appointed under subsection (1)(f) and (g) of Section 3 of this Act shall be appointed for a term of four years, and members shall not serve more than two terms of four years. Members serving under subsection (1)(c) to (e) and (h) to (m) of Section 3 of this Act shall serve by virtue of their positions and shall not be subject to term limits.

➔Section 5. This Act may be cited as the Margaret M. Poore Lung Cancer Screening Act.

Signed by Governor March 31, 2022.

CHAPTER 72

(HB 240)

AN ACT relating to remote access to pharmacy databases.

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

➔Section 1. KRS 315.020 is amended to read as follows:

- (1) No owner of a pharmacy who is not a pharmacist shall fail to place a pharmacist in charge of his or her pharmacy or shall permit any person to compound or dispense prescription drugs, medicines, or pharmaceuticals in his or her place of business except in the presence and under the immediate supervision of a pharmacist.
- (2) No manufacturer of pharmaceuticals who is not a pharmacist shall fail to place a pharmacist in charge of his or her place of business or shall permit any person to compound prescription drugs, medicines, or pharmaceuticals in his or her place of business, except as provided by the board through the promulgation of administrative regulations pursuant to KRS Chapter 13A.
- (3) Except as provided in subsection (4) of this section, no person shall engage in the practice of pharmacy unless licensed to practice under the provisions of KRS Chapter 315.
- (4) The provisions of subsection (3) of this section shall not apply to:
 - (a) Pharmacist interns performing professional practice activities under the immediate supervision of a licensed pharmacist. The nature and scope of the activities referred to in this paragraph shall be determined by the board through administrative regulation promulgated pursuant to KRS Chapter 13A;
 - (b) Pharmacist interns and pharmacy technicians performing specifically identified pharmacy practice activities while under the supervision of a pharmacist. The nature and scope of the activities referred to in this paragraph shall be determined by the board through administrative regulation promulgated pursuant to KRS Chapter 13A;
 - (c) Other licensed health care professionals practicing within the statutory scope of their professional practices; or
 - (d) Volunteer health practitioners providing services under KRS 39A.350 to 39A.366.
- (5) (a) As used in this subsection:

1. "Order entry" means the process by which pharmacy personnel validate prescription data and enter that data into a pharmacy's dispensing or medication management system. Prescription data includes but is not limited to patient demographics, prescriber demographics, drug name, strength, dosage form, quantity, the directions for use, refill authorization, or any clarifications of the same; and
 2. "Order entry verification" means the process by which a pharmacist verifies prescription data entered in a pharmacy's dispensing or medication management system after order entry has been completed.
- (b) Nothing in this chapter shall prohibit a pharmacist licensed in Kentucky, or a pharmacy technician registered in Kentucky or a pharmacy intern certified in Kentucky who is working under the supervision of the pharmacist, from accessing the electronic database of the pharmacy, from inside or outside of the pharmacy, to perform order entry, order entry verification, or drug regimen review as defined in KRS 315.010, if:
1. The pharmacy has established controls to protect the confidentiality and integrity of protected health information;
 2. No part of the pharmacy's database is duplicated, downloaded, or removed from the electronic database; *and*
 3. The pharmacy is located in Kentucky and is permitted by the board; ~~and~~
 4. ~~All personnel who access the pharmacy's electronic database from outside of the pharmacy reside in Kentucky or within one hundred (100) miles of the pharmacy}.~~
- (c) Supervision required by paragraph (b) of this subsection may include electronic supervision.
- (d) This subsection shall only apply to:
1. Pharmacies that are not open to the public and do not dispense to walk-in patients in a retail setting; *or*
 2. *Hospitals licensed under KRS Chapter 216B.*
- (e) Nothing in this subsection shall be construed to authorize final product verification and dispensing of a prescription from a location outside of or other than a pharmacy.
- (f) Nothing in this subsection permits pharmacists, pharmacy technicians, or pharmacy interns to receive hard copy prescriptions outside of the premises of a permitted pharmacy.
- (6) Effective April 1, 2009, an owner of a pharmacy shall not employ a person to assist in the practice of pharmacy unless the person is registered as a pharmacy technician by the board or exempt under KRS 315.135.

Signed by Governor March 31, 2022.

CHAPTER 73

(HB 77)

AN ACT relating to radon safety.

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

➔Section 1. KRS 211.9101 is repealed, reenacted as a new section of KRS Chapter 309, and amended to read as follows:

As used in *Sections 1 to 13 of this Act* ~~[KRS 211.9101 to 211.9135]~~, unless the context requires otherwise:

- (1) "Alter" means to change or modify a building or building design, or to revise, rather than repair, a mitigation system or mitigation system design;

- (2) "Analytical analysis" means the act of analyzing the radon or radon progeny concentrations with active measurement devices;
- (3) **"Board" means the Kentucky Board of Radon Safety;**
- (4) "Building" means any structure used or intended to be used for supporting or sheltering any use or occupancy;
- ~~(4) "Cabinet" means Cabinet for Health and Family Services;~~
- (5) "Certified" means meeting the certification requirements of a proficiency program for radon measurement, radon mitigation, or radon laboratory analysis;
- (6) "Commercial building" means any building other than a residential building, including those buildings intended for public purposes;
- ~~(7) "Commissioner" means the commissioner of the Department for Public Health;~~
- ~~(8) "Committee" means the Kentucky Radon Program Advisory Committee;~~
- ~~(9) "Compensation" means something of value given or received in exchange for radon measurement, radon mitigation, or laboratory analysis;~~
- ~~(8)(10)~~ "Contractor" means a person or business entity that provides goods or services to another person under the terms specified in a contract or verbal agreement, and who is not an agent or employee of that person;
- ~~(9)(11)~~ "Direct supervision" means constant onsite supervision by a certified person;
- ~~(10)(12)~~ "General supervision" means intermittent onsite supervision by a certified person who accepts responsibility for ensuring compliance by his or her employees or subcontractors with all applicable requirements under **Sections 1 to 13 of this Act**~~[KRS 211.9101 to 211.9135];~~
- ~~(11)(13)~~ "Government agency" means the Commonwealth of Kentucky, a state agency, a political subdivision, or any entity of local government;
- ~~(12)(14)~~ "Laboratory analysis" means the act of analyzing the radon or radon progeny concentrations with passive measurement devices, or the act of calibrating radon or radon progeny measurement devices, or the act of exposing radon or radon progeny devices to controlled concentrations of radon or radon progeny;
- ~~(13)(15)~~ "Measurement" means the act of testing the air, water, or soil using an active or passive measurement device for the presence of radon or radon progeny in the indoor environment of a building;
- ~~(14)(16)~~ "Measurement device" means any active or passive device approved by a proficiency program and used for the measurement of radon or radon progeny in air, water, or soil in the indoor environment of a building;
- ~~(15)(17)~~ "Measurement contractor" means a person certified by a proficiency program who provides radon measurement for compensation and who meets the requirements of **Section 5 of this Act**~~[KRS 211.9109];~~
- ~~(16)(18)~~ "Mitigation" means the act of installing, repairing, or altering an active or passive system, for the purpose in whole or in part of reducing the concentration of radon or radon progeny in the indoor environment of a building;
- ~~(17)(19)~~ "Mitigation contractor" means a person certified by a proficiency program who provides radon mitigation for compensation and who meets the requirements of **Section 6 of this Act**~~[KRS 211.9111];~~
- ~~(18)(20)~~ "Mitigation system" means any active or passive system designed to reduce radon concentrations in the indoor environment of a building;
- ~~(19)(21)~~ "Person" has the same meaning as in KRS 446.010;
- ~~(20)(22)~~ "Proficiency program" means either the National Radon Proficiency Program or the National Radon Safety Board;
- ~~(21)(23)~~ "Radon" means a naturally occurring radioactive element that exists as a colorless, odorless, and tasteless inert gas;
- ~~(22)(24)~~ "Radon decay products" means the four (4) short-lived radioactive elements polonium (Po-218), lead (Pb-214), bismuth (Bi-214), and polonium (Po-214) which exist as solids and immediately follow radon (Rn-222) in the decay chain;
- ~~(23)(25)~~ "Radon laboratory" means a business entity certified by a proficiency program that provides laboratory analysis for compensation and meets the requirements of **Section 8 of this Act**~~[KRS 211.9115];~~

- (24)~~(26)~~ "Radon progeny" means any combination of the radioactive decay products of radon;
- (25)~~(27)~~ "Registrant" means a person or business entity registered with the *board*~~[cabinet]~~ as a measurement contractor, mitigation contractor, or radon laboratory;
- (26)~~(28)~~ "Research" means *board*~~[cabinet]~~-approved scientific investigation that includes radon measurement, radon mitigation, or laboratory analysis;
- (27)~~(29)~~ "Residential building" means detached one (1) to four (4) family dwellings not more than three (3) stories in height where occupants are primarily permanent in nature; and
- (28)~~(30)~~ "Standard operating procedure" means a written document established by an accredited American National Standards Institute development organization that describes in detail commonly accepted methods for the performance of certain tasks associated with radon measurement, mitigation, or laboratory analysis.

➔Section 2. KRS 211.9103 is repealed, reenacted as a new section of KRS Chapter 309, and amended to read as follows:

- (1) The Kentucky *Board of Radon Safety*~~[Radon Program Advisory Committee]~~ is hereby created and shall be attached to the *Department of Professional Licensing in the Public Protection Cabinet*~~[Cabinet for Health and Family Services]~~ for administrative purposes. Each member of the *board*~~[committee]~~ shall be a citizen and resident of the Commonwealth of Kentucky. The *board*~~[committee]~~ shall consist of *seven (7)*~~[nine (9)]~~ members as follows:
- (a) Four (4) members shall be either a radon measurement contractor, a radon mitigation contractor, or a person associated with a radon laboratory conducting laboratory analysis and shall be appointed by the Governor from a list of six (6) names submitted to the Governor by the Kentucky Association of Radon Professionals;
 - (b) One (1) *nonvoting* member shall be a representative of the home building industry and shall be appointed by the Governor from a list of three (3) names submitted to the Governor by the Home Builders Association of Kentucky;
 - (c) One (1) *nonvoting* member shall be a real estate salesperson or broker licensed under KRS Chapter 324 and shall be appointed by the Governor from a list of three (3) names submitted to the Governor by the Kentucky Association of Realtors; *and*
 - (d) One (1) member shall be a representative of a public health organization and shall be appointed by the Governor from a list of three (3) names submitted to the Governor by the Kentucky Cancer Consortium;
 - ~~(e) One (1) member shall be the commissioner of the Department for Public Health, [Cabinet for Health and Family Services], or his or her designee; and~~
 - ~~(f) One (1) member shall be a citizen at large appointed by the Governor who shall represent the public and shall not be associated with or financially interested in the practice of radon measurement, mitigation, or laboratory analysis.~~
- (2) (a) To be eligible for initial appointment as a member of the *board*~~[committee]~~ under subsection (1)(a) of this section, a person shall have been actively engaged in the practice of radon measurement, mitigation, or laboratory analysis for not less than three (3) years immediately preceding the date of appointment to the *board*~~[committee]~~.
- (b) Upon expiration of the initial appointments, to be eligible for appointment as a member of the *board*~~[committee]~~ under subsection (1)(a) of this section, a person shall have been actively engaged in the practice of radon measurement, mitigation, or laboratory analysis for not less than three (3) years immediately preceding the date of the appointment to the *board*~~[committee]~~ and hold a valid certification as a radon measurement contractor or radon mitigation contractor, or be associated with a radon laboratory with a valid certification.
- (3) ~~The~~~~[Except for the commissioner, who shall serve as long as he or she holds his or her appointment as commissioner, the]~~ Governor shall initially appoint two (2) members for a term of four (4) years, two (2) members for a term of three (3) years, ~~[two (2) members for a term of two (2) years,]~~ and *one (1) member*~~[two (2) members]~~ for a term of *two (2) years*~~[one (1) year]~~. All appointments shall expire on June 30 of the last year of the terms. Thereafter, members shall be appointed for terms of four (4) years. ~~[No person shall serve more than two (2) consecutive terms.]~~ Members shall serve until their successors are appointed.

- (4) Upon recommendation of the ~~board~~~~committee~~, the Governor may remove any member of the ~~board~~~~committee~~ appointed by the Governor for poor attendance, neglect of duty, misfeasance, or malfeasance in office.
- (5) Vacancies in the membership of the ~~board~~~~committee~~ for any cause shall be filled by appointment by the Governor for the balance of the unexpired term.
- (6) A majority of the ~~voting board members~~~~committee~~ shall constitute a quorum to do business. The ~~board~~~~committee~~ shall meet at least once each calendar *year or at other times deemed necessary by the chairperson or a quorum of the board upon being given a minimum of ten (10) days' notice at*~~quarter in~~ a location designated by the chairperson *or a quorum of the board.* ~~The committee may meet upon special call by the chairperson or a majority of the committee.~~
- (7) The ~~board~~~~committee~~ shall elect a chairperson and a vice chairperson. The chairperson shall preside at all meetings at which the chairperson is present. The vice chairperson shall preside at all meetings in the absence of the chairperson.
- (8) If the chairperson and vice chairperson are absent from a meeting of the ~~board~~~~committee~~ when a quorum exists, the members who are present may elect a presiding officer who shall serve as acting chairperson until the conclusion of the meeting or until the arrival of the chairperson or vice chairperson.
- (9) *Members of the board shall be immune from suit for any discretionary act performed by them in good faith.*
- (10) *Each member of the board shall be reimbursed for costs for actual travel and for incidental, clerical, and all other actual and necessary expenses incurred in the discharge of official duties associated with the board, as prescribed by the board through the promulgation of an administrative regulation.*

➔SECTION 3. KRS 211.9105 IS REPEALED AND REENACTED AS A NEW SECTION OF KRS CHAPTER 309 TO READ AS FOLLOWS:

The board shall:

- (1) *Promote the control of radon in the Commonwealth of Kentucky;*
- (2) *Develop and conduct programs for evaluation and control of activities related to radon, including laboratory analyses, measurement, and mitigation;*
- (3) *Promulgate administrative regulations in accordance with KRS Chapter 13A to administer, coordinate, and enforce Sections 1 to 13 of this Act;*
- (4) *Issue a registration certificate to certified persons or business entities registered by the board;*
- (5) *Maintain a public list of all certified persons or business entities registered by the board;*
- (6) *Design and administer, or participate in the design and administration of, educational and research programs to ensure the citizens of the Commonwealth are informed about the health risks associated with radon;*
- (7) *Enter into agreements with any federal or state agency, political subdivision, postsecondary education institution, nonprofit organization, or other person or entity to assist with and administer grants received by the board, including but not limited to the Environmental Protection Agency State Indoor Radon Grant (SIRG) program;*
- (8) *Prepare an annual budget for the use of moneys received by the board from the collection of fees and fines, receipt of grants, and all other radon-related activities;*
- (9) *Establish and maintain office space and personnel, as necessary, to administer, coordinate, and enforce Sections 1 to 13 of this Act;*
- (10) *Collect or receive all fees, fines, and other moneys owed pursuant to Sections 1 to 13 of this Act, and deposit all those moneys into the radon control fund established by Section 13 of this Act;*
- (11) *Issue subpoenas only through the board's attorney and only under the authority of the board's general counsel;*
- (12) *Administer oaths, examine witnesses, investigate allegations of wrongdoing, and conduct administrative hearings in accordance with KRS Chapter 13B to enforce Sections 1 to 13 of this Act; and*

(13) Record minutes of board meetings and proceedings which shall be documented and made available for public inspection.

➔Section 4. KRS 211.9107 is repealed, reenacted as a new section of KRS Chapter 309, and amended to read as follows:

No person or business entity shall conduct radon measurement, mitigation, or laboratory analysis in this Commonwealth after January 1, 2013, without the appropriate certification pursuant to **Sections 1 to 13 of this Act**~~[KRS 211.9101 to 211.9135]~~. No person or business entity shall advertise or claim to be a "certified measurement contractor," "certified mitigation contractor," or "certified radon laboratory," unless certified pursuant to **Sections 1 to 13 of this Act**~~[KRS 211.9101 to 211.9135]~~. Certification requirements under **Sections 1 to 13 of this Act**~~[KRS 211.9101 to 211.9135]~~ shall apply to a radon measurement contractor, radon mitigation contractor, or radon laboratory, but shall not apply to:

- (1) A person performing measurement or mitigation on a single-family residential building that he or she owns and occupies;
- (2) A person performing measurement on a residential or commercial building that he or she owns;
- (3) A person performing measurement who assists, and is under the general supervision of, a measurement contractor;
- (4) A person performing mitigation who assists, and is under the direct supervision of, a mitigation contractor;
- (5) An agent of the federal, state, or local government agency acting within an official capacity;
- (6) A person performing measurement or mitigation as part of a scientific research project approved by the cabinet;
- (7) A retail store or any other organization that sells or distributes radon measurement devices and is not engaged in a relationship with the client for other services, such as home inspection or real estate brokerage, and that does not conduct measurement, mitigation, or laboratory analysis;
- (8) A person performing measurement or mitigation as part of radon training approved by a proficiency program; or
- (9) A building contractor installing vent pipes during the construction of a commercial building or home.

➔Section 5. KRS 211.9109 is repealed, reenacted as a new section of KRS Chapter 309, and amended to read as follows:

- (1) The ~~board~~~~[cabinet]~~ shall issue a radon measurement contractor registration certificate to any person certified for measurement who:
 - (a) Completes a registration process prescribed by the ~~board~~~~[cabinet]~~ through promulgation of an administrative regulation; ~~and~~
 - (b) **Presents proof of compliance with a board-approved proficiency program; and**
 - (c) Furnishes evidence of a general liability insurance policy that satisfies the requirements of **Section 7 of this Act**~~[KRS 211.9113]~~.
- (2) The ~~board~~~~[cabinet]~~ shall renew the radon measurement contractor registration certificate of any person who:
 - (a) **Completes a registration renewal process and pays a fee prescribed by the board through promulgation of an administrative regulation;**
 - (b) Presents proof of compliance with a ~~board~~~~[cabinet]~~-approved proficiency program; and
 - (c) ~~Furnishes~~~~(b) — Who furnishes~~ evidence of a general liability insurance policy that satisfies the requirements of **Section 7 of this Act**~~[KRS 211.9113]~~;
- (3) A measurement contractor shall:
 - (a) **Maintain certification with a board-approved proficiency program;**
 - (b) Ensure all measurements are conducted in accordance with the applicable standard operating procedures;
 - (c)~~(b)~~ Maintain a quality control program plan in accordance with the standard operating procedures for measurement quality assurance and control;

- (d)~~(e)~~ Ensure all measurements are conducted under the general supervision of a measurement contractor;
- (e)~~(d)~~ Use or sell only measurement devices approved by the proficiency program that certifies the person; and
- (f)~~(e)~~ Ensure all laboratory analysis is procured through a radon laboratory.

➔Section 6. KRS 211.9111 is repealed, reenacted as a new section of KRS Chapter 309, and amended to read as follows:

- (1) The ~~board~~~~cabinet~~ shall issue a mitigation contractor registration certificate to any person certified for mitigation who:
 - (a) Completes a registration process prescribed by the ~~board~~~~cabinet~~ through promulgation of an administrative regulation;
 - (b) **Presents proof of compliance with a board-approved proficiency program;** and
 - (c)~~(b)~~ Furnishes evidence of a general liability insurance policy that satisfies the requirements of **Section 7 of this Act**~~[KRS 211.9113]~~.
- (2) The ~~board~~~~cabinet~~ shall renew the mitigation contractor registration certificate of any person who:
 - (a) **Completes a registration renewal process and pays a fee prescribed by the board through promulgation of an administrative regulation;**
 - (b) Presents proof of compliance with a ~~board~~~~cabinet~~-approved proficiency program; and
 - (c) **Furnishes**~~(b) — Who furnishes~~ evidence of a general liability insurance policy that satisfies the requirements of **Section 7 of this Act**~~[KRS 211.9113]~~.
- (3) A mitigation contractor shall:
 - (a) **Maintain certification with a board-approved proficiency program;**
 - (b) Ensure all mitigations are conducted in accordance with the applicable mitigation standard operating procedures;
 - (c)~~(b)~~ Maintain a quality control program plan in accordance with the applicable standard operating procedures for mitigation quality assurance and control;
 - (d)~~(e)~~ Ensure all mitigation is conducted under the direct supervision of a mitigation contractor;
 - (e)~~(d)~~ Ensure all post-mitigation measurement is conducted by a measurement contractor; and
 - (f)~~(e)~~ Ensure all radon mitigation systems repaired or altered on or after January 1, 2013, meet the applicable mitigation standard operating procedures.

➔Section 7. KRS 211.9113 is repealed, reenacted as a new section of KRS Chapter 309, and amended to read as follows:

Each mitigation or measurement contractor shall maintain an insurance policy that:

- (1) Is issued by an insurance company or other legal entity permitted to transact insurance business in the Commonwealth of Kentucky;
- (2) Provides for general liability coverage for measurement contractors in an amount of at least two hundred fifty thousand dollars (\$250,000) that is maintained in effect at all times during the registration period;
- (3) Provides for general liability coverage for mitigation contractors and radon laboratories in an amount of at least five hundred thousand dollars (\$500,000) that is maintained in effect at all times during the registration period;
- (4) Lists the ~~board~~~~cabinet~~ as a certificate holder of any insurance policy issued under subsection (1) of this section; and
- (5) States that cancellation or nonrenewal of the underlying liability insurance policy is not effective until the ~~board~~~~cabinet~~ receives at least ten (10) days' written notice of the cancellation or nonrenewal.

➔Section 8. KRS 211.9115 is repealed, reenacted as a new section of KRS Chapter 309, and amended to read as follows:

- (1) The ~~board~~~~[cabinet]~~ shall issue a radon laboratory registration certificate to any business entity certified for radon laboratory analysis that:
 - (a) Completes a registration process prescribed by the ~~board~~~~[cabinet]~~ through promulgation of an administrative regulation;
 - (b) **Presents proof of compliance with a board-approved proficiency program; and**
 - (c) **Furnishes evidence of a general liability insurance policy that satisfies the requirements of Section 7 of this Act.**
- (2) The ~~board~~~~[cabinet]~~ shall renew the radon laboratory registration certificate of any business entity that:
 - (a) **Completes a registration process and pays a fee prescribed by the board through promulgation of an administrative regulation;**
 - (b) Presents proof of compliance with a ~~board~~~~[cabinet]~~-approved proficiency program; and
 - (c) **Furnishes**~~(b) — Who furnishes~~ evidence of a general liability insurance policy that satisfies the requirements of **Section 7 of this Act**~~[KRS 211.9113]~~;
- (3) A radon laboratory shall:
 - (a) **Maintain certification with a board-approved proficiency program;**
 - (b) Ensure all laboratory analysis is conducted in accordance with the applicable laboratory analysis standard operating procedures; and
 - ~~(c)(b)~~ Maintain a quality control program plan in accordance with the applicable standard operating procedures for laboratory analysis quality assurance and control.

➔Section 9. KRS 211.9119 is repealed and reenacted as a new section of KRS Chapter 309 to read as follows:

A business entity may engage in radon measurement, mitigation, or laboratory analysis if the owner or an employee associated with the business entity is a measurement or mitigation contractor, or radon laboratory, as applicable.

➔Section 10. KRS 211.9125 is repealed, reenacted as a new section of KRS Chapter 309, and amended to read as follows:

- (1) Subject to an administrative hearing conducted in accordance with KRS Chapter 13B, the ~~board~~~~[cabinet]~~ may revoke, suspend, or restrict the registration of a registrant, refuse to issue or renew registration, reprimand, censure, place on probation, or impose a fine not to exceed **one thousand dollars (\$1,000)**~~five hundred dollars (\$500)~~ per occurrence on a certified person or business entity who:
 - (a) Has been convicted of a felony under the laws of the Commonwealth of any crime that involves theft or dishonesty, or is a sex crime as defined by KRS 17.500;
 - (b) Has had disciplinary action taken against a professional license, certification, registration, or permit held by the person or business entity seeking registration;
 - (c) Engaged in fraud or deceit in obtaining certification or registration;
 - (d) Attempts to transfer the authority granted by the registration to another person or business entity;
 - (e) Disregards or violates the building codes, electrical codes, or related laws of this Commonwealth or ordinances of any city, county, urban-county government, consolidated local government, charter county government, or unified local government;
 - (f) Aids or abets any person attempting to evade the provisions of **Sections 1 to 13 of this Act**~~[KRS 211.9101 to 211.9135]~~ or the administrative regulations promulgated **by the board**~~[thereunder by the cabinet]~~;
 - (g) Uses unfair or deceptive trade practices; or
 - (h) Knowingly violates any of the provisions of **Sections 1 to 13 of this Act**~~[KRS 211.9101 to 211.9135]~~ or any administrative regulation promulgated **by the board**~~[thereunder by the cabinet]~~.
- (2) If an application for registration or renewal of registration is denied, the person or business entity seeking registration shall not conduct radon measurement, mitigation, or laboratory analysis within the Commonwealth of Kentucky.

- (3) Notwithstanding the existence or pursuit of any other civil or criminal remedy, the **board**~~{cabinet}~~ may institute proceedings in the Circuit Court of the county where the person resides or the business entity is located for an order enjoining the person or business entity from engaging or attempting to engage in activities that violate any provisions of *Sections 1 to 13 of this Act*~~{KRS 211.9101 to 211.9135}~~ or any administrative regulation promulgated ~~by the board~~~~{thereunder by the cabinet}~~.
- (4) Any final order of the **board**~~{cabinet}~~ may be appealed to the Circuit Court of the county in which the person resides or the business entity is located after a written decision is rendered in accordance with KRS Chapter 13B.

➔Section 11. KRS 211.9129 is repealed, reenacted as a new section of KRS Chapter 309, and amended to read as follows:

- (1) The **board**~~{cabinet}~~ may examine records of mitigation contractors, measurement contractors, and radon laboratories, including but not limited to conducting inspections of mitigation system installations and measurement locations in order to ensure that radon measurement, mitigation, and laboratory analysis are conducted in accordance with the applicable standard operating procedures.
- (2) The **board**~~{cabinet}~~ may test any equipment used for measurement, mitigation, or laboratory analysis or photograph or sketch any portion of a site, building, or equipment involved in measurement, mitigation, or laboratory analysis.
- (3) No person shall use or continue to use, or permit the use or continued use of, any radon mitigation system if an agent or inspector of the **board**~~{cabinet}~~ finds that the radon mitigation system was not constructed, installed, or altered in accordance with the applicable mitigation standard operating procedures.
- (4) For purposes of enforcing *Sections 1 to 13 of this Act*~~{KRS 211.9101 to 211.9135}~~ or any administrative regulation promulgated by the **board**~~{cabinet}~~ pertaining to radon measurement, mitigation, or laboratory analysis, an agent or inspector of the **board**~~{cabinet}~~ shall have the power to enter upon premises at all reasonable times to make an inspection, question all persons, and require the production of radon mitigation system plans, sketches, diagnostic information, and other evidence.
- (5) Agents and inspectors of the **board**~~{cabinet}~~ shall be empowered to issue a stop order to any owner, agent, or occupant of real property requiring that the radon mitigation system thereon cease operation if that system has been found to be in violation of *Sections 1 to 13 of this Act*~~{KRS 211.9101 to 211.9135}~~ or any administrative regulation promulgated ~~by the board~~~~{thereunder by the cabinet}~~.
- (6) A person shall not interfere with an inspection conducted by an agent or inspector of the **board**~~{cabinet}~~.

➔Section 12. KRS 211.9131 is repealed, reenacted as a new section of KRS Chapter 309, and amended to read as follows:

- (1) Any certified person or business entity shall report to the **board**~~{cabinet}~~ the discovery of any apparent noncompliance with any provision of *Sections 1 to 13 of this Act*~~{KRS 211.9101 to 211.9135}~~ or any administrative regulation promulgated ~~by the board~~~~{thereunder by the cabinet}~~ pertaining to radon measurement, mitigation, or laboratory analysis.
- (2) Records required by this chapter or administrative regulations promulgated under *Sections 1 to 13 of this Act*~~{KRS 211.9101 to 211.9135}~~, including but not limited to records of radon measurement, mitigation, quality control program plans, calibration certifications, laboratory analysis activities, worker health and safety plans, and equipment repairs shall be retained by registrants, as applicable, for a minimum period of five (5) years or the length of time of any warranty or guarantee, whichever is greater. Records obtained by the **board**~~{cabinet}~~ are exempt from the disclosure requirements of KRS 61.870 to 61.884, except that the **board**~~{cabinet}~~ shall make the records available upon request:
 - (a) To the owner or occupant of a building; and
 - (b) To the public aggregated at the zip code level without identifying individual homeowners or individual property locations.
- (3) Any measurement or mitigation contractor applying for registration or renewal of registration shall specify, for approval by the **board**~~{cabinet}~~, the location where records required under this section shall be maintained for inspection by the **board**~~{cabinet}~~. This location shall be within the Commonwealth of Kentucky.

➔Section 13. KRS 211.9133 is repealed, reenacted as a new section of KRS Chapter 309, and amended to read as follows:

- (1) There is created the radon ~~[mitigation and]~~control fund as a separate trust and agency fund in the State Treasury, to be administered by the ~~board~~~~[cabinet]~~. All fees, fines, and other moneys received by the ~~board~~~~[cabinet]~~ pursuant to *Sections 1 to 13 of this Act*~~[KRS 211.9101 to 211.9135]~~ shall be deposited in the fund and shall be used for the implementation of *Sections 1 to 13 of this Act*~~[KRS 211.9101 to 211.9135]~~, and are hereby appropriated for those purposes.
- (2) Notwithstanding KRS 45.229, any moneys remaining in the fund at the close of the fiscal year shall not lapse but shall be carried forward to the next fiscal year.
- (3) Any interest earnings of the fund shall become part of the fund and shall not lapse.

➔Section 14. The following KRS sections are repealed:

211.9121 Biennial registration -- Lapse -- Duty to report change of information.

211.9135 Cabinet's role as radon control agency for Commonwealth.

Signed by Governor March 31, 2022.

CHAPTER 74

(HB 10)

AN ACT relating to the pre-session filing of bills.

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

➔Section 1. KRS 7.090 is amended to read as follows:

- (1) There is created a Legislative Research Commission as an independent agency in the legislative branch of state government, which is exempt from control by the executive branch and from reorganization by the Governor. The Commission shall have the duties, responsibilities, and powers assigned to it or authorized it by the General Assembly, by statute or otherwise.
- (2) The Legislative Research Commission shall be composed of the President of the Senate, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, the Speaker Pro Tempore of the House of Representatives, the majority and minority floor leaders of the Senate and the House of Representatives, the majority and minority whips of the Senate, the majority and minority whips of the House, and the majority and minority caucus chairs of the Senate and House of Representatives. Any vacancy in the Commission shall be filled by the remaining members who are of the same chamber membership and political party affiliation as the person having vacated Commission membership. If the vacancy is in the membership of the House of Representatives, the successor shall be from the House, and if the vacancy is from the Senate membership of the Commission, the successor shall be from the Senate. A member elected to fill any vacancy shall hold office for the unexpired term of his or her predecessor. The President of the Senate and the Speaker of the House of Representatives shall serve as co-chairs of the Commission.
- (3) The Legislative Research Commission shall meet during regular and special sessions of the General Assembly, and during the intervals between sessions at such times and places as the co-chairs may determine. Meetings of the Commission shall be called by the co-chairs on their own initiative, or at the written request of any three (3) members of the Commission. Any action of the Commission shall require an affirmative roll call vote of a majority of the Commission's entire membership. For attending meetings of the Commission or any of its subcommittees whose membership consists only of members of the Commission between sessions of the General Assembly, the members of the Commission shall be paid their necessary traveling expenses and in addition thereto an amount per day equal to the per diem compensation they receive during any session. For attending meetings of interim joint committees or other Commission subcommittees, members of the Commission shall be paid an amount per day equal to that received by all other members of the committees or subcommittees who are not designated as chairs or co-chairs.
- (4) The Commission shall appoint a director, who shall be a person who has demonstrated exemplary moral and ethical leadership while holding a significant leadership position in business, government, military service, or a nonprofit organization or charity, and who shall hold office at the pleasure of the Commission. The salary of

the director shall be determined by the Commission. The Commission shall have exclusive jurisdiction over the employment of personnel necessary to effectuate the provisions of KRS 7.090 to 7.110.

- (5) Any professional, clerical, or other employees required by any committee appointed by the General Assembly shall be provided to the committee by the Legislative Research Commission. The chair of the committee shall advise the director of the Legislative Research Commission of his or her need for personnel. In the event that the personnel required by any committee cannot be met by the staff of the Legislative Research Commission, the director shall employ personnel as necessary to meet the needs of the committee, and shall fix the rate of compensation of the employees.
- (6) The director shall, at the discretion of the Commission and under its supervision and control, provide for the:
 - (a) Allocation of the work and activities of all employees of the Commission; and
 - (b) Implementation of a work-related incentive program for employees of the Commission using an employee suggestion system. Employees may be recognized and rewarded for submitting suggestions that result in the improvement of services or in the realization of financial savings by the legislative branch. When an employee suggestion has been adopted and resulted in financial savings to the legislative branch of government, the employee who submitted the suggestion may be compensated through a cash bonus in an amount that is the lesser of ten percent (10%) of the amount saved or two thousand five hundred dollars (\$2,500).
- (7) The director shall inform the President of the Senate, the Speaker of the House, and the Minority Floor Leaders of each chamber of any personnel matter or allegation of wrongdoing involving a member of the General Assembly that has the potential of leading to litigation in which the General Assembly or Legislative Research Commission may be a party. The members so informed shall keep the matter confidential. The director shall inform the members within forty-eight (48) hours of becoming aware of the allegation or situation.
- (8) The Commission may, in effectuating the provisions of KRS 7.090 to 7.110, contract with any public or private agency or educational institution or any individual for research studies, the gathering of information, or the printing and publication of its reports.
- (9) The Legislative Research Commission shall constitute administrative offices for the General Assembly and the director shall serve as administrative officer for the assembly when it is not otherwise in session.
- (10) ~~[A Senate bill may be pre filed or approved as pre filed by an interim joint committee if it receives the affirmative votes of a majority of the Senate members of that interim joint committee. A House of Representatives bill may be pre filed or approved as pre filed by an interim joint committee if it receives the affirmative votes of a majority of the House members of that interim joint committee. An interim joint committee shall not pre file a bill or approve a bill as pre filed in any other manner.]~~
- ~~(11)~~—]The President of the Senate and the Speaker of the House of Representatives shall have the authority to approve the in-state and out-of-state per diem and expenses for members of their respective chambers.
- ~~(11)~~~~(12)~~ The Legislative Research Commission shall display the national motto "In God We Trust" directly above and behind the chairman or chairwoman in each committee room used by members of the General Assembly in the Capitol and Capitol Annex and behind the dais of the Speaker of the House of Representatives and the President of the Senate. The display shall be consistent with the historic and patriotic display of the national motto located directly above and behind the dais of the Speaker of the United States House of Representatives.

➔Section 2. The following KRS section is repealed:

6.245 Pre-session filing of bills.

Returned to Secretary of State April 1, 2022, and became law without Governor's signature April 2, 2022.

AN ACT relating to child welfare and declaring an emergency.

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

➔Section 1. KRS 15.900 is amended to read as follows:

As used in KRS ~~15.900~~~~[15.910]~~ to 15.940:

- (1) **"Abused or neglected child" has the same meaning as in Section 17 of this Act;**
- (2) "Child" means a person under eighteen (18) years of age;
- (3)~~(2)~~ "Child sexual abuse and exploitation" means harm to a child's health or welfare by any person, responsible or not for the child's health or welfare, which harm occurs or is threatened through nonaccidental sexual contact which includes violations of KRS 510.040 to 510.150, 530.020, 530.070, 531.310, 531.320, and 531.370;
- (4)~~(3)~~ **"Community resource organization"**~~[Local task force]~~ means an organization which meets the criteria described in KRS 15.940;
- (5)~~(4)~~ "State board" means the State Child ~~Sexual Abuse and Neglect~~~~[Exploitation]~~ Prevention Board created in **Section 2 of this Act**~~[KRS 15.910]~~;
- (6)~~(5)~~ "Prevention program" means a system of direct provision of child sexual abuse and exploitation **or child abuse and neglect** prevention services to a child, parent, or guardian, but shall not include research programs related to prevention of child sexual abuse and exploitation **or child abuse and neglect**; and
- (7)~~(6)~~ "Trust fund" means the child victims' trust fund established in the Office of the State Treasurer.

➔Section 2. KRS 15.905 is amended to read as follows:

- (1) The State Child ~~Sexual Abuse and Neglect~~~~[Exploitation]~~ Prevention Board is created as an autonomous agency within the Office of the Attorney General.
- (2) The state board may appoint an executive director of the state board to exercise the powers and carry out the duties of the state board.

➔Section 3. KRS 15.910 is amended to read as follows:

- (1) The state board shall be composed of the following **fifteen (15)** members:
 - (a)
 1. The secretary of the Cabinet for Health and Family Services **or designee**;
 2. **The secretary of the Education and Workforce Development Cabinet or designee**;
 3. **The secretary of the Justice and Public Safety Cabinet or designee**;
 4. ~~[, the secretary of the Finance and Administration Cabinet, the chief state school officer,]~~The commissioner of the Department of Kentucky State Police **or designee**~~;~~ and
 5. The Attorney General~~;~~ or **designee**~~[designees authorized to speak on their behalf];~~ ~~and]~~
 - (b) **Eight (8)**~~[Ten (10)]~~ public members **from each of the following organizations**~~;~~~~[appointed by the Governor]~~
 1. **The executive director of the Kentucky Youth Advocates or designee**;
 2. **The executive director of the Prevent Child Abuse Kentucky or designee**;
 3. **The state director of the Kentucky Court Appointed Special Advocates Network, Inc. or designee**;
 4. **The executive director of the Children's Advocacy Centers of Kentucky or designee**;
 5. **The president of the Children's Alliance or designee**;
 6. **The executive director of the Kentucky Chapter of the American Academy of Pediatrics or designee**;
 7. **The executive director of the Kentucky Association of Regional Programs or designee; and**
 8. **The director of the Kentucky Administrative Office of the Courts or designee; and**

(c) **Two (2) nonvoting liaisons who are members of the General Assembly, one (1) of whom shall be a member of the House of Representatives appointed by the Speaker of the House of Representatives, and one (1) of whom shall be a member of the Senate appointed by the President of the Senate.** ~~It is recommended that, as a group, the public members shall demonstrate knowledge in the area of child sexual abuse and exploitation prevention; shall be representative of the demographic composition of this state; and, to the extent practicable, shall be representative of all the following categories: parents, school administrators, law enforcement, the religious community, the legal community, the medical community, professional providers of child sexual abuse and exploitation prevention services, and volunteers in child sexual abuse and exploitation prevention services.~~

~~(2) The term of each public member shall be three (3) years, except that of the public members first appointed, three (3) shall serve for three (3) years, three (3) for two (2) years, and four (4) for one (1) year. A public member shall not serve more than two (2) consecutive terms, whether partial or full. A vacancy shall be filled for the balance of the unexpired term in the same manner as the original appointment.]~~

~~(2)(3)~~ The Attorney General shall serve as **chairperson**~~chairman~~ or designate a chairperson of the state board in which case the chairperson shall serve in that position at the pleasure of the Attorney General. The state board may elect other officers and committees as it considers appropriate.

~~(3)(4)~~ There shall be no per diem compensation; however, the schedule for reimbursement of expenses for the public members of the state board shall be the same as for state employees. The reimbursement, executive director and staff salaries, and all actual and necessary operating expenses of the state board shall be paid from the trust fund, pursuant to an authorization as provided in KRS 15.935.

(4) **A majority of the entire membership of the state board, excluding nonvoting liaison members, shall constitute a quorum, and all actions of the state board shall be by vote of a majority of its entire membership, excluding nonvoting liaison members.**

➔Section 4. KRS 15.920 is amended to read as follows:

(1) The state board shall do all of the following:

(a) Meet not less than **quarterly**~~twice annually~~ at the call of the chairperson;

(b) One (1) year after the original appointment of the state board, and biennially thereafter, develop a state plan for the distribution of funds from the trust fund. In developing the plan, the state board shall review already existing prevention programs. The plan shall assure that an equal opportunity exists for establishment of prevention programs and receipt of trust fund money among all geographic areas in this state. The plan shall be transmitted to the clerk of the House of Representatives, to the clerk of the Senate, and to the Governor;

(c) Provide for the coordination and exchange of information on the establishment and maintenance of prevention programs;

(d) Develop and publicize criteria for the receipt of trust fund money by eligible **community resource organizations**~~local task forces~~ and eligible prevention programs;

(e) Review, approve, and monitor the expenditure of trust fund money by **community resource organizations**~~local task forces~~ and prevention programs;

(f) Provide statewide educational and public informational seminars for the purpose of developing appropriate public awareness regarding the prevention of child sexual abuse and exploitation **and child abuse and neglect**; encourage professional persons and groups to recognize and deal with prevention of child sexual abuse and exploitation **and child abuse and neglect**; encourage and coordinate the development of **community resource organizations**~~local task forces~~; make information about the prevention of child sexual abuse and exploitation **and child abuse and neglect** available to the public and organizations and agencies which deal with problems of child sexual abuse and exploitation **and child abuse and neglect**; and encourage the development of community prevention programs; and

(g) Establish a procedure for an annual, internal evaluation of the functions, responsibilities, and performance of the state board. In a year in which the biennial state plan is prepared, the evaluation shall be coordinated with the preparation of the state plan.

(2) The state board may enter into contracts with public or private agencies to fulfill the requirements of this section. The state board shall utilize existing state resources and staff of participating departments whenever practicable.

➔Section 5. KRS 15.925 is amended to read as follows:

The state board *shall by December 1 of each year report*~~(may recommend)~~ to the Governor and the General Assembly *recommending* changes in state programs, statutes, policies, budgets, and standards *that*~~(which)~~ will reduce the problem of child sexual abuse and exploitation *and child abuse and neglect*, improve coordination among *government and private*~~(state)~~ agencies that provide prevention services and improve the condition of children and parents or guardians who are in need of prevention program services.

➔Section 6. KRS 15.935 is amended to read as follows:

(1) The state board may authorize the disbursement of available money from the trust fund, upon legislative appropriations, for exclusively the following purposes, which are listed in the order of preference for expenditure:

(a) To fund a private nonprofit or public organization in the development or operation of a prevention program if at least all of the following conditions are met:

1. The appropriate *community resource organization*~~(local task force)~~ has reviewed and approved the program. This subparagraph does not apply if a *community resource organization*~~(local task force)~~ does not exist for the geographic area to be served by the program;
2. The organization agrees to match *a percentage, as determined by the state board, of the total cost of the project through dollars as a match*~~(fifty percent (50%) of the amount requested from the trust fund. At least ten percent (10%) of the amount requested shall be matched through dollars, and the remaining match shall be through in kind contributions. The type of contributions shall be subject to the approval of the state board);~~
3. The organization demonstrates a willingness and ability to provide program models and consultation to organizations and communities regarding program development and maintenance; and
4. Other conditions that the state board may deem appropriate;

(b) To fund the cost of medical examinations of victims of suspected child sexual abuse *and child abuse and neglect* to the extent the fee for an examination is a service not eligible to be paid for by Medicaid or private insurance. The fees paid for this examination shall not exceed reasonable, usual, and customary charges as set by the state board;

(c) To fund the cost of counseling and other mental health services to victims of child sexual abuse *and child abuse and neglect* to the extent the fees for counseling and mental health services are services not eligible to be paid for by Medicaid or private insurance. The fees paid for counseling and mental health services shall not exceed reasonable, usual, and customary charges as set by the state board;

(d) To fund *community resource organizations*~~(local task forces)~~;

(e) To fund a statewide public education and awareness campaign on child sexual abuse *and child abuse and neglect*, making use of electronic and print media to inform the public about the nature of child sexual abuse *and child abuse and neglect*, legal reporting requirements, victim rights, legal remedies, agency services, and prevention strategies;

(f) To fund and evaluate the comparative success of statewide comprehensive approaches to prevention education making use of multiple approaches; and

(g) To fund the state board created in KRS 15.905 for the actual and necessary operating expenses that the board incurs in performing its duties.

(2) Authorizations for disbursement of trust fund money under subsection (1)(g) of this section shall be kept at a minimum in furtherance of the primary purpose of the trust fund which is to disburse money under subsections (1)(a), (b), (c), (d), (e), and (f) of this section to encourage the direct provision of services to prevent child abuse and exploitation *and child abuse and neglect*, and to provide medical examination and counseling or other mental health services for victims of child sexual abuse *and child abuse and neglect*.

➔Section 7. KRS 15.940 is amended to read as follows:

In making grants to a *community resource organization*~~(local task force)~~, the state board shall consider the degree to which the *community resource organization*~~(local task force)~~ meets the following criteria:

- (1) Has as its primary purpose the development and facilitation of a collaborative community prevention program in a specific geographical area. The prevention program shall utilize trained volunteers and existing community resources wherever practicable;
- (2) Is comprised of local law enforcement and social services representatives and does not exclude any organization or person that the state board deems necessary;
- (3) Demonstrates a willingness and ability to provide prevention program models and consultation to organizations and communities regarding prevention program development and maintenance;
- (4) Agrees to match fifty percent (50%) of the amount requested from the trust fund. At least ten percent (10%) of the amount requested shall be matched through dollars, and the remaining match shall be through in-kind contributions. The amount and types of in-kind services are subject to the approval of the state board; and
- (5) Other criteria that the state board deems appropriate.

➔Section 8. KRS 15.942 is amended to read as follows:

The Justice and Public Safety Cabinet, the Attorney General, the Administrative Office of the Courts, and the Cabinet for Health and Family Services shall develop a training plan for investigation of child sexual abuse *and child abuse and neglect* cases and protection of child sexual abuse *and child abuse and neglect* victims within the Commonwealth. They may seek assistance from any educational, legal, and mental and physical health-care professionals *or child welfare organizations* needed for implementation of training programs.

➔Section 9. KRS 15.948 is amended to read as follows:

The Attorney General shall have staff available who are specially trained in child sexual abuse *and child abuse and neglect*. Commonwealth's attorneys and county attorneys may request assistance in the investigation and prosecution of child sexual abuse *and child abuse and neglect* cases in accordance with provisions of this chapter.

➔Section 10. KRS 194A.010 is amended to read as follows:

- (1) The cabinet is the primary state agency for operating the public health, Medicaid, certificate of need and licensure, and mental health and intellectual disability programs in the Commonwealth. The function of the cabinet is to improve the health of all Kentuckians, including the delivery of population, preventive, reparative, and containment health services in a safe and effective fashion, and to improve the functional capabilities and opportunities of Kentuckians with disabilities. The cabinet is to accomplish its function through direct and contract services for planning and through the state health plan and departmental plans for program operations, for program monitoring and standard setting, and for program evaluation and resource management.
- (2) The cabinet is the primary state agency responsible for leadership in protecting and promoting the well-being of Kentuckians through the delivery of quality human services. Recognizing that children are the Commonwealth's greatest natural resource and that individuals and their families are the most critical component of a strong society, the cabinet shall deliver social services to promote the safety and security of Kentuckians and preserve their dignity. The cabinet shall administer child welfare programs that promote collaboration and accountability among *government agencies* ~~local~~, public, and private programs to improve the lives of families and children ~~including collaboration with the Council on Accreditation for Children and Family Services or its equivalent~~ in developing strategies consistent with best practice standards for delivery of services. The cabinet also shall administer income-supplement programs that protect, develop, preserve, and maintain individuals, families, and children in the Commonwealth.

➔Section 11. KRS 199.011 is amended to read as follows:

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

- (1) "Adoption worker" means an employee of the cabinet so designated by the secretary for health and family services, a social worker employed by a county or city who has been approved by the cabinet to handle, under its supervision, adoption placement services to children, or a social worker employed by or under contract to a child-placing adoption agency;
- (2) "Adult adopted person" means any adopted person who is twenty-one (21) years of age or older;
- (3) "Cabinet" means the Cabinet for Health and Family Services;
- (4) "Child" means any person who has not reached his eighteenth birthday;

- (5) "Child-caring facility" means any institution or group home, including institutions and group homes that are publicly operated, providing residential care on a twenty-four (24) hour basis to children, not related by blood, adoption, or marriage to the person maintaining the facility, other than an institution or group home certified by an appropriate agency as operated primarily for educational or medical purposes, or a residential program operated or contracted by the Department of Juvenile Justice that maintains accreditation, or obtains accreditation within two (2) years of opening from a nationally recognized accrediting organization;
- (6) "Child-placing agency" means any agency licensed by the cabinet, which supervises the placement of children in foster family homes or child-caring facilities, or which places children for adoption;
- (7) "Department" means the Department for Community Based Services;
- (8) "Family rehabilitation home" means a child-caring facility for appropriate families and comprising not more than twelve (12) children and two (2) staff persons;
- (9) "Fictive kin" means an individual who is not related by birth, adoption, or marriage to a child, but who has an emotionally significant relationship with the child, *or an emotionally significant relationship with a biological parent, siblings, or half-siblings of the child in the case of a child from birth to twelve (12) months of age, prior to placement;*
- (10) "Foster family home" means a private home in which children are placed for foster family care under supervision of the cabinet or of a licensed child-placing agency;
- (11) "Group home" means a homelike facility, excluding Department of Juvenile Justice-operated or -contracted facilities, for not more than eight (8) foster children, not adjacent to or part of an institutional campus, operated by a sponsoring agency for children who may participate in community activities and use community resources;
- (12) "Institution" means a child-caring facility providing care or maintenance for nine (9) or more children;
- (13) "Placement services" means those social services customarily provided by a licensed child-placing or a public agency, which are necessary for the arrangement and placement of children in foster family homes, child-placing facilities, or adoptive homes. Placement services are provided through a licensed child-placing or a public agency for children who cannot be cared for by their biological parents and who need and can benefit from new and permanent family ties established through legal adoption. Licensed child-placing agencies and public agencies have a responsibility to act in the best interests of children, biological parents, and adoptive parents by providing social services to all the parties involved in an adoption;
- (14) "Rap back system" means a system that enables an authorized entity to receive ongoing status notifications of any criminal history from the Department of Kentucky State Police or the Federal Bureau of Investigation reported on an individual whose fingerprints are registered in the system, upon approval and implementation of the system;
- (15) "Reasonable and prudent parent standard" has the same meaning as in 42 U.S.C. sec. 675(10);
- (16) "Secretary" means the secretary for health and family services; and
- (17) "Voluntary and informed consent" means that at the time of the execution of the consent, the consenting person was fully informed of the legal effect of the consent, that the consenting person was not given or promised anything of value except those expenses allowable under KRS 199.590(6), that the consenting person was not coerced in any way to execute the consent, and that the consent was voluntarily and knowingly given. If at the time of the execution of the consent the consenting person was represented by independent legal counsel, there shall be a presumption that the consent was voluntary and informed. The consent shall be in writing, signed and sworn to by the consenting person, and include the following:
 - (a) Date, time, and place of the execution of the consent;
 - (b) Name of the child, if any, to be adopted, and the date and place of the child's birth;
 - (c) Consenting person's relationship to the child;
 - (d) Identity of the proposed adoptive parents or a statement that the consenting person does not desire to know the identification of the proposed adoptive parents;
 - (e) 1. A statement that the consenting person understands that the consent will be final and irrevocable under this paragraph unless withdrawn under this paragraph.

2. If placement approval by the secretary is required, the voluntary and informed consent shall become final and irrevocable seventy-two (72) hours after the execution of the voluntary and informed consent. This consent may be withdrawn only by written notification sent to the proposed adoptive parent or the attorney for the proposed adoptive parent on or before the expiration of the seventy-two (72) hours by certified or registered mail and also by first-class mail.
3. If placement approval by the secretary is not required, the voluntary and informed consent shall become final and irrevocable seventy-two (72) hours after the execution of the voluntary and informed consent. This consent may be withdrawn only by written notification sent to the proposed adoptive parent or the attorney for the proposed adoptive parent on or before the expiration of the seventy-two (72) hours by certified or registered mail and also by first-class mail;
 - (f) Disposition of the child if the adoption is not adjudged;
 - (g) A statement that the consenting person has received a completed and signed copy of the consent at the time of the execution of the consent;
 - (h) Name and address of the person who prepared the consent, name and address of the person who reviewed and explained the consent to the consenting person, and a verified statement from the consenting person that the consent has been reviewed with and fully explained to the consenting person; and
 - (i) Total amount of the consenting person's legal fees, if any, for any purpose related to the execution of the consent and the source of payment of the legal fees.

➔Section 12. KRS 199.505 is amended to read as follows:

- (1) An attorney or child-placing agency that arranges a prospective adoption may at any time request that the cabinet search the putative father registry established under KRS 199.503 to determine whether a putative father is registered in relation to a mother whose child is the subject of the adoption.
- (2) An attorney or child-placing agency that arranges a prospective adoption may at any time serve the putative father of a child or cause the putative father to be served with actual notice that the mother of the child is considering an adoptive placement for the child.
- (3) Beginning July 14, 2018, whenever a petition for adoption is filed, the attorney or child-placing agency that arranges the adoption shall request that the cabinet search the putative father registry at least one (1) day after the expiration of the period specified by KRS 199.480(1)(b)2.
- (4) No later than five (5) *business* days after receiving a request under subsection (1) or (3) of this section, the cabinet shall submit an affidavit to the requesting party verifying whether a putative father is registered in relation to a mother whose child is the subject of the adoption.
- (5) Whenever the cabinet finds that one (1) or more putative fathers are registered, the cabinet shall submit a copy of each registration form with its affidavit.
- (6) A court shall not grant an adoption unless the cabinet's affidavit under this section is filed with the court.
- (7) An adoption involving a foreign-born child, an adoption initiated out-of-state, or a public agency adoption shall not be subject to the requirements of this section.

➔Section 13. KRS 199.540 is amended to read as follows:

- ~~{(1) If a child adopted under KRS 199.470 to 199.520 reveals definite traits of ethnological ancestry different from those of the adoptive parents, and of which the adoptive parents had no knowledge or information prior to the adoption, a petition setting forth the facts may be filed by the original petitioner or the cabinet at any time within five (5) years after the adoption with the court which decreed the adoption. If upon hearing the facts set forth in the petition they are established, the court may enter a decree of annulment of the adoption and setting aside any or all rights or obligations which may have accrued by reason of the adoption.~~
- {(2) After the expiration of one (1) year from the date of the entry of judgment of adoption, the validity thereof shall not be subject to attack in any action, collateral or direct, by reason of any irregularity or failure to comply with KRS 199.470 to 199.520, either procedurally or substantively.

➔Section 14. KRS 199.570 is amended to read as follows:

- (1) (a) The files and records of the court during adoption proceedings shall not be open to inspection by persons other than parties to the proceedings, their attorneys, and representatives of the cabinet except under order of the court expressly permitting inspection.
 - (b) Upon the entry of the final order in the case, the clerk shall place all papers and records in the case in a suitable envelope which shall be sealed, *or a digital file with restricted access*, and shall not be open for inspection by any person except on written order of the court, except that upon the written consent of the biological parents and upon written order of the Circuit Court all papers and records including all files and records of the Circuit Court during proceedings for termination of parental rights provided in KRS 625.108 shall be open for inspection to any adult adopted person who applies in person or in writing to the Circuit Court as provided in KRS 199.572. Health information received pursuant to KRS 199.525 shall be added to the adoption case file. The clerk of the Circuit Court shall set up a separate docket and order book for adoption cases and these files and records shall be kept locked.
 - (c) No person having charge of any adoption records shall disclose the names of any parties appearing in such records or furnish any copy of any such records to any person or other entity that does not meet the requirements of KRS 199.572, except upon order of the court which entered the judgment of adoption.
- (2) After entry of the adoption judgment, the clerk of the Circuit Court shall promptly report to the Cabinet for Health and Family Services of Kentucky full information as called for on forms furnished by the Cabinet for Health and Family Services, necessary to make a new birth certificate conforming to the standard birth certificate form. Upon receipt of this information, the Cabinet for Health and Family Services shall cause to be made a new record of the birth and it shall be filed with the original certificate, and the original certificate shall be stamped with the words, "CONFIDENTIAL -- subject to copy and/or inspection only on written order of the court."
 - (3) The new certificate shall set forth the new name, if any, of the adopted child, the names of the adoptive parents, and such other information deemed necessary in accordance with rules and regulations promulgated by the Cabinet for Health and Family Services in issuing of birth certificates. If the adopted child is under eighteen (18) years of age, the birth certificate shall not contain any information revealing the child is adopted and shall show the adoptive parent or parents as the biological parent or parents of the child. If requested by the adoptive parents, the new birth certificate when issued shall contain the location of birth, hospital, and name of doctor or midwife. This information should be given only by an order of the court in which the child was adopted. The new birth certificate shall recite the residence of the adoptive parents as the birthplace of the child and this shall be deemed for all legal purposes to be the birthplace of the child. If no birth certificate is on file for a child born in Kentucky, the Cabinet for Health and Family Services shall prepare a certificate of birth in accordance with the information furnished the cabinet by the clerk of the Circuit Court which issued the adoption order. The Cabinet for Health and Family Services shall furnish to the clerks of the Circuit Courts the necessary forms to carry out the provisions of this section. If the child was born in another state, the order of adoption shall be forwarded to the division of vital statistics of the state concerned to be changed in accordance with the laws of such state. If the child was born in a foreign country, the report of adoption shall be returned to the attorney or agency handling the adoption for submission to the appropriate federal agency.
 - (4) Thereafter when any copy of the certificate of birth of any child is issued it shall be a copy of the new certificate of birth, except when an order of the court granting the judgment of adoption shall request the issuance of the copy of the original certificate of the child's birth.
 - (5) If any judgment of adoption is reversed, modified, or vacated in any particular, the clerk of the Circuit Court shall notify the Cabinet for Health and Family Services of the reversal or modification and the effect of same, and the cabinet shall make any necessary changes in its records.

➔Section 15. KRS 200.575 is amended to read as follows:

- (1) As used in this section, unless the context otherwise requires:
 - (a) "Department" means the Department for Community Based Services; and
 - (b) "Family preservation services" means programs that:
 1. Follow intensive, home-based service models with demonstrated effectiveness in reducing or avoiding the need for out-of-home placement;
 2. Provide such services that result in lower costs than would out-of-home placement; and
 3. Employ specially trained caseworkers who shall:

- a. Provide at least half of their services in the family's home or other natural community setting;
 - b. Provide direct therapeutic services available twenty-four (24) hours per day for a family;
 - c. Aid in the solution of practical problems that contribute to family stress so as to effect improved parental performance and enhanced functioning of the family unit;
 - d. Arrange for additional assistance, including but not limited to housing, child care, education, and job training, emergency cash grants, state and federally funded public assistance, and other basic support needs; and
 - e. Supervise any paraprofessionals or "family aides" made available to provide specialized services or skills to manage everyday problems and better provide and care for children.
- (2) The department shall be the lead administrative agency for family preservation services and may receive funding for the implementation of these services. The department shall:
- (a) Provide the coordination of and planning for the implementation of family preservation services;
 - (b) Provide standards for family preservation services programs;
 - (c) Monitor these services to ensure they meet measurable standards of performance as set forth in state law and as developed by the department; and
 - (d) Provide the initial training and approve any ongoing training required by providers of family preservation services.
- (3) The department may provide family preservation services directly or may contract to provide these services. In the event the department provides family preservation services with state caseworkers, those caseworkers and cases shall be excluded for the overall caseworker or case averages provided on a quarterly basis to the Legislative Research Commission and the Governor's office under KRS 199.461. Family preservation services caseworkers and cases shall be included in the report as a separate category.
- (4) If the department contracts to provide family preservation services, the contract shall include:
- (a) Requirements for acceptance of any client referred by the department for family preservation services;
 - (b) Caseload standards per caseworker;
 - (c) Provision of twenty-four (24) hour crisis intervention services to families served by the program;
 - (d) Minimum initial and ongoing training standards for family preservation services staff; and
 - (e) Internal programmatic evaluation and cooperation with external evaluation as directed by the department.
- (5) Family preservation services shall be provided only to those children~~{who are}~~ at ~~{actual,}~~ imminent *or moderate* risk of out-of-home placement:
- (a) Who are at risk of commitment as dependent, abused, or neglected;
 - (b) Who are emotionally disturbed; ~~or{and}~~
 - (c) Whose families are in conflict such that they are unable to exercise reasonable control of the child.
- (6) Families in which children are at risk of recurring sexual abuse perpetrated by a member of their immediate household who remains in close physical proximity to the victim or whose continued safety from recurring abuse cannot be reasonably ensured, shall not be eligible for family preservation services.
- (7) The implementation of family preservation services shall be limited to those situations where protection can be ensured for children, families, and the community.
- (8) The provision of family preservation services to a family shall constitute a reasonable effort by the Cabinet for Health and Family Services to prevent the removal of a child from the child's home under KRS 620.140, provided that the family has received timely access to other services from the Cabinet for Health and Family Services for which the family is eligible.
- (9) Acceptance of family preservation services shall not be considered an admission to any allegation that initiated the investigation of the family, nor shall refusal of family preservation services be considered as evidence in

any proceeding except where the issue is whether the Cabinet for Health and Family Services has made reasonable efforts to prevent removal of a child.

- (10) No family preservation services program shall compel any family member to engage in any activity or refrain from any activity, which is not reasonably related to remedying any condition that gave rise, or which could reasonably give rise, to any finding of child abuse, neglect, or dependency.
- (11) The commissioner of the department shall conduct and submit to the Child Welfare Oversight and Advisory Committee established in KRS 6.943, an annual evaluation of the family preservation services, which shall include the following:
- (a) The number of families receiving family preservation services, the number of children in those families, and the number of children in those families who would have been placed in out-of-home care if the family preservation services had not be available;
 - (b) Among those families receiving family preservation services, the number of children placed outside the home;
 - (c) The average cost per family of providing family preservation services;
 - (d) The number of children who remain reunified with their families six (6) months and one (1) year after completion of the family preservation services; and
 - (e) An overall evaluation of the progress of family preservation services programs during the preceding year, recommendations for improvements in the delivery of this service, and a plan for the continued development of family preservation services to ensure progress towards statewide availability.
- (12) Nothing in this section shall prohibit the department from developing other in-home services in accordance with its statutory authority to promulgate administrative regulations in accordance with KRS Chapter 13A or to enter into contractual arrangements in accordance with KRS Chapter 45.

➔SECTION 16. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO READ AS FOLLOWS:

(1) ***For the purposes of this section:***

- (a) ***"Advanced practice registered nurse" has the same meaning as in KRS 314.011;***
- (b) ***"Children's advocacy center" has the same meaning as in KRS 620.020;***
- (c) ***"Child medical evaluation" means an examination at a children's advocacy center to evaluate for child physical abuse, sexual abuse, or neglect and to exclude other etiologies and evaluate the health and well-being of the child. A child medical evaluation shall include but not be limited to one (1) or more of the following:***
 - 1. ***A medical history taken from the child and a nonimplicated parent, guardian, or primary caretaker;***
 - 2. ***A comprehensive physical examination;***
 - 3. ***Laboratory services;***
 - 4. ***Photo documentation;***
 - 5. ***Follow-up evaluation; or***
 - 6. ***A mental health screening to determine the impact of the alleged abuse on the mental health status of the child and the need for mental health services;***
- (d) ***"Physician" has the same meaning as in KRS 311.550; and***
- (e) ***"Sexual assault nurse examiner" has the same meaning as in KRS 314.011.***

- (2) ***The Cabinet for Health and Family Services and any managed care organization or other entity with whom the Department for Medicaid Services contracts for the delivery of Medicaid services shall provide Medicaid reimbursement for a child medical evaluation provided by a licensed physician, advanced practice registered nurse, or sexual assault nurse examiner employed or contracted by a children's advocacy center if the children's advocacy center is in compliance with the appropriate and necessary federal and state laws or regulations.***

- (3) *Child medical evaluations provided by a licensed physician, advanced practice registered nurse, or sexual assault nurse examiner in a children's advocacy center shall be reimbursed by the Department for Medicaid Services at the true and actual cost of the child medical evaluation.*
- (4) *The Department for Medicaid Services shall apply for any waivers of federal laws or regulations necessary to implement this section.*
- (5) *The cabinet shall promulgate administrative regulations in accordance with KRS Chapter 13A to implement this section.*

➔Section 17. KRS 600.020 is amended to read as follows:

As used in KRS Chapters 600 to 645, unless the context otherwise requires:

- (1) "Abused or neglected child" means a child whose health or welfare is harmed or threatened with harm when:
 - (a) His or her parent, guardian, person in a position of authority or special trust, as defined in KRS 532.045, or other person exercising custodial control or supervision of the child:
 - 1. Inflicts or allows to be inflicted upon the child physical or emotional injury as defined in this section by other than accidental means;
 - 2. Creates or allows to be created a risk of physical or emotional injury as defined in this section to the child by other than accidental means;
 - 3. Engages in a pattern of conduct that renders the parent incapable of caring for the immediate and ongoing needs of the child, including but not limited to parental incapacity due to a substance use disorder as defined in KRS 222.005;
 - 4. Continuously or repeatedly fails or refuses to provide essential parental care and protection for the child, considering the age of the child;
 - 5. Commits or allows to be committed an act of sexual abuse, sexual exploitation, or prostitution upon the child;
 - 6. Creates or allows to be created a risk that an act of sexual abuse, sexual exploitation, or prostitution will be committed upon the child;
 - 7. Abandons or exploits the child;
 - 8. Does not provide the child with adequate care, supervision, food, clothing, shelter, and education or medical care necessary for the child's well-being *when financially able to do so or offered financial or other means to do so*. A parent or other person exercising custodial control or supervision of the child legitimately practicing the person's religious beliefs shall not be considered a negligent parent solely because of failure to provide specified medical treatment for a child for that reason alone. This exception shall not preclude a court from ordering necessary medical services for a child;
 - 9. Fails to make sufficient progress toward identified goals as set forth in the court-approved case plan to allow for the safe return of the child to the parent that results in the child remaining committed to the cabinet and remaining in foster care for fifteen (15) cumulative months out of forty-eight (48) months; or
 - 10. Commits or allows female genital mutilation as defined in KRS 508.125 to be committed; or
 - (b) A person twenty-one (21) years of age or older commits or allows to be committed an act of sexual abuse, sexual exploitation, or prostitution upon a child less than sixteen (16) years of age;
- (2) "Age or developmentally appropriate" has the same meaning as in 42 U.S.C. sec. 675(11);
- (3) "Aggravated circumstances" means the existence of one (1) or more of the following conditions:
 - (a) The parent has not attempted or has not had contact with the child for a period of not less than ninety (90) days;
 - (b) The parent is incarcerated and will be unavailable to care for the child for a period of at least one (1) year from the date of the child's entry into foster care and there is no appropriate relative placement available during this period of time;
 - (c) The parent has sexually abused the child and has refused available treatment;

- (d) The parent has been found by the cabinet to have engaged in abuse of the child that required removal from the parent's home two (2) or more times in the past two (2) years; or
 - (e) The parent has caused the child serious physical injury;
- (4) "Beyond the control of parents" means a child who has repeatedly failed to follow the reasonable directives of his or her parents, legal guardian, or person exercising custodial control or supervision other than a state agency, which behavior results in danger to the child or others, and which behavior does not constitute behavior that would warrant the filing of a petition under KRS Chapter 645;
 - (5) "Beyond the control of school" means any child who has been found by the court to have repeatedly violated the lawful regulations for the government of the school as provided in KRS 158.150, and as documented in writing by the school as a part of the school's petition or as an attachment to the school's petition. The petition or attachment shall describe the student's behavior and all intervention strategies attempted by the school;
 - (6) "Boarding home" means a privately owned and operated home for the boarding and lodging of individuals which is approved by the Department of Juvenile Justice or the cabinet for the placement of children committed to the department or the cabinet;
 - (7) "Cabinet" means the Cabinet for Health and Family Services;
 - (8) "Certified juvenile facility staff" means individuals who meet the qualifications of, and who have completed a course of education and training in juvenile detention developed and approved by, the Department of Juvenile Justice after consultation with other appropriate state agencies;
 - (9) "Child" means any person who has not reached his or her eighteenth birthday, unless otherwise provided;
 - (10) "Child-caring facility" means any facility or group home other than a state facility, Department of Juvenile Justice contract facility or group home, or one certified by an appropriate agency as operated primarily for educational or medical purposes, providing residential care on a twenty-four (24) hour basis to children not related by blood, adoption, or marriage to the person maintaining the facility;
 - (11) "Child-placing agency" means any agency, other than a state agency, which supervises the placement of children in foster family homes or child-caring facilities or which places children for adoption;
 - (12) "Clinical treatment facility" means a facility with more than eight (8) beds designated by the Department of Juvenile Justice or the cabinet for the treatment of mentally ill children. The treatment program of such facilities shall be supervised by a qualified mental health professional;
 - (13) "Commitment" means an order of the court which places a child under the custodial control or supervision of the Cabinet for Health and Family Services, Department of Juvenile Justice, or another facility or agency until the child attains the age of eighteen (18) unless otherwise provided by law;
 - (14) "Community-based facility" means any nonsecure, homelike facility licensed, operated, or permitted to operate by the Department of Juvenile Justice or the cabinet, which is located within a reasonable proximity of the child's family and home community, which affords the child the opportunity, if a Kentucky resident, to continue family and community contact;
 - (15) "Complaint" means a verified statement setting forth allegations in regard to the child which contain sufficient facts for the formulation of a subsequent petition;
 - (16) "Court" means the juvenile session of District Court unless a statute specifies the adult session of District Court or the Circuit Court;
 - (17) "Court-designated worker" means that organization or individual delegated by the Administrative Office of the Courts for the purposes of placing children in alternative placements prior to arraignment, conducting preliminary investigations, and formulating, entering into, and supervising diversion agreements and performing such other functions as authorized by law or court order;
 - (18) "Deadly weapon" has the same meaning as it does in KRS 500.080;
 - (19) "Department" means the Department for Community Based Services;
 - (20) "Dependent child" means any child, other than an abused or neglected child, who is under improper care, custody, control, or guardianship that is not due to an intentional act of the parent, guardian, or person exercising custodial control or supervision of the child;

- (21) "Detention" means the safe and temporary custody of a juvenile who is accused of conduct subject to the jurisdiction of the court who requires a restricted or closely supervised environment for his or her own or the community's protection;
- (22) "Detention hearing" means a hearing held by a judge or trial commissioner within twenty-four (24) hours, exclusive of weekends and holidays, of the start of any period of detention prior to adjudication;
- (23) "Diversion agreement" means a mechanism designed to hold a child accountable for his or her behavior and, if appropriate, securing services to serve the best interest of the child and to provide redress for that behavior without court action and without the creation of a formal court record;
- (24) "Eligible youth" means a person who:
- (a) Is or has been committed to the cabinet as dependent, neglected, or abused;
 - (b) Is eighteen (18) years of age to nineteen (19) years of age; and
 - (c) Is requesting to extend or reinstate his or her commitment to the cabinet in order to participate in state or federal educational programs or to establish independent living arrangements;
- (25) "Emergency shelter" is a group home, private residence, foster home, or similar homelike facility which provides temporary or emergency care of children and adequate staff and services consistent with the needs of each child;
- (26) "Emotional injury" means an injury to the mental or psychological capacity or emotional stability of a child as evidenced by a substantial and observable impairment in the child's ability to function within a normal range of performance and behavior with due regard to his or her age, development, culture, and environment as testified to by a qualified mental health professional;
- (27) "Evidence-based practices" means policies, procedures, programs, and practices proven by scientific research to reliably produce reductions in recidivism;
- (28) "Fictive kin" means an individual who is not related by birth, adoption, or marriage to a child, but who has an emotionally significant relationship with the child, *or an emotionally significant relationship with a biological parent, siblings, or half-siblings of the child in the case of a child from birth to twelve (12) months of age, prior to placement*;
- (29) "Firearm" shall have the same meaning as in KRS 237.060 and 527.010;
- (30) "Foster family home" means a private home in which children are placed for foster family care under supervision of the cabinet or a licensed child-placing agency;
- (31) "Graduated sanction" means any of a continuum of accountability measures, programs, and sanctions, ranging from less restrictive to more restrictive in nature, that may include but are not limited to:
- (a) Electronic monitoring;
 - (b) Drug and alcohol screening, testing, or monitoring;
 - (c) Day or evening reporting centers;
 - (d) Reporting requirements;
 - (e) Community service; and
 - (f) Rehabilitative interventions such as family counseling, substance abuse treatment, restorative justice programs, and behavioral or mental health treatment;
- (32) "Habitual runaway" means any child who has been found by the court to have been absent from his or her place of lawful residence without the permission of his or her custodian for at least three (3) days during a one (1) year period;
- (33) "Habitual truant" means any child who has been found by the court to have been reported as a truant as defined in KRS 159.150(1) two (2) or more times during a one (1) year period;
- (34) "Hospital" means, except for purposes of KRS Chapter 645, a licensed private or public facility, health care facility, or part thereof, which is approved by the cabinet to treat children;
- (35) "Independent living" means those activities necessary to assist a committed child to establish independent living arrangements;

- (36) "Informal adjustment" means an agreement reached among the parties, with consultation, but not the consent, of the victim of the crime or other persons specified in KRS 610.070 if the victim chooses not to or is unable to participate, after a petition has been filed, which is approved by the court, that the best interest of the child would be served without formal adjudication and disposition;
- (37) "Intentionally" means, with respect to a result or to conduct described by a statute which defines an offense, that the actor's conscious objective is to cause that result or to engage in that conduct;
- (38) "Least restrictive alternative" means, except for purposes of KRS Chapter 645, that the program developed on the child's behalf is no more harsh, hazardous, or intrusive than necessary; or involves no restrictions on physical movements nor requirements for residential care except as reasonably necessary for the protection of the child from physical injury; or protection of the community, and is conducted at the suitable available facility closest to the child's place of residence to allow for appropriate family engagement;
- (39) "Motor vehicle offense" means any violation of the nonfelony provisions of KRS Chapters 186, 189, or 189A, KRS 177.300, 304.39-110, or 304.39-117;
- (40) "Near fatality" means an injury that, as certified by a physician, places a child in serious or critical condition;
- (41) "Needs of the child" means necessary food, clothing, health, shelter, and education;
- (42) "Nonoffender" means a child alleged to be dependent, neglected, or abused and who has not been otherwise charged with a status or public offense;
- (43) "Nonsecure facility" means a facility which provides its residents access to the surrounding community and which does not rely primarily on the use of physically restricting construction and hardware to restrict freedom;
- (44) "Nonsecure setting" means a nonsecure facility or a residential home, including a child's own home, where a child may be temporarily placed pending further court action. Children before the court in a county that is served by a state operated secure detention facility, who are in the detention custody of the Department of Juvenile Justice, and who are placed in a nonsecure alternative by the Department of Juvenile Justice, shall be supervised by the Department of Juvenile Justice;
- (45) "Out-of-home placement" means a placement other than in the home of a parent, relative, or guardian, in a boarding home, clinical treatment facility, community-based facility, detention facility, emergency shelter, fictive kin home, foster family home, hospital, nonsecure facility, physically secure facility, residential treatment facility, or youth alternative center;
- (46) "Parent" means the biological or adoptive mother or father of a child;
- (47) "Person exercising custodial control or supervision" means a person or agency that has assumed the role and responsibility of a parent or guardian for the child, but that does not necessarily have legal custody of the child;
- (48) "Petition" means a verified statement, setting forth allegations in regard to the child, which initiates formal court involvement in the child's case;
- (49) "Physical injury" means substantial physical pain or any impairment of physical condition;
- (50) "Physically secure facility" means a facility that relies primarily on the use of construction and hardware such as locks, bars, and fences to restrict freedom;
- (51) "Public offense action" means an action, excluding contempt, brought in the interest of a child who is accused of committing an offense under KRS Chapter 527 or a public offense which, if committed by an adult, would be a crime, whether the same is a felony, misdemeanor, or violation, other than an action alleging that a child sixteen (16) years of age or older has committed a motor vehicle offense;
- (52) "Qualified mental health professional" means:
- (a) A physician licensed under the laws of Kentucky to practice medicine or osteopathy, or a medical officer of the government of the United States while engaged in the performance of official duties;
 - (b) A psychiatrist licensed under the laws of Kentucky to practice medicine or osteopathy, or a medical officer of the government of the United States while engaged in the practice of official duties, and who is certified or eligible to apply for certification by the American Board of Psychiatry and Neurology, Inc.;

- (c) A psychologist with the health service provider designation, a psychological practitioner, a certified psychologist, or a psychological associate licensed under the provisions of KRS Chapter 319;
 - (d) A licensed registered nurse with a master's degree in psychiatric nursing from an accredited institution and two (2) years of clinical experience with mentally ill persons, or a licensed registered nurse with a bachelor's degree in nursing from an accredited institution who is certified as a psychiatric and mental health nurse by the American Nurses Association and who has three (3) years of inpatient or outpatient clinical experience in psychiatric nursing and who is currently employed by a hospital or forensic psychiatric facility licensed by the Commonwealth or a psychiatric unit of a general hospital, a private agency or company engaged in providing mental health services, or a regional comprehensive care center;
 - (e) A licensed clinical social worker licensed under the provisions of KRS 335.100, or a certified social worker licensed under the provisions of KRS 335.080 with three (3) years of inpatient or outpatient clinical experience in psychiatric social work and currently employed by a hospital or forensic psychiatric facility licensed by the Commonwealth, a psychiatric unit of a general hospital, a private agency or company engaged in providing mental health services, or a regional comprehensive care center;
 - (f) A marriage and family therapist licensed under the provisions of KRS 335.300 to 335.399 with three (3) years of inpatient or outpatient clinical experience in psychiatric mental health practice and currently employed by a hospital or forensic psychiatric facility licensed by the Commonwealth, a psychiatric unit of a general hospital, a private agency or company engaged in providing mental health services, or a regional comprehensive care center;
 - (g) A professional counselor credentialed under the provisions of KRS 335.500 to 335.599 with three (3) years of inpatient or outpatient clinical experience in psychiatric mental health practice and currently employed by a hospital or forensic facility licensed by the Commonwealth, a psychiatric unit of a general hospital, a private agency or company engaged in providing mental health services, or a regional comprehensive care center; or
 - (h) A physician assistant licensed under KRS 311.840 to 311.862, who meets one (1) of the following requirements:
 - 1. Provides documentation that he or she has completed a psychiatric residency program for physician assistants;
 - 2. Has completed at least one thousand (1,000) hours of clinical experience under a supervising physician, as defined by KRS 311.840, who is a psychiatrist and is certified or eligible for certification by the American Board of Psychiatry and Neurology, Inc.;
 - 3. Holds a master's degree from a physician assistant program accredited by the Accreditation Review Commission on Education for the Physician Assistant or its predecessor or successor agencies, is practicing under a supervising physician as defined by KRS 311.840, and:
 - a. Has two (2) years of clinical experience in the assessment, evaluation, and treatment of mental disorders; or
 - b. Has been employed by a hospital or forensic psychiatric facility licensed by the Commonwealth or a psychiatric unit of a general hospital or a private agency or company engaged in the provision of mental health services or a regional community program for mental health and individuals with an intellectual disability for at least two (2) years; or
 - 4. Holds a bachelor's degree, possesses a current physician assistant certificate issued by the board prior to July 15, 2002, is practicing under a supervising physician as defined by KRS 311.840, and:
 - a. Has three (3) years of clinical experience in the assessment, evaluation, and treatment of mental disorders; or
 - b. Has been employed by a hospital or forensic psychiatric facility licensed by the Commonwealth or a psychiatric unit of a general hospital or a private agency or company engaged in the provision of mental health services or a regional community program for mental health and individuals with an intellectual disability for at least three (3) years;
- (53) "Reasonable and prudent parent standard" has the same meaning as in 42 U.S.C. sec. 675(10);

- (54) "Residential treatment facility" means a facility or group home with more than eight (8) beds designated by the Department of Juvenile Justice or the cabinet for the treatment of children;
- (55) "Retain in custody" means, after a child has been taken into custody, the continued holding of the child by a peace officer for a period of time not to exceed twelve (12) hours when authorized by the court or the court-designated worker for the purpose of making preliminary inquiries;
- (56) "Risk and needs assessment" means an actuarial tool scientifically proven to identify specific factors and needs that are related to delinquent and noncriminal misconduct;
- (57) "School personnel" means those certified persons under the supervision of the local public or private education agency;
- (58) "Secretary" means the secretary of the Cabinet for Health and Family Services;
- (59) "Secure juvenile detention facility" means any physically secure facility used for the secure detention of children other than any facility in which adult prisoners are confined;
- (60) "Serious physical injury" means physical injury which creates a substantial risk of death or which causes serious and prolonged disfigurement, prolonged impairment of health, or prolonged loss or impairment of the function of any bodily member or organ;
- (61) "Sexual abuse" includes but is not necessarily limited to any contacts or interactions in which the parent, guardian, person in a position of authority or special trust, as defined in KRS 532.045, or other person having custodial control or supervision of the child or responsibility for his or her welfare, uses or allows, permits, or encourages the use of the child for the purposes of the sexual stimulation of the perpetrator or another person;
- (62) "Sexual exploitation" includes but is not limited to a situation in which a parent, guardian, person in a position of authority or special trust, as defined in KRS 532.045, or other person having custodial control or supervision of a child or responsible for his or her welfare, allows, permits, or encourages the child to engage in an act which constitutes prostitution under Kentucky law; or a parent, guardian, person in a position of authority or special trust, as defined in KRS 532.045, or other person having custodial control or supervision of a child or responsible for his or her welfare, allows, permits, or encourages the child to engage in an act of obscene or pornographic photographing, filming, or depicting of a child as provided for under Kentucky law;
- (63) "Social service worker" means any employee of the cabinet or any private agency designated as such by the secretary of the cabinet or a social worker employed by a county or city who has been approved by the cabinet to provide, under its supervision, services to families and children;
- (64) "Staff secure facility for residential treatment" means any setting which assures that all entrances and exits are under the exclusive control of the facility staff, and in which a child may reside for the purpose of receiving treatment;
- (65) (a) "Status offense action" is any action brought in the interest of a child who is accused of committing acts, which if committed by an adult, would not be a crime. Such behavior shall not be considered criminal or delinquent and such children shall be termed status offenders. Status offenses shall include:
1. Beyond the control of school or beyond the control of parents;
 2. Habitual runaway;
 3. Habitual truant; and
 4. Alcohol offenses as provided in KRS 244.085.
- (b) Status offenses shall not include violations of state or local ordinances which may apply to children such as a violation of curfew;
- (66) "Take into custody" means the procedure by which a peace officer or other authorized person initially assumes custody of a child. A child may be taken into custody for a period of time not to exceed two (2) hours;
- (67) "Transitional living support" means all benefits to which an eligible youth is entitled upon being granted extended or reinstated commitment to the cabinet by the court;
- (68) "Transition plan" means a plan that is personalized at the direction of the youth that:
- (a) Includes specific options on housing, health insurance, education, local opportunities for mentors and continuing support services, and workforce supports and employment services; and

- (b) Is as detailed as the youth may elect;
- (69) "Valid court order" means a court order issued by a judge to a child alleged or found to be a status offender:
- (a) Who was brought before the court and made subject to the order;
 - (b) Whose future conduct was regulated by the order;
 - (c) Who was given written and verbal warning of the consequences of the violation of the order at the time the order was issued and whose attorney or parent or legal guardian was also provided with a written notice of the consequences of violation of the order, which notification is reflected in the record of the court proceedings; and
 - (d) Who received, before the issuance of the order, the full due process rights guaranteed by the Constitution of the United States;
- (70) "Violation" means any offense, other than a traffic infraction, for which a sentence of a fine only can be imposed;
- (71) "Youth alternative center" means a nonsecure facility, approved by the Department of Juvenile Justice, for the detention of juveniles, both prior to adjudication and after adjudication, which meets the criteria specified in KRS 15A.320; and
- (72) "Youthful offender" means any person regardless of age, transferred to Circuit Court under the provisions of KRS Chapter 635 or 640 and who is subsequently convicted in Circuit Court.

➔Section 18. KRS 620.055 is amended to read as follows:

- (1) An external child fatality and near fatality review panel is hereby created and established for the purpose of conducting comprehensive reviews of child fatalities and near fatalities, reported to the Cabinet for Health and Family Services, suspected to be a result of abuse or neglect. The panel shall be attached to the Justice and Public Safety Cabinet for staff and administrative purposes.
- (2) The external child fatality and near fatality review panel shall be composed of the following five (5) ex officio nonvoting members and fifteen (15) voting members:
 - (a) The chairperson of the House Health and Welfare Committee of the Kentucky General Assembly, who shall be an ex officio nonvoting member;
 - (b) The chairperson of the Senate Health and Welfare Committee of the Kentucky General Assembly, who shall be an ex officio nonvoting member;
 - (c) The commissioner of the Department for Community Based Services, who shall be an ex officio nonvoting member;
 - (d) The commissioner of the Department for Public Health, who shall be an ex officio nonvoting member;
 - (e) A family court judge selected by the Chief Justice of the Kentucky Supreme Court, who shall be an ex officio nonvoting member;
 - (f) A pediatrician from the University of Kentucky's Department of Pediatrics who is licensed and experienced in forensic medicine relating to child abuse and neglect to be selected by the Attorney General from a list of three (3) names provided by the dean of the University of Kentucky School of Medicine;
 - (g) A pediatrician from the University of Louisville's Department of Pediatrics who is licensed and experienced in forensic medicine relating to child abuse and neglect to be selected by the Attorney General from a list of three (3) names provided by the dean of the University of Louisville School of Medicine;
 - (h) The state medical examiner or designee;
 - (i) A court-appointed special advocate (CASA) program director to be selected by the Attorney General from a list of three (3) names provided by the Kentucky CASA Association;
 - (j) A peace officer with experience investigating child abuse and neglect fatalities and near fatalities to be selected by the Attorney General from a list of three (3) names provided by the commissioner of the Kentucky State Police;

- (k) A representative from Prevent Child Abuse Kentucky, Inc. to be selected by the Attorney General from a list of three (3) names provided by the president of the Prevent Child Abuse Kentucky, Inc. board of directors;
 - (l) A practicing local prosecutor to be selected by the Attorney General;
 - (m) The executive director of the Kentucky Domestic Violence Association or the executive director's designee;
 - (n) The chairperson of the State Child Fatality Review Team established in accordance with KRS 211.684 or the chairperson's designee;
 - (o) A practicing social work clinician to be selected by the Attorney General from a list of three (3) names provided by the Board of Social Work;
 - (p) A practicing addiction counselor to be selected by the Attorney General from a list of three (3) names provided by the Kentucky Association of Addiction Professionals;
 - (q) A representative from the family resource and youth service centers to be selected by the Attorney General from a list of three (3) names submitted by the Cabinet for Health and Family Services;
 - (r) A representative of a community mental health center to be selected by the Attorney General from a list of three (3) names provided by the Kentucky Association of Regional Mental Health and Mental Retardation Programs, Inc.;
 - (s) A member of a citizen foster care review board selected by the Chief Justice of the Kentucky Supreme Court; and
 - (t) An at-large representative who shall serve as chairperson to be selected by the Secretary of State.
- (3) (a) By August 1, 2013, the appointing authority or the appointing authorities, as the case may be, shall have appointed panel members. Initial terms of members, other than those serving ex officio, shall be staggered to provide continuity. Initial appointments shall be: five (5) members for terms of one (1) year, five (5) members for terms of two (2) years, and five (5) members for terms of three (3) years, these terms to expire, in each instance, on June 30 and thereafter until a successor is appointed and accepts appointment.
- (b) Upon the expiration of these initial staggered terms, successors shall be appointed by the respective appointing authorities, for terms of two (2) years, and until successors are appointed and accept their appointments. Members shall be eligible for reappointment. Vacancies in the membership of the panel shall be filled in the same manner as the original appointments.
- (c) At any time, a panel member shall recuse himself or herself from the review of a case if the panel member believes he or she has a personal or private conflict of interest.
- (d) If a voting panel member is absent from two (2) or more consecutive, regularly scheduled meetings, the member shall be considered to have resigned and shall be replaced with a new member in the same manner as the original appointment.
- (e) If a voting panel member is proven to have violated subsection (13) of this section, the member shall be removed from the panel, and the member shall be replaced with a new member in the same manner as the original appointment.
- (4) The panel shall meet at least quarterly and may meet upon the call of the chairperson of the panel.
- (5) Members of the panel shall receive no compensation for their duties related to the panel, but may be reimbursed for expenses incurred in accordance with state guidelines and administrative regulations.
- (6) Each panel member shall be provided copies of all information set out in this subsection, including but not limited to records and information, upon request, to be gathered, unredacted, and submitted to the panel within thirty (30) days by the Cabinet for Health and Family Services from the Department for Community Based Services or any agency, organization, or entity involved with a child subject to a fatality or near fatality:
- (a) Cabinet for Health and Family Services records and documentation regarding the deceased or injured child and his or her caregivers, residents of the home, and persons supervising the child at the time of the incident that include all records and documentation set out in this paragraph:
 - 1. All prior and ongoing investigations, services, or contacts;

2. Any and all records of services to the family provided by agencies or individuals contracted by the Cabinet for Health and Family Services; and
 3. All documentation of actions taken as a result of child fatality internal reviews conducted pursuant to KRS 620.050(12)(b);
- (b) Licensing reports from the Cabinet for Health and Family Services, Office of Inspector General, if an incident occurred in a licensed facility;
- (c) All available records regarding protective services provided out of state;
- (d) All records of services provided by the Department for Juvenile Justice regarding the deceased or injured child and his or her caregivers, residents of the home, and persons involved with the child at the time of the incident;
- (e) Autopsy reports;
- (f) Emergency medical service, fire department, law enforcement, coroner, and other first responder reports, including but not limited to photos and interviews with family members and witnesses;
- (g) Medical records regarding the deceased or injured child, including but not limited to all records and documentation set out in this paragraph:
1. Primary care records, including progress notes; developmental milestones; growth charts that include head circumference; all laboratory and X-ray requests and results; and birth record that includes record of delivery type, complications, and initial physical exam of baby;
 2. In-home provider care notes about observations of the family, bonding, others in home, and concerns;
 3. Hospitalization and emergency department records;
 4. Dental records;
 5. Specialist records; and
 6. All photographs of injuries of the child that are available;
- (h) Educational records of the deceased or injured child, or other children residing in the home where the incident occurred, including but not limited to the records and documents set out in this paragraph:
1. Attendance records;
 2. Special education services;
 3. School-based health records; and
 4. Documentation of any interaction and services provided to the children and family.
- The release of educational records shall be in compliance with the Family Educational Rights and Privacy Act, 20 U.S.C. sec. 1232g and its implementing regulations;
- (i) Head Start records or records from any other child care or early child care provider;
- (j) Records of any Family, Circuit, or District Court involvement with the deceased or injured child and his or her caregivers, residents of the home and persons involved with the child at the time of the incident that include but are not limited to the juvenile and family court records and orders set out in this paragraph, pursuant to KRS Chapters 199, 403, 405, 406, and 600 to 645:
1. Petitions;
 2. Court reports by the Department for Community Based Services, guardian ad litem, court-appointed special advocate, and the Citizen Foster Care Review Board;
 3. All orders of the court, including temporary, dispositional, or adjudicatory; and
 4. Documentation of annual or any other review by the court;
- (k) Home visit records from the Department for Public Health or other services;
- (l) All information on prior allegations of abuse or neglect and deaths of children of adults residing in the household;

- (m) All law enforcement records and documentation regarding the deceased or injured child and his or her caregivers, residents of the home, and persons involved with the child at the time of the incident; and
 - (n) Mental health records regarding the deceased or injured child and his or her caregivers, residents of the home, and persons involved with the child at the time of the incident.
- (7) The panel may seek the advice of experts, such as persons specializing in the fields of psychiatric and forensic medicine, nursing, psychology, social work, education, law enforcement, family law, or other related fields, if the facts of a case warrant additional expertise.
 - (8) The panel shall post updates after each meeting to the Web site of the Justice and Public Safety Cabinet regarding case reviews, findings, and recommendations.
 - (9) The panel chairperson, or other requested persons, shall report a summary of the panel's discussions and proposed or actual recommendations to the Interim Joint Committee on Health and Welfare of the Kentucky General Assembly monthly or at the request of a committee co-chair. The goal of the committee shall be to ensure impartiality regarding the operations of the panel during its review process.
 - (10) The panel shall publish an annual report by December 1 of each year consisting of case reviews, findings, and recommendations for system and process improvements to help prevent child fatalities and near fatalities that are due to abuse and neglect. The report shall be submitted to the Governor, the secretary of the Cabinet for Health and Family Services, the Chief Justice of the Supreme Court, the Attorney General, *the State Child Abuse and Neglect Prevention Board established pursuant to Section 2 of this Act*, and the director of the Legislative Research Commission for distribution to the Child Welfare Oversight and Advisory Committee, *the Interim Joint Committee on Health, Welfare, and Family Services, and the Interim Joint Committee on* ~~established in KRS 6.943 and the~~ Judiciary ~~Committee~~.
 - (11) Information and record copies that are confidential under state or federal law and are provided to the external child fatality and near fatality review panel by the Cabinet for Health and Family Services, the Department for Community Based Services, or any agency, organization, or entity for review shall not become the information and records of the panel and shall not lose their confidentiality by virtue of the panel's access to the information and records. The original information and records used to generate information and record copies provided to the panel in accordance with subsection (6) of this section shall be maintained by the appropriate agency in accordance with state and federal law and shall be subject to the Kentucky Open Records Act, KRS 61.870 to 61.884. All open records requests shall be made to the appropriate agency, not to the external child fatality and near fatality review panel or any of the panel members. Information and record copies provided to the panel for review shall be exempt from the Kentucky Open Records Act, KRS 61.870 to 61.884. At the conclusion of the panel's examination, all copies of information and records provided to the panel involving an individual case shall be destroyed by the Justice and Public Safety Cabinet.
 - (12) Notwithstanding any provision of law to the contrary, the portions of the external child fatality and near fatality review panel meetings during which an individual child fatality or near fatality case is reviewed or discussed by panel members may be a closed session and subject to the provisions of KRS 61.815(1) and shall only occur following the conclusion of an open session. At the conclusion of the closed session, the panel shall immediately convene an open session and give a summary of what occurred during the closed session.
 - (13) Each member of the external child fatality and near fatality review panel, any person attending a closed panel session, and any person presenting information or records on an individual child fatality or near fatality shall not release information or records not available under the Kentucky Open Records Act, KRS 61.870 to 61.884 to the public.
 - (14) A member of the external child fatality and near fatality review panel shall not be prohibited from making a good faith report to any state or federal agency of any information or issue that the panel member believes should be reported or disclosed in an effort to facilitate effectiveness and transparency in Kentucky's child protective services.
 - (15) A member of the external child fatality and near fatality review panel shall not be held liable for any civil damages or criminal penalties pursuant to KRS 620.990 as a result of any action taken or omitted in the performance of the member's duties pursuant to this section and KRS 620.050, except for violations of subsection (11), (12), or (13) of this section.
 - (16) Beginning in 2014 the Legislative Oversight and Investigations Committee of the Kentucky General Assembly shall conduct an annual evaluation of the external child fatality and near fatality review panel established

pursuant to this section to monitor the operations, procedures, and recommendations of the panel and shall report its findings to the General Assembly.

➔Section 19. KRS 620.140 is amended to read as follows:

- (1) In determining the disposition of all cases brought on behalf of dependent, neglected, or abused children, the juvenile session of the District Court, in the best interest of the child, shall have but shall not be limited to the following dispositional alternatives:
 - (a) Informal adjustment of the case by agreement, which may be entered into at any time. Informal adjustment may include an agreed plan by which:
 1. The parent or other person exercising custodial control or supervision agrees that grounds exist for a finding of dependency, neglect, or abuse, and agrees to the conditions of protective orders under paragraph (b) of this subsection for a duration of up to one (1) year;
 2. The action will be dismissed by the court, without hearing, at the end of the period agreed upon if no motion is brought alleging a violation of a protective order; and
 3. If a motion is brought alleging a violation of a protective order, a hearing will be held at which the parent or other person exercising custodial control or supervision may contest the alleged violation, but may not contest the original grounds for a finding of dependency, neglect, or abuse. If a violation is found to have occurred, the court may consider other dispositional alternatives pursuant to this section;
 - (b) Protective orders, such as the following:
 1. Requiring the parent or any other person to abstain from any conduct abusing, neglecting, or making the child dependent;
 2. Placing the child in his or her own home under supervision of the cabinet or its designee with services as determined to be appropriate by the cabinet; and
 3. Orders authorized by KRS 403.715 to 403.785 and by KRS Chapter 456;
 - (c) Removal of the child to the custody of an adult relative, fictive kin, other person, or child-caring facility or child-placing agency, taking into consideration the wishes of the parent or other person exercising custodial control or supervision. Before any child is committed to the cabinet or placed out of his or her home under the supervision of the cabinet, the court shall determine that reasonable efforts have been made by the court or the cabinet to prevent or eliminate the need for removal and that continuation in the home would be contrary to the welfare of the child. If a child is to be placed with an adult relative or fictive kin the parent or other person exercising custodial control or supervision shall provide a list to the cabinet of possible persons to be considered;
 - (d) Commitment of the child to the custody of the cabinet for placement for an indeterminate period of time not to exceed his or her attainment of the age eighteen (18), unless the youth elects to extend his or her commitment beyond the age of eighteen (18) under paragraph (e) of this subsection. Beginning at least six (6) months prior to an eligible youth attaining the age of eighteen (18), the cabinet shall provide the eligible youth with education, encouragement, assistance, and support regarding the development of a transition plan, and inform the eligible youth of his or her right to extend commitment beyond the age of eighteen (18); or
 - (e) Extend or reinstate an eligible youth's commitment up to the age of twenty-one (21) to receive transitional living support. The request shall be made by the youth prior to attaining *twenty (20)* ~~nineteen (19)~~ years of age. *A youth may opt in or out of extended commitment up to two (2) times prior to attaining twenty (20) years of age, with a ninety (90) day grace period between the time he or she exits and then reenters custody so long as there is documentation that his or her request was submitted prior to attaining twenty (20) years of age. The court may grant an extension or reinstatement of a youth's commitment even if the concurrence of the cabinet occurs after the youth attains twenty (20) years of age.* Upon receipt of the request and with the concurrence of the cabinet, the court may authorize commitment up to the age of twenty-one (21).
- (2) An order of temporary custody to the cabinet shall not be considered as a permissible dispositional alternative.

➔Section 20. KRS 620.363 is amended to read as follows:

A child who is placed in foster care shall be considered a primary partner and member of a professional team. A foster child, as the most integral part of the professional team, shall have the following rights to:

- (1) Adequate food, clothing, and shelter;
- (2) Freedom from physical, sexual, or emotional injury or exploitation;
- (3) Develop physically, mentally, and emotionally to his or her potential;
- (4) A safe, secure, and stable family;
- (5) Individual educational needs being met;
- (6) Remain in the same educational setting prior to removal, whenever possible;
- (7) Placement in the least restrictive setting in close proximity to his or her home that meets his or her needs and serves his or her best interests to the extent that such placement is available;
- (8) Information about the circumstances requiring his or her initial and continued placement;
- (9) Receive notice of, attend, and be consulted in the development of case plans during periodic reviews;
- (10) Receive notice of and participate in court hearings;
- (11) Receive notice of and explanation for changes in placement or visitation agreements;
- (12) Visit the family in the family home, receive visits from family and friends, and have telephone conversations with family members, when not contraindicated by the case plan or court order;
- (13) Participate in extracurricular, social, cultural, and enrichment activities, including but not limited to sports, field trips, and overnights;
- (14) Express opinions on issues concerning his or her *placement*, care, or treatment;
- (15) Three (3) additional rights if he or she is age fourteen (14) years or older. These additional three (3) rights are the right to:
 - (a) Designate two (2) additional individuals to participate in case planning conferences or periodic reviews, who are not the foster parent or his or her worker, and who may advocate on his or her behalf. The cabinet, child-caring facility, or child-placing agency may reject an individual with reasonable belief that the individual will not act appropriately on the child's behalf;
 - (b) Receive a written description of the programs and services that will help prepare him or her for the transition from foster care to successful adulthood; and
 - (c) Receive a consumer report yearly until discharged from care and to receive assistance in interpreting and resolving any inaccuracies in the report, pursuant to 42 U.S.C. sec. 675(5)(I);~~and~~
- (16) Receive, free of charge when he or she is eighteen (18) years or older and preparing to exit foster care by reason of attaining the age of eighteen (18) years old, the following:
 - (a) An official birth certificate;
 - (b) A Social Security card;
 - (c) Health insurance information;
 - (d) ~~{A copy of the child's medical records; and~~
 - ~~(e) }A state-issued identification; *and*~~
 - (e) *A copy of the child's cabinet case history, including:*
 1. *Family medical history;*
 2. *Placement history records; and*
 3. *The child's medical records, including physical, dental, vision, and mental health records;*
- (17) *Request placement be made where he or she feels the most safe and accepted;*
- (18) *Participate in a sibling or half-sibling's court hearing if deemed appropriate by the cabinet, court of jurisdiction, and guardian ad litem, if applicable; and*

(19) *Raise his or her child and make decisions on behalf of his or her child unless a health or safety risk is determined by the cabinet or due to the treatment needs of the youth.*

➔Section 21. The Kentucky Personnel Cabinet shall promulgate administrative regulations in accordance with KRS Chapter 13A within 30 days of the effective date of this Act to require the Kentucky Employees Charitable Campaign to include the child victims' trust fund established pursuant to KRS 41.400 as a participating charitable organization.

➔Section 22. Whereas Kentucky has led the nation in child abuse and neglect for three consecutive years and the need to protect children and preserve families is of great public concern, an emergency is declared to exist and this Act takes effect upon its passage and approval by the Governor, or upon its otherwise becoming a law.

Signed by Governor April 1, 2022.

CHAPTER 76

(SB 112)

AN ACT relating to interlocal agreements.

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

➔Section 1. KRS 65.242 is amended to read as follows:

- (1) Provided that the terms of the agreement are not being substantively changed, whenever an existing agreement that complies with the requirements of KRS 65.210 to 65.300 is amended solely to join new parties or to remove existing parties, approval of the Attorney General or the Department for Local Government under KRS 65.260 and approval of the agency or officer with jurisdiction under KRS 65.300 shall not be required for the amendment to be effective.
- (2) ~~In lieu of the requirements of KRS 65.290,~~ When an agreement is amended pursuant to subsection (1) of this section, ~~a~~~~each~~ public agency subject to the agreement or the interlocal agency created by the agreement shall ***not be required to*** file a copy of the amended agreement with the Secretary of State ***as set out in KRS 65.290 in order for the amended agreement to become effective.***
- (3) Public agencies may, by the terms of an agreement made pursuant to KRS 65.210 to 65.300, specify the manner in which parties may be added to or removed from the agreement pursuant to this section. The language may authorize the addition of new parties or the removal of existing parties with or without the requirement of action by each public agency that is a party to the existing agreement or with a requirement of action by a minimum percentage of the legislative bodies of the public agencies that are parties to the agreement.

Signed by Governor April 1, 2022.

CHAPTER 77

(SB 152)

AN ACT relating to solid waste management.

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

➔Section 1. KRS 109.0417 is amended to read as follows:

- (1) (a) ~~{After June 29, 2017,}~~ A local government shall not:
 1. Commence solid waste management services that would have the effect of prohibiting a service company from continuing to provide services that it was providing prior to commencement of services by the local government; or

2. Award a franchise for solid waste management services where no franchise exists; unless the local government complies with the requirements in this section.
- (b) Paragraph (a) of this subsection shall not apply to:
1. The renewal, according to its terms, or replacement, upon its expiration, of an existing franchise;~~or~~
 2. The expansion or extension of urban services related to residential waste management services for single-family or two (2) family dwelling units by an urban-county government pursuant to KRS Chapter 67A, so long as the urban-county government:
 - a. Holds at least one (1) public hearing and provides written notice to all service companies registered within the urban-county government no later than ten (10) days prior to the scheduled public hearing; and
 - b. Provides written notice to all service companies registered with the urban-county government no later than ten (10) days after:
 - i. Receiving a petition to extend urban services;
 - ii. Mailing voting cards to proposed service recipients regarding the petition so long as the written notice contains the date that voting cards are to be returned by the recipient; and
 - iii. Making a final determination; *or*
 3. ***The initial issuance of a franchise by a local government for the provision of solid waste management services following a period where the local government has exclusively provided the same solid waste management services in the same or any portion of the same solid waste management area in which the initial franchise issuance is proposed.***
- (2) Not less than one hundred eighty (180) days prior to making a final determination to take an action described in subsection (1)(a) of this section, a local government shall send written notification by certified mail to the local Kentucky address of all service companies providing solid waste management services within the solid waste management area where the action is proposed to occur that:
- (a) Describes the proposed action in detail;
 - (b) Provides the date, time, and location of the public hearing required pursuant to subsection (3) of this section; and
 - (c) Designates a responsible official within the local government to be available to personally communicate with any service company regarding the particular details of and rationale for the proposed action, including but not limited to the economic and employment consequences of the proposed action.
- (3) No sooner than forty-five (45) days but within one hundred eighty (180) days following the written notice required under subsection (2) of this section, the local government shall:
- (a) Hold one (1) public hearing that is advertised to the public in accordance with KRS 424.130 for the purposes of:
 1. Describing the proposed action, including but not limited to the economic and employment consequences of the plan; and
 2. Accepting written comments from the public and service companies regarding the proposed action; and
 - (b) Accept additional verbal and written comments regarding the proposed action for no less than thirty (30) days following the public hearing described in paragraph (a) of this subsection.
- (4) No later than sixty (60) days following the close of the public comment period described in subsection (3) of this section, the local government shall prepare a summary of all comments, and the local government's response to each comment, received at the public hearings. The local government shall send, by certified mail, the summary and response to any service company that has submitted comments and make the summary and response to comments available to the public as an open record.

- (5) (a) If a local government makes a final determination to take an action described in subsection (1)(a) of this section, the effective time for the action shall be governed by this subsection.
- (b) For actions described in subsection (1)(a)1. of this section, the action shall take place no sooner than eighteen (18) months following the local government's final determination.
- (c) For actions described in subsection (1)(a)2. of this section, the franchise award shall be effective no sooner than twelve (12) months following the local government's final determination.
- (d) This subsection shall not apply to actions taken by a county or solid waste management district pursuant to KRS 109.059.
- (6) If a local government makes a final determination to take an action described in subsection (1)(a) of this section, the final determination shall be made no later than three hundred sixty-five (365) days from the date of the notice required pursuant to subsection (2) of this section.
- (7) If a local government submits a bid or proposal to perform solid waste management services in competition with a service company, the local government shall incorporate in its bid or proposal all elements that are required of bids from service companies for the same services.
- (8) For actions described in subsection (1)(a)1. of this section, nothing in this section shall be interpreted to preclude a local government and the service company or companies impacted by the action from entering into an agreement that provides alternative terms and conditions to govern the rights of a local government and a service company or companies, including but not limited to a complete waiver of the requirements of this section.
- (9) This section shall not apply to actions taken by a local government:
 - (a) To the extent necessary to mitigate conditions caused by a service company that are reasonably determined to threaten the health or safety of the residents of the community, or a material breach of a contract with the local government, after the service company has been given written notice and the opportunity to cure the condition. If the contract with the local government provides for the remedy associated with a breach of the contract, the terms of the contract shall take precedence over this paragraph; or
 - (b) That would result in the service company's loss of fifty (50) or fewer residential customers due to the action. A local government may only take one (1) action to which this paragraph applies every three (3) years.

Signed by Governor April 1, 2022.

CHAPTER 78

(HB 194)

AN ACT relating to alternative education.

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

➔Section 1. KRS 158.143 is amended to read as follows:

- (1) Notwithstanding any other statute to the contrary, a state agency child, as defined in KRS 158.135(1), who is at least seventeen (17) years of age shall be eligible to seek attainment of a High School Equivalency Diploma.
- (2) *Notwithstanding any other statute to the contrary, a student enrolled in a district-operated alternative education program shall be eligible to seek attainment of a High School Equivalency Diploma if the student:*
 - (a) *Is at least seventeen (17) years of age;*
 - (b) *Is not on track to graduate, as defined by the local board of education policy; and*
 - (c) *Has previously attained a passing score on an official readiness test for a High School Equivalency Diploma program authorized by the Office of Adult Education pursuant to KRS 151B.403.*

- (3) *Notwithstanding KRS 159.010 or any school district policy adopted pursuant to KRS 159.010, a student who has attained a High School Equivalency Diploma in accordance with subsection (1) or (2) of this section shall be exempt from compulsory attendance.*
- (4) *A local board of education shall adopt a policy to define when a student enrolled in a district-operated alternative education program is not on track to graduate. The Kentucky Board of Education may publish a recommended model policy for local boards of education but shall not impose any restrictions or requirements upon the content of the local board policy.* ~~Nothing in this section shall be construed to exempt a student who has attained a High School Equivalency Diploma from the compulsory attendance requirements of KRS 159.010.~~

➔Section 2. KRS 158.135 is amended to read as follows:

- (1) As used in this section, unless the context otherwise requires:
- (a) "State agency children" means:
1. a. Those children of school age committed to or in custody of the Cabinet for Health and Family Services and placed, or financed by the cabinet, in a Cabinet for Health and Family Services operated or contracted institution, treatment center, facility, including those for therapeutic foster care and excluding those for nontherapeutic foster care; or
 - b. Those children placed or financed by the Cabinet for Health and Family Services in a private facility pursuant to child care agreements including those for therapeutic foster care and excluding those for nontherapeutic foster care;
 2. Those children of school age in home and community-based services provided as an alternative to intermediate care facility services for the intellectually disabled;
 3. Those children committed to or in custody of the Department of Juvenile Justice and placed in a department operated or contracted facility or program; and
 4. Those children referred by a family accountability, intervention, and response team as described in KRS 605.035 and admitted to a Department of Juvenile Justice operated or contracted day treatment program;
- (b) "Current costs and expenses" means all expenditures, other than for capital outlay and debt service, which are in excess of the amount generated by state agency children under the Support Education Excellence in Kentucky funding formula pursuant to KRS 157.360. These expenditures are necessary to provide a two hundred thirty (230) day school year, smaller teacher pupil ratio, related services if identified on an individual educational plan, and more intensive educational programming; and
- (c) "Therapeutic foster care" means a remedial care program for troubled children and youth that is in the least restrictive environment where the foster parent is trained to implement planned, remedial supervision and care leading to positive changes in the child's behavior. Children served in this placement have serious emotional problems and meet one (1) or more of the following criteria:
1. Imminent release from a treatment facility;
 2. Aggressive or destructive behavior;
 3. At risk of being placed in more restrictive settings, including institutionalization; or
 4. Numerous placement failures.
- (2) (a) Unless otherwise provided by the General Assembly in a budget bill, any county or independent school district that provides elementary or secondary school services to state agency children shall be reimbursed through a contract with the Kentucky Educational Collaborative for State Agency Children. The school services furnished to state agency children shall be equal to those furnished to other school children of the district.
- (b) The Department of Education shall, to the extent possible within existing appropriations, set aside an amount of the state agency children funds designated by the General Assembly in the biennial budget to reimburse a school district for its expenditures exceeding twenty percent (20%) of the total amount received from state and federal sources to serve a state agency child.
- (3) The General Assembly shall, if possible, increase funding for the education programs for state agency children by a percentage increase equal to that provided in the biennial budget for the base funding level for each pupil

in the program to support education excellence in Kentucky under KRS 157.360 and, if applicable, by an amount necessary to address increases in the number of state agency children being served.

- (4) The Kentucky Educational Collaborative for State Agency Children shall make to the chief state school officer the reports required concerning school services for state agency children, and shall file with the Cabinet for Health and Family Services unit operating or regulating the institution or day treatment center, or contracting for services, in which the children are located a copy of the annual report made to the chief state school officer.
- (5) The *Department of Juvenile Justice*~~{Cabinet for Health and Family Services}~~ shall contract with a *public university or nonprofit education entity*~~{university affiliated training resource center}~~ utilizing all funds generated by the children in state agency programs, except Oakwood and Hazelwood funds, and the funds in the Kentucky Department of Education budget, pursuant to this section, as well as any other educational funds for which all Kentucky children are entitled. The total of these funds shall be utilized to provide educational services through the Kentucky Educational Collaborative for State Agency Children established in KRS 605.110.
- (6) Notwithstanding the provisions of any other statute, the Kentucky Educational Collaborative for State Agency Children shall operate a two hundred thirty (230) day school program.

Signed by Governor April 1, 2022.

CHAPTER 79

(HB 251)

AN ACT relating to fees for dietitians and nutritionists.

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

➔Section 1. KRS 310.050 is amended to read as follows:

- (1) The board, by duly promulgated administrative regulation, shall establish fees for the application, reinstatement, and renewal of a license or certificate, ~~and~~ fees for reciprocal and duplicate licensure or certification, *and for any other fees assessed by the board.*
- (2) ~~No fee shall exceed fifty dollars (\$50).~~
- ~~(3)~~ A license or certificate shall be renewed annually and only upon timely payment of the renewal fee and documented successful completion of continuing education as required by the board.
- ~~(3)~~~~(4)~~ A licensee or certificate holder who fails to renew his or her license or certificate within sixty (60) days after renewal becomes due shall have the license or certificate automatically revoked without further notice or hearing. Any person whose license or certificate is automatically revoked as provided in this subsection may have the license or certificate reinstated by the board in its discretion upon payment of all past-due renewal fees and a reinstatement fee.
- ~~(4)~~~~(5)~~ Subsections *(2) and (3)* ~~and (4)~~ of this section shall not apply if the board has granted the license or certificate holder a special license or certificate status under KRS 310.041(9) or (10).

Signed by Governor April 1, 2022.

CHAPTER 80

(HB 273)

AN ACT relating to amusement rides and making an appropriation therefor.

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

➔Section 1. KRS 247.232 is amended to read as follows:

As used in KRS 247.232 to 247.236:

- (1) (a) "Amusement ride or attraction" means:
1. Any mechanized device or combination of devices which carry passengers along, around, or over a fixed or restricted course for the purpose of giving its passengers amusement, pleasure, thrills, or excitement; or
 2. Any building or structure around, over, or through which people may walk, climb, slide, jump, or move that provides amusement, pleasure, thrills, or excitement.
- (b) Unless designated by administrative regulation promulgated by the *department*~~{Commissioner}~~, "amusement ride or attraction" does not include:
1. Coin-operated amusement devices;
 2. Devices regulated by the Federal Aviation Administration, the Kentucky Transportation Cabinet, or the federal railroad commission;
 3. Vessels under the jurisdiction of the United States Coast Guard or the Kentucky Department of Fish and Wildlife Resources;
 4. Tractor pulls;
 5. Auto or motorcycle events;
 6. Horse shows, rodeos, and other animal shows;
 7. Games and concessions; or
 8. Nonmechanical playground equipment, such as swings, seesaws, slides less than fifteen (15) feet in height at their highest point, rider-propelled merry-go-rounds, stationary spring-mounted animal devices, and physical fitness equipment.

The *department*~~{Commissioner}~~ may, by administrative regulation, designate other rides and attractions that are not included in the definition of "amusement ride or attraction";

- (2) "ASTM Standard" means the latest standards and specifications as set forth by the American Society for Testing and Materials;
- (3) *"Department"*~~{"Commissioner"}~~ means~~{the Commissioner of}~~ the Kentucky Department of Agriculture~~{or the Commissioner's authorized representative}~~;
- (4) "Operator" means a person sixteen (16) years of age or older who has been properly trained to operate amusement rides and attractions, has knowledge of the manufacturer's recommendations for the operation of the rides and attractions, and knows the safety-based limitations of the rides and attractions; and
- (5) "Owner" means any person or authorized agent of the person who owns an amusement ride or attraction or, in the event the ride or attraction is leased, the lessee.

➔Section 2. KRS 247.233 is amended to read as follows:

- (1) The owner of any amusement ride or attraction shall, within twelve (12) hours, notify the *department*~~{Commissioner}~~ of any occurrence involving an amusement ride or attraction if the occurrence results in:
- (a) Death;
 - (b) Injury to a person, where:
 1. The owner knows or reasonably should know that the injury was caused by the amusement ride or attraction; and
 2. The owner knows or reasonably should know that the injury required medical treatment other than first aid; or
 - (c) Damage to an amusement ride or attraction that affects the future safe operation of the ride or attraction. Reporting is not required in the case of normal wear and tear.
- (2) The *department*~~{Commissioner}~~ shall, after notification of an occurrence described in subsection (1) of this section, make a complete and thorough investigation of the occurrence. The report of the investigation shall be

placed on file in the department and shall give in detail all facts and information available. The owner may submit results of investigations independent of the department's investigation for inclusion in the file.

- (3) No person, following an occurrence described in subsection (1) of this section, shall:
 - (a) Operate or move the amusement ride or attraction without the approval of the ~~department~~~~Commissioner~~, unless necessary to prevent injury to a person; or
 - (b) Remove from the premises any damaged or undamaged part of the amusement ride or attraction or attempt to repair any damaged part before the department has completed its investigation. The department shall initiate its investigation within twelve (12) hours of being notified.
- (4) The department may:
 - (a) Conduct hearings;
 - (b) Administratively subpoena and examine under oath persons whose activities are subject to KRS 247.232 to 247.236;
 - (c) Issue administrative subpoenas and examine the business records, books, and accounts of persons whose activities are subject to KRS 247.232 to 247.236; and
 - (d) Request any other information necessary to assist the department in properly performing the department's duties.
- (5) The department shall have control of any incident scene involving an amusement ride or attraction if there has been an occurrence described in subsection (1) of this section. The department shall remain in control of the scene until the department completes its investigation and releases the scene. The department shall have access within twelve (12) hours to all documents or records pertaining to the amusement ride or attraction.
- (6) (a) The department shall promulgate administrative regulations relating to amusement rides and attractions that establish:
 1. A comprehensive set of administrative violations and civil penalties not to exceed ten thousand dollars (\$10,000); and
 2. The procedure for the suspension or revocation of any business identification number, license, or other certificate issued by the department.
- (b) No owner of an amusement ride or attraction shall remove the amusement ride or attraction from the state before paying all civil penalties imposed under this subsection.

➔Section 3. KRS 247.234 is amended to read as follows:

- (1) Every owner of an amusement ride or attraction *business* shall **register the business with**~~be required to complete an application for a business identification number on a form provided by~~ the department **annually**.
- (2) ***The business registration required by subsection (1) of this section shall be valid until December 31 of the calendar year in which the registration is filed and shall be issued upon payment of a registration fee, in accordance with administrative regulations promulgated by the department.***
- (3) (a) No amusement ride or attraction shall be operated in this state without a **permit**~~business identification number~~ issued by the ~~department~~~~Commissioner~~ to the owner of the **amusement ride or attraction**~~equipment~~. The **permit**~~business identification number~~ shall be kept on site **during the operation of the amusement ride or attraction** and viewable upon request.

~~[(3) (a) The business identification number required by this section shall be valid for a period of one (1) year and shall be issued in accordance with administrative regulations promulgated by the Commissioner.]~~
- (b) A **permit**~~business identification number~~ shall be issued to each owner to operate **the permitted**~~any~~ amusement ride or attraction in this state. A **permit**~~An inspection~~ fee, which shall be determined by administrative regulations promulgated by the ~~department~~~~Commissioner~~, shall be levied for each amusement ride or attraction **permit issued**.~~The fee shall be based on the complexity of the ride or attraction and shall not be less than ten dollars (\$10) nor more than five hundred dollars (\$500). The cost of all inspections shall be paid by the owner of the amusement ride or attraction and may be prepaid, but shall be paid no later than the day of the inspection.]~~

- (c) The ~~registrant~~~~applicant~~ shall furnish proof of liability insurance in effect on the operation of each amusement ride or attraction providing coverage, with an insurer authorized to issue a policy in this state, in the amount of not less than **one million dollars (\$1,000,000)**~~five hundred thousand dollars (\$500,000)~~ due to all bodily injuries or deaths per occurrence, or in lieu thereof, if the applicant's amusement ride or amusement attraction is one that is permanently located or erected on a site in this state, the applicant shall be required only to provide proof of financial responsibility in the sum of **one million dollars (\$1,000,000)**~~five hundred thousand dollars (\$500,000)~~. Every insurance carrier of these policies shall notify the ~~department~~~~Commissioner~~ at least thirty (30) days prior to cancellation of a policy for mobile amusement rides or attractions and at least ten (10) days prior to cancellation of a policy for permanent amusement rides or attractions.
- (d) In addition to proof of adequate insurance coverage, the applicant shall furnish any other information the ~~department~~~~Commissioner~~ may require, including but not limited to:
1. ~~]~~ written notice of each intended operating site to be received by the ~~department~~~~Commissioner~~ at least fourteen (14) days prior to operation at that site. In cases of emergency, notice of a change in future plans may be given to the ~~department~~~~Commissioner~~ by telephone. ~~Insurance requirements for amusement rides and attractions operated at the Kentucky State Fair may be adjusted by the Commissioner to any amount reasonably necessary to ensure adequate coverage; and~~
 2. ~~A written list of prior violations of KRS 247.232 to 247.236 that resulted in civil penalties assessed against the applicant, any employee of the applicant, or any officer or manager if the applicant is a partnership or corporation.]~~
- (e) The ~~department~~~~Commissioner~~ shall ~~require~~~~provide for~~ an inspection of each amusement ride or attraction before it may be operated in this state. ***Inspections performed by department employees shall be subject to a fee based on the complexity of the amusement ride or attraction and shall not be less than ten dollars (\$10) or more than five hundred dollars (\$500). The cost of all inspections performed by department employees shall be paid by the owner of the amusement ride or attraction and may be prepaid, but shall be paid no later than the day of the inspection.*** The ~~department~~~~Commissioner~~ shall designate persons qualified by education or experience, who are capable of determining amusement safety in accordance with administrative regulations promulgated ~~under~~~~in accordance with~~ KRS 247.232 to 247.236, as amusement safety inspectors. ***Any person who is not an employee of the department and who is designated as an amusement safety inspector shall register with the department and pay an annual registration fee, which shall be determined by administrative regulations promulgated by the department.***
- (f) A Kentucky ~~permit~~~~inspection~~ seal shall be affixed to every individual amusement ride or attraction, or other location as determined by the ~~department~~~~Commissioner~~, before it may be operated in this state.
- (4) (a) In addition to ~~the~~~~a mandatory initial~~ inspection~~],~~ required in subsection (3)~~(e)~~~~(d)~~ of this section, the ~~department~~~~Commissioner~~ may inspect amusement rides and attractions without notice at any time while operating in this state. There ~~shall not~~~~will~~ be ~~any~~~~no~~ charge for additional inspections in which safety violations are not found. In regard to situations in which safety violations are found, the ~~department~~~~Commissioner~~ may charge an inspection fee not to exceed five hundred dollars (\$500) for any future inspection necessary. The corrections of these safety violations shall comply with accepted standards of safety, and shall be accomplished prior to operating the equipment in this state.
- (b) In regard to situations in which safety violations are found that cannot be corrected immediately, the amusement ride or attraction shall cease to operate in this state by order of the amusement safety inspector. In addition, the amusement safety inspector shall conspicuously post a public notice on or near the amusement ride or attraction. The notice shall adequately inform the public of the safety violation present. ~~Only an amusement safety inspector employed by the department may remove the public notice.]~~
- (c) Any owner who continues to operate an amusement ride or attraction after an order to cease operation has been issued shall have his ~~or her~~ business ***registration suspended and the amusement ride or attraction permit***~~identification number~~ revoked, and may be subject to further penalties provided in KRS 247.233. In addition, the county attorney of each county and the ~~department~~~~Commissioner of Agriculture or the Commissioner's agents~~ are hereby authorized to seek an injunction against the owner or operator of any amusement ride or attraction being operated in violation of KRS 247.232 to 247.236.

- (d) Revenue generated by this section and KRS 247.233 shall be used for the implementation and administration of KRS 247.232 to 247.236; the balance, if any, shall not lapse but shall be carried forward to the next fiscal year.
- (5) (a) An owner of an amusement ride or attraction shall:
1. Conduct a pre-opening inspection and test of the ride or attraction prior to admitting the public each day the ride or attraction is intended to be used; and
 2. Maintain for at least the previous twelve (12) months a signed record of the required pre-opening inspections and tests and any other pertinent information as required by the ~~department~~~~Commissioner~~.
- (b) The ~~department~~~~Commissioner~~ may revoke the ~~registration~~~~business identification number~~ of any owner who fails to conduct the required pre-opening inspections and tests or to maintain the required reports.
- (6) All unpaid civil penalties assessed upon a person for violations of KRS 247.232 to 247.236 shall remain in effect and shall permanently remain on record with the department regardless of whether the person:
- (a) Operates amusement rides or attractions under his or her name, another name, an assumed name, or as a sole proprietorship;
 - (b) Is employed by another person operating amusement rides individually, as a sole proprietorship, or as part of a partnership or corporation; or
 - (c) Operates amusement rides or attractions as a member of a partnership or corporation.

➔Section 4. KRS 247.236 is amended to read as follows:

- (1) Amusement rides and attractions shall not be operated at unsafe speeds or loaded beyond a safe capacity in accordance with the factory specifications or, in the absence of factory specifications, in accordance with administrative regulations promulgated by the ~~department~~~~Commissioner~~.
- (2) Amusement rides and attractions shall not be operated during periods of high wind, lightning, or heavy rain.
- (3) Perimeter safety barriers such as a fence or other suitable structure shall be constructed around any amusement ride or attraction that is potentially hazardous to bystanders, in accordance with administrative regulations promulgated by the ~~department~~~~Commissioner~~.
- (4) Amusement rides and attractions shall not be operated if the owner or operator knows or should know that the operation will expose the public to an unsafe condition which is likely to result in personal injury or property damage.
- (5) (a) No person under the age of sixteen (16) shall operate an amusement ride or attraction or operate more than one (1) ride or attraction at a time. Except as provided by paragraph (c) of this subsection, an operator shall be in attendance at all times while a ride or attraction is in operation.
- (b) No person shall operate an amusement ride or attraction or knowingly permit an operator to operate an amusement ride or attraction while under the influence of alcohol or any other impairing substance.
- (c) The ~~department~~~~Commissioner~~ may, by administrative regulation, designate certain amusement rides or attractions where the presence of an operator is not required.
- (6) The owner or operator may deny any person entrance to an amusement ride or attraction if the owner or operator has reason to believe the entry may jeopardize the safety of the person desiring entry, other riders, or any other person.

Signed by Governor April 1, 2022.

CHAPTER 81

(HB 362)

AN ACT relating to substance abuse intervention and declaring an emergency.

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

➔Section 1. KRS 222.433 is amended to read as follows:

- (1) Upon receipt of the petition, the court shall examine the petitioner under oath as to the contents of the petition.
- (2) If, after reviewing the allegations contained in the petition and examining the petitioner under oath, it appears to the court that there is probable cause to believe the respondent should be ordered to undergo treatment, then the court shall:
 - (a) Set a date for a hearing within fourteen (14) days to determine if ~~there is probable cause to believe~~ the respondent should be ordered to undergo treatment for a substance use disorder;
 - (b) Notify the respondent, the legal guardian, if any and if known, and the spouse, parents, or nearest relative or friend of the respondent concerning the allegations and contents of the petition and the date and purpose of the hearing; and the name, address, and telephone number of the attorney appointed to represent the respondent; and
 - (c) Cause the respondent to be examined no later than twenty-four (24) hours before the hearing date by two (2) qualified health professionals, at least one (1) of whom is a physician. The qualified health professionals:
 1. Shall certify their findings to the court within twenty-four (24) hours of the examinations; *and*
 2. *May be subject to subpoena for cross-examination at the hearing, either in person, by telephone, or by videoconference.*
- (3) If, upon completion of the hearing, the court finds *by proof beyond a reasonable doubt that* the respondent should be ordered to undergo treatment, then the court shall order such treatment for a period not to exceed sixty (60) consecutive days from the date of the court order or a period not to exceed three hundred sixty (360) consecutive days from the date of the court order, whatever was the period of time that was requested in the petition or otherwise agreed to at the hearing. Failure of a respondent to undergo treatment ordered pursuant to this subsection may place the respondent in contempt of court.
- (4) If, at any time after the petition is filed, the court finds that there is no probable cause to continue treatment or if the petitioner withdraws the petition, then the proceedings against the respondent shall be dismissed.

➔Section 2. Whereas it is critical to ensure the uniform application of the standard of proof and access to cross-examination, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 4, 2022.

CHAPTER 82

(HB 43)

AN ACT relating to religious freedom during a declared emergency.

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

➔Section 1. KRS 39A.100 is amended to read as follows:

- (1) In the event of the occurrence or threatened or impending occurrence of any of the situations or events enumerated in KRS 39A.010, 39A.020, or 39A.030, the Governor may declare, in writing, that a state of emergency exists. The Governor shall have and may exercise the following emergency powers during the period in which the state of emergency exists:
 - (a) To enforce all laws, and administrative regulations relating to disaster and emergency response and to assume direct operational control of all disaster and emergency response forces and activities in the Commonwealth;
 - (b) To require state agencies and to request local governments, local agencies, and special districts to respond to the emergency or disaster in the manner directed;

- (c) To seize, take, or condemn property, for the duration of the emergency, and only for public use as defined in KRS 416.675, excluding firearms and ammunition, components of firearms and ammunition, or a combination thereof, for the protection of the public or at the request of the President, the Armed Forces, or the Federal Emergency Management Agency of the United States, including:
1. All means of transportation and communication;
 2. All stocks of fuel of whatever nature;
 3. Food, clothing, equipment, materials, medicines, and all supplies; and
 4. Facilities, including buildings and plants, *but excluding houses of worship, except to the extent that such houses have become unsafe to a degree that would justify condemnation in the absence of a state of emergency.*

Compensation for property seized, taken, or condemned under this paragraph shall be determined using the process in KRS 416.540 to 416.670 to determine value;

- (d) To sell, lend, give, or distribute any of the property under paragraph (c) of this subsection among the inhabitants of the Commonwealth and to account to the State Treasurer for any funds received for the property;
- (e) To make compensation for the property seized, taken, or condemned under paragraph (c) of this subsection;
- (f) To exclude all nonessential, unauthorized, disruptive, or otherwise uncooperative personnel from the scene of the emergency, and to command those persons or groups assembled at the scene to disperse. A person who refuses to leave an area in which a written order of evacuation has been issued in accordance with a written declaration of emergency or a disaster may be forcibly removed to a place of safety or shelter, or may, if this is resisted, be arrested by a peace officer. Forcible removal or arrest shall not be exercised as options until all reasonable efforts for voluntary compliance have been exhausted;
- (g) To declare curfews and establish their limits;
- (h) To prohibit or limit the sale or consumption of goods, in the event of a shortage of goods, excluding firearms and ammunition, components of firearms and ammunition, or a combination thereof, or commodities for the duration of the emergency;
- (i) To grant emergency authority to pharmacists pursuant to KRS 315.500, for the duration of the emergency;
- (j) To request any assistance from agencies of the United States as necessary and appropriate to meet the needs of the people of the Commonwealth;
- (k) Upon the recommendation of the Secretary of State, to declare by executive order a different time or place for holding elections in an election area for which a state of emergency has been declared for part or all of the election area. The election shall be held within thirty-five (35) days from the date of the suspended or delayed election. The executive order shall remain in effect until the date of the suspended or delayed election regardless of the time limitations in KRS 39A.090 and shall not be changed except by action of the General Assembly. The State Board of Elections shall establish procedures for election officials to follow. Any procedures established under this paragraph shall be subject to the approval of the Secretary of State and the Governor by respective executive orders; and
- (l) Except as prohibited by this section or other law, to take action necessary to execute those powers enumerated in paragraphs (a) to (k) of this subsection.
- (2) Within thirty (30) days of a declared emergency, and every thirty (30) days thereafter, the Governor shall report to the General Assembly, if in session, or to the Legislative Research Commission if the General Assembly is not in session, on a form provided by the Commission detailing:
- (a) All expenditures relating to contracts issued during the emergency under KRS 45A.085 or 45A.095, or under any provision for which a state agency does not solicit bids or proposals for a contract; and
 - (b) All revenues received from the federal government in response to the declared emergency, any expenditures or expenditure plan for the federal funds by federal program, the state agency or program

that was allocated the federal funds, and any state fund expenditures required to match the federal funds.

- (3) In the event of the occurrence or threatened or impending occurrence of any of the situations or events contemplated by KRS 39A.010, 39A.020, or 39A.030, which in the judgment of a local chief executive officer is of such severity or complexity as to require the exercise of extraordinary emergency measures, the county judge/executive of a county other than an urban-county government, or mayor of a city or urban-county government, or chief executive of other local governments or their designees as provided by ordinance of the affected county, city, or urban-county may declare in writing that a state of emergency exists, and thereafter, subject to any orders of the Governor, shall have and may exercise for the period as the state of emergency exists or continues, the following emergency powers:
- (a) To enforce all laws and administrative regulations relating to disaster and emergency response and to direct all local disaster and emergency response forces and operations in the affected county, city, urban-county, or charter county;
 - (b) To exclude all nonessential, unauthorized, disruptive, or uncooperative personnel from the scene of the emergency, and to command persons or groups of persons at the scene to disperse. A person who refuses to leave an area in which a written order of evacuation has been issued in accordance with a written declaration of emergency or a disaster may be forcibly removed to a place of safety or shelter, or may, if this is resisted, be arrested by a peace officer. Forcible removal or arrest shall not be exercised as options until all reasonable efforts for voluntary compliance have been exhausted;
 - (c) To declare curfews and establish their limits;
 - (d) To order immediate purchase or rental of, contract for, or otherwise procure, without regard to procurement codes or budget requirements, the goods and services essential for protection of public health and safety or to maintain or to restore essential public services; and
 - (e) To request emergency assistance from any local government or special district and, through the Governor, to request emergency assistance from any state agency and to initiate requests for federal assistance as are necessary for protection of public health and safety or for continuation of essential public services.
- (4) Nothing in this section shall be construed to allow any governmental entity to impose additional restrictions on:
- (a) The lawful possession, transfer, sale, transport, carrying, storage, display, or use of firearms and ammunition or components of firearms and ammunition;
 - (b) The right of the people to exercise free speech, freedom of the press, to petition their government for redress of injuries, or to peaceably assemble; or
 - (c) The right of the people to worship, worship in person, or to act or refuse to act in a manner motivated by a sincerely held religious belief.
- (5) Nothing in this section shall be construed to allow any governmental entity to impose restrictions on the right of the people to:
- (a) Peaceably assemble; or
 - (b) Worship, worship in person, or to act or refuse to act in a manner motivated by a sincerely held religious belief.
- (6) (a) ***A governmental entity shall not prohibit or restrict a religious organization from operating or engaging in religious services during a declared emergency to the same or any greater extent than other organizations or businesses that provide essential services necessary and vital to the health and welfare of the public are prohibited or restricted.***
- (b) ***Paragraph (a) of this subsection shall not prohibit the Governor from requiring religious organizations to comply with neutral health, safety, or occupancy requirements that are applicable to all organizations and businesses that provide essential services. However, no health, safety, or occupancy requirement may impose a substantial burden on a religious organization or its services unless applying the burden to the religion or religious service in the particular instance is essential to further a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest.***

(c) *A governmental entity shall not take any discriminatory action against a religious organization.*

(7) *As used in this section:*

(a) *"Discriminatory action" includes any action taken by a governmental entity wholly or partially on the basis that such organization is religious, operates or seeks to operate during a state of emergency, or engages in the exercise of religion as protected under the First Amendment to the Constitution of the United States to:*

1. *Adversely alter in any way the tax treatment of, cause any tax, penalty, or payment to be assessed against, or deny, delay, or otherwise make unavailable an exemption from taxation;*
2. *Disallow, deny, or otherwise make unavailable a deduction for state tax purposes of any charitable contribution made to or by a religious organization;*
3. *Impose, levy, or assess a monetary fine, fee, civil or criminal penalty, damages award, or injunction; or*
4. *Withhold, reduce, exclude, terminate, adversely alter the terms or conditions of, or otherwise make unavailable or deny any:*
 - a. *State grant, contract, subcontract, cooperative agreement, guarantee, loan, scholarship, or other similar benefit from or to a religious organization;*
 - b. *Entitlement or benefit under a state benefit program from or to a religious organization; or*
 - c. *License, certification, accreditation, recognition, or other similar benefit, position, or status from or to any religious organization;*

(b) *"Governmental entity" means:*

1. *The Commonwealth or any of its political subdivisions;*
2. *Any agency of the state described in KRS 12.020;*
3. *Any person acting under color of state law; and*
4. *Any private person suing under or attempting to enforce a law, rule, or administrative regulation adopted by the state or any of its political subdivisions;*

(c) *"Religious organization" means:*

1. *A house of worship, including churches, synagogues, shrines, mosques, and temples;*
2. *A religious group, corporation, association, educational institution, ministry, order, society, or similar entity, regardless of whether it is integrated or affiliated with a church or other house of worship; or*
3. *Any officer, owner, employee, manager, religious leader, clergy, or minister of an entity or organization described in this paragraph; and*

(d) *"Religious services" means a meeting, gathering, or assembly of two (2) or more persons organized by a religious organization for the purpose of worship, teaching, training, providing educational services, conducting religious rituals, or other activities that are deemed necessary by the religious organization for the exercise of religion.*

(8) *A religious organization may assert a violation of subsection (4)(c), (5)(b), or (6) of this section as a claim against a governmental entity in any judicial or administrative proceeding or as a defense in any judicial or administrative proceeding without regard to whether the proceeding is brought by or in the name of the governmental entity, any private person, or any other party. Sovereign, governmental, and qualified immunity are waived to the extent of liability created under this section. An action asserting a violation of this section may be commenced, and relief may be granted, without regard to whether the religious organization commencing the action has sought or exhausted administrative remedies.*

(9) *Remedies available to a religious organization under this section against a governmental entity include:*

- (a) *Declaratory relief;*
- (b) *Injunctive relief to prevent or remedy a violation of this section or the effects of such violation;*

- (c) *Compensatory damages for pecuniary and nonpecuniary losses;*
 - (d) *Reasonable attorneys' fees and costs; and*
 - (e) *Any other appropriate relief.*
- (10) *Remedies available to a religious organization under this section against a person not acting under color of state law shall be limited to declaratory and injunctive relief.*
- (11) *This section:*
- (a) *Shall be construed in favor of a broad protection of free exercise of religion;*
 - (b) *Shall be in addition to the protections provided under state and federal laws and constitutions. Nothing in this section shall be construed to:*
 - 1. *Preempt or repeal any state law or local ordinance that is equally or more protective of free exercise of religion; or*
 - 2. *Narrow the meaning or application of any state law or local ordinance protecting free exercise of religion; and*
 - (c) *Applies to, and in cases of conflict, supersedes:*
 - 1. *Each statute of the Commonwealth that infringes upon the free exercise of religion protected by this section, unless a conflicting statute is expressly made exempt from the application of this section; and*
 - 2. *Any ordinance, rule, administrative regulation, order, opinion, decision, practice, or other exercise of a governmental entity's authority that infringes upon the free exercise of religion protected by this section.*
- (12) *A religious organization shall bring an action to assert a claim under this section no later than two (2) years from the date the person knew or should have known that a discriminatory action or other violation of this section was taken against that religious organization.*

Signed by Governor April 5, 2022.

CHAPTER 83

(HB 154)

AN ACT relating to driving under the influence and declaring an emergency.

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

➔Section 1. KRS 189A.085 is amended to read as follows:

- (1) Unless a person has been issued an ignition interlock license under KRS 189A.340 or a hardship license under KRS 189A.410, a person who has been convicted of an offense under KRS 189A.010 ~~may~~**shall** have the license plate or plates on all of the motor vehicles or motorcycles owned by him or her, either solely or jointly, impounded by the court of competent jurisdiction in accordance with the following procedures:
- (a) *Following a court order of impoundment of a license plate or plates*~~[At the final sentencing hearing, or within forty-five (45) days thereafter]~~, the person shall physically surrender any and all license plate or plates currently in force on any motor vehicle or motorcycle owned either individually or jointly by him or her to the court **at the final sentencing hearing, or within forty-five (45) days after the hearing. If the person fails to surrender his or her license plate or plates at the final sentencing hearing or within forty-five (45) days thereafter, the court may issue an order directing the sheriff or any other peace officer to seize the license plate or plates and to deliver any seized license plate or plates to the court.** The order of the court suspending the license plate or plates shall not exceed the time for the suspension of the operator's license as specified in KRS 189A.070.

- (b) The clerk of the court shall retain any surrendered plate or plates and *then* transmit all surrendered plate or plates to the Transportation Cabinet in the manner set forth by the Transportation Cabinet in administrative regulations promulgated by the Transportation Cabinet.
- (2) Upon application, the court may grant hardship exceptions to family members or other individuals affected by the surrender of any license plate or plates of any motor vehicle or motorcycle owned by the offender. Hardship exceptions may be granted by the court to the offender's family members or other affected individuals only if the family members or other affected individuals prove to the court's satisfaction that their inability to utilize the surrendered motor vehicles or motorcycles would pose an undue hardship upon the family members or other affected individuals. Upon the court's granting of hardship exceptions, the clerk or the Transportation Cabinet as appropriate, shall return to the family members or other affected individuals the license plate or plates of the motor vehicles or motorcycles of the offender for their utilization. The offender shall not be permitted to operate a motor vehicle or motorcycle for which the license plate has been suspended or for which a hardship exception has been granted, unless the offender has been issued an ignition interlock license under KRS 189A.340 or a hardship license under KRS 189A.410.
- (3) If the license plate of a jointly owned vehicle is impounded, this vehicle may be transferred to a joint owner of the vehicle who was not the violator.
- (4) If the license plate of a motor vehicle is impounded, the vehicle may be transferred.

→Section 2. KRS 189A.103 is amended to read as follows:

The following provisions shall apply to any person who operates or is in physical control of a motor vehicle or a vehicle that is not a motor vehicle in this Commonwealth:

- (1) He or she has given his or her consent to one (1) or more tests of his or her blood, breath, and urine, or combination thereof, for the purpose of determining alcohol concentration or presence of a substance which may impair one's driving ability, if an officer has reasonable grounds to believe that a violation of KRS 189A.010(1) or 189.520(1) has occurred;
- (2) Any person who is dead, unconscious, or otherwise in a condition rendering him or her incapable of refusal is deemed not to have withdrawn the consent provided in subsection (1) of this section, and the test may be given;
- (3) The breath, blood, and urine tests administered pursuant to this section shall be administered at the direction of a peace officer having reasonable grounds to believe the person has committed a violation of KRS 189A.010(1) or 189.520(1).
- (a) Tests of the person's breath, blood, or urine, to be valid pursuant to this section, shall have been performed according to the administrative regulations promulgated by the secretary of the Justice and Public Safety Cabinet, and shall have been performed, as to breath tests, only after a peace officer has had the person under personal observation at the location of the test for a minimum of twenty (20) minutes.
- (b) All breath tests shall be administered by a peace officer holding a certificate as an operator of a breath analysis instrument, issued by the secretary of the Justice and Public Safety Cabinet or his or her designee;
- (4) A breath test shall consist of a test which is performed in accordance with the manufacturer's instructions *or instructions adopted by the Department of Criminal Justice Training and approved by the manufacturer* for the use of the instrument. The secretary of the Justice and Public Safety Cabinet shall keep available for public inspection *and provide, upon request and without charge*, copies of these manufacturer's instructions *or instructions adopted by the Department of Criminal Justice Training and approved by the manufacturer* for all models of breath testing devices in use by the Commonwealth of Kentucky;
- (5) When the preliminary breath test, breath test, or other evidence gives the peace officer reasonable grounds to believe there is impairment by a substance which is not subject to testing by a breath test, then blood or urine tests, or both, may be required in addition to a breath test, or in lieu of a breath test;
- (6) Only a physician, registered nurse, phlebotomist, medical technician, or medical technologist not otherwise prohibited by law can withdraw any blood of any person submitting to a test under this section; and
- (7) After the person has submitted to all alcohol concentration tests and substance tests requested by the officer, the person tested shall be permitted to have a person listed in subsection (6) of this section of his or her own choosing administer a test or tests in addition to any tests administered at the direction of the peace officer.

Tests conducted under this section shall be conducted within a reasonable length of time. Provided, however, the nonavailability of the person chosen to administer a test or tests in addition to those administered at the direction of the peace officer within a reasonable time shall not be grounds for rendering inadmissible as evidence the results of the test or tests administered at the direction of the peace officer.

➔Section 3. KRS 189A.104 is amended to read as follows:

- (1) The only alcohol or substance testing that is subject to refusal or enhancement of penalties provided for in this chapter is:
 - (a) Breath analysis testing by *an instrument*~~[a machine]~~ installed, tested, and maintained by the Commonwealth for that specific purpose at a police station or detention facility;
 - (b) Blood or urine testing at the request of the officer at a police station, detention facility, or medical facility; or
 - (c) Combination of tests required in paragraphs (a) or (b) of this subsection.
- (2) The results of any breath analysis by an instrument other than one specified in subsection (1) of this section shall be inadmissible in court.

➔Section 4. KRS 189A.105 is amended to read as follows:

- (1) A person's refusal to submit to tests under KRS 189A.103 shall result in suspension of his or her driving privilege as provided in this chapter.
- (2) (a) At the time a breath, blood, or urine test is requested, the person shall be informed:
 1. That, if the person refuses to submit to such tests:
 - a. The fact of this refusal may be used against him or her in court as evidence of violating KRS 189A.010 and will result in suspension of his or her driver's license by the court at the time of arraignment; and
 - b. Is subsequently convicted of violating KRS 189A.010(1):
 - i. For a second or third time within a ten (10) year period, he or she will be subject to a mandatory minimum jail sentence which is twice as long as the mandatory minimum jail sentence imposed if he or she submits to the tests; and
 - ii. His or her license will be suspended by the Transportation Cabinet;
 2. That, if a test is taken:
 - a. The results of the test may be used against the person in court as evidence of violating KRS 189A.010(1); and
 - b. The person has the right to have a test or tests of his or her blood performed by a person of his or her choosing described in KRS 189A.103 within a reasonable time of his or her arrest at the expense of the person arrested; and
 3. That although his or her license will be suspended, he or she may be eligible immediately for an ignition interlock license allowing him or her to drive during the period of suspension and, if he or she is convicted, he or she will receive a credit toward any other ignition interlock requirement arising from this arrest.
- (b) Nothing in this subsection shall be construed to prohibit a judge of a court of competent jurisdiction from issuing a search warrant or other court order requiring a blood or urine test, or a combination thereof, of a defendant charged with a violation of KRS 189A.010, or other statutory violation arising from the incident~~[, when a person is killed or suffers physical injury, as defined in KRS 500.080, as a result of the incident in which the defendant has been charged]~~. However, if the incident involves a motor vehicle accident in which there was a fatality, the investigating peace officer shall seek such a search warrant for blood~~[, breath, or urine]~~ testing unless the testing has already been done by consent. If testing done pursuant to a warrant reveals the presence of alcohol or any other substance that impaired the driving ability of a person who is charged and convicted of a violation of KRS 189A.010(1), the sentencing court shall require, in addition to any other sentencing provision, that the defendant make restitution to the state for the cost of the testing.

- (3) During the period immediately preceding the administration of any test, the person shall be afforded an opportunity of at least ten (10) minutes but not more than fifteen (15) minutes to attempt to contact and communicate with an attorney and shall be informed of this right. Inability to communicate with an attorney during this period shall not be deemed to relieve the person of his *or her* obligation to submit to the tests and the penalties specified by KRS 189A.010 and 189A.107 shall remain applicable to the person upon refusal. Nothing in this section shall be deemed to create a right to have an attorney present during the administration of the tests, but the person's attorney may be present if the attorney can physically appear at the location where the test is to be administered within the time period established in this section.
- (4) Immediately following the administration of the final test requested by the officer, the person shall again be informed of his or her right to have a test or tests of his or her blood performed by a person of his or her choosing described in KRS 189A.103 within a reasonable time of his or her arrest at the expense of the person arrested. He or she shall then be asked "Do you want such a test?" The officer shall make reasonable efforts to provide transportation to the tests.

➔Section 5. KRS 189A.107 is amended to read as follows:

- (1) A person who refuses to submit to an alcohol concentration or substance test requested by an officer having reasonable grounds to believe that the person violated KRS 189A.010(1) shall have his or her driver's license suspended during the pendency of the action as provided in KRS 189A.200.
- (2) (a) In the event a defendant is not convicted of a violation of KRS 189A.010(1) in a case in which it is alleged that he or she refused to take an alcohol concentration or substance test, upon motion of the attorney for the Commonwealth, the court shall conduct a hearing, without a jury, to determine by clear and convincing evidence if the person actually refused the testing. However, the hearing shall not be required if the court has made a previous determination of the issue at a hearing held under KRS 189A.200 and 189A.220.
- (b) If the court finds that the person did refuse to submit to *a breath, blood, or urine test*~~the testing~~, the court shall suspend the person's driver's license for the period of time the license would have been suspended upon conviction as set forth in KRS 189A.070(1), except that the court may authorize the person to apply to the Transportation Cabinet for issuance of an ignition interlock license under KRS 189A.340 for the period of the suspension.
- (c) When the court orders the suspension of a person's license pursuant to this subsection, the person shall surrender the license in the same manner prescribed by KRS 189A.200(4). In addition, notice of the suspension shall be immediately transmitted to the Transportation Cabinet.

➔Section 6. KRS 189A.110 is amended to read as follows:

Any person who is arrested for a violation of KRS 189A.010 and who, upon *breath analysis*~~blood alcohol~~ testing, shows ~~an~~~~a blood~~ alcohol *concentration* reading of ~~above~~ .15 percent *or more* shall be detained in custody at least four (4) hours following his *or her* arrest.

➔Section 7. Whereas driving under the influence of alcohol or any substance which impairs one's ability to drive a motor vehicle presents a danger to public safety, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Returned to Secretary of State April 5, 2022, and became law without Governor's signature April 6, 2022.

CHAPTER 84

(SB 10)

AN ACT relating to nursing and declaring an emergency.

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

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

As used in KRS 314.042 and Sections 2, 3, and 4 of this Act, "good standing" means the nurse's license, certification, or privilege to practice is not:

- (1) *Limited, suspended, probated, revoked, or otherwise disciplined;*
- (2) *Under investigation; or*
- (3) *Subject to monitoring, alternative discipline, or peer assistance.*

➔Section 2. KRS 314.041 is amended to read as follows:

- (1) An applicant for a license to practice as a registered nurse shall file with the board a written application for a license and submit evidence, verified by oath, that the applicant:
 - (a) Has completed the basic curriculum for preparing registered nurses in an approved school of nursing and has completed requirements for graduation therefrom;
 - (b) Is able to understandably speak and write the English language and to read the English language with comprehension; and
 - (c) Has passed the jurisprudence examination approved by the board as provided by subsection (4) of this section.
- (2) *Except as authorized by subsection (7) of this section*, an applicant shall be required to pass a licensure examination in any subjects as the board may determine. Application for licensure by examination shall be received by the board at the time determined by the board by administrative regulation.
- (3) Upon request, an applicant who meets the requirements of subsection (1) of this section shall be issued a provisional license that shall expire no later than six (6) months from the date of issuance.
- (4) The jurisprudence examination shall be prescribed by the board and be conducted on the licensing requirements under this chapter and board regulations and requirements applicable to the nursing profession in this Commonwealth. The board shall promulgate an administrative regulation in accordance with KRS Chapter 13A establishing the provisions to meet this requirement.
- (5) An individual who holds a provisional license shall have the right to use the title "registered nurse applicant" and the abbreviation "R.N.A." An R.N.A. shall only work under the direct supervision of a registered nurse and shall not engage in independent nursing practice.
- (6) Upon the applicant's successful completion of all requirements for registered nurse licensure, the board may issue to the applicant a license to practice nursing as a registered nurse, if in the determination of the board the applicant is qualified to practice as a registered nurse in this state.
- (7)
 - (a) *The board shall issue a temporary work permit to practice nursing as a registered nurse to any applicant who has been licensed as a registered nurse under the laws of another state or territory, if the applicant is a currently licensed registered nurse in good standing in each state or territory in which the applicant has worked.*
 - (b) *The board shall issue a license to practice nursing as a registered nurse to any applicant who has passed the jurisprudence examination prescribed by the board or its equivalent and who has been licensed as a registered nurse under the laws of another state or territory if the applicant is a currently licensed registered nurse in good standing in each state or territory in which the applicant has worked.*
 - (c) *The board shall accept the licensure examination of another state as sufficient for licensure under this subsection.*
 - (d) *The board may require a registered nurse practicing as authorized by this subsection to submit to a background check as required by KRS 314.103.*
 - (e) *This subsection shall not apply to an applicant who holds a multistate license in good standing in a state or territory that is a member of the Nurse Licensure Compact established in KRS 314.475.*
- (8) The board may issue a license to practice nursing as a registered nurse to any applicant who has passed the licensure examination and the jurisprudence examination prescribed by the board or their equivalent and been licensed as a registered nurse under the laws of ~~a~~ another state, territory, or foreign country, if in the opinion of the board the applicant is qualified to practice as a registered nurse in this state.
- (9) *The board shall promulgate administrative regulations pursuant to KRS Chapter 13A to establish temporary work permit requirements for a registered nurse who is a graduate of a foreign nursing school and is pursuing licensure by endorsement under subsection (10) of this section.*

- (10) *The board shall immediately issue a license by endorsement to practice nursing as a registered nurse to an applicant who:*
- (a) *Is a graduate of a foreign nursing school;*
 - (b) *Provides:*
 1. *Documentation that the applicant has taken and received a passing score on the National Council Licensure Examination (NCLEX); and*
 2. *One (1) of the following:*
 - a. *A satisfactory Credentials Evaluation Service Professional Report issued by the Commission on Graduates of Foreign Nursing Schools International, Inc. (CGFNS) or other international nurse credentialing organization recognized by the board; or*
 - b. *A satisfactory VisaScreen ICHP Certificate Verification Letter issued by CGFNS or other international nurse credentialing organization recognized by the board; and*
 - (c) *Meets the other requirements of this section.*
- (11)~~(8)~~ The applicant for licensure to practice as a registered nurse shall pay a licensure application fee, and licensure examination fees if applicable, as set forth in a regulation by the board promulgated pursuant to the provisions of KRS Chapter 13A.
- (12)~~(9)~~ Any person who holds a license to practice as a registered nurse in this state shall have the right to use the title "registered nurse" and the abbreviation "R.N." No other person shall assume the title or use the abbreviation or any other words, letters, signs, or figures to indicate that the person using the same is a registered nurse. No person shall practice as a registered nurse unless licensed under this section.
- (13)~~(10)~~ (a) On November 1, 2006, and thereafter, a registered nurse who is retired, upon payment of a one-time fee, may apply for a special license in recognition of the nurse's retired status. A retired nurse may not practice nursing but may use the title "registered nurse" and the abbreviation "R.N."
- (b) A retired registered nurse who wishes to return to the practice of nursing shall apply for reinstatement.
- (c) The board shall promulgate an administrative regulation pursuant to KRS Chapter 13A to specify the fee required in paragraph (a) of this subsection and reinstatement under paragraph (b) of this subsection.
- (14)~~(11)~~ Any person heretofore licensed as a registered nurse under the licensing laws of this state who has allowed the license to lapse by failure to renew may apply for reinstatement of the license under the provisions of this chapter. A person whose license has lapsed for one (1) year or more shall pass the jurisprudence examination approved by the board as provided in subsection (4) of this section.
- (15)~~(12)~~ A license to practice registered nursing may be limited by the board in accordance with regulations promulgated by the board and as defined in this chapter.
- (16)~~(13)~~ A person who has completed a prelicensure registered nurse program and holds a current, active licensed practical nurse license from another jurisdiction may apply for licensure by endorsement as a licensed practical nurse in this state.
- ➔Section 3. KRS 314.051 is amended to read as follows:
- (1) An applicant for a license to practice as a licensed practical nurse shall file with the board a written application for a license verified by oath, that the applicant:
 - (a) Has completed the required educational program in practical nursing at an approved school of nursing and has completed requirements for graduation therefrom;
 - (b) Is able to understandably speak and write the English language and to read the English language with comprehension; and
 - (c) Has passed the jurisprudence examination approved by the board as provided by subsection (4) of this section.
 - (2) The applicant for licensure to practice as a licensed practical nurse shall pay a licensure application fee, and licensure examination fees if applicable, as set forth in a regulation by the board.

- (3) *Except as authorized by subsection (8) of this section*, an applicant shall be required to pass a licensure examination in any subjects the board may determine. Application for licensure by examination shall be received by the board at the time determined by the board by administrative regulation.
- (4) The jurisprudence examination shall be prescribed by the board and be conducted on the licensing requirements under this chapter and board regulations and requirements applicable to the nursing profession in this Commonwealth. The board shall promulgate an administrative regulation in accordance with KRS Chapter 13A establishing the provisions to meet this requirement.
- (5) Upon request, an applicant who meets the requirements of subsection (1) of this section shall be issued a provisional license that shall expire no later than six (6) months from the date of issuance.
- (6) An individual who holds a provisional license shall have the right to use the title "licensed practical nurse applicant" and the abbreviation "L.P.N.A." An L.P.N.A. shall only work under the direct supervision of a nurse and shall not engage in independent nursing practice.
- (7) Upon the applicant's successful completion of all requirements for licensed practical nurse licensure, the board may issue to the applicant a license to practice as a licensed practical nurse if, in the determination of the board, the applicant is qualified to practice as a licensed practical nurse in this state.
- (8)
 - (a) *The board shall issue a temporary work permit to practice nursing as a licensed practical nurse to any applicant who has been licensed as a licensed practical nurse under the laws of another state or territory, if the applicant is currently a licensed practical nurse in good standing in each state or territory in which the applicant has worked.*
 - (b) *The board shall issue a license to practice nursing as a licensed practical nurse to any applicant who has passed the jurisprudence examination prescribed by the board or its equivalent and who has been licensed as a licensed practical nurse under the laws of another state or territory if the applicant is currently a licensed practical nurse in good standing in each state or territory in which the applicant has worked.*
 - (c) *The board shall accept the licensure examination of another state as sufficient for licensure under this subsection.*
 - (d) *The board may require a licensed practical nurse practicing as authorized by this subsection to submit to a background check as required by KRS 314.103.*
 - (e) *This subsection shall not apply to an applicant who holds a multistate license in good standing in a state or territory that is a member of the Nurse Licensure Compact established in KRS 314.475.*
- (9) The board may issue a license to practice as a licensed practical nurse to any applicant who has passed the licensure examination and the jurisprudence examination prescribed by the board or their equivalent, and has been licensed or registered as a licensed practical nurse or a person licensed to perform similar services under a different title, under the laws of ~~a~~ another state, territory or foreign country if, in the opinion of the board, the applicant meets the requirements for a licensed practical nurse in this state.
- (10) *The board shall promulgate administrative regulations pursuant to KRS Chapter 13A to establish temporary work permit requirements for a licensed practical nurse who is a graduate of a foreign nursing school and is pursuing licensure by endorsement under subsection (11) of this section.*
- (11) *The board shall immediately issue a license by endorsement to practice nursing as a licensed practical nurse to an applicant who:*
 - (a) *Is a graduate of a foreign nursing school;*
 - (b) *Provides:*
 1. *Documentation that the applicant has taken and received a passing score on the National Council Licensure Examination (NCLEX); and*
 2. *One (1) of the following:*
 - a. *A satisfactory Credentials Evaluation Service Professional Report issued by the Commission on Graduates of Foreign Nursing Schools International, Inc. (CGFNS) or other international nurse credentialing organization recognized by the board; or*
 - b. *A satisfactory VisaScreen ICHP Certificate Verification Letter issued by CGFNS or other international nurse credentialing organization recognized by the board; and*

(c) *Meets the other requirements of this section.*

~~(12)(9)~~ Any person who holds a license to practice as a licensed practical nurse in this state shall have the right to use the title "licensed practical nurse" and the abbreviation "L.P.N." No other person shall assume the title or use the abbreviation or any other words, letters, signs, or figures to indicate that the person using the same is a licensed practical nurse. No person shall practice as a licensed practical nurse unless licensed under this chapter.

~~(13)(10)~~ (a) Beginning November 1, 2005, for a licensed practical nurse who is retired, upon payment of a one-time fee, the board may issue a special license to a licensed practical nurse in recognition of the nurse's retired status. A retired nurse may not practice nursing but may use the title "licensed practical nurse" and the abbreviation "L.P.N."

(b) A retired licensed practical nurse who wishes to return to the practice of nursing shall apply for reinstatement.

(c) The board shall promulgate an administrative regulation pursuant to KRS Chapter 13A to specify the fee required in paragraph (a) of this subsection and reinstatement under paragraph (b) of this subsection.

~~(14)(11)~~ Any person heretofore licensed as a practical nurse under the licensing laws of this state who has allowed the license to lapse by failure to renew may apply for reinstatement of the license under the provisions of this chapter. A person whose license has lapsed for one (1) year or more shall pass the jurisprudence examination approved by the board as provided in subsection (4) of this section.

~~(15)(12)~~ A license to practice practical nursing may be limited by the board in accordance with regulations promulgated by the board and as defined in this chapter.

➔Section 4. KRS 314.101 is amended to read as follows:

(1) This chapter does not prohibit the following:

(a) The practice of any currently licensed nurse *in good standing in*~~of~~ another state *from being recognized as having a temporary work permit*~~practicing~~ in this state. *Any currently licensed nurse in good standing in another state who is practicing nursing in Kentucky shall be subject to the jurisdiction of the board under KRS 314.099*~~during an emergency occurring in this state or any other state declared by the President of the United States or the Governor of Kentucky. The duration and conditions of the practice shall be determined by the board~~;

(b) The practice of nursing which is incidental to the program of study by individuals enrolled in nursing education programs and refresher courses approved by the board or in graduate programs in nursing;

(c) The practice of any legally qualified nurse of another state who is employed by the United States government or any bureau, division, or agency thereof while in the discharge of his or her official duties;

(d) The practice of any currently licensed nurse of another state that is not a member of the Nurse Licensure Compact set forth in KRS 314.475~~, who is in this state on a nonroutine basis not to exceed seven (7) days~~; or

(e) ~~Notwithstanding the provisions of paragraph (a) of this subsection,~~ The practice of volunteer health practitioners under KRS 39A.350 to 39A.366.

(2) Nothing in this chapter shall be construed as prohibiting care of the sick with or without compensation or personal profit when done in connection with the practice of the religious tenets of any recognized or established church by adherents thereof as long as they do not engage in the practice of nursing as defined in this chapter.

(3) Nothing in this chapter shall limit, preclude, or otherwise restrict the practices of other licensed personnel in carrying out their duties under the terms of their licenses.

(4) A temporary work permit may be issued by the board to persons who have completed the requirements for, applied for, and paid the fee for licensure by endorsement. Temporary work permits shall be issued only for the length of time required to process applications for endorsement and shall not be renewed. No temporary work permit shall be issued to an applicant who has failed the licensure examination.

- (5) The board may summarily withdraw a temporary work permit upon determination that the person does not meet the requirements for licensure or has disciplinary action pending against the person's license in this or another jurisdiction.

➔Section 5. KRS 314.111 is amended to read as follows:

- (1) An institution desiring to conduct a school of nursing shall apply to the board and submit evidence that it is prepared to carry out the minimum approved basic curriculum in nursing and that it is prepared to fulfill other requirements of standards which are established by KRS 314.011 to 314.161 and KRS 314.991 and the administrative regulations promulgated by the board. No person shall operate a nursing education program or school of nursing without complying with the provisions of this section.
- (2) A survey of the institution and its proposed education program shall be made by the executive director or an authorized employee of the board who shall submit a written report of the survey to the board. If in the opinion of the board the requirements for an approved nursing education program or school of nursing are met it shall approve the school.
- (3) The board shall, by administrative regulations promulgated pursuant to KRS Chapter 13A, set standards for the establishment and outcomes of nursing education programs that prepare advanced practice registered nurses, including clinical learning experiences, and shall approve such programs that meet the standards.
- (4) If the board determines that any approved school of nursing is not maintaining the standards required by the statutes and the administrative regulations of the board or is not complying with the requirements of the administrative regulations of the board, notice thereof in writing specifying their deficiencies or compliance issues shall be given to the school. A school which fails to correct these conditions to the satisfaction of the board or fails to comply with the requirements of the administrative regulation may be fined up to five hundred dollars (\$500) per day for each day that it fails to correct the deficiencies or fails to comply with the requirements of the administrative regulations. A school may:
- (a) Request an administrative hearing in accordance with KRS Chapter 13B to contest any fine; and
 - (b) Be subject to an administrative hearing in accordance with KRS Chapter 13B to determine whether the school shall be closed.

The board shall promulgate administrative regulations pursuant to KRS Chapter 13A to implement this subsection.

- (5) *If a school of nursing or nursing program has at least an eighty percent (80%) average rate of successful completion of the National Council Licensure Examination (NCLEX) during the previous three (3) years and is otherwise meeting the requirements of this section, the board shall not impose a limit on:*
- (a) *The total number of students attending the nursing school or nursing program; or*
 - (b) *The number of students that the nursing school or nursing program may add to increase its enrollment, unless the nursing school or nursing program is not performing to established standards.*
- (6) (a) *For a registered nurse program conducted at a school of nursing or nursing program, a clinical instructor shall have at least the following minimum qualifications:*
1. *A registered nurse for an associate degree nursing program; or*
 2. *A registered nurse with a baccalaureate degree or higher for a baccalaureate degree nursing program.*
- (b) *A person with an associate degree in nursing may teach associate degree or licensed practical nurse courses.*
 - (c) *A person with a baccalaureate degree in nursing may teach associate degree or baccalaureate degree courses.*
 - (d)
 1. *A person with a master's degree in nursing may teach associate degree, baccalaureate degree, or master's degree courses.*
 2. *A person working toward a master's degree in nursing may teach associate degree or baccalaureate degree courses.*
 3. *A person working toward a master's degree in nursing may teach any master's degree course that the person has already successfully completed.*

➔Section 6. KRS 314.121 is amended to read as follows:

- (1) The Governor shall appoint a Board of Nursing consisting of *seventeen (17)*~~sixteen (16)~~ members:
 - (a) *Ten (10)*~~Nine (9)~~ members shall be registered nurses licensed to practice in the Commonwealth, with the Governor ensuring that the appointees represent different specialties from a broad cross-section of the nursing profession after soliciting and receiving nominations from recognized specialty state component societies;
 - (b) Three (3) members shall be practical nurses licensed to practice in the Commonwealth;
 - (c) One (1) member shall be a nurse service administrator who is a registered nurse licensed to practice in the Commonwealth;
 - (d) One (1) member shall be engaged in practical nurse education who is a registered nurse licensed to practice in the Commonwealth; and
 - (e) Two (2) members shall be citizens at large, who are not associated with or financially interested in the practice or business regulated.
- (2) Each appointment shall be *subject to confirmation by the Senate and shall be* for a term of four (4) years expiring on June 30 of the fourth year. *No board member shall serve for more than three (3) consecutive terms. Any board member who is serving at least a third consecutive term on the effective date of this Act shall be ineligible for reappointment until the passage of one (1) full four (4) year appointment cycle.* The cycle for appointments and expiration of terms shall be as follows:
 - (a) The first year of the four (4) year cycle, the terms for three (3) registered nurses and one (1) licensed practical nurse shall expire;
 - (b) The second year of the four (4) year cycle, the terms for three (3) registered nurses and one (1) citizen at large shall expire;
 - (c) The third year of the four (4) year cycle, the terms for two (2) registered nurses, one (1) licensed practical nurse, and the one (1) member engaged in practical nurse education who is a registered nurse shall expire; and
 - (d) *Before January 1, 2024, in* the fourth year of the four (4) year cycle, the terms for two (2) registered nurses, one (1) licensed practical nurse, and one (1) citizen at large shall expire. *Beginning on January 1, 2024, in the fourth year of the four (4) year cycle, the terms for two (2) registered nurses, one (1) certified registered nurse anesthetist, one (1) licensed practical nurse, and one (1) citizen at large shall expire.*
- (3)
 - (a) By March 1, the Kentucky Nurses Association shall submit to the Governor a list of members qualified for appointment as R.N. members, in number not less than twice the number of appointments to be made, from which list the Governor shall make each appointment or appointments necessary by July 1. *By March 1 of the year in which the certified registered nurse anesthetist term expires, the Kentucky Nurses Association shall submit to the Governor two (2) names of qualified individuals for the appointment, and from this list the Governor shall make the appointment by July 1.*
 - (b) By March 1, Kentucky Licensed Practical Nurses Organization Incorporated shall submit to the Governor a list of names qualified for appointment as L.P.N. members, in number not less than twice the number of appointments to be made, from which list the Governor shall make each appointment or appointments as necessary by July 1.
 - (c) By March 1 of the year in which the nurse service administrator's term shall expire, the Kentucky Organization of Nurse Leaders, an affiliate of the Kentucky Hospital Association, shall submit to the Governor two (2) names of qualified individuals for appointment as the nurse service administrator from which list the Governor shall make an appointment as necessary by July 1.
 - (d) By March 1, LeadingAge Kentucky shall submit to the Governor two (2) names of qualified individuals for appointments as its R.N. representative to the board, from which the Governor shall make an appointment by July 1.
 - (e) By March 1 of the year in which the Kentucky Association of Health Care Facilities representative's term shall expire, the Kentucky Association of Health Care Facilities shall submit to the Governor two (2) names of qualified individuals for appointment as its R.N. representative to the board, from which list the Governor shall make an appointment as necessary by July 1.

- (f) ~~Initially, the Governor shall appoint one (1) member to serve as the registered nurse who is engaged in practical nurse education to serve the term remaining according to the cycle specified in subsection (2) of this section. By August 1, 1996, Kentucky Licensed Practical Nurses Organization Incorporated shall submit to the Governor two (2) names of qualified individuals for the appointment, from which list the Governor shall make the appointment by September 1, 1996. Thereafter,]~~By March 1 of the year in which the practical nurse educator's term expires, Kentucky Licensed Practical Nurses Organization Incorporated shall submit to the Governor two (2) names of qualified individuals for the appointment, from which list the Governor shall make the appointment by July 1.
- (g) The Governor shall appoint two (2) members who shall be citizens at large, who are not associated with or financially interested in the practice or business regulated. The Governor shall make the appointments by July 1 of the year in which the citizen members' terms expire.
- (4) *Among the sixteen (16) members of the board, at all times, at least two (2) members shall be appointed from each of the six (6) congressional districts of the Commonwealth.*
- (5) *Among the nurse board members appointed under subsection (1)(a), (b), (c), and (d) of this section, no more than six (6) nurse board members shall be nurse educators. Of these six (6) nurse educators, one (1) nurse educator member shall be appointed from each of the six (6) congressional districts of the Commonwealth. All other nurse members of the board shall be practicing nurses.*
- (6) A vacancy on the board shall be filled by the Governor as provided for under subsection (1) of this section.
- ~~(7)(5)~~ The Governor may remove any member from the board for neglect of duty, incompetence, or unprofessional or dishonorable conduct.
- ~~(8)(6)~~ Each R.N. member of the board shall be a citizen of the United States, a resident of Kentucky, a graduate of an approved school of nursing, and a registered nurse in this state. All shall have had at least five (5) years of experience in nursing, three (3) of which shall immediately precede such appointment. Five (5) members shall be engaged in nursing practice; three (3) shall be engaged in nursing education; one (1) shall be engaged in advanced practice registered nursing; *one (1) shall be a certified registered nurse anesthetist*; and one (1) shall be in nursing administration.
- ~~(9)(7)~~ Each L.P.N. member of the board shall be a citizen of the United States, a resident of Kentucky, a graduate of an approved school of practical nursing or its equivalent, licensed as a licensed practical nurse in this state, have at least five (5) years of experience in nursing, three (3) of which shall immediately precede this appointment, and be currently engaged in nursing practice.

➔Section 7. By March 1, 2023, the Kentucky Nurses Association shall submit to the Governor two names of qualified individuals for the appointment of the certified registered nurse anesthetist to the Board of Nursing under Section 6 of this Act, and from this list the Governor shall make the appointment by July 1, 2023.

➔Section 8. Whereas it is crucial to address the Commonwealth's nursing shortage and improve the state's healthcare system, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 7, 2022.

CHAPTER 85

(SB 105)

AN ACT relating to newborn and infant screenings.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 214 IS CREATED TO READ AS FOLLOWS:

As used in Sections 1 to 4 of this Act:

- (1) *"Department" means the Department for Public Health in the Cabinet for Health and Family Services;*
- (2) *"Health facility" has the same meaning as in KRS 216B.015; and*

(3) *"Physician" means any person licensed to practice medicine under KRS Chapter 311.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 214 IS CREATED TO READ AS FOLLOWS:

(1) *The department shall make available to the public on its Web site educational resources regarding the incidence of congenital cytomegalovirus, including information about:*

- (a) *The transmission of congenital cytomegalovirus before and during pregnancy;*
- (b) *Birth defects caused by congenital cytomegalovirus;*
- (c) *Methods of diagnosing congenital cytomegalovirus;*
- (d) *Available preventive measures; and*
- (e) *Resources available to the family of an infant born with congenital cytomegalovirus.*

(2) *The department may solicit and accept the assistance of relevant medical associations or community resources to develop, promote, and distribute the public educational resources.*

(3) *A health facility or physician providing obstetric or prenatal services shall provide pregnant women or women who may become pregnant with the information listed in subsection (1) of this section or provide the patients with a link to the Web site described in subsection (1) of this section.*

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 214 IS CREATED TO READ AS FOLLOWS:

Every infant in this state who is given an auditory screening test described in KRS 216.2970, and fails the initial two (2) screenings or has other risk factors associated with congenital cytomegalovirus, shall be tested for congenital cytomegalovirus not later than twenty-one (21) days after the date of birth by the health facility or physician providing services to the infant, unless the parents or guardians of the infant opt out of testing.

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 214 IS CREATED TO READ AS FOLLOWS:

The department may promulgate administrative regulations in accordance with KRS Chapter 13A to implement Sections 1 to 4 of this Act.

➔Section 5. This Act may be cited as the Bella Dawn Streeval Law.

Signed by Governor April 7, 2022.

CHAPTER 86

(HB 525)

AN ACT relating to community health workers.

WHEREAS, community health workers are frontline health workers with a uniquely close relationship to and understanding of the community they serve; and

WHEREAS, community health workers serve as a liaison between patients, their healthcare providers, social service providers, and the community; and

WHEREAS, community health workers facilitate improved communication between patients and their healthcare providers, help patients learn to effectively comply with medical care instructions, improve the quality and cultural competency of service delivery, and educate patients to improve healthy behaviors; and

WHEREAS, the Association of State and Territorial Health Officials has recognized the effectiveness of community health workers in improving health outcomes, reducing healthcare costs, and closing the health disparities gap across multiple settings and health issues; and

WHEREAS, according to the Kentucky Homeplace Program ROI Study, Rural Health Information Hub, between July 2001 and June 2021 community health workers served 177,777 clients in Eastern Kentucky, provided medication and services valued at over \$363,709,647, and achieved a return on investment of \$11.32 saved for every \$1 invested in community health worker services; and

WHEREAS, community health worker certification offers a path to college credit for healthcare workers who are interested in pursuing a college degree in the healthcare field and is thereby a necessary step towards addressing the ongoing and well-documented healthcare worker shortage; and

WHEREAS, the Department for Medicaid Services is currently considering the coverage and reimbursement of community health workers in the Kentucky Medicaid program to improve the health status of those it serves in a manner that is cost-effective, directed to areas and populations most in need, and ensures program integrity; and

WHEREAS, Medicaid Managed Care Organizations and some providers are employing community health workers to coordinate care, reduce costs, and meet quality measures required by value-based purchasing or supplemental payment programs that drive outcomes; and

WHEREAS, providers are to provide quality services using evidence-based practices to improve health outcomes of individuals in the Medicaid program and play a role in increasing the number and aptitude of the community health worker workforce to meet the needs of providers in the communities they serve;

NOW, THEREFORE,

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section, "certified community health worker" has the same meaning as in Section 2 of this Act.*
- (2)
 - (a) *By January 1, 2023, the Department for Medicaid Services shall seek approval from the federal Centers for Medicare and Medicaid Services for a state plan amendment, waiver, or alternative payment model, including public-private partnerships, for services delivered by certified community health workers.*
 - (b) *Any state plan amendment, waiver, or alternative payment sought by the Department for Medicaid Services pursuant to paragraph (a) of this subsection shall provide reimbursement for services described in subsection (3) of this section when provided by a certified community health worker who is employed and supervised by a Medicaid participating provider who is employed by:*
 1. *An alcohol and other drug treatment entity;*
 2. *A behavioral health services organization;*
 3. *A community mental health center;*
 4. *A federally qualified health center or a federally qualified health center look-alike;*
 5. *A health system consisting of either at least one (1) hospital and at least one (1) group of physicians or more than one (1) group of physicians;*
 6. *A hospital;*
 7. *A local health department;*
 8. *A primary care clinic;*
 9. *A rural health clinic; or*
 10. *Another Medicaid participating provider approved by the Department for Medicaid Services.*
- (3) *A certified community health worker may provide the following services:*
 - (a) *Direct preventative services or services designed to slow the progression of chronic diseases, including screenings for basic human needs and referrals to appropriate services and agencies to meet those needs;*
 - (b) *Health promotion education to prevent illness or disease, including the promotion of healthy behaviors to increase awareness and prevent the development of illness or disease;*
 - (c) *Facilitation between a beneficiary and a provider when cultural factors, such as language, socioeconomic status, or health literacy, become a barrier to properly understanding treatment options or treatment plans;*
 - (d) *Diagnosis-related patient education regarding self-management of physical, dental, or mental health; and*

- (e) *Any other service approved by the Department for Medicaid Services.*
- (4) *Certified community health workers shall not enroll as independent Medicaid participating providers.*
- (5) *If a Medicaid managed care organization contracted by the Department for Medicaid Services for the delivery of Medicaid services employs a certified community health worker, the services provided by that certified community health worker shall not be considered to be duplicative of services, and shall not provide a basis to deny services or reimbursement for services, provided by a certified community health worker employed by an entity described in subsection (2)(b) of this section.*
- (6) *The Department for Medicaid Services shall, in accordance with KRS Chapter 13A, promulgate administrative regulations necessary to carry out the provisions of this section and obtain all necessary approvals from the federal Centers for Medicare and Medicaid Services.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 309 IS CREATED TO READ AS FOLLOWS:

For the purposes of Sections 2 to 4 of this Act:

- (1) *"Department" means the Kentucky Department for Public Health as established in KRS 194A.030;*
- (2) *"Certified community health worker" means an individual who has been certified, in accordance with Sections 3 and 4 of this Act, by the department as a community health worker; and*
- (3) *"Core competencies" means the knowledge and skills a certified community health worker is expected to demonstrate in order to carry out the mission and goals of the profession as defined by the department through the promulgation of administrative regulations in accordance with KRS Chapter 13A.*

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 309 IS CREATED TO READ AS FOLLOWS:

- (1) *Effective January 1, 2023, no person shall represent himself or herself as a community health worker unless he or she is certified as such in accordance with the provisions of Sections 2 to 4 of this Act.*
- (2) *In order to be eligible to apply for community health worker certification, an individual shall:*
- (a) *Be a legal United States resident;*
- (b) *1. Be a resident of Kentucky; or*
- 2. Be employed as a community health worker in the state of Kentucky;*
- (c) *Be at least eighteen (18) years of age; and*
- (d) *1. Complete a competency-based community health worker training and mentorship program offered by an organization approved by the department to provide community health worker training and mentorship; or*
- 2. Meet requirements established by the department through the promulgation of administrative regulations, in accordance with KRS Chapter 13A, for certification based on relevant and verifiable past community health worker related work experience.*
- (3) *Community health worker certifications shall be renewed annually and shall expire on October 31 of the year following the date of certification or recertification.*
- (4) *In order to be eligible for recertification, a certified community health worker shall annually complete continuing education, as required by the department through the promulgation of administrative regulations in accordance with KRS Chapter 13A, related to the core competencies of community health work provided by an organization approved by the department to provide continuing education for certified community health workers. Administrative regulations promulgated pursuant to this subsection shall include requirements for continuing education related to oral health care, infant and maternal health care, and geriatric health care.*
- (5) *Notwithstanding any other provision of law to the contrary, an individual shall be eligible to earn college course credit for training, mentorship, and continuing education completed pursuant to subsections (2) and (4) of this section.*

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 309 IS CREATED TO READ AS FOLLOWS:

The department shall:

- (1) *Promulgate administrative regulations, in accordance with KRS Chapter 13A, necessary to carry out the provisions of Section 3 of this Act, including establishing:*
- (a) *The core competencies of community health work;*
 - (b) *The community health worker certification application and renewal process, including training, mentorship, and continuing education requirements;*
 - (c) *A certification application and renewal fee;*
 - (d) *Procedures for certification denial, suspension, and revocation; and*
 - (e) *The scope of practice for certified community health workers;*
- (2) *Approve competency-based training programs and training providers, which shall include the Kentucky Community and Technical College System;*
- (3) *Approve organizations to provide continuing education for certified community health workers; and*
- (4) *Work with the Kentucky Council on Postsecondary Education and the Kentucky Community and Technical College System to ensure that appropriate college course credits are awarded to individuals who complete certified community health worker training, mentorship, and continuing education provided by competency-based providers approved by the department.*

➔Section 5. KRS 205.6497 is amended to read as follows:

- (1) As permitted by federal law, in any plan submitted for federal Title XXI approval of a children's health insurance program for Kentucky, the cabinet shall include provisions for a preventive health insurance program for children with no copayment, deductible, coinsurance, or premium.
- (2) The plan referred to in subsection (1) of this section shall include:
- (a) Preventive dental services, tooth extraction, and emergency dental services; *and*
 - (b) *Coverage for certain services rendered by certified community health workers, as defined in Section 2 of this Act, equivalent to the coverage requirements established in Section 1 of this Act.*

Signed by Governor April 7, 2022.

CHAPTER 87

(HB 564)

AN ACT relating to elections and declaring an emergency.

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

➔Section 1. KRS 116.025 is amended to read as follows:

- (1) Every person who is a *citizen of the United States*, a resident of this state, and a *resident of* the precinct in which he or she offers to vote on or before the day preceding the closing of the registration books for any primary, general, or special election, who possesses on the day of any election the qualifications set forth in Section 145 of the Constitution, exclusive of the durational residency requirements, who is not disqualified under that section or under any other statute, and who is registered as provided in this chapter, may vote for all officers to be elected by the people and on all public questions submitted for determination at that election, in the precinct in which he or she is qualified to vote. Any person who shall have been convicted of any election law offense which is a felony shall not be permitted to vote until his or her civil rights have been restored by executive pardon.
- (2) Any person charged with or indicted for a crime, whether or not in custody for same, who has not yet been convicted of the offense and who is not otherwise ineligible to vote, may vote for all offices to be elected by the people and on all public questions submitted for determination at that election, in the precinct in which he or she is qualified to vote.

- (3) A registered voter who changes his or her place of residence from one (1) precinct to another within the same county while the registration books are closed shall be permitted to update the voting records and to vote in the present election at the appropriate precinct for the current address as set forth in KRS 116.085(3).
- (4) Notwithstanding any provision of law to the contrary, any registered voter who changes his or her place of residence from one (1) precinct to another within the same county prior to the closing of the registration books and who fails to transfer his or her registration with the county clerk prior to the date the registration books are closed shall be permitted to vote in the present election at the appropriate precinct for the current address as set forth in KRS 116.085(2).
- (5) Any registered voter who changes his or her place of residence to a different county while the registration books are closed shall be permitted to vote at the appropriate precinct for his or her former residence in the present election and shall thereafter transfer his or her voter registration.
- (6) Any registered voter who changes his or her place of residence to a different county and fails to register to vote in the county of current residence prior to the date the registration books are closed shall not be eligible to vote in the present election in the county of current residence or the county of former residence.
- (7) Any registered voter who changes his or her place of registration to a different state while the registration books are closed in the new state of residence before a presidential election shall be permitted to cast an absentee ballot for President and Vice President only, notwithstanding subsection (1) of this section, by mail or at the county clerk's office of the former residence or other place designated by the county board of elections and approved by the State Board of Elections.

➔Section 2. KRS 116.065 is amended to read as follows:

Each application for registration, change of affiliation, transfer of registration, federal provisional ballot, ~~or~~ absentee ballot, or federal provisional absentee ballot, as absentee ballots and federal provisional absentee ballots are provided for by **Section 3 of this Act**, KRS 117.077, KRS 117.085, and KRS 117.229 shall be verified by a written declaration by the applicant that it is made under the penalties of perjury.

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 117 IS CREATED TO READ AS FOLLOWS:

- (1) *Any voter who is qualified to vote on election day in the county of his or her residence may choose to cast a no-excuse in-person absentee ballot on the Thursday, Friday, or Saturday immediately preceding the day of an election. The available hours from which a voter may cast his or her vote during these three (3) days shall be no less than eight (8) hours between 6 a.m. and 8 p.m. prevailing time, as determined by the county board of elections of each county.*
- (2) *Any voter who is qualified to vote on election day in the county of his or her residence may make application to cast an excused in-person absentee ballot during normal business hours during the six (6) business days immediately preceding the Thursday of no-excuse in-person absentee voting under subsection (1) of this section. The voter who makes application under this subsection shall meet one (1) of the following requirements in order to cast his or her excused in-person absentee ballot:*
 - (a) *Is a resident of Kentucky who is a covered voter as defined in KRS 117A.010, who will be absent from the county of his or her residence on the day of an election and during the days of no-excuse in-person absentee voting;*
 - (b) *Has surgery, or whose spouse has surgery, scheduled that will require hospitalization on the day of an election and during the days of no-excuse in-person absentee voting;*
 - (c) *Temporarily resides outside the state, but is still eligible to vote in this state and will be absent from the county of his or her residence on the day of an election and during the days of no-excuse in-person absentee voting;*
 - (d) *Is a resident of Kentucky who is a uniformed-service voter as defined in KRS 117A.010 confined to a military base on election day and during the days of no-excuse in-person absentee voting;*
 - (e) *Is in her last trimester of pregnancy and the voter completes the form that is prescribed by the State Board of Elections, which contains a sworn statement that the voter is in her last trimester of pregnancy at the time she wishes to vote;*
 - (f) *Has not been declared mentally disabled by a court of competent jurisdiction and, due to age, disability, or illness, is not able to appear at the polls on election day and during the days of no-excuse in-person absentee voting;*

- (g) *Is a student who temporarily resides outside the county of his or her residence and will be absent from the county of his or her residence on the day of an election and during the days of no-excuse in-person absentee voting;*
 - (h) *Any person employed in an occupation that is scheduled to work during all days and all hours, which shall include commute time, the polls are open on election day and during the days of no-excuse in-person absentee voting; or*
 - (i) *Any election officer tasked with election administration for the current election cycle.*
- (3) *Any voter who votes an in-person absentee or federal provisional in-person absentee ballot shall provide proof of identification as defined in Section 22 of this Act or meet the requirements of KRS 117.228 or 117.229.*
 - (4) *In-person absentee voting shall be conducted in a location within the county clerk's office where ballots shall be cast secretly. In-person absentee voting may occur in another location within the county if the location is designated by the county board of elections and approved by the State Board of Elections. The county clerk may provide for voting by the voting equipment in general use in the county or any other voting equipment approved by the State Board of Elections for use in Kentucky. Public notice of the locations shall be given pursuant to KRS Chapter 424, and similar notice by mail shall be given to the county chairs of the two (2) political parties whose candidates polled the largest number of votes in the county at the last regular election.*
 - (5) *Any voter qualifying to vote who receives assistance to vote in-person absentee shall complete the voter assistance form required by KRS 117.255.*
 - (6) *Any voter qualifying to vote whose qualifications are challenged on grounds other than inability to provide proof of identification by any clerk or deputy shall complete an oath of voter affidavit.*
 - (7) *Each voter casting his or her vote in-person absentee shall sign an in-person absentee ballot signature roster.*
 - (8) *The members of the county board of elections, or their designees who provide equal representation of both political parties, may serve as precinct election officers, without compensation, for all in-person absentee voting conducted. If the members of the county board of elections or their designees serve as precinct election officers for in-person absentee voting, they shall perform the same duties and exercise the same authority as precinct election officers who serve on the day of an election. If the members of the county board of elections or their designees do not serve as precinct election officers for in-person absentee voting, the county clerk or deputy county clerks shall supervise the in-person absentee voting.*
 - (9) *Any individual qualified to appoint challengers for the day of an election may also appoint challengers to observe all in-person absentee voting, and those challengers may exercise the same privileges as challengers appointed for observing voting on the day of an election at a regular polling place.*
 - (10) *During the days of in-person absentee voting, all voting equipment on which in-person absentee ballots are cast shall remain locked and the keys shall be retained by at least two (2) members of the central ballot counting board who are not of the same political affiliation or by two (2) members of the county board of elections who are not of the same political affiliation, and the voting equipment shall remain locked with a tamper-resistant seal until the ballots are counted.*
 - (11) *No person shall transmit or publicize any tallies or counts of in-person absentee ballots, or any partial results, to any person except those persons, election officials, or entities authorized by law to receive it, until 6 p.m. prevailing time on the day of a primary or an election.*
 - (12) (a) *Before and after each day of in-person absentee voting, on all voting equipment to be used, the tamper-resistant seal shall be checked to ensure it is unaltered and the number on the public counter shall be read and recorded. The status of the tamper-resistant seal shall be indicated and the number on the public counter of each voting equipment shall be recorded by the county clerk or his or her designated election official, member of the county board of elections, or member of the central ballot counting board. The status of the tamper-resistant seal and the number recorded from the public counter shall be witnessed by an election official who is of a different political affiliation than the person recording.*

- (b) *The status of the tamper-resistant seal and the number on the public counter shall be recorded on a form prescribed and furnished by the State Board of Elections pursuant to administrative regulations promulgated under KRS Chapter 13A.*
 - (c) *The witness who is present shall verify, through validity of his or her signature on the form provided, the accuracy of the number recorded from the public counter, the number recorded on the prescribed form, and the status of the tamper-resistant seal.*
 - (d) *Any irregularities observed by the election official who is recording and the election official who is a witness shall be immediately reported to the county attorney or the Office of Attorney General.*
- (13) *The State Board of Elections shall promulgate administrative regulations under KRS Chapter 13A to provide for the casting of ballots in accordance with this section.*

➔Section 4. KRS 117.025 is amended to read as follows:

- (1) The State Board of Elections shall appoint an executive director, who shall be the chief administrative officer for the board. The board shall also appoint an assistant director, who shall be of a different political party than the director. The salaries of the director and the assistant director shall be set by the board.
- (2) The State Board of Elections shall employ, on a bipartisan basis, a staff sufficient to carry out the duties assigned to the board, including legal counsel and a training officer to provide assistance to the county clerks and the county boards of elections in their training of precinct election officers.
- (3) The board shall:
 - (a) Maintain a complete roster of all qualified registered voters within the state by county and precinct, and institute appropriate safeguards to ensure that there is no inappropriate use of the voter registration roster. State and local election officials, including the Secretary of State, employees of the Secretary, and members of the State Board of Elections and their staff, shall only use the voter registration roster for purposes relevant to their prescribed duties of election administration. The Secretary of State, and two (2) employees of the Secretary, who may be designated by the Secretary with explicit written authority and notification to the board, shall have electronic access to the information contained within the voter registration roster, but shall not correct, alter, or delete information from the voter registration roster, unless having obtained prior approval by a majority of the voting members of the board;
 - (b) For each primary, furnish each county clerk with a master list of all registered voters in the county, together with three (3) signature rosters of all registered voters in each precinct of the county according to party affiliation, and two (2) lists of all registered voters in each precinct of the county at least ~~six (6)~~ ~~five (5)~~ days prior to each primary;
 - (c) For each regular election, furnish each county clerk with a master list of all registered voters in the county, together with one (1) signature roster of all registered voters in each precinct of the county on which each voter's party affiliation is identified, and two (2) lists of all registered voters in each precinct of the county at least ~~six (6)~~ ~~five (5)~~ days prior to each regular election;
 - (d) Maintain all information furnished to the board relating to the inclusion or deletion of names from the rosters for four (4) years;
 - (e) Furnish, at a reasonable price, the state central executive committee of each political party qualifying under KRS 118.015 monthly data of all additions, deletions and changes of registration in each precinct of each county and the state central executive committee shall furnish a county listing to each of the county executive committees of each political party;
 - (f) Purchase, lease or contract for the use of equipment necessary to properly carry out its duties under the provisions of this chapter and KRS Chapters 116 and 118;
 - (g) Secure information from any source which may assist the board in carrying out the purposes of this section;
 - (h) Furnish at a reasonable price any and all precinct lists to duly qualified candidates, political party committees or officials thereof, or any committee that advocates or opposes an amendment or public question. The State Board of Elections may also furnish the precinct lists to other persons at the board's discretion, at a reasonable price to be determined by the board. The board shall not furnish precinct lists to persons who intend to use the lists for commercial use; and

- (i) Be responsible for oversight of board personnel, including hiring, investigations, disciplinary actions, promotions, and other like actions subject to KRS Chapter 18A.

➔Section 5. KRS 117.066 is amended to read as follows:

- (1) The county board of elections may, pursuant to KRS 117.055 and subsection (3) of this section, designate a single voting location for more than one (1) precinct if the voting location is equipped with voting equipment capable of providing or accepting separate ballots without endangering the integrity of the ballots or without violating any other election law.
- (2) If a single voting location for more than one (1) precinct is approved under subsection (3) of this section, the primary or election shall be conducted as follows:
 - (a) One (1) voting equipment may be used for more than one (1) precinct if ballots are tabulated for each separate precinct, and if separate ballots may be placed upon any voting equipment to be used without endangering the integrity of the ballots or without violating any other election law. Otherwise, separate voting equipment shall be used for each precinct. In the instance of a precinct which has a small number of voters such that the use of separate voting equipment would be cost-prohibitive, the county clerk may make application to the State Board of Elections to use supplemental paper ballots under KRS 118.215 to conduct the voting for the small precinct on any primary or election day. If the use of supplemental paper ballots is approved by the State Board of Elections, at the close of voting on any primary or election day, the locked supplemental paper ballot box shall be transported to the county board of elections along with the federal provisional ballot receptacle, and ballots shall be counted by the county board of elections as provided by KRS 117.275(10) to ~~(16)~~~~(14)~~;
 - (b) Separate precinct voter rosters shall be maintained for each precinct, and steps shall be taken to ensure that voters cast their ballot in their duly authorized precinct; and
 - (c) A separate set of election forms and reports required by this chapter and the State Board of Elections shall be maintained for each precinct.
- (3) The county board of elections may petition the State Board of Elections to allow the consolidation of precincts and the consolidation of precinct election officers at any voting location where voters of more than one (1) precinct vote. The petition shall be on a form prescribed by the State Board of Elections in administrative regulations promulgated under KRS Chapter 13A and shall include:
 - (a) A list of all precincts designated to vote at the voting location;
 - (b) The address and type of facility of the voting location;
 - (c) The number and type of voting systems or voting equipment to be used at the voting location;
 - (d) The number of registered voters in each precinct designated to vote at the voting location;
 - (e) An explanation of the reasons why the consolidation is desirable;
 - (f) The plan for additional precinct officers at the voting location, the manner in which they will be assigned, and whether the voting location will be fully staffed with election officials;
 - (g) The plan for how the county clerk will publicize the location for where the voting shall occur, in addition to how each location shall be noted conspicuously to residents of the county as a "Vote Center"; and
 - (h) The plan for how the voting location will serve as a focal point to meet the needs of a diverse community.
- (4) If the petition submitted under subsection (3) of this section is approved by the State Board of Elections, the precinct election officers designated to serve as election officers for more than one (1) precinct shall meet the eligibility requirements of KRS 117.045.

➔Section 6. KRS 117.079 is amended to read as follows:

The provisions of *Section 3 of this Act*, KRS 117.085, 117.086, and Chapter 117A notwithstanding, the State Board of Elections shall, as circumstances warrant and with the concurrence of the Attorney General, promulgate necessary administrative regulations to preserve the absentee voting rights of residents of Kentucky who are covered voters as defined in KRS 117A.010.

➔Section 7. KRS 117.085 is amended to read as follows:

- (1) (a) All requests for a mail-in absentee ballot shall be requested through a secure online portal established by the State Board of Elections, except for:
1. Voters identified in KRS 117.077;
 2. Disabled voters; and
 3. Covered voters in paragraph (i) of this subsection;
- who have the additional option of requesting a mail-in absentee ballot application through the county clerk.
- (b) Acquiring a mail-in absentee ballot by means of the online portal shall require the voter to input personally identifiable information for verification.
- (c) For those voters who do not have the means of accessing the online portal, the county clerk shall fulfill a request for a mail-in absentee ballot by taking the voter's information over the telephone or in person and directly inputting that information into the secure online portal.
- (d) The online portal shall have the capacity to ensure the identity of the voter through proof of identification as required under KRS 117.227 or by means of KRS 117.228.
- (e) If a voter qualifies to receive a mail-in absentee ballot, the online portal shall transmit the mail-in absentee ballot request to the county clerk of the county in which the voter is registered to vote.
- (f) The online portal shall not be open or permit any mail-in ballot requests to occur more than forty-five (45) days immediately preceding the day of a primary or an election. The online portal shall close at 11:59 p.m. local time, fourteen (14) days immediately preceding the day of a primary or an election.
- (g) Except as otherwise provided in KRS 117.077, the mail-in absentee ballot may be requested by the voter or the spouse, parents, or children of the voter, but shall be restricted to the use of the voter.
- (h) Except as otherwise provided in KRS 117.077 and covered voters in paragraph (i) of this subsection, a qualified voter may apply to cast his or her vote by mail-in absentee ballot if the completed application is received fourteen (14) days before the election, and if the voter is:
1. A resident of Kentucky who is a covered voter as defined in KRS 117A.010;
 2. A student who temporarily resides outside the county of his or her residence;
 3. Incarcerated in jail and charged with a crime, but has not been convicted of the crime;
 4. Changing or has changed his or her place of residence to a different state while the registration books are closed in the new state of residence before an election of electors for President and Vice President of the United States, in which case the voter shall be permitted to cast a mail-in absentee ballot for electors for President and Vice President of the United States only;
 5. Temporarily residing outside the state but still eligible to vote in this state;
 6. Prevented from voting in person at the polls on election day and from casting an *excused or no-excuse* in-person absentee ballot on all days in-person absentee voting is conducted because *he or she will* ~~his or her employment location requires him or her to~~ be absent from the county of his or her residence all hours and all days *excused or no-excuse* in-person absentee voting is conducted;
 7. A participant in the Secretary of State's crime victim address confidentiality protection program as authorized by KRS 14.312; or
 8. Not able to appear at the polls on election day or the days *excused or no-excuse* in-person absentee voting is conducted on the account of age, disability, or illness, and who has not been declared mentally disabled by a court of competent jurisdiction.
- (i) Residents of Kentucky who are covered voters as defined in KRS 117A.010 may apply for a mail-in absentee ballot by means of the federal post-card application, which may be transmitted to the county clerk's office by mail, by facsimile machine, or by means of the electronic transmission system established under KRS 117A.030(4). The federal post-card application may be used to register, reregister, and to apply for a mail-in absentee ballot. If the federal post-card application is received at any time not less than seven (7) days before the election, the county clerk shall affix his or her seal to the application form upon receipt.

- (j) Any *qualified* voter who is disabled may use an accessible mail-in absentee ballot portal to request *and receive* a mail-in absentee ballot *by means of an electronic transmission system as established under KRS 117A.030(4)*.~~]~~ The standards *necessary to implement this paragraph*~~[of which]~~ shall be set by the State Board of Elections pursuant to administrative regulations promulgated under KRS Chapter 13A.
- (2) ~~[In person absentee voting shall be conducted in the county clerk's office or other place designated by the county board of elections and approved by the State Board of Elections during normal business hours on the Thursday, Friday, and Saturday immediately preceding the day of a primary or an election. Any voter who is qualified to vote on election day in the county of his or her residence may choose to cast an in person absentee ballot while in person absentee voting is being conducted during the days listed in this subsection. The voter who elects to vote in person absentee shall provide proof of identification as defined in KRS 117.001 or meet the requirements of KRS 117.228 and 117.229.~~
- ~~(3) The members of the county board of elections or their designees who provide equal representation of both political parties may serve as precinct election officers, without compensation, for all in person absentee voting conducted. If the members of the county board of elections or their designees serve as precinct election officers for in person absentee voting, they shall perform the same duties and exercise the same authority as precinct election officers who serve on the day of an election. If the members of the county board of elections or their designees do not serve as precinct election officers for in person absentee voting, the county clerk or deputy county clerks shall supervise the in person absentee voting.~~
- ~~(4) Any individual qualified to appoint challengers for the day of an election may also appoint challengers to observe all in person absentee voting, and those challengers may exercise the same privileges as challengers appointed for observing voting on the day of an election at a regular polling place.~~
- (5)]For those voters who are eligible to receive a mail-in absentee ballot by means other than the secure online portal pursuant to subsection (1) of this section, the county clerk shall type the name of the voter permitted to vote by mail-in absentee ballot on the mail-in absentee ballot application for that person's use and no other. The mail-in absentee ballot application shall be in the form prescribed by the State Board of Elections, which shall include the voter affirmation form as prescribed in KRS 117.228(1)(c) and shall contain the following information: name, residential address, precinct, party affiliation, statement of the reason the person cannot vote in person on *the day of an election or during the dates and time of no-excuse in-person absentee voting is being conducted*~~[day]~~, statement of where the voter shall be on election day *or during the dates and times no-excuse in-person absentee voting is being conducted*, statement of compliance with residency requirements for voting in the precinct, an instructional statement prescribing the requirements for providing a copy of the voter's proof of identification or voter affirmation when applicable, and the voter's mailing address for a mail-in absentee ballot. The mail-in absentee ballot application form shall be verified and signed by the voter, and the voter shall provide a copy of his or her proof of identification, as defined in KRS 117.001, or the executed voter affirmation as described in KRS 117.228(1)(c). A notice of the actual penalty provisions in KRS 117.995(2) and (5) shall be printed on the mail-in absentee ballot application form.
- ~~(3)~~~~(6)~~ For those voters eligible to receive a mail-in absentee ballot, if the county clerk finds that the voter has completed and submitted an application for a mail-in absentee ballot as provided in this section, is properly registered as stated in his or her mail-in absentee ballot application, and qualifies to receive a mail-in absentee ballot by mail, the county clerk shall mail to the voter a mail-in absentee ballot, two (2) official envelopes for returning the mail-in absentee ballot, and instructions for voting.
- ~~(4)~~~~(7)~~ Mail-in absentee ballots shall be mailed to a voter's residential address located in the county in which the voter is registered, except for:
- (a) Qualified voters who apply pursuant to the requirements of subsection (1)(h)1. to 5~~[6]~~. of this section; or
 - (b) Qualified voters covered under KRS 117.077.
- ~~(5)~~~~(8)~~ The county clerk shall:
- (a) Transmit a mail-in absentee ballot to the voter who is eligible to receive a mail-in absentee ballot within four (4) days of receipt or within four (4) days of the ballots being available;
 - (b) Cause mail-in absentee ballots to be printed fifty (50) days prior to each primary or regular election, and forty-five (45) days prior to a special election; and

- (c) Complete a postal form for a certificate of mailing for mail-in absentee ballots mailed within the fifty (50) states, and it shall be stamped by the postal service when the mail-in absentee ballots are mailed. Unless a postal form for a certificate of mailing is required, the county clerk may use methods of tracking the mail-in absentee ballots by means of a printed barcode or other label that is unique to the individual voter issued by the State Board of Elections pursuant to administrative regulations promulgated under KRS Chapter 13A.
- ~~(6)(9)~~ A mail-in absentee ballot may be transmitted by facsimile machine or by the electronic transmission system established under KRS 117A.030(4) to a covered voter as defined in KRS 117A.010. The covered voter shall be notified of the options for transmittal of the mail-in absentee ballot, and the mail-in absentee ballot shall be transmitted by the method chosen for receipt by the resident of Kentucky who is a covered voter.
- ~~(7)(10)~~ The outer envelope of the mail-in absentee ballot shall bear the words "Absentee Ballot", the address and official title of the county clerk, a printed barcode or other label that is unique to the individual voter issued by the State Board of Elections, and adequate space for the voter's signature, voting address, precinct number, and signatures of two (2) witnesses if the voter signs the form with the use of a mark instead of the voter's signature. A detachable flap on the secrecy envelope shall provide space for the voter's signature, voting address, precinct number, signatures of two (2) witnesses if the voter signs the form with the use of a mark instead of the voter's signature and notice of penalty provided in KRS 117.995(5). The county clerk shall type the voter's address and precinct number in the upper left hand corner of the outer envelope and of the detachable flap on the secrecy envelope immediately below the blank space for the voter's signature. The secrecy envelope shall be blank. If applicable, the county clerk shall retain the voter's mail-in ballot application, which shall include the photographed copy of the voter's proof of identification or the voter affirmation as prescribed by KRS 117.228(1)(c), and the postal form required by subsection ~~(5)(8)~~ of this section for twenty-two (22) months after the primary or election.
- ~~(8)(11)~~ Except as otherwise provided in subsection ~~(10)(13)~~ of this section, any person who has received a mail-in absentee ballot but who knows at least seven (7) days before the date of the election that he or she will be in his or her county of residence on election day *or during the days or no-excuse in-person absentee voting* and who has not voted *by means of his or her mail-in absentee ballot*, ~~pursuant to the provisions of KRS 117.086~~ shall cancel his or her mail-in absentee ballot and vote in person. The voter shall return the mail-in absentee ballot to the county clerk's office by mail or hand delivery no later than seven (7) days prior to the date of the election. Upon the return of the mail-in absentee ballot, the county clerk shall mark on the outer envelope of the sealed ballot or the unmarked ballot the words "Canceled because voter appeared to vote in person." Sealed envelopes so marked shall not be opened. The county clerk shall remove the voter's name from the list of persons who were sent mail-in absentee ballots, and the voter may vote in the precinct in which he or she is properly registered.
- ~~(9)(12)~~ Any voter qualified for a mail-in absentee ballot who does not receive a requested mail-in absentee ballot within a reasonable amount of time shall contact the county clerk, who shall reissue a second mail-in absentee ballot. The county clerk shall keep a record of the mail-in absentee ballots issued and returned by mail, hand-delivered, or placed in a secure drop-box or receptacle, and the in-person absentee voting and federal in-person provisional absentee voting that is conducted, to verify that only the first voted ballot is counted. Upon the return of any mail-in absentee ballot after the first mail-in absentee ballot is returned, the county clerk shall mark on the outer envelope of the sealed ballot the words "Canceled because ballot reissued."
- ~~(10)(13)~~ Any covered voter as defined in KRS 117A.010 who has received a mail-in absentee ballot but who knows that he or she will be in the county on election day *or during the days of no-excuse in-person absentee voting*, ~~and who has not voted pursuant to the provisions of KRS 117.086~~ shall cancel his or her mail-in absentee ballot and vote in person *during the days of no-excuse in-person absentee voting or on the day of the election*. The voter shall return the mail-in absentee ballot to the county clerk's office on or before election day. Upon the return of the mail-in absentee ballot, the county clerk shall mark on the outer envelope of the sealed mail-in absentee ballot or the unmarked mail-in absentee ballot the words "Canceled because voter appeared to vote in person." Sealed envelopes so marked shall not be opened. ~~If the covered voter is unable to return the mail-in absentee ballot to the county clerk's office on or before election day, at the time he or she votes in person, he or she shall sign a written oath as to his or her qualifications on the form prescribed by the State Board of Elections pursuant to KRS 117.245.~~ The county clerk shall remove the voter's name from the list of persons who were sent mail-in absentee ballots, *allow the voter to vote by means of no-excuse in-person absentee ballot, or provide the voter with written authorization to vote at the precinct on election day*, ~~and the voter may vote in the precinct in which he or she is properly registered.~~ *If the voter is unable to*

return the mail-in absentee ballot to the county clerk's office on or before election day, at the time he or she votes in person, he or she shall sign a written oath as to his or her qualifications on a form prescribed by the State Board of Elections pursuant to KRS 117.245.

- ~~(11)~~~~(14)~~ The State Board of Elections shall promulgate administrative regulations to:
- (a) Ensure election officials have real-time knowledge of which voters have requested mail-in absentee ballots; and
 - (b) Provide procedures to be followed if a voter attempts to vote more than once at a primary or an election.
- ~~(12)~~~~(15)~~ Notwithstanding the provisions of the Kentucky Open Records Act, KRS 61.870 to 61.884, and except for when the identification of the voter is provided to the county board of elections under KRS 117.087, the information contained in an application for a mail-in absentee ballot shall not be made public until after the close of business hours on the election day for which the application applies. Except for necessary election officials and for election-related duties as prescribed by law, the name of the person who votes by means of a mail-in absentee ballot shall not be disclosed. This subsection shall not prohibit at any time the disclosure, upon request, of the total number of applications for mail-in absentee ballots that have been filed, or the disclosure to the Secretary of State or the State Board of Elections, if requested or if otherwise required by law, of any information in an application for a mail-in absentee ballot.

➔Section 8. KRS 117.0851 is amended to read as follows:

Absentee ballots and federal provisional absentee ballots cast, as absentee ballots and federal provisional absentee ballots are provided by **Section 3 of this Act**, KRS 117.077, 117.085, and 117.229 shall all be tabulated in the same manner, as shall be provided by this chapter.

➔Section 9. KRS 117.086 is amended to read as follows:

- (1) (a) The voter returning his or her absentee ballot to the county clerk by mail, hand delivery, or to a secure drop-box or receptacle, shall mark his or her ballot, seal it in the secrecy envelope, and then seal the outer envelope.
- (b) The voter shall sign the detachable flap and the outer envelope in order to validate the ballot. A person having power of attorney for the voter and who signs the detachable flap and outer envelope for the voter shall complete the voter assistance form as required by KRS 117.255. The signatures of two (2) witnesses are required if the voter signs the form with the use of a mark instead of the voter's signature. A resident of Kentucky who is a covered voter as defined in KRS 117A.010 who has received an absentee ballot transmitted by facsimile machine or by means of the electronic transmission system established under KRS 117A.030(4) shall transmit the voted ballot to the county clerk by mail only, conforming with ballot security requirements that may be promulgated by the State Board of Elections by administrative regulation under KRS Chapter 13A. In order to be counted, all mail-in absentee ballots shall be received by the county clerk no later than the time established by the election laws generally for the closing of the polls, which time shall not include the extra hour during which those voters may vote who were waiting in line to vote at the scheduled poll closing time.
- (2) (a) The county clerk shall provide a minimum of one (1) secure ballot drop-box to receive voted mail-in absentee ballots for each primary, regular election, or special election. Public notice of all secure ballot drop-box locations shall be given in the same manner as provided under subsection **(4) of Section 3 of this Act**~~(5) of this section~~, and posted to the Web site of the county clerk.
- (b) The county board of elections may seek the State Board of Elections' approval of a ballot receptacle to receive voted mail-in absentee ballots for each primary, regular election, or special election. Public notice of all secure ballot receptacle locations shall be given in the same manner as provided under subsection **(4) of Section 3 of this Act**~~(5) of this section~~, and posted to the Web site of the county clerk. Before any mail-in absentee ballot shall be allowed to be deposited inside a receptacle, the county board of elections shall inform the State Board of Elections of:
 - 1. The number of receptacles to be used;
 - 2. The type of each receptacle to be used; and
 - 3. The receptacle location.
- (c) Any drop-box or receptacle located outside of the county clerk's office shall be:
 - 1. Placed in a well-lit and easily accessible location;

2. Secured to ensure immobility while in use;
 3. Under video surveillance at all times;
 4. Tamper-resistant; and
 5. Conspicuously noted as a mail-in absentee ballot drop-off location.
- (d) A drop-box or receptacle located inside the county clerk's office shall be under direct supervision of the staff of the county clerk at all times and be accessible to the public.
 - (e) Each receptacle or drop-box shall be emptied by the county clerk and at least one (1) member of the county board of elections **or one (1) member of the central ballot counting board if one is appointed**, who is not of the same political affiliation as the county clerk at least once each business day or more frequently, as needed, to reasonably secure and accommodate the volume of the voter-delivered mail-in absentee ballots. The ballots deposited in the drop-box or receptacle shall be removed with a record of the date and time ballots were removed, and the names of the persons removing them. If the drop-box or receptacle is located outside the county clerk's office, the ballots shall be returned to the county clerk in locked transport containers, and the county clerk shall transfer the ballots upon receipt in accordance with subsection (3)~~(7)~~ of this section.
 - (f) Except for those times ballots are being removed and transported from a secure ballot drop box to the county clerk as provided in this subsection, the county clerk and at least one (1) member of the county board of elections **who is not of the same political affiliation or one (1) member of the central ballot counting board** who is not of the same political affiliation as the county clerk, shall retain the keys to all secure ballot drop-boxes, receptacles, and transport containers in use in the county.
 - (g) The State Board of Elections may establish additional security measures and procedures for the use of the ballot drop-box or receptacle through administrative regulations promulgated under KRS Chapter 13A.
- (3) ~~Any voter who shall be absent from the county on election day, but who does not qualify to receive a mail-in absentee ballot under the provisions of KRS 117.085, and all voters qualified to vote prior to the election under the provisions of KRS 117.085, shall vote at the main office of the county clerk or other place designated by the county board of elections, and approved by the State Board of Elections, prior to the day of election in accordance with KRS 117.085. The county clerk may provide for voting by the voting equipment in general use in the county or any other voting equipment approved by the State Board of Elections for use in Kentucky, except as follows:~~
- ~~(a) Any voter qualifying to vote who receives assistance to vote shall complete the voter assistance form required by KRS 117.255;~~
 - ~~(b) Any voter qualifying to vote whose qualifications are challenged on grounds other than inability to provide proof of identification by any clerk or deputy shall complete an "Oath of Voter" affidavit; and~~
 - ~~(c) Any voter qualifying to vote who is unable to provide proof of identification as defined in KRS 117.001 may cast an in-person absentee ballot or federal provisional in-person absentee ballot in accordance with KRS 117.228 or 117.229.~~
- ~~(4) When the county clerk uses general voting equipment as provided for in subsection (3) of this section, each voter casting his or her vote in-person absentee shall sign an "In Person Absentee Ballot Signature Roster."~~
 - ~~(5) The county clerk shall designate a location within the clerk's office where the ballots shall be cast secretly. The county clerk, with the approval of the State Board of Elections, may establish locations other than the clerk's main office in which the voters may execute their ballots. Public notice of the locations shall be given pursuant to KRS Chapter 424, and similar notice by mail shall be given to the county chairs of the two (2) political parties whose candidates polled the largest number of votes in the county at the last regular election.~~
 - ~~(6) The State Board of Elections shall promulgate administrative regulations under KRS Chapter 13A to provide for casting ballots in accordance with subsection (3) of this section.~~
 - ~~(7) Upon receipt of a mail-in **absentee** ballot, the county clerk shall scan the barcode or label that is unique to the individual voter to note the receipt of the mail-in absentee ballot, and deposit all of the mail-in absentee ballots in a locked ballot box immediately upon receipt without opening the outer envelope. The ballot box shall be locked with **two (2)**~~three (3)~~ locks. The keys to the **ballot** box shall be retained by at least **two (2)**~~three (3)~~ members of the **county board of elections who are not of the same political affiliation or two (2) members of**~~

~~the central absentee ballot counting board, if one (1) is appointed, who are not of the same political affiliation or by the members of the board of elections, and the box shall remain locked until the ballots are processed, reviewed, or counted under KRS 117.087. All voting equipment on which ballots are cast as permitted in subsection (3) of this section shall also remain locked and the keys shall be retained by at least three (3) members of the central absentee ballot counting board, if one is appointed, or by the members of the board of elections, and the equipment shall remain locked until the ballots are counted.~~

~~(4)(8)~~ The county clerk shall keep separate lists for each election of all persons who:

- (a) Return their mail-in absentee ballots;
- (b) Cast their *excused and no-excuse* in-person absentee ballots; and
- (c) Cast their federal provisional in-person absentee ballots ~~under subsection (3)(c) of this section~~.

The county clerk shall send a copy of each list to the State Board of Elections after any primary or election day. Notwithstanding the provisions of the Kentucky Open Records Act, KRS 61.870 to 61.884, each list of all persons who return their mail-in absentee ballots or who cast their ballots *by means of an excused in-person absentee or no-excuse in-person absentee* ~~in the clerk's office or other designated and approved place~~ shall not be made public until after the close of business hours on the primary or election day for which the list applies, except when provided to the county board of elections under KRS 117.087. The county clerk and the Secretary of State shall keep a record of the number of votes cast by each method listed in paragraphs (a) to (c) of this subsection, which are cast in any primary or election as a part of the official returns of the primary or election.

~~(5)(9)~~ The county board of elections shall report to the State Board of Elections within ten (10) days after any primary or regular election as to the number of rejected absentee ballots, including rejected mail-in absentee ballots and ballots cast under subsection (3) of this section, and the reasons for rejecting the ballots on a form prescribed and furnished by the State Board of Elections in administrative regulations promulgated under KRS Chapter 13A.

➔Section 10. KRS 117.087 is amended to read as follows:

- (1) The challenge of a mail-in absentee ballot shall be in writing and in the hands of the county clerk before 8 a.m. on the day preceding any primary, regular election, or special election day.
- (2) The county board of elections may appoint a central ballot counting board of not less than three (3) members, who shall be qualified voters and no more than two-thirds (2/3) of whom shall be members of the same political party, to process, review, and count the ballots at the direction of the county board of elections.
- (3)
 - (a) Beginning at 8 a.m. on any primary, regular election, or special election day, the county board of elections or central *ballot* counting board shall meet at the county clerk's office *or other place designated by the county board of elections* to process and review the mail-in absentee ballots returned. Candidates or their representatives shall be permitted to be present. The county board of elections or central *ballot* counting board may meet up to fourteen (14) days prior to the day of a primary or election to review and process the mail-in absentee ballots cast in the county. ~~No person shall publicize any tallies or counts of these ballots, or any partial election results, until 6 p.m. local time, on the day of a primary or an election.~~ The county board of elections or central *ballot* counting board shall meet as often as necessary during these fourteen (14) days to process and review returned mail-in absentee ballots, including expediting any signature cures.
 - (b) The county board of elections or counting board chair or the chair's designee shall provide each board member with a list of all voters who have returned a mail-in absentee ballot by mail. If a list of all voters who have returned a mail-in absentee ballot by mail is not provided to the board, the name of each voter who cast an absentee ballot by mail shall be read aloud. The county board of elections shall authorize representatives of the news media to observe the processing and review of the ballots to determine their acceptance or rejection.
 - (c) Acceptance or rejection of the mail-in absentee ballots shall be determined as follows:
 - 1. The county board of elections or the central *ballot* counting board shall open the boxes containing absentee ballots returned by mail, hand delivered, or deposited in a drop-box or receptacle, and remove the envelopes one (1) at a time. All mail-in absentee ballots returned shall have their barcode or unique label scanned to note official receipt;

2. As each envelope is removed, it shall be examined to ascertain whether the outer envelope and the detachable flap are in proper order and have been signed by the voter, except if:
 - a. The detachable flap and outer envelope for the voter have been signed by a person having power of attorney for the voter, and that person has completed the voter assistance form required by KRS 117.255; or
 - b. The voter has signed the detachable flap and outer envelope with the use of a mark instead of the voter's signature, the county board of elections or the central **ballot** counting board shall verify that the mark was made in the presence of two (2) witnesses;
 3. Ballots with unsigned detachable flaps or outer envelopes shall be rejected automatically;
 4. Ballots that have not been sent by the county clerk to a qualified voter, but are received by the county board of elections or the central **ballot** counting board shall be rejected automatically;
 5. The members of the county board of elections, or the members of the central **ballot** counting board, shall compare the signatures on the outer envelope and the detachable flap with the signature of the voter that appears on the voter's signature of record, which record shall include the signature on the voter's identity document as defined in KRS 186.010, the voter's mail-in absentee ballot application, or the voter's registration card. If a signature match cannot be made, the county board of elections, central **ballot** counting board, or the county clerk shall make a reasonable effort to contact the voter and provide notice to the voter with a timeframe and manner in which the voter may cure his or her signature relative to the mail-in absentee ballot signature. All signature cures shall be completed before the closing of the polls on the day of a primary or an election;
 6. If the outer envelope and the detachable flap are found to be in order, the members of the county board of elections or the members of the central **ballot** counting board shall verify the voter's name from the list of persons who were sent mail-in absentee ballots, but if a list has not been provided to the board, the name of the voter shall be read aloud;
 7. If the vote of the voter is not rejected on a challenge as provided in subparagraph 8. of this paragraph or as otherwise provided in this subsection, the members of the county board of elections or the members of the central **ballot** counting board shall remove the detachable flap and place the secrecy envelope unopened in a ballot box which has been provided for the purpose;
 8. When the name of a voter who cast a mail-in absentee ballot is processed and reviewed by the members of the county board of elections or the members of the central **ballot** counting board, the vote of the voter may be challenged by any board member or by the written challenge provided in subsection (1) of this section and the challenge may be determined and the vote accepted or rejected by the board as if the voter was present and voting in person; but if the outer envelope and the detachable flap are regular, and each substantially comply with the provisions of this chapter, they shall be considered as showing that the voter is prima facie entitled to vote. If the vote of a voter is rejected pursuant to the challenge, the secrecy envelope shall not be opened, but returned to the outer envelope upon which the chair or member shall write on the envelope the word "rejected";
 9. If irregularities are discovered in the review and processing of the mail-in absentee ballot, the county board of elections or the central **ballot** counting board shall immediately report to the county attorney or the Office of the Attorney General; and
 10. The ballot box into which all accepted mail-in absentee ballots are placed shall be locked with *at least two (2)*~~three (3)~~ locks and the keys to the box shall be retained by *at least two (2) members of the county board of elections who are not of the same political affiliation or two (2)*~~three (3)~~ members of the central **ballot** counting board, *who are not of the same political affiliation*~~if one (1) has been appointed, or by the members of the county board of elections~~. The box shall remain locked until the ballots are counted.
- (d) The State Board of Elections shall promulgate administrative regulations under KRS Chapter 13A establishing the form of the notice required under this subsection for the curing of signatures.

- (4) (a) Beginning at 8 a.m. local time on any primary, regular election, or special election day, the county board of elections or a central **ballot** counting board shall meet in the county clerk's office **or other place designated by the county board of elections** to:
1. Review and process any mail-in absentee ballots returned using the procedures in subsection (3) of this section; and
 2. Count, or the county board of elections may oversee the count by the central **ballot** counting board, the accepted mail-in absentee ballots and total and record the in-person absentee votes cast.
- (b) During the review, processing, and counting of the absentee ballots and votes, candidates or their representatives shall be permitted to be present, and the county board of elections shall authorize representatives of the news media to observe.
- ~~[(c) No person shall publicize any tallies or counts of these ballots, or any partial election results, until 6 p.m. local time, on the day of a primary or an election.]~~
- (5) After the challenges have been made and all the blank secrecy envelopes have been placed in a ballot box, the box shall be thoroughly shaken or shuffled to redistribute the absentee ballots in the box to ensure secrecy of the vote. The board shall open the ballot box, remove the absentee ballots from the secrecy envelopes, and count the ballots.
- (6) The board shall unlock **and break the tamper-resistant seal to** any voting equipment used to cast in-person absentee ballots, as provided for in **Section 3 of this Act**~~[KRS 117.086]~~, and a total of all in-person absentee ballots shall be made and recorded on the form provided by the State Board of Elections.
- (7) **No person shall**~~[The county board of elections, the county clerk, and all individuals permitted to be present for the counting of absentee ballots pursuant to subsection (4) of this section shall not make public]~~ **transmit or publicize any tallies or counts of** the absentee ballot results **or any partial results**~~[determined]~~ as provided in this section **to any person except those persons, election officials, or entities authorized by law to receive it**, until 6 p.m. prevailing time on the day of a primary or an election.

➔Section 11. KRS 117.088 is amended to read as follows:

- (1) For purposes of this section, "blind or visually impaired individual" means an individual who:
- (a) Has a visual acuity of 20/200 or less in the better eye with correcting lenses or has a limited field of vision so that the widest diameter of the visual field subtends an angle no greater than twenty (20) degrees;
 - (b) Has a medically indicated expectation of visual deterioration;
 - (c) Has a medically diagnosed limitation in visual functioning that restricts the individual's ability to read and write standard print at levels expected of individuals of comparable ability;
 - (d) Has been certified as requiring permanent assistance to vote under KRS 117.255(5) for reason of blindness; or
 - (e) Qualifies to receive assistance to vote under KRS 117.255(2) for reason of blindness.
- (2) For purposes of this section, "pilot program" means a program in a county containing a consolidated local government or containing a city of the first class for unassisted voting by blind or visually impaired individuals.
- (3) A county board of elections in a county containing a consolidated local government or containing a city of the first class may establish a pilot program. As part of this pilot program, the State Board of Elections shall approve the use of voting equipment under KRS 117.379 that is designed to permit blind and visually impaired individuals to vote without assistance, for use beginning in the 2002 general election. No county board of elections in a county containing a consolidated local government or containing a city of the first class shall be required to operate a pilot program.
- (4) The State Board of Elections, if it approves the voting equipment under KRS 117.379, may approve the use of voting equipment designed to permit blind and visually impaired individuals to vote without assistance in as many locations within a county containing a consolidated local government or containing a city of the first class as are designated by the county board of elections.

- (5) A county board of elections in a county containing a consolidated local government or containing a city of the first class shall provide a report to the State Board of Elections after every primary or regular election regarding the number of blind or visually impaired individuals that have utilized the voting equipment during the pilot program.
- (6) Notwithstanding the provisions of KRS 116.025, or any other statute to the contrary, a blind or visually impaired voter residing in a county containing a consolidated local government or containing a city of the first class that is operating a pilot program shall be permitted to vote at a location outside the precinct of his or her registration by voting at a location within the county of his or her registration on voting equipment designed to permit blind or visually impaired individuals to vote without assistance, which may include voting at the county clerk's office, or other place designated by the county board of elections, and approved by the State Board of Elections.
- (7) Notwithstanding the provisions of *Section 3 of this Act*, KRS 117.085, 117.086, or 117.0863 or any other statute to the contrary, a blind or visually impaired individual residing in a county containing a consolidated local government or containing a city of the first class that is operating a pilot program shall be permitted to vote in the location within the county of his or her registration as provided under subsection (6) of this section, on voting equipment designed to permit blind or visually impaired individuals to vote without assistance, at any time during which *in-person* absentee voting is conducted.
- (8) The State Board of Elections may certify, as a part of the pilot project of a county containing a consolidated local government or containing a city of the first class, voting equipment which utilizes audio recordings, voice-activated technology, or vocal recognition technology to record a vote, and may require such accommodations as would permit a blind or visually impaired voter to cast a vote in secret, provided the voting equipment produces a voter-verified paper audit trail.
- (9) Notwithstanding the provisions of KRS 117.255, a blind or visually impaired voter residing in a county containing a consolidated local government or containing a city of the first class that is operating a pilot project may cast his or her vote alone and without assistance on voting equipment approved for use by blind or visually impaired individuals. However, the blind or visually impaired voter shall be instructed by the officers of election, with the aid of the instruction cards and the model, in the use of the equipment, if the voter so requests.
- (10) Nothing in this section shall impair the right of any qualified voter under KRS 117.255 to receive assistance and vote according to the procedures specified in that section.

➔Section 12. KRS 117.125 is amended to read as follows:

Except for voting equipment that has been certified and in use on or before June 29, 2021, no voting system shall be approved for use after June 29, 2021, by the State Board of Elections, either upon initial examination or reexamination, unless the system has been certified under KRS 117.379 and is so constructed that it shall:

- (1) Ensure secrecy to the voter in the act of voting so that no person can see or know for whom any other voter has voted or is voting, except for those voters requiring assistance under KRS 117.255;
- (2) Permit votes to be cast for any candidate entitled to have his or her name printed upon the ballots at any primary, regular election, or special election, and for or against any public question entitled to be placed upon the ballots;
- (3) Except at a primary, permit a voter to vote for all the candidates of one (1) party or for one (1) or more candidates of every party having candidates entitled to be voted for, or for one (1) or more independent, political organization, or political group candidates;
- (4) Permit a voter to vote for as many persons for an office as the voter is lawfully entitled to vote for, and no more;
- (5) Prevent a voter from voting for more persons for any office than the voter is entitled to vote for, and from voting for the same person, or for or against the same question, more than once;
- (6) Permit a voter to vote for or against any question the voter may have the right to vote on, but no other;
- (7) Provide for a nonpartisan ballot;
- (8) Be capable of being adjusted for use in a primary so that a voter may not vote for any person except those seeking nomination as candidates of the voter's party, as candidates for a nonpartisan office, or as candidates for an office of the Court of Justice;

- (9) Permit each voter to vote for all the candidates for presidential electors of any party by one (1) operation;
- (10) Permit each voter to vote, in any regular or special election, for any person for whom the voter desires to vote whose name does not appear upon the ballot by providing a method of write-in voting;
- (11) Be safe, efficient, and accurate in the conduct of elections, and correctly register and accurately count all votes cast for each person, and for or against each public question;
- (12)
 - (a) Provide each voter an opportunity to verify votes recorded on the permanent paper ballot, either visually or using assistive voting technology, by producing a voter-verified paper audit trail;
 - (b) Provide each voter an opportunity to change votes or correct any error before the voter's ballot is cast and counted; and
 - (c) Provide a voter who spoils his or her ballot another ballot as provided under this chapter;
- (13) Use an individual, discrete, permanent, paper ballot cast by the voter for tabulating purposes;
- (14) Preserve the paper ballot as an official record available for use in any audit or recount;
- (15) Be suitably designed for the purpose used, constructed of a durable material, and safely transportable;
- (16) Be capable of determining whether the voting equipment has been unlocked and operated or adjusted in any manner after once being locked;
- (17) Have a public counter with a register which is visible from the outside of the counter or device that will show at all times during an election how many persons have voted;
- (18) Have a protective cumulative counter indicating the number of votes cast for each person, and the votes cast for or against each public question which cannot be seen, reset, or tampered with without unlocking a covering device by a key or other security apparatus that cannot unlock any other part of the equipment, and which prevents changes to the cumulative counter once the system has been put into operation on the day of any election;
- (19) Provide for the tabulating of votes at the precinct as required under KRS 117.275;
- (20) Provide locks or other security apparatus by which the operation of the voting equipment may be locked before the time for opening the polls and after the time for closing the polls;
- (21) Permit a voter to readily learn the method of operating it, to expeditiously cast a vote for all candidates and on all questions of the voter's choice, and when operated properly, register and record correctly and accurately every vote cast;
- (22) Bear a number or other unique designation that will distinguish it from any other voting equipment or voting system;
- (23) Produce a real-time audit log record for the voting system, and produce a paper record with a manual audit capacity which shall be available as an official record for any recount conducted related to any primary or election in which the system is used;
- (24) Be accessible for individuals with impairments, including nonvisual accessibility for the blind or visually impaired, in a manner that provides the same opportunity for access and participation, including privacy and independence, as for other voters;
- (25) ***Prohibit voting equipment that tabulates or aggregates votes used in official results from connecting to any network, including the Internet, or communicating with any device external to the voting system;***
- (26) Meet or exceed the standards for a voting system established by the Election Assistance Commission, as amended from time to time, and those approved under KRS 117.379; and
- ~~(27)~~~~(26)~~ Meet such other requirements as may be established by the State Board of Elections in administrative regulations promulgated under KRS Chapter 13A to reflect changes in technology to ensure the integrity and security of voting systems.

➔Section 13. KRS 117.135 is amended to read as follows:

When voting equipment is acquired by any county, the voting equipment shall:

- (1) Be immediately placed in the custody of the county clerk;

- (2) ~~[- and shall -]~~ Remain in *the county clerk's* ~~[his or her]~~ custody at all times except when in use *during in-person absentee voting, during* ~~[at]~~ an election, or when in the custody of a court or court officer during contest proceedings;
- (3) *Be* ~~[- The clerk shall see that the voting equipment is -]~~ properly protected and preserved from damage or unnecessary deterioration;
- (4) *Be protected by the county clerk from* ~~[- and shall not permit -]~~ any unauthorized *tampering* ~~[person to tamper]~~ with the voting equipment; *and*
- (5) *Be secured and locked by the county clerk to ensure that access is restricted to only members of the county board of elections or other persons as authorized by law.*

➔Section 14. KRS 117.155 is amended to read as follows:

The county clerk shall place all ballots required to be placed upon voting equipment in such a manner as will most nearly conform to the plan of arrangement prescribed by the Secretary of State under KRS 118.215. The county clerk shall then see that the counters referred to in KRS 117.125(17) and (18) are set at zero, and shall lock the operating device and mechanism and the devices protecting the counters and ballots, *which shall then be covered with a tamper-resistant seal*. The county clerk shall then enter in an appropriate book, opposite the number of each precinct the distinguishing number of the voting equipment or the unique designation to be used in that precinct.

➔Section 15. KRS 117.165 is amended to read as follows:

- (1) Upon completing the preparation of the voting systems, including any voting equipment in operation, in accordance with KRS 117.155, and not later than the Thursday preceding the day of the election, the county clerk shall notify the members of the county board of elections that the voting equipment is ready for use. The *county board of elections* shall thereupon convene at the office of the county clerk, not later than the Friday preceding the day of the election, and examine the voting equipment to determine whether the requirements of KRS 117.155 have been met. The county board of elections shall publish notice, in accordance with KRS 424.130(1)(d), at least twenty-four (24) hours in advance of the time when the voting equipment is to be examined by the board. If found in proper order, the members of the county board of elections shall endorse their approval in the book in which the county clerk has entered the numbers or the unique designation of the voting equipment opposite the numbers of the precincts. The *county* clerk shall then deliver all of the keys to the voting equipment to the county board of elections who shall give a receipt for the keys ~~[- which shall contain identification of the keys -]~~. Not later than one (1) hour before the time set for the opening of the polls, the board shall deliver all election supplies including the precinct list, tabulation sheets, and the key to the device covering the registering counters and other keys necessary for the operation of the voting equipment in registering votes, to the election officers of the precinct in which the voting equipment is being used, who shall give the board a receipt ~~[- containing identification -]~~ of the keys. The ~~[- master key and all other -]~~ keys shall remain in the possession of the county board of elections.
- (2) Not later than four (4) business days preceding the date set to conduct *excused* in-person absentee voting in accordance with *Section 3 of this Act* ~~[KRS 117.085]~~, the county clerk shall notify the members of the county board of elections that the voting equipment designated for use during in-person absentee voting are ready for use. The board shall thereupon convene at the office of the county clerk, not later than three (3) business days preceding the date set to conduct *excused in-person* absentee voting, and examine the voting equipment to determine whether the requirements of KRS 117.155 have been met. The county board of elections shall publish notice, in accordance with KRS 424.130(1)(d), at least twenty-four (24) hours in advance of the time when the absentee voting equipment is to be examined by the board. If found in proper order, the members of the county board of elections shall endorse their approval in the book in which the county clerk has entered the unique designation or the identification number of the voting equipment designated for use during in-person absentee voting.
- (3) Any candidate, one (1) representative of each political party having candidates to be voted for at the election, and representatives of the news media may be present when the examination of the voting equipment is made by the county board of elections.

➔Section 16. KRS 117.275 is amended to read as follows:

- (1) At the count of the votes in any precinct, any candidate or slate of candidates and any representatives to witness and check the count of the votes therein, who are authorized to be appointed as is provided in subsection (9) of this section, shall be admitted and permitted to be present and witness the count.

- (2) As soon as the polls are closed, and the last voter has voted, the judges at that time shall immediately lock and seal the voting equipment so that the voting and counting mechanisms will be prevented from operating, and they shall sign a certificate stating:
- (a) That the voting equipment has been locked against voting and sealed;
 - (b) The number of voters, as shown on the public counters;
 - (c) The number registered on the protective or cumulative counter or device; and
 - (d) The number or other designation of the voting equipment.

The certificate, with any additional certificate previously prepared under KRS 117.035, shall be returned by the judges of election to the officials authorized by law to receive it. The judges shall compare the number of voters, as shown by the counter of the voting equipment, with the number of those who have voted as shown by the protective or cumulative counter or device.

- (3) Where voting equipment is used which does not print the candidates' names along with the total votes received on a general return sheet or record for that equipment, the procedure to be followed shall be as follows:
- (a) The judges, in the presence of the representatives mentioned in subsection (1) of this section, if any, and of all other persons who may be lawfully within the polling place, shall give full view of all the counter numbers;
 - (b) The judges shall enter, in ink, the total votes cast for each candidate, and slate of candidates, and for and against each question on the return sheets; and
 - (c) Each precinct election officer shall sign the return sheets, and a copy of the return sheets shall be posted on the precinct door.
- (4) Where voting equipment is used that prints the candidates' names along with the total votes received on a return sheet or record for that equipment, the precinct election officers shall sign the return sheets or record for the voting equipment, which shall be posted on the door of the precinct.
- (5) If any officer shall decline to sign the return sheets, he or she shall state the reason in writing, and a copy thereof, signed by the officer, shall be enclosed with the return sheets.
- (6) Each of the return sheets, if applicable, and the record of the voting equipment shall be enclosed in an envelope. One (1) copy of the return sheets, if applicable, one (1) copy of the record of the voting equipment, and the write-in roll, if any write-in votes were cast in the precinct, shall be directed to the county board of elections of the county in which the election is being held. One (1) copy of the return sheets or record of the voting equipment shall be given to the county clerk of the county in which the election is being held and to each of the local governing bodies of the two (2) dominant political parties, but a local governing body of a dominant political party may decline a copy of the precinct election return by filing a written declination with the county board of elections prior to the election, and upon this declination, a printed copy shall not be issued to the political party so declining. The declination on file shall be effective for that election and any subsequent elections until revoked by the local governing body of a dominant political party by filing a written revocation with the county board of elections. The envelope shall have endorsed thereon a certificate of the election officers, stating the number or unique designation of the voting equipment, the precinct where it has been used, the number on the seal, and the number on the protective or cumulative counter or device at the close of the polls.
- (7) ***During the period established by KRS 117.355(3), and*** following the tabulation of all votes cast in the election, including absentee votes and write-in votes:
- (a) ~~[-]~~The county board ***of elections*** shall mail, ***transmit via facsimile machine, hand deliver, or submit by electronic means*** a copy of the precinct-by-precinct summary of the tabulation sheets showing the results from each precinct to the State Board of Elections. ***The copy of the precinct-by-precinct summary of the tabulation sheets showing the results from each precinct shall include the votes cast on the day of an election and during in-person absentee voting;*** and
 - (b) The county clerk shall mail or deliver the precinct signature rosters from each precinct ***and the in-person absentee ballot signature roster*** to the State Board of Elections ~~[- during the period established by KRS 117.355(3)].~~
- (8) ***For each voting location,*** as soon as possible after the completion of the count, the two (2) ***election officers who are not of the same political affiliation*** ~~[- (2) judges]~~ shall return to the county board of elections the keys

to the voting equipment received and receipted for by them, and the county clerk, in *each voting location*, ~~[which the precinct is located]~~ shall have the voting equipment properly boxed or securely covered and removed to a proper and secure place of storage.

- (9) In primaries, each candidate or group of candidates may designate to the county board of elections a representative to witness and check the vote count. In regular elections, the governing authority of each political party, each candidate for member of board of education, nonpartisan candidate, political group candidate, political organization candidate, independent candidate, or independent ticket may designate a representative to the county board of elections to witness and check the vote count. The county board of elections shall authorize representatives of the news media to witness the vote count.
- (10) For all federal provisional ballots, if applicable, and supplemental paper ballots if approved as provided in KRS 118.215, after the polls are closed, the two (2) judges shall return to the county clerk's office the locked federal provisional ballot receptacle and the supplemental paper ballot box, all ballot stubs, spoiled ballots, and unvoted ballots at the same time as the tabulation of votes from the voting equipment is delivered. The county clerk shall issue a receipt for the number of ballot stubs, unvoted ballots, spoiled ballots, and the ballot boxes or ballot receptacle.
- (11) The county board of elections, or its designee, shall count and tally the supplemental paper ballots that have not been tabulated by automatic tabulating equipment at the precinct, either manually or with the use of tabulating equipment that has been certified by the State Board of Elections for use for that purpose in the county clerk's office. The results of the vote tally shall be certified by the county board of elections to the county clerk and to the Secretary of State.
- (12) The county board of elections shall tabulate the valid federal provisional ballots. The results of the vote tally shall be certified by the county board of elections to the county clerk and to the Secretary of State. The county board *of elections* shall mail a copy of the precinct-by-precinct summary of the valid federal provisional ballot tabulation sheets showing the results from each precinct to the State Board of Elections.
- (13) The county board of elections shall authorize the candidates, slates of candidates, or their representatives, and representatives of the news media to be present during the counting of the supplemental and federal provisional paper ballots.
- (14) *No person shall transmit or publicize any tallies or counts of ballots, or any partial results, to any person except those persons, election officials, or entities authorized by law to receive it, until 6 p.m. prevailing time on the day of a primary or an election.*
- (15) (a) *Unofficial election results transmitted online to the county board of elections or the State Board of Elections shall occur by means of a secure online connection after results are tallied on the tally computer that has been certified in accordance with KRS 117.379 as part of a voting system as defined in Section 22 of this Act.*
 (b) *If an external device is used to upload election results for the subsequent transmission, the device shall be used for that primary or election only and be of a type approved by the State Board of Elections as part of a voting system under KRS 117.379. The upload of the election results shall occur in the presence of two (2) members of the county board of elections who are of a different political affiliation.*
- ~~(14)~~ (16) Except as otherwise required in this chapter, all records and papers relating to specified elections shall be retained for twenty-two (22) months, and the county clerk shall retain the voted federal provisional ballots, voter affirmations, election official affirmations, and the supplemental paper ballots for twenty-two (22) months and the unvoted federal provisional ballots, the voter affirmations, election official affirmations, and the supplemental paper ballots for sixty (60) days after each election day, after which time they shall be destroyed in a manner to render them unreadable by the county board of elections if no contest or recount action has been filed.

➔Section 17. KRS 117.383 is amended to read as follows:

The State Board of Elections shall promulgate administrative regulations under KRS Chapter 13A which shall maintain the maximum degree of correctness, impartiality, and efficiency of the procedures of voting and shall provide methods to:

- (1) Count, tabulate, and record votes;
- (2) Place items on any ballot which shall, as closely as possible, follow the requirements pertaining to ballots;

- (3) Design the ballots to include a system to ensure an accurate record of all voting activities;
- (4) Instruct voters in the use of the voting system, including any ballot marking device;
- (5) Provide for checking the accuracy of the voting system;
- (6) Provide necessary supplies, including those necessary for a write-in vote, to ensure voter privacy;
- (7) As part of the official canvass, provide for a manual recount of randomly selected precincts representing three percent (3%) to five percent (5%) of the total ballots cast in each election;
- (8) Provide for the conducting and review of an audit of any component of a voting system or any voting equipment, and a review of any audit log;
- (9)
 - (a) Provide for the conducting and review of an election audit, including a risk-limiting audit, and risk-limiting audit pilot program, *all of which shall establish the protocol by which ballots are checked, compared, and verified with the results produced by vote tallying equipment to ensure accuracy.*
 - (b) *The pilot program shall, at a minimum, include individuals representing the State Board of Elections, the Office of the Secretary of State, and no fewer than five percent (5%) of Kentucky's counties.*
 - (c) *The risk-limiting audit and risk-limiting audit pilot program shall make the results of its findings available to the public;*
- (10) Provide a method for maintaining sufficient documents, including ballots and records, so that votes can be recounted;
- (11) *Ensure the county board of elections produces accurate precinct-by-precinct summaries of tabulation sheets showing the results of each precinct during in-person absentee voting, election day voting, and when a county is approved to use a vote center;*
- (12) Except as otherwise required in this chapter, all records and papers relating to specified elections be retained for twenty-two (22) months, such documents and records shall be maintained for thirty (30) days following an election; and
- (13)~~(12)~~ Unless contrary to the Help America Vote Act of 2002, ensure that all federal provisional voting shall be conducted in a manner as prescribed by KRS Chapters 116 to 120.

➔Section 18. KRS 118.115 is amended to read as follows:

- (1) Except as provided in subsection (2)(b) of KRS 83A.045 governing vacancies in candidacy, candidates for unexpired terms to be filled at a regular election shall be nominated at the primary next preceding the regular election, if the vacancy occurred not less than one hundred sixty (160) days before the primary.
- (2) If the vacancy occurred less than one hundred sixty (160) days before the primary, the nomination shall be made in a manner determined by the governing authority of the political party *concerned as defined in Section 23 of this Act. Certificates of nomination shall be filed as required with the Secretary of State or county clerk not later than the first Tuesday after the first Monday in June preceding the day fixed by law for the election*~~concerned. In the preparation of ballots, candidates for full terms shall be grouped together, and candidates for unexpired terms shall be grouped together, under appropriate headings, so that the voter may easily distinguish the candidates for full terms from the candidates for unexpired terms.~~
- (3) *If the vacancy occurs after the first Tuesday after the first Monday in June preceding the day fixed by law for the election, but not less than three (3) months before the regular election, the nomination shall be made in a manner determined by the governing authority of the political party concerned as defined in Section 23 of this Act. Certificates of nomination shall be filed as required with the Secretary of State or county clerk not later than the second Tuesday in August preceding the regular election sought.*
- (4) *Independent, political organization, or political group candidates filing to fill a vacancy for an unexpired term shall be governed by KRS 118.375.*
- (5) *In the preparation of ballots, candidates for full terms shall be grouped together, and candidates for unexpired terms shall be grouped together, under appropriate headings, so that the voter may easily distinguish the candidates for full terms from the candidates for unexpired terms.*

~~(6)(2)~~ A judge who elected to retire as a Senior Status Special Judge in accordance with KRS 21.580 shall not become a candidate or a nominee for any elected office during the five (5) year term prescribed in KRS 21.580(1)(a)1., regardless of the number of days served by the judge acting as a Senior Status Special Judge.

➔Section 19. KRS 118.215 is amended to read as follows:

- (1) After the order of the names has been determined as provided in KRS 118.225, the Secretary of State shall certify, to the county clerks of the respective counties entitled to participate in the nomination or election of the respective candidates, the name, place of residence, and party of each candidate or slate of candidates for each office, as specified in the nomination papers or certificates and petitions of nomination filed with him or her, and shall designate the device with which the candidate groups, slates of candidates, or lists of candidates of each party shall be printed, in the order in which they are to appear on the ballot, with precedence to be given to the party that polled the highest number of votes at the preceding election for presidential electors, followed by the political party which received the second highest number of votes, with the order of any other political parties and independents to be determined by lot. Candidates for county offices and local state offices shall be listed in the following order: Commonwealth's attorney, circuit clerk, property valuation administrator, county judge/executive, county attorney, county clerk, sheriff, jailer, county commissioner, coroner, justice of the peace, and constable. The names of candidates for President and Vice President shall be certified in lieu of certifying the names of the candidates for presidential electors. The names shall be certified as follows:
 - (a) Not later than the second Monday after the filing deadline for the primary as established in KRS 83A.045, 118.165, and 118A.060;
 - (b) Not later than the *fourth Monday in August*~~second Monday following the filing deadline for the regular election~~, except as provided in paragraph (c) of this subsection; and
 - (c) Not later than the Monday after the Friday following the first Tuesday in September preceding a regular election, for those years in which there is an election for President and Vice President of the United States.
- (2) Except as otherwise provided in subsection (3) of this section, all independent candidates or slates of candidates whose nominating petitions are filed with the county clerk or the Secretary of State shall be listed under the title and device designated by them as provided in KRS 118.315, or if none is designated, under the word "independent," and shall be placed on the ballot in a separate column or columns or in a separate line or lines according to the office which they seek. The order in which independent candidates or slates of candidates shall appear on the ballot shall be determined by lot by the county clerk. If the same device is selected by two (2) groups of petitioners, it shall be given to the first selecting it and the county clerk shall permit the other group to select a suitable device. This section shall not apply to candidates for municipal offices which come under subsection (3) of this section.
- (3) The ballots used at any election in which city officers are to be elected as provided in subsection (2) of this section shall contain the names of candidates for the city offices grouped according to the offices they seek, and the candidates shall be immediately arranged with and designated by the title of office they seek. The order in which the names of the candidates for each office are to be printed on the ballot shall be determined by lot. Each group of candidates for each separate office for which the candidates are to be elected shall be clearly separated from other groups on the ballot and spaced to avoid confusion on the part of the voter.
- (4) The Secretary of State shall not knowingly certify to the county clerk of any county the name of any candidate or slate of candidates who has not filed the required nomination papers, nor knowingly fail to certify the name of any candidate or slate of candidates who has filed the required nomination papers.
- (5) If the county clerk determines that the number of certified candidates or slates of candidates cannot be placed on a ballot which can be accommodated by the voting equipment currently in use by the county, he or she shall so notify the State Board of Elections not later than the last Tuesday in February preceding the primary or the last Tuesday in August preceding the regular election. The State Board of Elections shall meet within five (5) days of the notice, review the ballot conditions, and determine whether supplemental paper ballots are necessary for the election. Upon approval of the State Board of Elections, supplemental paper ballots may be used for nonpartisan candidates or slates of candidates for an office or offices and public questions submitted for a yes or no vote. All candidates or slates of candidates for any particular office shall be placed either on the ballot or on the supplemental paper ballot. Supplemental paper ballots may also be used to conduct the voting, in the instance of a small precinct as provided in KRS 117.066.

- (6) The ballot position of a candidate or slate of candidates shall not be changed after the ballot position has been designated by the county clerk.

➔Section 20. KRS 118.365 is amended to read as follows:

- (1) Certificates of nomination issued by the State Board of Elections shall be filed by that board with the Secretary of State immediately. The certificates issued by the county board of elections shall be filed by that board with the county clerk immediately.
- (2) Petitions of nomination for candidates for city offices except as provided in KRS 83A.047, for candidates for members of boards of education, and for candidates for supervisors of soil and water conservation districts shall be filed with the county clerk not earlier than the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot and not later than the first Tuesday after the first Monday in June preceding the day fixed by law for the holding of regular elections for the offices sought.
- (3) Candidates for an office, the nomination to which is to be made by a convention pursuant to KRS 118.325(1) and (2), except for the office of electors of President and Vice President of the United States, shall file the statements required by KRS 118.325(3), with the official designated in KRS 118.165 with whom notification and declaration are filed for the office, not earlier than the first Wednesday after the first Monday in November of the year preceding the year in which the office will appear on the ballot and not later than the first Tuesday after the first Monday in June preceding the regular election for the office sought.
- (4) Certificates of nomination made by the governing authority of a political party within the meaning of KRS 118.015 or a political organization not constituting a political party within the meaning of KRS 118.015 but whose candidate received two percent (2%) of the vote of the state at the last preceding election for presidential electors to fill vacancies in office, as provided in KRS 118.115 and 118.325, shall be filed as required with the Secretary of State or county clerk ~~not earlier than the first Wednesday after the first Monday in November of the year preceding the year in which the offices will appear on the ballot and not later than the first Tuesday after the first Monday in June preceding the day fixed by law for the election of the person in nomination~~.
- (5) Except as otherwise provided in this section, petitions of nomination shall be filed as required with the Secretary of State or county clerk not earlier than the first Wednesday after the first Monday in November of the year preceding the year in which the offices will appear on the ballot and not later than the first Tuesday after the first Monday in June preceding the day fixed by law for the holding of regular elections for the offices sought. ~~Certificates of nomination shall be filed with the Secretary of State or county clerk, as required by law, not earlier than the first Wednesday after the first Monday in November of the year preceding the year in which the offices will appear on the ballot and not later than the first Tuesday after the first Monday in June preceding the day fixed by law for the holding of regular elections for the offices sought.~~ The filing of petitions of nomination for independent, or political organization, or political group candidates shall not be accepted by the Secretary of State or the county clerk if the candidate has not filed a statement-of-candidacy form as required by KRS 118.367.
- (6) Petitions and certificates of nomination for electors of President and Vice President of the United States shall be filed with the Secretary of State not earlier than the first Wednesday after the first Monday in November of the year preceding the year in which there is an election for President and Vice President of the United States and not later than the Friday following the first Tuesday in September preceding the date fixed by law for the election of the electors.
- (7) Petitions for recall elections or elections on public questions shall be filed as required with the county clerk not later than the second Tuesday in August preceding the day fixed by law for holding a regular election.
- (8) Petitions of any kind named in this section, statements, and certificates of nomination shall be filed no later than 4 p.m. local time at the place of filing when filed on the last date on which papers are permitted to be filed.

➔Section 21. KRS 119.115 is amended to read as follows:

- (1) Any unauthorized person found in possession of any key to a voting machine, voting equipment, or voting system to be used or being used in any primary, regular election, or special election shall be guilty of a Class A misdemeanor.
- (2) Any person who, during or before any primary, regular election, or special election, willfully tampers with or attempts to tamper with, disarrange, deface, or impair in any manner whatsoever, injures, or destroys any

ballot, or destroys any voting machine, voting equipment, or voting system while in use at an election or at any other time, or who shall, after such voting machine, voting equipment, or voting system is locked and sealed in order to preserve the record of the vote, tamper with or attempt to tamper with the record of the vote, or who aids or abets with intent to destroy or change the record of the vote shall be guilty of a Class D felony.

- (3) Any election official, or other person entrusted with the custody or control of any voting machine, voting equipment, or voting system ***shall be guilty of a Class D felony if he or she knowingly and intentionally:***~~{who, With intent to cause or permit }~~
- (a) ***Causes or permits*** any voting machine, voting equipment, or voting system to fail to correctly register or count votes cast, tampers with or disarranges such voting machine, voting equipment, or voting system in any way;
 - (b) ~~{,}~~Unlawfully opens ~~a~~~~{such}~~ voting machine, voting equipment, or voting system;
 - (c) ~~{,}~~Prevents or attempts to prevent the correct operation of ~~a~~~~{such}~~ voting machine, voting equipment, or voting system;
 - (d)~~{, or }~~Causes ~~a~~~~{such}~~ voting machine, voting equipment, or voting system to be used or consents to its being used for any election with knowledge of the fact that the voting machine, voting equipment, or voting system is not in order, or not perfectly set and adjusted to correctly register all votes cast;~~{, or }~~
 - (e) Removes, changes, or mutilates any ballot; ***or***
 - (f) ***Directly connects or attempts to directly connect a voting machine, voting equipment, or voting system that tabulates or aggregates votes to a public network, including the Internet, at any time***~~{ shall be guilty of a Class D felony}~~.

➔Section 22. KRS 117.001 is amended to read as follows:

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

- (1) "Audit log" means a detailed record of all actions and events that have occurred on the voting system, including:
 - (a) Log-in attempts with username and time stamp;
 - (b) Election definition and setup;
 - (c) Ballot preparation and results processing;
 - (d) Diagnostics of any type; and
 - (e) Error and warning messages and operator response;
- (2) "Automatic tabulating equipment" means apparatus necessary to automatically examine and count votes as designated on ballots and data processing machines which can be used for counting ballots and tabulating results;
- (3) "Ballot" or "official ballot" means the official presentation of offices and candidates to be voted for, including write-in candidates, and all public questions submitted for determination, and shall include a voting machine ballot, a paper ballot, an absentee ballot, a federal provisional ballot, a federal provisional absentee ballot, or a supplemental paper ballot which has been authorized for the use of voters in any primary, regular election, or special election by the Secretary of State or the county clerk;
- (4) "Ballot box" means any box, bag, or other container that can be locked, sealed, or otherwise rendered tamper-resistant, for receiving ballots;
- (5) "Ballot marking device" means any approved device for marking a ballot which will enable the ballot to be tabulated manually or by means of automatic tabulating equipment;
- (6) "Election" or "elections" means any primary, regular election, or special election;
- (7) ***"Election officer" has the same meaning as in Section 23 of this Act;***
- (8) "Federal provisional voter" means a person:
 - (a) Who does not appear to be registered to vote;
 - (b) Whose name does not appear on the precinct roster;

- (c) Who has not provided proof of identification to the precinct election officer before voting in a federal election; and
 - (d) Who elects to proceed with voting a federal provisional ballot under KRS 117.229;
- ~~(9)~~~~(8)~~ "Federal provisional ballot" or "federal provisional absentee ballot" means ballots which have been authorized by the Secretary of State or the county clerk to be used by federal provisional voters in any federal primary or election;
- ~~(10)~~~~(9)~~ "Inner envelope" or "secrecy envelope" means the envelope provided to the voter with a ballot into which the voter shall place his or her voted ballot;
- ~~(11)~~~~(10)~~ "Political group" has the same meaning as in KRS 118.015;
- ~~(12)~~~~(11)~~ "Political organization" has the same meaning as in KRS 118.015;
- ~~(13)~~~~(12)~~ "Precinct ballot counter" means an automatic tabulating device used at the precinct to tabulate and process ballots;
- ~~(14)~~~~(13)~~ "Proof of identification" means a document that was issued by:
- (a) The United States or the Commonwealth of Kentucky, and the document contains:
 - 1. The name of the individual to whom the document was issued; and
 - 2. A photograph of the individual to whom the document was issued;
 - (b) The United States Department of Defense, a branch of the uniformed services, the Merchant Marine, or the Kentucky National Guard, and the document contains:
 - 1. The name of the individual to whom the document was issued; and
 - 2. A photograph of the individual to whom the document was issued;
 - (c) A public or private college, university, or postgraduate technical or professional school located within the United States, and the document contains:
 - 1. The name of the individual to whom the document was issued; and
 - 2. A photograph of the individual to whom the document was issued; or
 - (d) Any city government, county government, urban-county government, charter county government, consolidated local government, or unified local government, which is located within this state, and the document contains:
 - 1. The name of the individual to whom the document was issued; and
 - 2. A photograph of the individual to whom the document was issued;
- ~~(15)~~~~(14)~~ "Risk-limiting audit" means an audit protocol that makes use of statistical principles and methods and is designed to limit to acceptable levels the risk of certifying a preliminary election outcome that constitutes an incorrect outcome;
- ~~(16)~~~~(15)~~ "Voting booth" or "ballot completion area" means an area in which a voter casts his or her vote or completes his or her ballot which is designed to ensure the secrecy of the vote;
- ~~(17)~~~~(16)~~ "Vote center" means a consolidated precinct of the county;
- ~~(18)~~~~(17)~~ "Voting equipment" means any physical component of a voting system and includes voting machines where voting machines are in operation;
- ~~(19)~~~~(18)~~ "Voting machine" or "machine" means a part of a voting system that consists of:
- (a) A direct recording electronic voting machine that:
 - 1. Records votes by means of a ballot display provided with mechanical or electro-operated components that may be actuated by the voter;
 - 2. Processes the data by means of a computer program;
 - 3. Records voting data and ballot images in internal and external memory components; and

4. Produces a tabulation of the voting data stored in a removable memory component and on a printed copy; or
 - (b) One (1) or more electronic devices that operate independently or as a combination of a ballot marking device and an electronic or automatic vote tabulation device;
- (20)~~(19)~~ "Voting system" means:
- (a) The total combination of physical, mechanical, electromechanical, or electronic equipment, including the software, hardware, firmware, and documentation required to program, control, and support that equipment, that is used to:
 1. Define ballots;
 2. Cast and count votes;
 3. Report or display election results; and
 4. Maintain and produce any audit trail information; and
 - (b) The practices and associated documentation used to:
 1. Identify system components and versions of those components;
 2. Test the system during its development and maintenance;
 3. Maintain records of system errors and defects;
 4. Determine specific system changes to be made to a system after the initial qualification of the system; and
 5. Make available any materials to the voter, such as notices, instructions, forms, or paper ballots; and
- (21)~~(20)~~ "Voter-verified paper audit trail" means a contemporaneous paper record of a ballot printed for the voter to confirm his or her votes before the voter casts his or her ballot that:
- (a) Allows the voter to verify the voter's ballot choices before the casting of the voter's ballot;
 - (b) Is not retained by the voter;
 - (c) Does not contain individual voter information;
 - (d) Is produced on paper that is sturdy, clean, and resistant to degradation; and
 - (e) Is readable in a manner that makes the voter's ballot choices obvious to the voter or any person without the use of computer or electronic code.

➔Section 23. KRS 118.015 is amended to read as follows:

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

- (1) A "political party" is an affiliation or organization of electors representing a political policy and having a constituted authority for its government and regulation, and whose candidate received at least twenty percent (20%) of the total vote cast at the last preceding election at which presidential electors were voted for;
- (2) The word "election" used in reference to a state, district, county, or city election, includes the decisions of questions submitted to the qualified voters as well as the choice of officers by them;
- (3) A "ballot" or "official ballot" means the official presentation of offices and candidates to be voted for, including write-in candidates, and all public questions submitted for determination, and shall include a voting machine ballot, a paper ballot, an absentee ballot, a federal provisional ballot, a federal provisional absentee ballot, or a supplemental paper ballot which has been authorized for the use of the voters in any primary, regular election, or special election by the Secretary of State or the county clerk;
- (4) "Ballot box" means any box, bag, or other container that can be locked, sealed, or otherwise rendered tamper-resistant, for receiving ballots;
- (5) *"Election officer" means any person tasked with election administration within this state, as context dictates the defined role, including, but not limited to, the Secretary of State and his or her employees, members of the State Board of Elections and staff, members of the county boards of election and staff, precinct election officers, election officials, and poll workers;*

(6) "Voting equipment" means any physical component of a voting system and includes voting machines where voting machines are in operation;

(7)~~(6)~~ "Voting machine" or "machine" means a part of a voting system that consists of:

- (a) A direct recording electronic voting machine that:
 1. Records votes by means of a ballot display provided with mechanical or electro-operated components that may be actuated by the voter;
 2. Processes the data by means of a computer program;
 3. Records voting data and ballot images in internal and external memory components; and
 4. Produces a tabulation of the voting data stored in a removable memory component and on a printed copy; or
- (b) One (1) or more electronic devices that operate independently or as a combination of a ballot marking device and an electronic or automatic vote tabulating device;

(8)~~(7)~~ "Voting system" means:

- (a) The total combination of physical, mechanical, electromechanical, or electronic equipment, including the software, hardware, firmware, and documentation required to program, control, and support that equipment, that is used to:
 1. Define ballots;
 2. Cast and count votes;
 3. Report or display election results; and
 4. Maintain and produce any audit trail information; and
- (b) The practices and associated documentation used to:
 1. Identify system components and versions of those components;
 2. Test the system during its development and maintenance;
 3. Maintain records of system errors and defects;
 4. Determine specific system changes to be made to a system after the initial qualification of the system; and
 5. Make available any materials to the voter, such as notices, instructions, forms, or paper ballots;

(9)~~(8)~~ The word "resident" used in reference to a candidate in a state, district, county, or city election shall mean actual resident, without regard to the residence of the spouse of the candidate;

(10)~~(9)~~ "Political organization" means a political group not constituting a political party within the meaning of subsection (1) of this section but whose candidate received two percent (2%) or more of the vote of the state at the last preceding election for presidential electors; and

(11)~~(10)~~ "Political group" means a political group not constituting a political party or a political organization within the meaning of subsections (1) and (10)~~(9)~~ of this section.

➔Section 24. KRS 119.005 is amended to read as follows:

As used in this chapter:

- (1) A "ballot" or "official ballot" means the official presentation of offices and candidates to be voted for, including write-in candidates, and all public questions submitted for determination, and shall include a voting machine ballot, a paper ballot, an absentee ballot, a special ballot, a federal provisional ballot, a federal provisional absentee ballot, or a supplemental paper ballot which has been authorized for the use of the voters in any primary or regular or special election by the Secretary of State or the county clerk;
- (2) "Ballot box" means any box, bag, or other container that can be locked, sealed, or otherwise rendered tamper-resistant, for receiving ballots;
- (3) *"Election officer" has the same meaning as in Section 23 of this Act;*

- (4) "Voting equipment" means any physical component of a voting system and includes voting machines where voting machines are in operation;
- (5)~~(4)~~ "Voting machine" or "machine" means a part of a voting system that consists of:
- (a) A direct recording electronic voting machine that:
 1. Records votes by means of a ballot display provided with mechanical or electro-operated components that may be actuated by the voter;
 2. Processes the data by means of a computer program;
 3. Records voting data and ballot images in internal and external memory components; and
 4. Produces a tabulation of the voting data stored in a removable memory component and on a printed copy; or
 - (b) One (1) or more electronic devices that operate independently or as a combination of a ballot-marking device and an electronic or automatic vote-tabulating device; and
- (6)~~(5)~~ "Voting system" means:
- (a) The total combination of physical, mechanical, electromechanical, or electronic equipment, including the software, hardware, firmware, and documentation required to program, control, and support that equipment, that is used to:
 1. Define ballots;
 2. Cast and count votes;
 3. Report or display election results; and
 4. Maintain and produce any audit trail information; and
 - (b) The practices and associated documentation used to:
 1. Identify system components and versions of those components;
 2. Test the system during its development and maintenance;
 3. Maintain records of system errors and defects;
 4. Determine specific system changes to be made to a system after the initial qualification of the system; and
 5. Make available any materials to the voter, such as notices, instructions, forms, or paper ballots.

➔Section 25. Whereas, it is critically important to protect the integrity and reliability of the electoral process in order to safeguard the fundamental right to vote, and it is a reasonable legislative task to seek improvement and modernization of election procedures without undue delay in notice to the people of the Commonwealth and its election officials tasked with administering the election laws within this state, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 7, 2022.

CHAPTER 88

(HB 494)

AN ACT relating to student education loan servicing.

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

➔SECTION 1. SUBTITLE 12 OF KRS CHAPTER 286 IS ESTABLISHED, AND A NEW SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

The General Assembly finds and declares that:

- (1) *Student education loans in Kentucky affect a significant portion of citizens;*
- (2) *For student education loan borrowers, and the countless others who are making student education loan payments, student education loan financial issues affect every aspect of their lives, from buying a home to choosing a career and from starting a family to saving for retirement; and*
- (3) *Student education loan debt casts a shadow that many Kentuckians cannot escape.*

➔SECTION 2. A NEW SECTION OF SUBTITLE 12 OF KRS CHAPTER 286 IS CREATED TO READ AS FOLLOWS:

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

- (1) *"Affiliate" means any person who directly, or indirectly through one (1) or more intermediaries, controls, is controlled by, or is under common control with another person;*
- (2) *"Applicant" means a person filing an application or renewal application for a license under this subtitle;*
- (3) *"Borrower" means a person who:*
 - (a) *Has received, or agreed to pay, a student education loan; or*
 - (b) *Shares responsibility for repaying a student education loan with a person described in paragraph (a) of this subsection;*
- (4) *"Borrower with a disability" means a borrower who the servicer knows, or reasonably should know, is a person who has a documented disability;*
- (5) *"Borrower working in public service" means a borrower who is employed in a public service job as defined in the Higher Education Act, 20 U.S.C. sec. 1087e(m), as amended, and administrative regulations promulgated thereunder;*
- (6) *"Control" means the power, directly or indirectly, to direct the management or policies of a company, whether through ownership of securities, by contract, or otherwise;*
- (7) *"Director" means a person appointed or elected to sit on a board that manages the affairs of a corporation or other organization by electing and exercising control over its officers;*
- (8) *"In this state" means any activity of a person relating to servicing student education loans that originates:*
 - (a) *Inside this state and is directed to persons inside or outside this state; or*
 - (b) *Outside this state and is directed to persons inside this state;*
- (9) *"Licensee" means a person licensed as a student education loan servicer under this subtitle;*
- (10) *"Managing officer" means a natural person responsible for overseeing daily operations of a licensee;*
- (11) *"Military borrower" means a borrower who is:*
 - (a) *A service member, as defined in the Service Member Civil Relief Act, 50 U.S.C. sec. 3911, as amended;*
 - (b) *A veteran, as defined in 38 U.S.C. sec. 101, as amended; or*
 - (c) *Any other member or veteran of the United States Armed Forces, including the National Guard and any reserve component of the United States Armed Forces;*
- (12) *"Student education loan" means any loan to a borrower to finance postsecondary education or expenses related to postsecondary education;*
- (13) *"Student education loan servicer" or "servicer":*
 - (a) *Means a person engaged in the business of servicing student education loans in this state; and*
 - (b) *Includes licensees and persons that are exempt from licensure under this subtitle; and*
- (14) *"Student education loan servicing" or "servicing" means participating in any of the following activities related to a student education loan:*
 - (a) *Performing both of the following:*
 1. *Receiving:*

- a. *Payments from a borrower; or*
- b. *Notification that a borrower made a scheduled periodic payment; and*
- 2. *Applying payments to the borrower's account pursuant to the terms of a student education loan or the contract governing the servicing of the loan;*
- (b) *During a period when no payment is required on a student education loan, performing both of the following:*
 - 1. *Maintaining account records for the student education loan; and*
 - 2. *Communicating with the borrower regarding the student education loan on behalf of the owner of the student education loan promissory note;*
- (c) *Communicating with a borrower regarding the borrower's student education loan with the goal of facilitating the borrower to:*
 - 1. *Make payments on the student education; or*
 - 2. *Apply for a qualified forbearance program; or*
- (d) *Facilitating the activities described in paragraph (a) or (b) of this subsection.*

➔SECTION 3. A NEW SECTION OF SUBTITLE 12 OF KRS CHAPTER 286 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section, "federal student education loan" means any:*
 - (a) *Student education loan issued pursuant to the William D. Ford Federal Direct Loan Program established under 20 U.S.C. sec. 1087a et seq., as amended;*
 - (b) *Student education loan issued pursuant to the Federal Family Education Loan Program, which was purchased by the United States pursuant to the federal Ensuring Continued Access to Student Loans Act of 2008, Pub. L. No. 110-227, and is presently owned by the United States; or*
 - (c) *Other student education loan issued pursuant to a federal program that is identified by order of the commissioner as a federal student education loan.*
- (2) *Except as provided in subsections (3) and (4) of this section, no person shall engage in the business of servicing student education loans in this state without having first obtained a license as a student education loan servicer in accordance with this subtitle.*
- (3) *The following shall be exempt from the provisions of this subtitle:*
 - (a) *A bank, trust company, or industrial loan company doing business under the authority of, or in accordance with, a license, certificate, or charter, issued by the United States, or any state, district, territory, or commonwealth of the United States, that is authorized to transact business in this state;*
 - (b) *A wholly owned subsidiary of any entity exempt under paragraph (a) of this subsection;*
 - (c) *A federally chartered savings and loan association, federal savings bank, or federal credit union that is authorized to transact business in this state;*
 - (d) *A savings and loan association, savings bank, or credit union organized under the laws of this or any other state that is authorized to transact business in this state;*
 - (e) *A public postsecondary education institution or private nonprofit postsecondary education institution servicing a student education loan extended to a borrower;*
 - (f) *The United States, or any state, district, territory, commonwealth, or possession of the United States;*
 - (g) *Any city, county, or other political subdivision of any entity exempt under paragraph (f) of this subsection; and*
 - (h) *Any agency, division, or corporate instrumentality of any entity exempt under paragraph (f) or (g) of this subsection.*
- (4) *A person servicing federal student education loans in this state shall:*
 - (a) *As of the effective date of this Act, automatically be deemed, by operation of law, as having been licensed by the commissioner to service federal student education loans in this state;*

- (b) *Provide notice to the commissioner that the person is servicing federal student education loans in this state;*
- (c) *Comply with this subtitle, with the exception of Section 4 of this Act; and*
- (d) *Not be authorized to engage in the business of servicing non-federal student education loans in this state unless the person is:*
 - 1. *Exempt from this subtitle under subsection (3) of this section; or*
 - 2. *Licensed as a student education loan servicer in accordance with this subtitle.*

➔SECTION 4. A NEW SECTION OF SUBTITLE 12 OF KRS CHAPTER 286 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section, "substantial stockholder" means a person owning or controlling, directly or indirectly, ten percent (10%) or more of the total outstanding stock of a corporation.*
- (2) *A person applying for a license as a student education loan servicer under this subtitle shall:*
 - (a) *Submit a completed application to, and in a form prescribed by, the commissioner, which shall include:*
 - 1. *The name of the applicant and each of the applicant's affiliates and operating subsidiaries engaged in business as a student education loan company or a student education loan broker;*
 - 2. *The name under which the applicant will conduct business in Kentucky;*
 - 3. *The physical address of the applicant's principal office and branch or branches;*
 - 4. *The name, residence, and business address of each person having an interest in the business as a managing officer, director, general partner, or managing member, as may be applicable, specifying the capacity and title of each;*
 - 5. *A description of the activities of the applicant, in such detail and for such periods as the commissioner may require;*
 - 6. *An affirmation of financial solvency, noting any capitalization and access to credit as the commissioner may require;*
 - 7. *A financial statement prepared by a certified public accountant, the accuracy of which is sworn to under oath before a notary public by an officer or other representative of the applicant who is authorized to execute such documents;*
 - 8. *An affirmation that the applicant, or its managing officers, directors, general partners, and managing members, as may be applicable, are at least twenty-one (21) years of age;*
 - 9. *Information as to the character, fitness, financial and business responsibility, background, and experience of the applicant, and its managing officers, directors, general partners, and managing members, as may be applicable;*
 - 10. *The name of at least one (1) of the applicant's managing officers who has a minimum of at least two (2) years experience in the student education loan servicing industry; and*
 - 11. *Any additional detail or information as the commissioner deems necessary;*
 - (b) *Maintain the minimum net worth requirements prescribed by the commissioner in administrative regulation or order, which may include the following:*
 - 1. *Applicable reserves consisting of high-quality investments; and*
 - 2. *A surety bond;*
 - (c)
 - 1. *Submit an investigation fee prescribed by the commissioner in administrative regulation which shall be adjusted by order five (5) years from the effective date of this Act and every five (5) years thereafter.*
 - 2. *An adjustment made pursuant to subparagraph 1. of this paragraph may be based on the nonseasonally adjusted Consumer Price Index for all Urban Consumers (CPI-U), U.S. City Average, All Items, as published by United States Bureau of Labor Statistics; and*

- (d) 1. *Submit the name, address, telephone number, and electronic mail address of an agent for service of process.*
2. *The commissioner shall be notified in writing at least five (5) days prior to any change in the status of the agent for service of process.*
- (3) *The commissioner may deny an application for a license as a student education loan servicer if:*
- (a) *A false statement of material fact has been made on the application;*
- (b) *A material requirement for issuance of the license has not been met;*
- (c) *The commissioner determines that the applicant has not submitted a completed application;*
- (d) *The applicant or any managing officer, director, general partner, or managing member, or substantial stockholder, as may be applicable, of the applicant:*
1. *Within the last ten (10) years:*
- a. *To the extent permitted under KRS 335B.020, has a felony conviction; or*
- b. *Has committed any act involving dishonesty, fraud, or deceit, but only if the act is substantially related to the qualifications, functions, or duties of a person engaged in business in accordance with this subtitle;*
2. *Has violated or is not in material compliance with:*
- a. *Any provision of this subtitle;*
- b. *An administrative regulation promulgated pursuant to this subtitle;*
- c. *An order of the commissioner; or*
- d. *Any similar regulatory scheme of this or a foreign jurisdiction;*
3. *Has been held liable within the past seven (7) years by final judgment in any civil action or by administrative judgment by any public agency related to a financial matter;*
4. *Has had, or has been, a managing officer, director, partner, managing member, or substantial stockholder of an entity which had a license or registration revoked by the commissioner or any other regulator or jurisdiction; or*
5. *Has otherwise been an agent or employee of an entity which has had a license or registration revoked by the commissioner and the person was found by the commissioner to bear responsibility in connection with the revocation; or*
- (e) *The commissioner is unable to find that the financial responsibility, experience, character, and general fitness of the applicant, together with its managing officers, directors, general partners, managing members, and substantial stockholders, as may be applicable, command the confidence of the community and warrant belief that the business will be operated fairly, honestly, and efficiently within the purposes of this subtitle.*
- (4) *The commissioner may deem an application abandoned if an applicant fails to provide or respond to a request for additional information within sixty (60) days of the request.*
- (5) *Except as provided in Section 5 of this Act, a license issued under this subtitle shall not be transferable.*

➔SECTION 5. A NEW SECTION OF SUBTITLE 12 OF KRS CHAPTER 286 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section:*
- (a) *"Control":*
1. *Means possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of a licensee, whether through the ownership of the licensee's voting stock, the ownership of voting stock of any person that possesses such power over the licensee, or otherwise; and*

2. *Shall be presumed to exist for any person that, directly or indirectly, owns, controls, or holds with power to vote, ten percent (10%) or more of the following, except no person shall be deemed to control a licensee solely by reason of being an officer or director of the licensee:*
 - a. *A licensee's voting stock; or*
 - b. *The voting stock of a person that owns, controls, or holds with power to vote, ten percent (10%) or more of a licensee's voting stock; and*
- (b) *"Legal representative" means a person duly appointed by a court of competent jurisdiction to act as executor, administrator, trustee, committee, conservator, or receiver, including a person acting in an ancillary capacity thereto in accordance with the provisions of the court appointment.*
- (2) *A licensee shall submit to the commissioner, within fifteen (15) days after learning of a proposed change of control, and at least thirty (30) days prior to the proposed change of control:*
 - (a) *The name, address, and occupation of each new managing officer and director, general partner, or managing member, as may be applicable; and*
 - (b) *Any other information as the commissioner may require.*
- (3) (a) *The commissioner may determine whether or not the ownership, control, or holding of voting stock constitutes, or would constitute, control of a licensee for purposes of this section.*
 (b) *The following may make a request to the commissioner for a determination under paragraph (a) of this subsection:*
 1. *A licensee;*
 2. *Any person that, directly or indirectly, owns, controls, or holds the power to vote, any voting stock of a licensee; or*
 3. *Any person that seeks to own, control, or hold power to vote, any voting stock of a licensee.*
- (4) (a) *Except as provided in subsection (6) of this section, no person shall take an action that results in a change in control of a licensee without prior written approval from the commissioner.*
 (b) *A person seeking to acquire control of a licensee shall:*
 1. *Submit a written application to, and on a form prescribed by, the commissioner, which shall include:*
 - a. *The information and materials required for applications under Section 4 of this Act; and*
 - b. *Any other information the commissioner deems necessary and appropriate for the purpose of making the determination required by subsection (5) of this section; and*
 2. *Pay an investigation fee prescribed by order of the commissioner.*
- (5) *The commissioner shall approve an application made under subsection (4) of this section if the commissioner determines that the requirements of this subtitle for obtaining a license will be satisfied after the change of control.*
- (6) *For a change of control by operation of law to the legal representative of a person who has control of a licensee, the legal representative shall, within six (6) months from the date of the representative's qualification or within any additional period of time as the commissioner may, in writing, approve, make an application to the commissioner under subsection (4) of this section for approval of the change of control, which shall be determined by the commissioner in accordance with subsection (5) of this section.*

➔SECTION 6. A NEW SECTION OF SUBTITLE 12 OF KRS CHAPTER 286 IS CREATED TO READ AS FOLLOWS:

Each student education loan servicer shall:

- (1) *Keep all records for a minimum of three (3) years after satisfaction of a loan; and*
- (2) *Use in its business such books, accounts, correspondence with borrowers, and records as will enable the commissioner to determine whether the servicer is complying with the provisions of this subtitle and administrative regulations or orders promulgated pursuant to this subtitle.*

➔SECTION 7. A NEW SECTION OF SUBTITLE 12 OF KRS CHAPTER 286 IS CREATED TO READ AS FOLLOWS:

- (1) *Each licensee shall annually file a report with the commissioner, providing information as the commissioner may require concerning the licensee's business operations during the preceding calendar year.*
- (2) *The commissioner may require additional regular or special reports from a student education loan servicer as the commissioner may deem necessary for the proper supervision of regulated persons under this subtitle.*
- (3) *Any report submitted under subsection (1) or (2) of this section shall be:*
 - (a) *In a form prescribed by the commissioner; and*
 - (b) *Subscribed to and affirmed as true by the licensee or servicer under the penalties of perjury.*

➔SECTION 8. A NEW SECTION OF SUBTITLE 12 OF KRS CHAPTER 286 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section, "wholly owned subsidiary" means a subsidiary that is entirely owned or controlled by another person.*
- (2)
 - (a) *A licensee shall pay an annual assessment fee no later than December 1 of each year.*
 - (b) *The assessment fee required under this section shall:*
 1. *Be prescribed by the commissioner by order, which shall be reasonably adjusted by order five (5) years from the effective date of this Act and every five (5) years thereafter;*
 2. *Be based on the volume of loans serviced in Kentucky, or for Kentucky residents, between October 1st through September 30th of the preceding year; and*
 3. *Cover the renewal fee for the licensee and any examination-related costs incurred by the department.*
 - (c) *An adjustment made pursuant to paragraph (b)1. of this subsection may be based on the nonseasonally adjusted Consumer Price Index for all Urban Consumers (CPI-U), U.S. City Average, All Items, as published by the United States Bureau of Labor Statistics.*
 - (d) *The commissioner shall set a minimum and maximum assessment fee to account for low and high volume licensees.*
- (3) *A licensee shall annually file a written renewal report, in a form prescribed by the commissioner, which shall include:*
 - (a) *A copy of the licensee's most recent audited annual financial statement or, if the licensee is a wholly owned subsidiary of another corporation, the most recent audited consolidated annual financial statement of the parent corporation;*
 - (b) *For the most recent quarter for which data is available prior to the date of filing of the renewal report, but in no event more than one hundred twenty (120) days prior to the renewal report filing date:*
 1. *A list of the number of student education loans serviced by the licensee in this state;*
 2. *The dollar amount of the loans referenced in subparagraph 1. of this paragraph; and*
 3. *The dollar amount of the loans referenced in subparagraph 1. of this paragraph that are currently outstanding;*
 - (c) *Any material changes to any of the information submitted by the licensee on its original application which have not previously been reported to the commissioner on any other report required under this subtitle;*
 - (d) *A list of the licensee's permissible investments in accordance with this subtitle, any administrative regulation promulgated pursuant to this subtitle, or any order of the commissioner issued pursuant to this subtitle;*

- (e) *A certification that the licensee continues to maintain permissible investments in accordance with this subtitle, any administrative regulation promulgated pursuant to this subtitle, or any order of the commissioner issued pursuant to this subtitle; and*
- (f) *A list of locations, including names, physical addresses, and telephone numbers, in this state where the licensee is conducting student education loan servicing, if any.*
- (4) (a) *The failure of a licensee to pay the annual assessment fee required under subsection (2) of this section or to file the written renewal report required under subsection (3) of this section by December 1 shall result in the expiration of the licensee's license by operation of law on December 31 of the same year.*
- (b) *The commissioner may reinstate a license that has expired pursuant to paragraph (a) of this subsection if, within thirty (30) days of the expiration of the license, the licensee:*
 - 1. *Becomes compliant with this section; and*
 - 2. *Pays a civil penalty equal to one thousand dollars (\$1,000).*

➔SECTION 9. A NEW SECTION OF SUBTITLE 12 OF KRS CHAPTER 286 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section, "consumer reporting agency" means a consumer reporting agency that compiles and maintains files on a nationwide basis as defined in the Fair Credit Reporting Act, 15 U.S.C. sec. 1681a(p).*
- (2) *A student education loan servicer shall not engage in abusive acts or practices, including but not limited to acts or practices that:*
 - (a) *Materially interfere with the ability of a borrower to clarify a term or condition of a student education loan; or*
 - (b) *Fail to educate and inform the borrower of any of the following:*
 - 1. *The material risks, costs, or conditions of a student education loan;*
 - 2. *Selecting or using a student education loan or a feature, term, or condition of a student education loan; or*
 - 3. *Accurate and relevant information related to loan payments of the loans serviced by the servicer.*
- (3) *A student education loan servicer shall not:*
 - (a) *Employ any scheme, device, or artifice to defraud or mislead a borrower;*
 - (b) *Engage in any unfair, deceptive, or predatory practice toward any borrower or misrepresent or omit any material information in connection with servicing a student education loan, including but not limited to:*
 - 1. *Misrepresenting the:*
 - a. *Amount, nature, or terms of any fee or payment due or claimed to be due on a student education loan;*
 - b. *Terms and conditions of the student education loan agreement or any modification to the agreement; or*
 - c. *Borrower's obligations under the student education loan; and*
 - 2. *With respect to a military borrower, older borrower, borrower working in public service, or a borrower with a disability, misrepresenting or omitting the availability of a program or protection specific to the respective borrower or applicable to the respective category of borrowers;*
 - (c) *Misapply payments made by a borrower to the outstanding loan balance;*
 - (d) *Refuse to communicate with an authorized representative of the borrower, except the servicer may adopt reasonable procedures for:*

1. *Requesting verifying documentation that the representative is in fact authorized to act on behalf of the borrower; and*
 2. *Protecting the borrower from fraud or abusive practices;*
- (e) *Make any false statement or omit a material fact in connection with any information or report filed with a governmental agency or in connection with any investigation conducted by the commissioner or any other governmental agency;*
- (f) *If the student education loan servicer is required to report, or voluntarily reports, to a consumer reporting agency, fail to accurately report each borrower's payment performance to a least one (1) consumer reporting agency upon acceptance as a data furnisher by that consumer reporting agency; or*
- (g) *Fail to respond to:*
1. *Written correspondence from, or on behalf of, a borrower within a reasonable time as prescribed by the commissioner in administrative regulation;*
 2. *A communication from the commissioner or the commissioner's examiner or designated representative, as applicable, within ten (10) business days or within a shorter, reasonable time as the commissioner or the commissioner's examiner or designated representative may provide in the communication; or*
 3. *A borrower complaint submitted to the servicer by the commissioner or the commissioner's examiner or designated representative, as applicable, within ten (10) business days of receipt of the complaint, or upon request from the servicer explaining why the additional time is reasonable and necessary, a longer time as the commissioner or the commissioner's examiner or designated representative may permit, not to exceed forty-five (45) days.*

➔SECTION 10. A NEW SECTION OF SUBTITLE 12 OF KRS CHAPTER 286 IS CREATED TO READ AS FOLLOWS:

In addition to the requirements of this subtitle, student education loan servicers shall comply with all applicable federal and state laws.

➔SECTION 11. A NEW SECTION OF SUBTITLE 12 OF KRS CHAPTER 286 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section, "registry" means the State Regulatory Registry, LLC, or its successor organization.*
- (2) *When an application, report, or approval request is required to be filed with the commissioner under this subtitle, the commissioner may require, by administrative regulation or order, that the filing, including any applicable fees and supporting documentation, be submitted to:*
 - (a) *The registry or its successor organization;*
 - (b) *The registry's parent, affiliate, or operating subsidiary; or*
 - (c) *Other agencies or authorities as part of a nationwide licensing system, which may act as an agent for receiving, requesting, and distributing information to and from any source directed by the commissioner.*
- (3) *The commissioner:*
 - (a) *May report violations of this subtitle, enforcement actions, and other relevant information that the commissioner deems necessary to carry out the purpose of this section to the registry or its affiliated entities; and*
 - (b) *Shall establish a process whereby licensees may challenge information entered into the registry by the commissioner.*
- (4) *The commissioner shall annually request:*
 - (a) *Audited financial reports, including inquiring as to the budget and fees collected, both proposed and actual, from the registry; and*
 - (b) *Any nonconfidential protocols or reports for the security and safeguarding of personal information maintained by the registry, including inquiring as to:*

1. *Whether the system has implemented and complied with the data security guidelines set forth in the Gramm-Leach-Bliley Act, 15 U.S.C. sec. 6801;*
 2. *The results of any nonconfidential periodic data protection audits that the system may conduct; and*
 3. *Whether any security breaches have occurred resulting in the substantial likelihood that personal information may be misused or stolen.*
- (5) *The commissioner may establish relationships and contracts with other governmental agencies or entities affiliated with the registry that the commissioner deems necessary to carry out this section.*
- (6) *For purposes of this section, the commissioner may use other governmental agencies or the registry or its affiliated entities as an agent for requesting information from, and distributing information to, the United States Department of Justice or other governmental agencies.*

➔SECTION 12. A NEW SECTION OF SUBTITLE 12 OF KRS CHAPTER 286 IS CREATED TO READ AS FOLLOWS:

- (1) *For purposes of enforcing this subtitle, the commissioner may:*
- (a) *Conduct routine examinations of the books, accounts, records, and files of:*
 1. *Any licensee and its affiliates; and*
 2. *Any other person, to the extent the commissioner is authorized by any other law to make an examination into the affairs of that person;*
 - (b) *Conduct investigations of student education loan servicers or additional persons within or outside of the state as the commissioner deems necessary to discover violations of this subtitle or to secure information necessary for its proper enforcement;*
 - (c) *Control access to any documents and records of the licensee or other person under examination or investigation; and*
 - (d)
 1. *Take possession of the documents and records referenced under paragraph (c) of this subsection or place a person in exclusive charge of those documents and records in the place where they are usually kept.*
 2. *During the period of control under this paragraph, no person shall remove or attempt to remove any of the documents and records except pursuant to a court order or with the consent of the commissioner.*
 3. *Unless the commissioner has reasonable grounds to believe that documents or records of the licensee have been, or are at risk of being, altered or destroyed for purposes of concealing a violation of this subtitle, the licensee or owner of the documents or records shall have access to the documents or records as necessary to conduct its ordinary business affairs.*
- (2) *For purposes of conducting examinations and investigations under this section, the commissioner and the commissioner's examiner or designated representative:*
- (a) *May:*
 1. *Compel the attendance of any person or obtain any documents by subpoenas;*
 2. *Administer oaths and affirmations; and*
 3. *Examine under oath or affirmation all persons whose testimony he or she may require relative to the loans or business of the persons regulated under this subtitle; and*
 - (b) *Shall have free access to the accounts, papers, records, correspondences, files, safes, vaults, offices, and places of business relating to or used in connection with any business regulated under this subtitle, including records kept by any current or former officer, agent, contractor, or employee.*
- (3) *A student education loan servicer shall:*
- (a) *Not impede the commissioner, or the commissioner's examiner or designated representative, from interviewing the servicer's officers, principals, members, employees, independent contractors, agents, or customers; and*

- (b) *Make available and grant access to the commissioner, or the commissioner's examiner or designated representative, the records and other property referenced under subsection (2)(b) of this section.*
- (4) *No person subject to investigation or examination under this subtitle shall knowingly withhold, abstract, alter, remove, mutilate, destroy, or secrete any books, records, or other information.*
- (5) (a) *Subject to paragraphs (b) and (c) of this subsection, an examination report, correspondence that relates to an examination report, and information obtained during an examination or investigation shall be confidential.*
 - (b) *No officer or director of a student education loan servicer, employee of the department, or employee of a state or federal regulatory authority shall release any information contained in an examination conducted under this section unless:*
 - 1. *Required in a proper legal proceeding in which a subpoena and protective order ensuring confidentiality has been issued by a court of competent jurisdiction; or*
 - 2. *The information is referred to an appropriate prosecuting attorney for possible criminal proceedings.*
 - (c) *The department may furnish information to, and exchange information and reports with, officials and examiners of other properly authorized state and federal regulatory authorities and law enforcement agencies.*
- (6) *Every official report concerning a student education loan servicer and every report of examination shall be prima facie evidence of the facts therein stated for all purposes in any action in which the department and the student education loan servicer are parties.*
- (7) *If any person fails to comply with a subpoena issued by the commissioner under this section, the commissioner may petition the Franklin Circuit Court or any court of competent jurisdiction for enforcement of the subpoena.*
- (8) *In order to carry out the purposes of this subtitle, the commissioner may:*
 - (a) *Retain examiners, auditors, investigators, accountants, or other professionals and specialists to conduct, or assist in the conduct of, any examination, investigation, or enforcement action; and*
 - (b) *Use, hire, contract, or employ public or private analytical systems, methods, or software.*
- (9) *The authority of this section shall remain in effect whether a person acts, or claims to act, under any licensing law of this subtitle, or acts, or claims to act, without such authority.*
- (10) *If a report from, or an examination of, a licensee provides evidence of unlawful activity between a licensee and affiliate benefitting, affecting, or arising from the activities regulated by this subtitle, the affiliate shall be subject to examination by the commissioner on the same terms as the licensee.*

➔SECTION 13. A NEW SECTION OF SUBTITLE 12 OF KRS CHAPTER 286 IS CREATED TO READ AS FOLLOWS:

- (1) *Subject to subsection (2) of this section, the commissioner may issue a written order to condition, deny, suspend, or revoke a license issued under this subtitle if the commissioner finds that one (1) or more of the following has occurred:*
 - (a) *The licensee:*
 - 1. *No longer meets the requirements to hold a license under this subtitle;*
 - 2. *Materially violated any provision of this subtitle, any administrative regulation or order issued pursuant to this subtitle, or any other state law or regulation related to the business of student education loan servicing;*
 - 3. *Is conducting its business in an unsafe or unsound manner;*
 - 4. *Engaged in an unfair or deceptive act or practice;*
 - 5. *Is insolvent;*
 - 6. *Has suspended payment of its obligations or has made an assignment for the benefit of its creditors;*

7. *Has applied for an adjudication of bankruptcy, reorganization, arrangement, or other relief under the United States Bankruptcy Code, 11 U.S.C. secs. 101-110;*
 8. *Has failed to cooperate in an examination, investigation, or subpoena issued by the commissioner;*
 9. *Has failed to make any report required by this subtitle; or*
 10. *Has been convicted of:*
 - a. *To the extent permitted under KRS 335B.020, a felony; or*
 - b. *A misdemeanor:*
 - i. *Related to the business of student education loan servicing; or*
 - ii. *Involving theft, fraud, or breach of trust;*
- (b) *Any fact or condition exists that would have been grounds for denying the application if it had existed at the time the licensee applied for its license; or*
 - (c) *The licensee's net worth, as determined in accordance with generally accepted accounting principles, falls below the required net worth as prescribed in subsection (2)(b) of Section 4 of this Act, and the licensee, after ten (10) days written notice from the commissioner, fails to take any action the commissioner deems necessary to remedy the deficiency.*
- (2) (a) *The commissioner shall provide written notice to the licensee prior to denying, suspending, or revoking a license under subsection (1) of this section.*
 - (b) *A licensee that receives a notice of the commissioner's intent to deny, revoke, or suspend a license may file a written application for an administrative hearing in accordance with KRS Chapter 13B within twenty (20) days of the date of the notice.*
 - (c) *If a licensee fails to timely request a hearing pursuant to paragraph (b) of this subsection, the commissioner may enter a default order of denial, revocation, or suspension against the licensee.*
- (3) (a) *Any person who has had a license revoked by the commissioner under this section shall not be eligible for a license under Section 4 of this Act until three (3) years after the date of revocation.*
 - (b) *Any person who has a license revoked twice by the commissioner under this section shall be permanently ineligible for a license under this subtitle.*
- (4) *In determining whether a licensee is engaging in an unsafe or unsound practice under subsection (1)(a)3. of this section, the commissioner may consider:*
 - (a) *The size and condition of the licensee;*
 - (b) *The magnitude of the loss;*
 - (c) *The gravity of the violation of this subtitle or an administrative regulation or order issued pursuant to this subtitle;*
 - (d) *Any action taken against the licensee by another state or federal government; and*
 - (e) *The previous conduct of the licensee.*

➔SECTION 14. A NEW SECTION OF SUBTITLE 12 OF KRS CHAPTER 286 IS CREATED TO READ AS FOLLOWS:

- (1) *The commissioner may enter:*
 - (a) *An emergency order suspending, conditioning, limiting, or restricting a license issued under this subtitle without notice or hearing if, after an investigation and written findings, it appears upon grounds satisfactory to the commissioner that the licensee has engaged, or is about to engage, in unsafe, unsound, or illegal practices that pose an imminent threat or harm to the public interest; and*
 - (b) *An emergency cease-and-desist order against an unlicensed person if, after an investigation and written findings, it appears upon grounds satisfactory to the commissioner that the unlicensed person has engaged, or is about to engage, in unsafe or unsound practices, or actions contrary to this subtitle, that pose an imminent threat or harm to the public interest.*

- (2) *There shall be sufficient grounds for an emergency order under subsection (1)(a) of this section if it appears on grounds satisfactory to the commissioner that:*
- (a) *The licensee has willfully failed to comply with one (1) or more of the requirements of this subtitle;*
 - (b) *The licensee is in such financial condition that it cannot continue its current business operations with safety to its customers;*
 - (c) *The licensee or a person in control of the licensee:*
 - 1. *Has been found guilty of any act involving fraud, deception, theft, or breach of trust; or*
 - 2. *Is the subject of:*
 - a. *An active administrative cease-and-desist order or similar order;*
 - b. *A civil judgment of a financial nature involving fraud, deception, or misrepresentation; or*
 - c. *A permanent or temporary injunction currently in effect entered by any court or agency of competent jurisdiction;*
 - (d) *The licensee has made a willful misrepresentation of material fact to, or concealed an essential or material fact from, a person in the course of doing business or has engaged in a course of business that has worked or tended to work a fraud or deceit upon any person or would so operate;*
 - (e) *The licensee has refused to permit a lawful examination or investigation, or has refused or failed, within a reasonable time, to furnish any information or make any report that may have been requested or required by the commissioner in connection with a lawful investigation or examination; or*
 - (f) *The licensee has had any license, registration, or claim of exemption related to the financial services industry denied, suspended, or revoked under the laws of this state or has surrendered or terminated any license, registration, or claim of exemption issued by this state under threat of administrative action.*
- (3) *An emergency order issued under this section shall:*
- (a) 1. *Be served by personal service or certified mail to the last known address of record.*
 - 2. *For purposes of this paragraph, service by certified mail shall be complete upon the earlier of:*
 - a. *The date on which the person receives the mail;*
 - b. *The date on which the agency receives the return receipt; or*
 - c. *The date on which the agency receives notice that the mail has been returned undelivered;*
 - (b) *Pursuant to KRS 13B.125, become effective when served by the commissioner; and*
 - (c) *Remain in effect until it is:*
 - 1. *Stayed, withdrawn, or suspended by an order or the commissioner; or*
 - 2. *Terminated by a court order.*
- (4) (a) *A person aggrieved by an emergency order issued by the commissioner under this section may request an emergency hearing, in writing, within twenty (20) days of service of the emergency order.*
- (b) *Upon receipt of a timely written request for an emergency hearing, an emergency hearing shall be conducted in accordance with KRS 13B.125.*

➔SECTION 15. A NEW SECTION OF SUBTITLE 12 OF KRS CHAPTER 286 IS CREATED TO READ AS FOLLOWS:

- (1) (a) *The commissioner may file an administrative complaint against any person if it appears on grounds satisfactory to the commissioner that a potential or actual violation of this subtitle has been committed.*
- (b) *The commissioner shall serve the administrative complaint, by certified mail or personal delivery, to the person's last known address of record or upon the person's agent for service of process.*

- (c) *The parties named in the administrative complaint shall be entitled to a hearing on the complaint, which shall be requested, in writing, within twenty (20) days of service of the complaint.*
- (d) *1. If a timely request for a hearing is made, an administrative hearing shall be held in accordance with KRS Chapter 13B.*
 - 2. If a timely request for a hearing is not made, the commissioner may enter a final order in the matter.*
- (2) *For purposes of this section, service by certified mail shall be complete upon the earlier of:*
 - (a) *The date on which the person receives the mail;*
 - (b) *The date on which the agency receives the return receipt; or*
 - (c) *The date on which the agency receives notice that the mail has been returned undelivered.*

➔SECTION 16. A NEW SECTION OF SUBTITLE 12 OF KRS CHAPTER 286 IS CREATED TO READ AS FOLLOWS:

- (1) *Any person aggrieved by a final order of the commissioner under this subtitle may obtain a review of the order in Franklin Circuit Court by filing with that court, within thirty (30) days after entry of the order, a written petition requesting that the order be modified or set aside in whole or in part.*
- (2) *A copy of the petition under subsection (1) of this section shall be served upon the commissioner, and thereupon the commissioner shall certify and file with the court a copy of the filing, testimony, and other evidence upon which the order was entered.*
- (3) *Upon the filings under subsections (1) and (2) of this section, the Franklin Circuit Court shall have exclusive jurisdiction to affirm, modify, enforce, or set aside the order at issue.*
- (4) *No objection to the order may be considered by the court unless it was urged before the commissioner or there were reasonable grounds for the failure to do so.*
- (5) (a) *If either party applies to the court for leave to adduce additional evidence and shows to the satisfaction of the court that the additional evidence is material and that there were reasonable grounds for the failure to adduce the evidence in the hearing before the commissioner, the court may order the additional evidence be taken before the commissioner and be adduced upon the hearing in a manner and upon conditions as the court may consider proper.*
 - (b) *The commissioner:*
 - 1. May modify his or her findings as to the facts by reason of the additional evidence so taken; and*
 - 2. Shall file:*
 - a. Any modified or new findings, which, if supported by substantial evidence, shall be conclusive; and*
 - b. Any recommendation for the modification or setting aside of the original order.*
- (6) *The commencement of proceedings under this section does not, unless specifically ordered by the court, operate as a stay of the commissioner's order.*
- (7) *An appeal may be taken from the judgment of the Franklin Circuit Court to the Court of Appeals on the same terms and conditions as an appeal is taken in civil actions.*

➔SECTION 17. A NEW SECTION OF SUBTITLE 12 OF KRS CHAPTER 286 IS CREATED TO READ AS FOLLOWS:

- (1) (a) *In addition to any other remedies, penalties, or damages available under common law or statute, the commissioner may impose a civil penalty based on the following:*
 - 1. Repeat violations of this subtitle, any administrative regulation promulgated under this subtitle, or any order issued by the commissioner under this subtitle; or*
 - 2. A pattern or practice of a licensee that results in a violation of this subtitle, any administrative regulation promulgated under this subtitle, or any order issued by the commissioner under this subtitle.*

- (b) *A civil penalty imposed under this subsection shall be not less than one thousand dollars (\$1,000) and not more than twenty-five thousand dollars (\$25,000) per violation per day for each day that the violation is outstanding.*
- (2) *In addition to any civil penalty imposed under subsection (1) of this section, the commissioner may:*
- (a) *Assess costs and expenses for the examination, investigation, and prosecution of the matter, including reasonable attorney fees and costs; and*
- (b) *When a violation applicable to borrowers with a disability, military borrowers, older borrowers, or borrowers working in public service results in financial harm, impose a civil penalty not to exceed twenty thousand dollars (\$20,000) per violation per day for each day the violation is outstanding.*
- (3) *The commissioner may order restitution, refund, recovery of expenses, or direct other affirmative action as the commissioner deems necessary against any person who violates any order issued by the commissioner or any provision of, or administrative regulation promulgated under, this subtitle.*

➔SECTION 18. A NEW SECTION OF SUBTITLE 12 OF KRS CHAPTER 286 IS CREATED TO READ AS FOLLOWS:

- (1) *The provisions of this subtitle shall be subject to all applicable federal laws and regulations.*
- (2) *To the extent any provision of this subtitle conflicts with an applicable federal law or regulation, the applicable federal law or regulation shall control.*

➔SECTION 19. A NEW SECTION OF SUBTITLE 12 OF KRS CHAPTER 286 IS CREATED TO READ AS FOLLOWS:

Nothing in this subtitle shall be construed to prevent a civil right of action on behalf of an aggrieved party.

➔Section 20. KRS 452.005 is amended to read as follows:

- (1) Except as provided in KRS 5.005 *and Section 16 of this Act*, and notwithstanding any other statute to the contrary, the venue for any civil action that:
- (a) Challenges the constitutionality of a Kentucky:
1. Statute;
 2. Executive order;
 3. Administrative regulation; or
 4. Order of any cabinet, program cabinet, or department established under KRS Chapter 12;
- (b) Includes a claim for declaratory judgment or injunctive relief; and
- (c) Is brought individually, jointly, or severally against:
1. Any state official in his or her official capacity, including any public servant as defined in KRS 11A.010; or
 2. Any body, subdivision, caucus, committee, or member of the General Assembly, or the Legislative Research Commission;

shall be as provided in this section.

- (2) (a) A plaintiff who is a resident of Kentucky shall file a complaint or petition in the office of the Circuit Court clerk in the county where the plaintiff resides. If more than one (1) plaintiff is a party to the action, the complaint or petition may be filed in any county where any plaintiff resides.
- (b) A plaintiff who is not a resident of Kentucky shall file a complaint or petition in the Franklin Circuit Court.
- (3) The plaintiff shall certify in the complaint or petition filed under this section that a copy of the complaint or petition has been served upon the Attorney General before or at the time of filing, and the Attorney General shall be entitled to be heard.
- (4) In any appeal to the Kentucky Court of Appeals or Supreme Court, or the federal appellate courts in any forum that involves the constitutional validity of a statute, executive order, administrative regulation, or order of any cabinet, program cabinet, or department established under KRS Chapter 12, the Attorney General shall, before

the filing of the appellant's brief, be served with a copy of the pleading, paper, or other document that initiates the appeal in the appellate forum. This notice shall specify the challenged statute, executive order, administrative regulation, or order of a cabinet, program cabinet, or department established under KRS Chapter 12, and the nature of the alleged constitutional defect.

- (5) The Attorney General shall notify the Legislative Research Commission of:
- (a) The receipt of a complaint or petition and the nature of any proceedings involving the validity of any statute or regulation, or order of a cabinet, program cabinet, or department established under KRS Chapter 12; and
 - (b) The entering of a final judgment in those proceedings, if the Attorney General is a party to the action.
- (6) To protect the rights of the citizens of the Commonwealth of Kentucky as guaranteed by the Constitution of Kentucky, it is the intent of the General Assembly that any action brought or pursued under this section be given priority and prosecuted in an expeditious manner.
- (7) Pursuant to Sections 43 and 231 of the Constitution of Kentucky, members of the General Assembly, organizations within the legislative branch of state government, or officers or employees of the legislative branch shall not be made parties to any action challenging the constitutionality or validity of any statute or regulation, without the consent of the member, organization, or officer or employee.
- (8) Nothing in this section is intended to waive, nor shall it be interpreted or applied to waive or abrogate in any way, any legislative immunity or legislative privilege of any body, subdivision, caucus, committee, or member of the General Assembly, or the Legislative Research Commission, as provided by the Constitution of Kentucky, KRS 418.075, any other statute of this Commonwealth, or federal or state common law.

➔Section 21. If any provision of this Act, or the application of any provisions of this Act to any person or circumstance, is held invalid, the invalidity shall not affect other provisions or applications of the Act, which shall be given effect without the invalid provision or application, and to this end the provisions and application of this Act are severable.

➔Section 22. This Act may be cited as the Student Education Loan Servicing, Licensing, and Protection Act of 2022.

Signed by Governor April 7, 2022.

CHAPTER 89

(HB 186)

AN ACT relating to charities.

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

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

- (1) *Absent the showing of a compelling state interest, a state agency or state official shall not impose any filing or reporting requirements that are more burdensome than the requirements authorized by the Kentucky Revised Statutes on an organization that is determined to be a:*
- (a) *Private foundation as defined in Section 509 of the Internal Revenue Code; or*
 - (b) *Charitable trust governed by the provisions of KRS 386.350 to 386.365.*
- (2) *The restrictions on filing and reporting in subsection (1) of this section do not apply in the case of the state's direct spending programs, state grants, state contracts, or enforcement of criminal law against specific nonprofit organizations.*
- (3) *Nothing in this section may be construed to limit or restrict the powers, duties, remedies, or penalties available to the Attorney General, the Commonwealth of Kentucky, or any private person under any other provision of statutory or common law.*

➔Section 2. This Act may be cited as the Nonprofit Protection Act.

➔Section 3. This Act takes effect August 1, 2022.

Returned to Secretary of State April 8, 2022, and became law without Governor's signature April 10, 2022.

CHAPTER 90

(HB 239)

AN ACT relating to local government and making an appropriation therefor.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 70 IS CREATED TO READ AS FOLLOWS:

- (1) *Except as provided in subsection (2) of this section, for any constable or deputy constable taking office after January 1, 2023, who was not a constable or deputy constable in the preceding four (4) year term of office, the powers and duties of the office of constable shall not include the general powers of a peace officer or police officer. The powers and duties of the office of constable shall include:*
- (a) *The specific powers and duties enumerated in this chapter;*
 - (b) *The power to distrain for his or her fees or for that of other officers as provided in KRS 64.400;*
 - (c) *The power to take necessary steps to stop, prevent, or bring under control any dog found chasing or molesting wild elk or deer at any time as provided in KRS 150.390;*
 - (d) *The power, in a county containing a city of the first class, to serve all forms of legal process in any child support action as provided in KRS 205.782;*
 - (e) *The power to sell property to satisfy a lien created by a taker-up of boats, rafts, platforms, or timber as provided in KRS 364.020;*
 - (f) *The power to serve a warrant to levy and seize upon the baggage and other personal property of a guest for unpaid services to the keeper of a hotel, inn, boarding house, or house of private entertainment as provided in KRS 376.350;*
 - (g) *The power to enforce a lien for the care of livestock as provided in KRS 376.410;*
 - (h) *The power to execute a warrant in actions regarding forcible entry or detainers as provided in KRS 383.210 and 383.245;*
 - (i) *The power to serve subpoenas issued by the Parole Board as provided in KRS 439.390; and*
 - (j) *The power to take up vagrants, kill mad dogs, kill and bury a distempered horse, ass, or mule, kill and bury cattle, and alter a stud, jackass, or bull as provided in KRS 64.190.*
- (2) *After January 1, 2023, no constable who is elected for the first time or a deputy constable appointed pursuant to Section 12 of this Act shall be granted the powers generally applicable to peace officers and police officers unless the individual has been certified and maintains his or her certification pursuant to KRS 15.380.*

➔Section 2. KRS 15.707 is amended to read as follows:

The Prosecutors Advisory Council shall have the power to issue subpoenas requiring the attendance of such witnesses and the production of such records, books, papers, and documents as it may deem necessary for investigation of any matter that it is authorized to consider or reasonably necessary therefor. Subpoenas may be signed and oaths administered by any member of the council. Subpoenas so issued shall be served by any sheriff, ~~constable,~~ police officer, or other peace officer at the request of the council, and a return of subpoena shall be made to the council in the same manner as similar process in the Circuit Court. Any person who refuses to testify, testifies falsely, or fails to appear when subpoenaed, or fails or refuses to produce documents, records, or other such material when subpoenaed, or fails or refuses to serve a subpoena or execute a return thereon, upon citation by the Franklin Circuit Court and after hearing by the court, shall be subject to the same order and penalties to which persons before that court are subject. Any Circuit Court, upon application of the council or the Attorney General, may compel the attendance of

witnesses, the production of documents, records, or other such material, and the giving of testimony before the council.

➔Section 3. KRS 16.060 is amended to read as follows:

It shall be the duty of the commissioner, each officer of the department, and each individual employed as a Trooper R Class or CVE R Class to detect and prevent crime, apprehend criminals, maintain law and order throughout the state, to collect, classify and maintain information useful for the detection of crime and the identification, apprehension and conviction of criminals and to enforce the criminal, as well as the motor vehicle and traffic laws of the Commonwealth. To this end the commissioner, each officer of the department, and each individual employed as a Trooper R Class or CVE R Class is individually vested with the powers of a peace officer and shall have in all parts of the state the same powers with respect to criminal matters and enforcement of the laws relating thereto as sheriffs, constables **granted peace officer powers** and police officers in their respective jurisdictions, and shall possess all the immunities and matters of defense now available or hereafter made available to sheriffs, constables **granted peace officer powers** and police officers in any suit brought against them in consequence of acts done in the course of their employment. Any warrant of arrest may be executed by the commissioner, any officer of the department, and each individual employed as a Trooper R Class or CVE R Class.

➔Section 4. KRS 61.300 is amended to read as follows:

No person shall serve as a deputy sheriff, ~~deputy constable,~~ patrol or other nonelective peace officer, or deputy peace officer, unless:

- (1) He *or she* is a citizen of the United States and is twenty-one (21) years of age or over;
- (2) ~~If a deputy constable, he has resided in the county wherein he is appointed to serve for a period of at least two (2) years;~~
- ~~(3)~~ A sheriff may require his or her deputies to reside in the county in which they serve. Any deputy sheriff appointed pursuant to this section who has not been a resident of the county in which he *or she* serves for a period of at least two (2) years shall not be an active participant in any labor dispute and shall immediately forfeit his *or her* position if he violates this provision;
- ~~(3)~~~~(4)~~ He *or she* has never been convicted of a crime involving moral turpitude;
- ~~(4)~~~~(5)~~ He *or she* has not within a period of two (2) years hired himself *or herself* out, performed any service, or received any compensation from any private source for acting, as a privately paid detective, policeman, guard, peace officer, or otherwise as an active participant in any labor dispute, or conducted the business of a private detective agency or of any agency supplying private detectives, private policemen, or private guards, or advertised or solicited any such business in connection with any labor dispute; and
- ~~(5)~~~~(6)~~ He *or she* has complied with the provisions of KRS 15.334.

➔Section 5. KRS 61.310 is amended to read as follows:

- (1) "Peace officer," as used in this section, means any sheriff, deputy sheriff, constable~~;~~ *or* deputy constable **granted peace officer powers**, patrol or any other peace officer or deputy peace officer except those appointed pursuant to KRS 61.360 or 277.270 and those employed by a board of education.
- (2) A peace officer shall not receive any compensation or remuneration, directly or indirectly, from any person for the performance of any service or duty, except that he or she may be compensated for employment authorized by subsection (4) of this section and accept donations in accordance with subsection (8) of this section. Any peace officer who violates this subsection may be removed from office, under the provisions of KRS 63.170.
- (3) (a) Peace officers shall receive for the performance of their services and duties only such compensation or remuneration as is regularly provided and paid out of the public funds to the amount and in the manner provided by law, except that they may be compensated from private funds for employment authorized by subsection (4) of this section and accept donations of private funds in accordance with subsection (8) of this section.
 - (b) Except as set out in subsection (8) of this section, donations made by persons to any governmental unit or officer thereof do not constitute public funds within the meaning of this subsection.
- (4) A peace officer may, while in office, and during hours other than regular or scheduled duty hours, act in any private employment as guard or watchman or in any other similar or private employment. However, he may not participate directly or indirectly, in any labor dispute during his off-duty hours. Any peace officer who violates this subsection may be removed from office, under the provisions of KRS 63.170.

- (5) No principal peace officer shall appoint or continue the appointment of any deputy contrary to the provisions of this section. When it appears by the affidavit of two (2) citizens, taxpayers of the county, filed with any principal peace officer, that there is reasonable cause to believe that any of his deputies are receiving compensation from private sources contrary to the provisions of this section, the peace officer shall forthwith investigate the charges contained in the affidavit, and if he finds the charges are true he shall forthwith remove any such deputy from office. Failure to do so shall constitute neglect of duty on the part of the principal peace officer, and he may be removed from office under the provisions of KRS 63.170.
- (6) In addition to being subject to removal from office, any peace officer who violates any of the provisions of this section shall be fined not less than five hundred dollars (\$500) nor more than five thousand dollars (\$5,000), or confined in jail for not more than one (1) year, or both.
- (7) Except as provided in subsection (8) of this section and KRS 61.360 and 277.280, any person who directly or indirectly pays or contributes or causes to be paid or contributed any money or other thing of value to any peace officer or to any governmental unit or officer thereof, either as a gift or donation for the performance of any public duty shall be fined not less than five hundred (\$500) nor more than five thousand dollars (\$5,000).
- (8) (a) A sheriff may accept a donation of money or goods to be used for the public purposes of his or her office if the sheriff establishes a register for recording all donations that includes, at a minimum:
1. The name and address of the donor;
 2. A general description of the donation;
 3. The date of acceptance of the donation;
 4. The monetary amount of the donation, or its estimated worth; and
 5. Any purpose for which the donation is given.
- The register shall constitute a public record, be subject to the provisions of KRS 61.870 to 61.884, and be made available to the public for inspection in the sheriff's office during regular business hours.
- (b) Any donation to a sheriff shall only be used to further the public purpose of the office and shall not be used for the private benefit of the sheriff, his or her deputies, or other employees of the office.
- (c) All donations made in accordance with this subsection shall be expended and audited in the same manner as other funds or property of the sheriff's office.
- (d) For the purposes of this section and KRS 521.060, a donation shall not be construed to mean a campaign contribution made to the sheriff for his or her reelection.

➔Section 6. KRS 63.170 is amended to read as follows:

Any "peace officer" as defined in KRS 61.310 *or constable* who violates any of the provisions of subsections (2), (4), or (5) of KRS 61.310 may be removed from office by the same courts and in the same manner that a nonelective peace officer may be removed under the provisions of KRS 63.180.

➔Section 7. KRS 63.180 is amended to read as follows:

- (1) Any person serving as a nonelective peace officer, ~~or~~ deputy peace officer, *or deputy constable* in violation of the provisions of KRS 61.300 shall be subject to removal. The Circuit Court of the county in which such person is serving and the Circuit Court of Franklin County shall have concurrent jurisdiction of all proceedings for the removal of any such person. The proceedings shall be in equity and the procedure shall be as set forth in subsections (2), (3) and (4) of this section.
- (2) The Commonwealth's attorney of the judicial circuit or the county attorney of the county in which such person is serving, the Attorney General, or any three (3) or more citizens of said county may file a petition in equity setting forth the facts constituting a violation of the provisions of KRS 61.300. If instituted by the Commonwealth's attorney, county attorney or Attorney General, the proceeding shall be in the name of the Commonwealth, and if instituted by three (3) or more citizens, it shall be in the name of such citizens as plaintiffs. A copy of the petition shall be served upon the person complained against, who shall have ten (10) days in which to answer.
- (3) Thereafter the proceeding shall be heard and determined by the court as a proceeding in equity. The court shall render a final judgment within sixty (60) days from the date the petition is filed, unless the court, for good cause shown, extends the time for the final hearing, but in no case shall it be extended beyond ninety (90) days from the date the petition is filed.

- (4) If it appears upon final hearing that any nonelective peace officer or deputy peace officer is disqualified under the provisions of KRS 61.300, the court shall enter a judgment forthwith removing the officer from office.

➔Section 8. KRS 64.060 is amended to read as follows:

- (1) Sheriffs, constables ***granted peace officer powers***, coroners, marshals, and policemen shall be paid out of the State Treasury for the following services the following fees:
 - (a) Apprehending a person on charge of felony, or a fugitive
from justice charged with a felony in this state.....\$10.00
 - (b) Executing a process of contempt in a criminal
case when the court excuses the contempt1.60
 - (c) Executing a summons upon a witness in behalf
of the Commonwealth in a felony case3.00
 - (d) Summoning a jury, on order of a court, in a county other than that in which the action is pending, a reasonable allowance to be fixed by the court.
 - (e) Summoning and attending a jury in a case of felony2.50
- (2) No claim for services incidental to examining courts shall be allowed to any sheriff, deputy sheriff, constable, marshal, policeman, or other officer authorized to execute process in felony cases until the grand jury has returned an indictment for a felony.
- (3) ***Constables and deputy constables authorized to exercise the powers of a peace officer under subsection (2) of Section 1 of this Act shall be entitled to the fees provided under subsection (1) of this section and shall be subject to the requirements of subsection (2) of this section.***

➔Section 9. KRS 64.190 is amended to read as follows:

Constables may collect for the ***performance of the*** following services the following fees, ***as long as such services are provided in accordance with other applicable laws:***

Making arrests for violations involving a motor vehicle on the public highways	\$0.50
Taking up a vagrant50
Killing a mad dog	1.00
Killing and burying a distempered horse, ass or mule	3.00
Killing and burying any other cattle, per head	2.00
Altering a stud, jackass or bull	1.00

Any other services ***a constable is authorized by law to perform***, the same fees allowed sheriffs for similar services.

➔Section 10. KRS 64.200 is amended to read as follows:

- (1) In counties containing a population of over 250,000, ***excluding urban-county governments or consolidated local governments***, for the performance of the duties of his office, each constable shall be exclusively compensated by a salary of nine thousand six hundred dollars (\$9,600) per annum to be paid in equal monthly installments out of the county treasury.
- (2) Each constable and deputy constable, ***if deputy constables have been authorized under Section 12 of this Act***, shall daily deliver or cause to be delivered to the recorder for the justice's district in which he holds office all moneys received or collected by him by virtue of his office, or the recorder may receive such moneys for the officer, and in either event the recorder shall daily issue to each officer a receipt for moneys received from or for him. Each recorder shall keep such records of each daily transaction, in such manner and form, and showing such information, as the fiscal court of the county requires.
- (3) All moneys received or collected on account of or resulting from the performance of the duties or the exercise of the powers incident to the offices of constable and deputy constable, ***if deputy constables have been authorized under Section 12 of this Act***, shall be paid into the county treasury.

- (4) Before the tenth day of each calendar month the recorder for each justice's district shall prepare a sworn statement showing the correct amounts of money received or collected during the next preceding calendar month from the administration of the offices of constable and deputy constable, *if deputy constables have been authorized under Section 12 of this Act*. The statement shall be in the form and shall disclose the information required by the fiscal court. Each monthly statement, and as many copies thereof as the fiscal court may require, shall be subscribed and sworn to by the recorder. On or before the tenth day of each calendar month each recorder shall deliver one (1) or more copies of the monthly statement to the fiscal court, or such person as the fiscal court designates, and at the same time deliver by certified check, payable to the order of the county treasurer, the total sum of money received by the recorder under the provisions of this section during the next preceding calendar month. During the interims between such monthly statements each recorder shall safely preserve the funds coming into his hands by virtue of this section in a bank designated by the justice of the peace, which bank shall duly execute a depository bond in a sufficient amount to cover monthly balances.

➔Section 11. KRS 70.310 is amended to read as follows:

- (1) Every constable *and each deputy constable appointed under Section 12 of this Act* shall execute a bond in *an amount determined sufficient by the fiscal court or the legislative council of the urban-county government, or legislative body of a consolidated local government*, the minimum amount of which shall be ~~ten~~ ten thousand dollars (\$10,000), with good sureties approved by the fiscal court.
- (2) The bond shall be recorded by the fiscal court with the county clerk, and the approval of the sureties shall be entered on the records of the fiscal court.
- (3) The bond shall be renewed biennially, and more often if required by the fiscal court *or the legislative council of an urban-county government, or legislative body of a consolidated local government*. When additional security is required of the constable *or deputy constable*, he *or she* shall be given *at least* ten (10) days' notice.

➔Section 12. KRS 70.320 is amended to read as follows:

- (1) As used in this section:
- (a) "Authorized county" means a county containing either an eligible city or a consolidated local government; and
- (b) "Eligible city" means a city on the registry maintained by the Department for Local Government under subsection ~~(6)~~~~(5)~~ of this section.
- (2) The appointment of deputy constables shall be allowed only in authorized counties. In authorized counties, each constable may appoint one (1) or more deputies, *but only* with the consent of the county judge/executive or the mayor ~~of, in~~ a consolidated local government *or urban-county government* ~~, as the case may be~~. *The county judge/executive or the mayor in a consolidated local government or urban-county government:*
- (a) *Shall determine, by written order, the number of authorized deputy constable positions;*
- (b) *Shall approve, by written order, each individual nominated by the constable to serve as a deputy constable;*
- (c) *May revoke, by written order, the authorization for the appointment of deputy constables at any time;*
- (d) *May, by written order, reduce the number of authorized deputy constables in his or her discretion; or*
- (e) *May, by written order, remove any individual from the office of deputy constable at any time for any cause that he or she may deem sufficient.*
- (3) *No person shall be appointed a deputy constable unless he or she:*
- (a) *Is a citizen of the United States and is twenty-one (21) years of age or over;*
- (b) *Has resided in the county where he or she is appointed to serve for a period of at least two (2) years;*
- (c) *Has never been convicted of a felony offense or any crime involving moral turpitude;*
- (d) *Has not within a period of two (2) years hired himself or herself out, performed any service, or received any compensation from any private source for acting as a privately paid detective, police officer, guard, peace officer, or otherwise as an active participant in any labor dispute, or conducted the business of a private detective agency or of any agency supplying private detectives, private police*

officers, or private guards, or advertised or solicited any such business in connection with any labor dispute;

(e) *Meets the requirements of subsections (3) to (17) of KRS 15.382; and*

(f) *Has complied with the provisions of KRS 15.334.*

(4) A deputy~~[The]~~ constable *appointed under this section shall execute a bond in accordance with Section 11 of this Act* ~~and his or her surety are liable on his or her bond for all the acts and omissions of his or her deputies.~~

~~[(3) Deputy constables may be removed at any time for any cause deemed sufficient by the constable by order of the county judge/executive or the mayor in a consolidated local government, as the case may be, entered after filing of a written direction by the constable.]~~

~~(5)~~~~[(4)]~~ Each deputy constable in counties containing a consolidated local government or city of the first class shall be compensated for his or her services by salary fixed by the consolidated local government or fiscal court, and paid out of the levy of the consolidated local government or county.

~~(6)~~~~[(5)]~~ On or before January 1, 2015, the Department for Local Government shall create and maintain a registry of cities that, as of August 1, 2014, were classified as cities of the first or second classes. The Department for Local Government shall make the information included on the registry available to the public by publishing it on its Web site.

➔Section 13. KRS 70.350 is amended to read as follows:

(1) Constables may execute warrants *where specifically authorized by statute, and* summons, subpoenas, attachments, notices, rules and orders of court in all criminal, penal, and civil cases, and shall return all process placed in his *or her* hands to the courts or persons issuing them, on or before the return day, noting the time of execution on them.

(2) A constable may exercise the duties of his *or her* office in any part of the county, but shall not execute any process in which he *or she* is personally interested except fee-bills for his *or her* own service. He *or she* shall not levy on or sell land, or any interest therein.

(3) The constable shall not be compelled to receive a precept, fee-bill or order for witness attendance, or other claim against any person who is known to be and to reside out of his *or her* district, unless the precept is in behalf of the Commonwealth or is a precept against property in his *or her* district. But if a constable voluntarily receives such precept, fee-bill, order for witness attendance or other claim, *the constable*~~he~~ and his *or her* sureties shall be accountable for the same as if the person it is against resided or was in his *or her* district, or had property therein.

➔Section 14. KRS 70.410 is amended to read as follows:

Recovery on the constable's *or deputy constable's* bond may be had by motion. *At least* ten (10) days' notice, specifying the grounds of the motion, shall be given. If not executed on all persons liable on the bond, the motion may proceed against those notified.

➔Section 15. KRS 70.430 is amended to read as follows:

(1) Constables~~[in counties containing a population of over 250,000]~~ on or before the tenth day of each calendar month shall make a report~~[to the county clerk]~~ concerning the performance of the duties of office by himself *or herself* and his *or her* deputies, *if deputies have been authorized under Section 12 of this Act*, during the next preceding calendar month. *The reports shall be made:*

(a) *To the county clerk in counties containing an urban-county government or a consolidated local government; or*

(b) *To the county fiscal court in all other counties.*

(2) *The reports required under subsection (1) of this section shall be in the form and include any information required by the office to which the report is to be submitted under subsection (1) of this section, but shall at a minimum contain:*

(a) ~~[Under the heading of civil matters, the report shall contain]~~A statement showing the total number of each kind of civil processes and orders received, the total number of each returned executed, returned unexecuted, and not returned and not executed;~~[]~~

- (b) *A statement showing the amount of any fee or fees collected on each civil service of process;*
- (c) ~~(b)~~ ~~Under the heading of criminal matters,~~ ***If the constable is qualified and is authorized to execute warrants in criminal matters or otherwise exercise the powers of a peace officer under Section 1 of this Act,*** ~~the report shall contain~~ a list of the names and addresses of all persons for whom warrants of arrest have been obtained by the constable and his *or her* deputies, noting the name of the officer obtaining each warrant, the name of the officer executing each warrant, and indicating the warrants returned executed, returned unexecuted, and not returned and not executed; a list of the names and addresses of all persons for whom warrants of arrest have been obtained by others and delivered to the constable and his *or her* deputies for execution, noting the name and address of the person obtaining each warrant; the name of the officer executing it, and indicating the warrants returned executed, returned unexecuted, and not returned and not executed; a list of the names and addresses of all persons arrested by the constable and his *or her* deputies without warrant, noting the name of the officer making the arrest and the cause of the arrest; a list of all the places for which search warrants have been obtained by the constable and his *or her* deputies, noting the name of the officer obtaining each search warrant, the name of the officer executing it, and indicating the search warrants returned executed, returned and unexecuted, and not returned, and not executed; ~~and~~.
- (d) ~~(c)~~ Under the heading of other matters, ~~the report shall contain~~ ***a complete and detailed*** ~~brief but adequate~~ report upon *each and* all other acts of the constable and his *or her* deputies performed under authority, or under color of authority, of office.
- (3) ~~(2)~~ Each monthly report shall be subscribed and sworn to by the constable and such parts thereof as pertain to the acts of his *or her* deputies beyond his *or her* presence shall be deemed to be sworn to upon information and belief. ***Upon request,*** ~~The clerk shall cause~~ attested copies ***of the reports shall*** ~~thereof to~~ be promptly delivered to the county judge/executive, ***the mayor of an urban-county government or consolidated local government,*** the county attorney, ~~and~~ the attorney for the Commonwealth.
- (4) (a) 1. ***In consideration of the collection and administration of the reports required to be submitted to fiscal courts under subsection (1)(b) of this section, the fiscal court or legislative body of any county greater than seventy thousand (70,000) shall be entitled to collect a fee in a sum equal to twenty-five percent (25%) of the total receipts reported each calendar month that were actually collected by the reporting constable. The administrative fee required by this subsection shall be submitted by the constable at the same time as the report required by subsections (1) and (2) of this section.***
2. ***In counties of seventy thousand (70,000) or less, the reports required to be submitted to fiscal courts under subsection (1)(b) of this section shall be sufficient.***
- (b) ***If an urban-county government or a consolidated local government elects by ordinance, the county clerk receiving reports under subsection (1)(a) of this section shall be entitled to collect the administrative fee provided in paragraph (a) of this subsection. If authorized, any fees collected by a county clerk under this subsection may be shared evenly between the county clerk and the county government, as provided in the ordinance.***

➔Section 16. KRS 70.440 is amended to read as follows:

No constable or deputy constable in any county ~~containing a population of over 250,000~~ shall make, participate in making, or knowingly permit another to make a false entry, or omit, or participate in or permit the omission of, any proper entry, in his *or her* official books or records, or knowingly make or participate in the making of any false statement or report, ***including reports required under Section 15 of this Act, or knowingly take any action*** with intent to cheat or defraud the state, the county, or any person.

➔Section 17. KRS 148.056 is amended to read as follows:

- (1) The commissioner of parks, in his discretion, may employ and commission park rangers as the commissioner deems necessary to secure the parks and property of the Department of Parks and to maintain law and order and such employees, when so commissioned, shall have all of the powers of peace officers and shall have on all parks property and on public highways transversing such property in all parts of the state the same powers with respect to criminal matters and enforcement of the laws relating thereto as sheriffs, constables ***granted peace officer powers*** and police officers in their respective jurisdictions, and shall possess all the immunities and matters of defense now available or hereafter made available to sheriffs ~~constables~~ and police officers in any suit brought against them in consequence of acts done in the course of their employment.

- (2) The designation of any such employee as a peace officer shall be governed by the provisions of KRS 61.300 except that he shall not be required to have resided in the county wherein he is to serve for a period of at least two (2) years, and he shall be required to file his photograph and affidavit only with the Franklin county clerk.
- (3) Any employee so commissioned shall be required to execute bond, subject to the provisions of KRS 62.170, for the faithful and lawful performance of his duties.

➔Section 18. KRS 150.100 is amended to read as follows:

The commissioner, all personnel of the department and all officers and other persons appointed by the commissioner may execute any process issued by a court, enforcing the provisions of this chapter or any law relating to the propagation or protection of fish and wildlife in the same manner as any ~~constable or~~ sheriff. To accomplish that purpose they may call any peace officer or other person to their aid.

➔Section 19. KRS 164.955 is amended to read as follows:

- (1) Police officers so appointed shall be peace officers and conservators of the peace. They shall have general police powers including the power to arrest, without process, all persons who within their view commit any crime or misdemeanor. They shall possess all of the common law and statutory powers, privileges, and immunities of sheriffs, except that they shall be empowered to serve civil process to the extent authorized by the employing governing board of the respective public postsecondary education institution employing them. Without limiting the generality of the foregoing, such police officers are hereby specifically authorized and empowered, and it shall be their duty:
 - (a) To preserve the peace, maintain order and prevent unlawful use of force or violence or other unlawful conduct on the campuses of their respective institutions, and to protect all persons and property located thereon from injury, harm and damage; and
 - (b) To enforce, and to assist the officials of their respective institutions in the enforcement of, the lawful rules and regulations of said institution, and to assist and cooperate with other law enforcement agencies and officers. Provided, however, that such police officers shall exercise the powers herein granted upon any real property owned or occupied by their respective institutions, including the streets passing through and adjacent thereto. Said powers may be exercised in any county of the Commonwealth where the institution owns, uses, or occupies property. Additional jurisdiction may be established by agreement with the chief of police of the municipality or sheriff of the county or the appropriate law enforcement agency in which such property is located, dependent upon the jurisdiction involved.
- (2) Police officers may exercise their powers away from the locations described in subsection (1) of this section only upon the following conditions:
 - (a) When in immediate pursuit of an actual or suspected violator of the law;
 - (b) When authorized to do so pursuant to the agreement authorized by subsection (1) of this section;
 - (c) When requested to act by the chief of police of the city or county in which the institution's property is located;
 - (d) When requested to act by the sheriff of the county in which the institution's property is located;
 - (e) When requested to act by the commissioner of the Department of Kentucky State Police;
 - (f) When requested to act by the authorized delegates of those persons or agencies listed in paragraph (c), (d), or (e) of this subsection;
 - (g) When requested to assist a state, county or municipal police officer, sheriff, or other peace officer in the performance of his lawful duties; or
 - (h) When operating under an interlocal cooperation agreement pursuant to KRS Chapter 65.
- (3) Police officers appointed pursuant to KRS 164.950 to 164.980 shall have, in addition to the other powers enumerated herein, the power to conduct investigations anywhere in this Commonwealth, provided the investigation relates to criminal offenses which occurred on property owned, leased, or controlled by the public postsecondary education institution. Where desirable and at the discretion of the public postsecondary education institution's police officials, the institution's police department may coordinate said investigations with any law enforcement agency of this Commonwealth or with agencies of the federal government.

- (4) Police departments created and operated by the governing boards of public postsecondary education institutions shall, for all purposes, be deemed public police departments and the sworn police officers thereof are, for all purposes, deemed public police officers.
- (5) Nothing in KRS 164.950 to 164.980 shall be construed as a diminution or modification of the authority or responsibility of any city or county police department, the Department of Kentucky State Police, sheriff, constable *granted police powers*, or other peace officer either on the property of an institution of postsecondary education or otherwise. *Nor shall anything in KRS 164.950 to 164.980 be construed as a diminution or modification of the authority or responsibility of any constable.*

➔Section 20. KRS 183.881 is amended to read as follows:

- (1) Safety and security officers so appointed shall be peace officers and conservators of the peace. They shall have general police powers to arrest, without process, all persons who within their view commit any crime or misdemeanor. They shall possess all of the common law and statutory powers, privileges, and immunities of sheriffs, except that they shall be empowered to serve civil process to the extent authorized by the employing airport board. Without limiting the generality of the foregoing, such safety and security officers are hereby specifically authorized and empowered, and it shall be their duty:
 - (a) To preserve the peace, maintain order and prevent unlawful use of force or violence or other unlawful conduct on the airport facility of their respective airport board, and to protect all persons and property located thereon from injury, harm and damage;
 - (b) To enforce, and to assist officials of their respective airport boards in the enforcement of the lawful rules and regulations of said airport board, and to assist and cooperate with the law enforcement agencies and officers.

Provided, however, that such safety and security officers shall exercise the powers herein granted upon any real property owned or occupied by their respective airport boards including the streets passing through and adjacent thereto. Said powers may be exercised in any county of the Commonwealth where the airport board owns, uses, or occupies property. Additional jurisdiction may be established by agreement with the chief of police of the municipality or sheriff of the county or the appropriate law enforcement agency in which such property is located, dependent upon the jurisdiction involved.

- (2) Safety and security officers may exercise their powers away from the locations described in subsection (1) of this section only upon the following conditions:
 - (a) When in hot pursuit of an actual or suspected violator of the law;
 - (b) When authorized to do so pursuant to the agreement authorized by subsection (1) of this section;
 - (c) When requested to act by the chief of police of the city or county in which the airport board's property is located;
 - (d) When requested to act by the sheriff of the county in which the airport board's property is located;
 - (e) When requested to act by the commissioner of the Department of Kentucky State Police;
 - (f) When requested to act by the authorized delegates of those persons or agencies listed in paragraph (c), (d) or (e) *of this subsection*~~above~~;
 - (g) When requested to assist a state, county, or municipal police officer, sheriff, or other peace officer in the performance of his or her lawful duties; or
 - (h) When operating under an interlocal cooperation agreement pursuant to KRS Chapter 65.
- (3) Safety and security officers appointed pursuant to KRS 183.110 and 183.880 to 183.886 shall have, in addition to the other powers enumerated herein, the power to conduct investigations anywhere in this Commonwealth, provided such investigation relates to criminal offenses which occurred on property owned, leased, or controlled by the airport board. Where desirable and at the discretion of the airport board's police officials, the airport board's safety and security department may coordinate said investigations with any law enforcement agency of this Commonwealth or with agencies of the federal government.
- (4) Safety and security departments created and operated by the airport boards shall, for all purposes, be deemed public police departments and the sworn safety and security officers thereof are, for all purposes, deemed public police officers.

- (5) Nothing in KRS 183.110 and 183.880 to 183.886 shall be construed as a diminution or modification of the authority or responsibility of any city or county police department, the Department of Kentucky State Police, sheriff, constable ***granted police powers***, or other peace officer either on the property of an airport board or otherwise. ***Nor shall anything in KRS 183.110 and 183.880 to 183.886 be construed as a diminution or modification of the authority or responsibility of any constable.***

➔Section 21. KRS 189.950 is amended to read as follows:

- (1) No motor vehicle, except those designated under KRS 189.910 to 189.950 as emergency vehicles, shall be equipped with, nor shall any person use upon a vehicle, any siren, whistle, or bell. Any vehicle may be equipped with a theft alarm signal device which shall be so arranged that it cannot be used as an ordinary warning signal.
- (2) No motor vehicle, except those designated under KRS 189.910 to 189.950 as emergency vehicles, shall be equipped with, nor shall any person use upon a vehicle any red or blue flashing, revolving, or oscillating light or place a red light on the front thereof. This subsection shall not apply to the use of red flashing lights on school buses or to stop lights or turn signals at the rear of any motor vehicle.
- (3) Except as otherwise provided for in this section, a person shall not illuminate a blue light that is affixed to a motor vehicle while operating the motor vehicle on a highway. This subsection shall not apply to:
- (a) Any light on a motorcycle that is not affixed to the front of the motorcycle; or
 - (b) Nonhalogen headlamps that have a slight blue tint and meet United States Department of Transportation regulations.
- (4) No motor vehicle, except those designated under KRS 189.910 to 189.950 as public safety vehicles, shall be equipped with, nor shall any person use upon any vehicle any yellow flashing, revolving, or oscillating light. This subsection shall not apply to the use of yellow lights for turn signals; or to emergency flasher lights for use when warning the operators of other vehicles of the presence of a vehicular traffic requiring the exercise of unusual care in approaching, overtaking, or passing; or to vehicles operated by mail carriers while on duty; funeral escort vehicles and church buses.
- (5) Any person who is a regular or voluntary member of any fire department furnishing fire protection for a political subdivision of the state or any person who is a regular or voluntary member of a rescue squad may equip his ***or her*** vehicle with red flashing, rotating, or oscillating lights and a siren, bell, or exhaust whistle if he ***or her*** has first been given permission, in writing, to do so by the chief of the fire department or rescue squad. He ***or she*** may use such lights and equipment only while proceeding to the scene of a fire or other emergency or to a location where another emergency vehicle is on emergency call in the performance of his ***or her*** official duties as a member of a fire department or rescue squad.
- (6) (a) Any constable ***meeting the requirements of subsection (2) of Section 1 of this Act*** may, upon approval of the fiscal court in the county of jurisdiction, ***the legislative council of an urban-county government, or the legislative body of a consolidated local government***, equip vehicles used by said officer as emergency vehicles with one (1) or more flashing, rotating or oscillating blue lights, visible under normal atmospheric condition from a distance of five hundred (500) feet to the front of such vehicle, and a siren, whistle or bell, capable of emitting a sound audible under normal conditions from a distance of not less than five hundred (500) feet. This equipment shall be in addition to any other equipment required by the motor vehicle laws. Any constable authorized by the fiscal court to utilize blue lights and a siren pursuant to this section shall maintain at least the insurance described by KRS 304.39-110.
- (b) 1. ***Any constable who has successfully completed a basic training course, as established by KRS 15.440, at a school certified or recognized by the Kentucky Law Enforcement Council, and who maintains his or her certification as a peace officer pursuant to KRS 15.380 through his or her term of office as a constable, may equip vehicles used by that officer as emergency vehicles with one (1) or more flashing, rotating, or oscillating blue lights, visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of the vehicle, and a siren, whistle, or bell, capable of emitting a sound audible under normal conditions from a distance of not less than five hundred (500) feet. This equipment shall be in addition to any other equipment required by the motor vehicle laws. Any constable authorized to use blue lights and a siren pursuant to this section shall maintain at least the insurance described by KRS 304.39-110.***

2. *The fiscal court in the county of jurisdiction, the legislative council of an urban-county government, or the legislative body of a consolidated local government may revoke this authorization, if the fiscal court, the council, or the body determines an issue of public safety or abuse by the constable.*

- (7) Any person who is a paid or voluntary member of any ambulance service furnishing emergency medical services for a political subdivision of the state may equip his *or her* vehicle with red flashing, rotating, or oscillating lights and a siren, bell, or exhaust whistle if he *or she* has first been given permission, in writing, to do so by the chief or director of the ambulance service. He *or she* may use such lights and equipment only while proceeding to the scene of an emergency, a medical facility, or to a location where another emergency vehicle is on emergency call in the performance of his *or her* official duties as a member of the ambulance service.

➔Section 22. KRS 230.240 is amended to read as follows:

- (1) In addition to the employees referred to in KRS 230.230, the executive director of the racing commission may employ, dismiss, or take other personnel action and determine the reasonable compensation of stewards, supervisors of mutuels, veterinarians, inspectors, accountants, security officers, and other employees deemed by the executive director to be essential at or in connection with any horse race meeting and in the best interest of racing. Three (3) Thoroughbred stewards shall be employed at each Thoroughbred race meeting. Two (2) stewards shall be employed and compensated by the Commonwealth, subject to reimbursement by the racing associations pursuant to subsection (3) of this section. One (1) Thoroughbred steward shall be employed and compensated by the racing association hosting the race meeting. Three (3) standardbred judges shall be employed at each standardbred race meeting. Two (2) standardbred judges shall be employed and compensated by the Commonwealth, subject to reimbursement by the racing associations pursuant to subsection (3) of this section. One (1) standardbred judge shall be employed and compensated by the racing association hosting the race meeting. The security officers shall be peace officers and conservators of the peace on racing commission property and at all race tracks and grounds in the Commonwealth and shall possess all the common law and statutory powers and privileges now available or hereafter made available to sheriffs, constables *granted police powers*, and police officers for the purpose of enforcing all laws relating directly or indirectly to the conduct of horse racing and pari-mutuel wagering thereon, or the enforcement of laws relating to the protection of persons or property on premises licensed by the racing commission. The racing commission, for the purpose of maintaining integrity and honesty in racing, shall prescribe by administrative regulation the powers and duties of the persons employed under this section and qualifications necessary to competently perform their duties. In addition, the racing commission shall be responsible for seeing that racing officials employed under the provisions of this section have adequate training to perform their duties in a competent manner.
- (2) The racing commission shall promulgate administrative regulations for effectively preventing the use of improper devices, and restricting or prohibiting the use and administration of drugs or stimulants or other improper acts to horses prior to the horse participating in a race. The racing commission may acquire, operate, and maintain, or contract for the maintenance and operation of, a testing laboratory and related facilities, for the purpose of saliva, urine, or other tests, and to purchase supplies and equipment for and in connection with the laboratory or testing processes. The expense of the laboratory or other testing processes, whether furnished by contract or otherwise, together with all supplies and equipment used in connection therewith, shall be paid by the various associations licensed under this chapter in the manner and in proportions as the racing commission shall by administrative regulation provide.
- (3) The compensation of the employees referred to in this section shall be paid by the licensee conducting the horse race meeting in connection with which the employees are utilized or employed. The salary of the executive director to the racing commission shall be prorated among and paid by the various associations licensed under this chapter in the manner as the racing commission shall, by administrative regulation, provide. Except for the Thoroughbred steward and the standardbred judge authorized in subsection (1) of this section, the employees referred to in this section shall be deemed employees of the racing commission, and are paid by the licensee or association for convenience only.
- (4) Each person, as a condition precedent to the privilege of receiving a license under this chapter to conduct a horse race meeting, shall be deemed to have agreed to pay expenses and compensation as provided in this section and as may be actually and reasonably incurred.

➔Section 23. KRS 277.280 is amended to read as follows:

- (1) Each railroad policeman shall, before he *or she* enters upon the discharge of the duties of his *or her* office, execute bond, with good security, conditioned for the faithful performance of his *or her* duty as such

policeman, and take and subscribe an oath of office. The bond shall be executed in the county in which the policeman resides, or in which the railroad has its registered process agent, if any, within the state, or in which the policeman performs any duties as a railroad policeman, and the bond shall be approved, and the oath administered, by the county judge/executive. The bond and oath shall be entered of record by the county clerk, and the execution of the bond and the taking of the oath shall be indorsed upon the commission of the person so qualifying. Each policeman so appointed and commissioned shall, throughout the counties through which the railroad operates, have and exercise the powers of sheriffs and constables **granted police powers** in making arrests for public offenses committed upon or about railroad property, and in serving process in criminal and penal prosecutions for such offenses, and shall be subject to all the liabilities of sheriffs ~~or constables~~.

- (2) The compensation of railroad policemen shall be fixed and paid by the railroad company for which they are appointed.

➔Section 24. KRS 281.765 is amended to read as follows:

Any peace officer, including sheriffs and their deputies, constables and their deputies **granted police powers**, city police officers, county police or patrols, and special officers appointed by any agency of the Commonwealth of Kentucky for the enforcement of its laws relating to motor vehicles and boats or boating, now existing or hereafter enacted, shall be authorized and it is hereby made the duty of each of them to enforce the provisions of this chapter and to make arrests for any violation or violations thereof, and for violations of any other law relating to motor vehicles and boating, without warrant if the offense be committed in his **or her** presence, and with warrant or summons if he **or she** does not observe the commission of the offense. When in pursuit of any offender for any offense committed within his **or her** jurisdiction, any such officer may follow and effect an arrest beyond the limits of his **or her** jurisdiction. If the arrest be made without warrant, the accused may elect to be immediately taken before the nearest court having jurisdiction, whereupon it shall be the duty of the officer to so take him **or her**. If the accused elects not to be so taken, then it shall be the duty of the officer to require of the accused a bail-bond in a sum not less than one hundred dollars (\$100), conditioned that the accused binds himself **or herself** to appear in the court of jurisdiction at the time fixed in the bond, not however in any case later than six (6) days from the day of arrest. In case the arrested person fails to appear on the day fixed, the bond shall be forfeited in the manner as is provided for the forfeiture of bonds in other cases. No officer shall be permitted to take a cash bond. The officer making the arrest and taking the bond shall report the same to the court having jurisdiction within eighteen (18) hours after taking such bond.

➔Section 25. KRS 446.010 is amended to read as follows:

As used in the statute laws of this state, unless the context requires otherwise:

- (1) "Action" includes all proceedings in any court of this state;
- (2) "Animal" includes every warm-blooded living creature except a human being;
- (3) "Attorney" means attorney-at-law;
- (4) "Bequeath" and "devise" mean the same thing;
- (5) "Bequest" and "legacy" mean the same thing, and embrace either real or personal estate, or both;
- (6) "Business trust" includes, except when utilized in KRS Chapter 386, a "statutory trust" as organized under KRS Chapter 386A;
- (7) "Case plan" means an individualized accountability and behavior change strategy for supervised individuals that:
 - (a) Targets and prioritizes the specific criminal risk factors of the individual based upon his or her assessment results;
 - (b) Matches the type and intensity of supervision and treatment conditions to the individual's level of risk, criminal risk factors, and individual characteristics, such as gender, culture, motivational stage, developmental stage, and learning style;
 - (c) Establishes a timetable for achieving specific behavioral goals, including a schedule for payment of victim restitution, child support, and other financial obligations; and
 - (d) Specifies positive and negative actions that will be taken in response to the supervised individual's behaviors;

- (8) "Certified mail" means any method of governmental, commercial, or electronic delivery that allows a document or package to have proof of:
 - (a) Sending the document or package;
 - (b) The date the document or package was delivered or delivery was attempted; and
 - (c) The signature of the receipt of the document or package;
- (9) "Company" may extend and be applied to any corporation, company, person, partnership, joint stock company, or association;
- (10) "Corporation" may extend and be applied to any corporation, company, partnership, joint stock company, or association;
- (11) "Criminal risk factors" are characteristics and behaviors that, when addressed or changed, affect a person's risk for committing crimes. The characteristics may include but are not limited to the following risk and criminogenic need factors: antisocial behavior; antisocial personality; criminal thinking; criminal associates; dysfunctional family; low levels of employment or education; poor use of leisure and recreation; and substance abuse;
- (12) "Cruelty" as applied to animals includes every act or omission whereby unjustifiable physical pain, suffering, or death is caused or permitted;
- (13) "Directors," when applied to corporations, includes managers or trustees;
- (14) "Domestic," when applied to a corporation, partnership, business trust, or limited liability company, means all those incorporated or formed by authority of this state;
- (15) "Domestic animal" means any animal converted to domestic habitat;
- (16) "Evidence-based practices" means policies, procedures, programs, and practices proven by scientific research to reliably produce reductions in recidivism when implemented competently;
- (17) "Federal" refers to the United States;
- (18) "Foreign," when applied to a corporation, partnership, limited partnership, business trust, statutory trust, or limited liability company, includes all those incorporated or formed by authority of any other state;
- (19) "Generally accepted accounting principles" are those uniform minimum standards of and guidelines to financial accounting and reporting as adopted by the National Council on Governmental Accounting, under the auspices of the Municipal Finance Officers Association and by the Financial Accounting Standards Board, under the auspices of the American Institute of Certified Public Accountants;
- (20) "Graduated sanction" means any of a wide range of accountability measures and programs for supervised individuals, including but not limited to electronic monitoring; drug and alcohol testing or monitoring; day or evening reporting centers; restitution centers; reentry centers; disallowance of future earned compliance credits; rehabilitative interventions such as substance abuse or mental health treatment; reporting requirements to probation and parole officers; community service or work crews; secure or unsecure residential treatment facilities or halfway houses; and short-term or intermittent incarceration;
- (21) "Humane society," "society," or "Society for the Prevention of Cruelty to Animals," means any nonprofit corporation, organized under the laws of this state and having as its primary purpose the prevention of cruelty to animals;
- (22) "Issue," as applied to the descent of real estate, includes all the lawful lineal descendants of the ancestors;
- (23) "Land" or "real estate" includes lands, tenements, and hereditaments and all rights thereto and interest therein, other than a chattel interest;
- (24) "Legatee" and "devisee" convey the same idea;
- (25) "Livestock" means cattle, sheep, swine, goats, horses, alpacas, llamas, buffaloes, or any other animals of the bovine, ovine, porcine, caprine, equine, or camelid species;
- (26) "May" is permissive;
- (27) "Month" means calendar month;
- (28) "Oath" includes "affirmation" in all cases in which an affirmation may be substituted for an oath;

- (29) "Owner" when applied to any animal, means any person having a property interest in such animal;
- (30) "Partnership" includes both general and limited partnerships;
- (31) "Peace officer" includes sheriffs, constables *granted police powers*, coroners, jailers, metropolitan and urban-county government correctional officers, marshals, policemen, and other persons with similar authority to make arrests;
- (32) "Penitentiary" includes all of the state penal institutions except the houses of reform;
- (33) "Person" may extend and be applied to bodies-politic and corporate, societies, communities, the public generally, individuals, partnerships, joint stock companies, and limited liability companies;
- (34) "Personal estate" includes chattels, real and other estate that passes to the personal representative upon the owner dying intestate;
- (35) "Pretrial risk assessment" means an objective, research-based, validated assessment tool that measures a defendant's risk of flight and risk of anticipated criminal conduct while on pretrial release pending adjudication;
- (36) "Registered mail" means any governmental, commercial, or electronic method of delivery that allows a document or package to have:
- (a) Its chain of custody recorded in a register to enable its location to be tracked;
 - (b) Insurance available to cover its loss; and
 - (c) The signature of the recipient of the document or package available to the sender;
- (37) "Regular election" means the election in even-numbered years at which members of Congress are elected and the election in odd-numbered years at which state officers are elected;
- (38) "Risk and needs assessment" or "validated risk and needs assessment" means an actuarial tool scientifically proven to determine a person's risk to reoffend and criminal risk factors, that when properly addressed, can reduce that person's likelihood of committing future criminal behavior;
- (39) "Shall" is mandatory;
- (40) "State" when applied to a part of the United States, includes territories, outlying possessions, and the District of Columbia; "any other state" includes any state, territory, outlying possession, the District of Columbia, and any foreign government or country;
- (41) "State funds" or "public funds" means sums actually received in cash or negotiable instruments from all sources unless otherwise described by any state agency, state-owned corporation, university, department, cabinet, fiduciary for the benefit of any form of state organization, authority, board, bureau, interstate compact, commission, committee, conference, council, office, or any other form of organization whether or not the money has ever been paid into the Treasury and whether or not the money is still in the Treasury if the money is controlled by any form of state organization, except for those funds the management of which is to be reported to the Legislative Research Commission pursuant to KRS 42.600, 42.605, and 42.615;
- (42) "Supervised individual" means an individual placed on probation by a court or serving a period of parole or post-release supervision from prison or jail;
- (43) "Sworn" includes "affirmed" in all cases in which an affirmation may be substituted for an oath;
- (44) "Treatment" when used in a criminal justice context, means targeted interventions that focus on criminal risk factors in order to reduce the likelihood of criminal behavior. Treatment options may include but shall not be limited to community-based programs that are consistent with evidence-based practices; cognitive-behavioral programs; faith-based programs; inpatient and outpatient substance abuse or mental health programs; and other available prevention and intervention programs that have been scientifically proven to produce reductions in recidivism when implemented competently. "Treatment" does not include medical services;
- (45) "United States" includes territories, outlying possessions, and the District of Columbia;
- (46) "Vacancy in office," or any equivalent phrase, means such as exists when there is an unexpired part of a term of office without a lawful incumbent therein, or when the person elected or appointed to an office fails to qualify according to law, or when there has been no election to fill the office at the time appointed by law; it applies whether the vacancy is occasioned by death, resignation, removal from the state, county or district, or otherwise;

- (47) "Violate" includes failure to comply with;
- (48) "Will" includes codicils; "last will" means last will and testament;
- (49) "Year" means calendar year;
- (50) "City" includes town;
- (51) Appropriation-related terms are defined as follows:
 - (a) "Appropriation" means an authorization by the General Assembly to expend, from public funds, a sum of money not in excess of the sum specified, for the purposes specified in the authorization and under the procedure prescribed in KRS Chapter 48;
 - (b) "Appropriation provision" means a section of any enactment by the General Assembly which is not provided for by KRS Chapter 48 and which authorizes the expenditure of public funds other than by a general appropriation bill;
 - (c) "General appropriation bill" means an enactment by the General Assembly that authorizes the expenditure of public funds in a branch budget bill as provided for in KRS Chapter 48;
- (52) "Mediation" means a nonadversarial process in which a neutral third party encourages and helps disputing parties reach a mutually acceptable agreement. Recommendations by mediators are not binding on the parties unless the parties enter into a settlement agreement incorporating the recommendations;
- (53) "Biennium" means the two (2) year period commencing on July 1 in each even-numbered year and ending on June 30 in the ensuing even-numbered year;
- (54) "Branch budget bill" or "branch budget" means an enactment by the General Assembly which provides appropriations and establishes fiscal policies and conditions for the biennial financial plan for the judicial branch, the legislative branch, and the executive branch, which shall include a separate budget bill for the Transportation Cabinet;
- (55) "AVIS" means the automated vehicle information system established and maintained by the Transportation Cabinet to collect titling and registration information on vehicles and boats and information on holders of motor vehicle operator's licenses and personal identification cards;
- (56) "Cooperative," except in KRS Chapter 272, includes a limited cooperative association; and
- (57) "Unmanned aircraft system" means an aircraft that is operated without the possibility of direct human interaction from within or on the aircraft and includes everything that is on board or otherwise attached to the aircraft and all associated elements, including communication links and the components that control the small unmanned aircraft that are required for the safe and efficient operation of the unmanned aircraft in the national airspace system.

➔Section 26. KRS 15.404 is amended to read as follows:

- (1)
 - (a) Any peace officers employed or appointed after December 1, 1998, who have not successfully completed basic training at a school certified or recognized by the Kentucky Law Enforcement Council, shall within one (1) year of their appointment or employment, successfully complete a basic training course, as established by KRS 15.440, at a school certified or recognized by the Kentucky Law Enforcement Council or receive a basic training credit approved by the Kentucky Law Enforcement Council under KRS 15.440(1)(d)6.
 - (b) In the event of extenuating circumstances beyond the control of an officer that prevent the officer from completing basic training within one (1) year, the commissioner of the department or his or her designee may grant the officer an extension of time, not to exceed one hundred eighty (180) days, in which to complete the training.
 - (c) Any peace officer who fails to successfully complete basic training within the specified time periods, including extensions, shall lose his or her law enforcement powers and his or her precertification status shall lapse. Further, the peace officer shall be prohibited from serving as a peace officer for a period of one (1) year from the date that his or her precertification lapses.
- (2)
 - (a) All peace officers with active certification status shall successfully complete forty (40) hours of annual in-service training that has been certified or recognized by the Kentucky Law Enforcement Council, that is appropriate to the officer's rank and responsibility and the size and location of his department.

- (b) In the event of extenuating circumstances beyond the control of an officer that prevent the officer from completing the in-service training within one (1) year, the commissioner of the department or his or her designee may grant the officer an extension of time, not to exceed one hundred eighty (180) days, in which to complete the training. If the officer is unable to complete the in-service training due to injury or illness that prevents him or her from working as a peace officer, the one hundred eighty (180) day extension shall begin on the date that the officer returns to work.
 - (c) Any peace officer who fails to successfully complete in-service training within the specified time periods, including extensions, shall lose his or her law enforcement powers and his or her certification status shall be changed to training deficiency status.
 - (d) When a peace officer is deficient in required training, the commissioner of the department or his or her designee shall notify the council, which shall notify the peace officer and his or her agency.
 - (e) The requirements of this subsection shall be waived for the period of time that a peace officer is serving on active duty in the United States Armed Forces.
 - (f) This waiver shall be retroactive for peace officers from the date of September 11, 2001.
- (3) An officer who has lost his or her law enforcement powers due solely to his or her failure to meet the in-service training requirements of this section may regain his or her certification status and law enforcement powers upon successful completion of the training deficiency.
- (4) (a) *Any constable who is elected may apply for admission to a basic training course, as established by KRS 15.440, at a school certified or recognized by the Kentucky Law Enforcement Council. The constable shall meet all precertification requirements established pursuant to KRS 15.382 for attendance. The constable shall bear all costs associated with precertification. The constable shall bear all costs associated with completion of the basic training course, except the costs of basic training at a course established pursuant to KRS 15.340.*
- (b) *The basic training course shall accept the constable for basic training so long as:*
1. *The constable meets the precertification requirements; and*
 2. *The basic training course has the training capacity to instruct the constable.*

➔Section 27. KRS 15.340 is amended to read as follows:

Subject to approval by the secretary, the department may make its facilities and services available upon the following terms:

- (1) The department may determine to which law enforcement agencies, corrections agencies, and court agencies and its officers it will offer training;
- (2) In determining the law enforcement officers for which it will offer training and in allocating available funds, the department shall give first priority to "police officers" as defined by KRS 15.420(2), public airport authority security officers, and campus police;
- (3) Fire investigators shall be offered training by the department;
- (4) Except for the officers described in subsection (2) of this section, the department may determine whether persons to whom it offers training or agencies employing such persons must bear any or all costs of such training.
- (5) *Notwithstanding subsections (1) to (4) of this section, the department shall accept one (1) qualified constable per training class. The constable accepted shall meet all precertification requirements established pursuant to KRS 15.382 for attendance. The constable shall bear all costs associated with precertification. This subsection shall not be construed to prevent the department from accepting more than one (1) qualified constable per fiscal year, if there are more than one (1) qualified constable applicants and funds are available for their training.*

➔Section 28. Sections 1 to 26 of this Act take effect January 1, 2023. Section 27 of this Act takes effect July 1, 2023.

Returned to Secretary of State April 8, 2022, and became law without Governor's signature April 10, 2022.

CHAPTER 91

(HB 565)

AN ACT relating to criminal justice training and making an appropriation therefor.

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

➔Section 1. KRS 15A.070 is amended to read as follows:

- (1) The Department of Criminal Justice Training shall:
 - (a) Establish, supervise, and coordinate training programs and schools for law enforcement personnel, subject to the limitations of KRS 15.440(1)(d) and (e) and 15.560, and any other justice or nonlaw-enforcement-related personnel as prescribed by the secretary; *and*
 - (b) *Promulgate an administrative regulation pursuant to KRS Chapter 13A by September 1, 2022, to establish procedures and participation requirements for basic training and annual in-service course instruction to be offered electronically and online through remote learning. The administrative regulation shall include the following provisions:*
 1. *By no later than January 1, 2024, at least ten percent (10%) of the total hours of course instruction required to be completed for basic training under KRS 15.440(1)(d) be made available electronically and online for candidates to complete through remote learning;*
 2. *By no later than January 1, 2025, at least thirty percent (30%) of the total course instruction required to be completed by an officer for annual in-service training under KRS 15.440(1)(e) that is offered or sponsored by the Department of Criminal Justice Training be made available electronically and online to complete through remote learning;*
 3. *The instruction provided by the Department of Criminal Justice Training under this paragraph shall not be in subject areas that require the demonstration or use of physical skill for the purposes of evaluating the participant's proficiency;*
 4. *The course offerings and instruction required to be provided under subparagraph 2. of this paragraph be available throughout the entire calendar year and spread over a reasonable period of time so as not to require attendance or participation for the entirety of a single work week; and*
 5. *Any other reasonable procedures and rules to ensure the attendance, active participation, and successful mastery of the subject matters presented in the courses it provides electronically and online through remote learning under this paragraph are established.*
- (2) The Department of Criminal Justice Training shall make a continuing study of law enforcement training standards and upon request may furnish information relating to standards for recruitment, employment, promotion, organization, management, and operation of any law enforcement agency in Kentucky.
- (3) The Department of Criminal Justice Training shall conduct continuing research on criminal law and criminal justice subjects related to law enforcement training.
- (4) The Department of Criminal Justice Training may by administrative regulation provide for administrative hearings to be conducted in accordance with KRS Chapter 13B.
- (5) The commissioner of the Department of Criminal Justice Training may promulgate administrative regulations in accordance with KRS Chapter 13A.
- (6)
 - (a) *Nothing in subsection (1)(b) of this section shall be interpreted to be an independent study as defined in 38 C.F.R. sec. 21.4267.*
 - (b) *In order to ensure that a qualified trainee shall receive all Post-9/11 GI Bill benefits, or any other similar federal benefits related to military service, to which the trainee is entitled to receive while participating in basic training provided by the Department of Criminal Justice Training pursuant to KRS 15.440(1)(d), the following shall apply in the event that the Kentucky Approving Agency for Veterans Education within the Kentucky Community and Technical College System classifies the training provided pursuant to subsection (1)(b) of this section as independent study as defined in 38 C.F.R. sec. 21.4267:*

1. *The Kentucky Approving Agency for Veterans Education shall seek a formal opinion of the United States Department of Veterans Affairs regarding its decision to classify the program as independent study;*
2. *If the United States Department of Veterans Affairs will not issue a formal opinion or determines or otherwise agrees that the program qualifies as independent study under federal regulations, the Department of Criminal Justice Training shall make available in-person course instruction to those who receive Post-9/11 GI Bill benefits, or any other similar federal benefits related to military service, as long as this offering meets criteria established under federal laws and regulations, provided that the Department of Criminal Justice Training and Kentucky Approving Agency for Veterans Education seeks a formal opinion of the United States Department of Veterans Affairs regarding any criteria that is relied upon to attempt to disqualify the agency;*
3. *If the Department of Criminal Justice Training cannot provide in-person instruction as provided in subparagraph 2. of this paragraph because of a final determination that the trainee would be disqualified from receiving benefits during his or her participation in the program, the Department of Criminal Justice Training shall cause to be paid to the trainee an amount equal to the benefits the trainee would have received under the Post-9/11 GI Bill benefits or any other similar federal benefits related to military service had the program or instruction not been disqualified. The amount shall be paid to the trainee from the Kentucky Law Enforcement Foundation Program fund under KRS 15.430; and*
4. *In the event that insufficient funds exist in the Kentucky Law Enforcement Foundation Program fund established pursuant to KRS 15.430 to meet the obligations provided in subparagraph 3. of this paragraph, the law enforcement agency employing the trainee shall cause to be paid to the trainee an amount equal to the benefits the trainee would have received under the Post-9/11 GI Bill benefits or any other similar federal benefits related to military service had the program or instruction not been disqualified.*

Returned to Secretary of State April 8, 2022, and became law without Governor's signature April 10, 2022.

CHAPTER 92

(HB 121)

AN ACT relating to local school board meetings.

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

➔Section 1. KRS 160.270 is amended to read as follows:

- (1) Each board of education shall hold at least one (1) regular meeting each month, at a time and place fixed by the board. Special meetings may be called by the chairman. On request of three (3) members of the board, the secretary shall call a special meeting. Each member of the board shall have timely notice of each meeting and the nature, object, and purpose for which it is called. Any board member failing to attend three (3) consecutive regular meetings, unless excused by the board for reason satisfactory to it, shall be removed from office pursuant to KRS 415.050 and 415.060. A majority of the board shall constitute a quorum for the transaction of business, but a concurring vote by a majority of the board, the number of board members in the quorum notwithstanding, shall be necessary to take any particular action unless otherwise specified by statute.
- (2) *Each regular meeting shall include a public comment period of at least fifteen (15) minutes. Any board rules and policies regarding conduct during school board meetings shall apply during the public comment period.*
- (3)~~(2)~~ The secretary shall be present at the meetings of the board, except when his *or her* own tenure, salary, or the administration of his *or her* office is under consideration, and shall record in a book provided for that purpose all its official proceedings, which shall be a public record open to inspection.

Returned to Secretary of State April 8, 2022, and became law without Governor's signature April 12, 2022.

CHAPTER 93**(HB 529)**

AN ACT relating to the disclosure of laboratory test results and declaring an emergency.

WHEREAS, the 21st Century Cures Act, Pub. L. No. 114-255, included, among other provisions, requirements for health care providers to provide complete and immediate electronic health information to patients; and

WHEREAS, the 21st Century Cures Act, Pub. L. No. 114-255 allows states to establish exceptions to the requirements for health care providers; and

WHEREAS, with the immediate release of laboratory results, a patient may receive the results at the same time as the ordering health care provider and, in almost all circumstances, could read the report before the provider has an opportunity to review the results; and

WHEREAS, the General Assembly declares that, in certain instances, based on the types of laboratory tests ordered and the potential results of those tests, the ordering health care provider needs an opportunity to review the results prior to their release as part of the patient's electronic health record in order to provide the patient with appropriate medical guidance and emotional support, and to gather appropriate resources for the patient; and

WHEREAS, except in limited instances, the General Assembly declares that Kentucky's health care providers shall provide complete and immediate electronic health information to patients;

NOW, THEREFORE,

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 333 IS CREATED TO READ AS FOLLOWS:

- (1) *Notwithstanding any other provision of law to the contrary, except as provided by subsection (2) of this section, a health care provider requesting that a medical laboratory test for a patient is performed shall not engage in information blocking as described in 42 U.S.C. sec. 300jj-52.*
- (2) *The following reports or test results and any other related results shall not be disclosed to a patient as part of the patient's electronic health record, or in the case of a clinical laboratory test result, or pathology report, shall not be disclosed by the person or entity that administers and controls the patient's electronic health record, until seventy-two (72) hours after the results are finalized, unless the health care provider directs the release of the results before the end of that seventy-two (72) hour period:*
 - (a) *Pathology reports or radiology reports that have a reasonable likelihood of showing a finding of malignancy; or*
 - (b) *Tests that could reveal genetic markers.*

➔Section 2. KRS 333.150 is amended to read as follows:

- (1) A medical laboratory shall examine human specimens only at the request of a licensed physician, podiatrist, dentist, or other person authorized by law to use the findings of medical laboratory examinations. The results of a test shall be reported to the licensed health care provider who requested it.
- (2) Medical laboratory results may be transmitted to:
 - (a) Any health care provider who is treating the patient;
 - (b) An electronic health information exchange or network for the purposes of transmitting medical laboratory results to the ordering provider and to any other provider for the purposes of treatment, payment, or operations if patient consent has been obtained under the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191; and
 - (c) An electronic health information exchange or network for the purpose of meeting the requirements of the American Recovery and Reinvestment Act of 2009, Pub. L. No. 111-5, and its related federal regulations, *and the 21st Century Cures Act, Pub. L. No. 114-255, and its related federal regulations.*

- (3) All transactions under subsection (2) of this section shall be in compliance with the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191.
- (4) Laboratory reports shall include the name of the director and the name and address of the medical laboratory in which the test was actually performed. All specimens accepted by a medical laboratory shall be tested on the premises except that specimens for infrequently performed tests may be forwarded for examination to another medical laboratory licensed under this chapter or to a medical laboratory located outside this state if licensed or approved by the appropriate agency of the state concerned.

➔Section 3. Whereas the federal law requiring the immediate release of electronic health information is already in effect and it is vitally important that Kentucky's health care providers have an opportunity to review certain ordered medical test results prior to their release as part of a patient's electronic health record, an emergency is declared to exist, and this Act shall take effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Returned to Secretary of State April 8, 2022, and became law without Governor's signature April 12, 2022.

CHAPTER 94

(HB 562)

AN ACT relating to first responders.

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

➔Section 1. KRS 15.518 is amended to read as follows:

- (1) As used in this section, unless the context requires otherwise:
 - (a) "Commissioner" means the commissioner of the department;
 - (b) "Department" means the Department of Criminal Justice Training of the Justice and Public Safety Cabinet;
 - (c) "Fund" means the Law Enforcement Professional Development and Wellness Program fund established in subsection (8) of this section; and
 - (d) "Program" means the Law Enforcement Professional Development and Wellness Program established in this section.
- (2) The department shall develop a Law Enforcement Professional Development and Wellness Program.
- (3) The program shall use seminar-based peer support and counseling services designed to reduce negative mental and behavioral health outcomes.
- (4) The program shall be offered to Kentucky law enforcement officers at least two (2) times each calendar year.
- (5) On a limited basis, the program may be offered to law enforcement officers from states other than Kentucky upon application to and approval by the commissioner. However, no Kentucky law enforcement officers may be denied admission to the program if law enforcement officers from another state are admitted to the program.
- (6) The department shall promulgate administrative regulations in accordance with KRS Chapter 13A to implement this section. The administrative regulations shall address, at a minimum:
 - (a) The required qualifications and duties of any person used by the department to implement or administer the program;
 - (b) The curriculum, programming, seminar type, and treatment modalities used in the program;
 - (c) The extent to which a participating officer's relatives or friends may participate in seminars;
 - (d) The standards by which law enforcement officers from other states may be accepted into the program by the commissioner; and

- (e) A protocol for establishing reciprocity for interagency assistance with other state, federal, and tribal law enforcement agencies and officers in administering the program.
- (7) (a) Except as provided in paragraphs (b) and (c) of this subsection, communications, identifying data, and any reports made in the application for or in the course of an officer's participation in the program shall be confidential and privileged from disclosure in any civil or criminal proceeding and shall not be subject to discovery, disclosure, or production upon the order or subpoena of a court or other agency with subpoena power, regardless of who possesses them. The participating officer is the holder of the privilege.
- (b) The department may use anonymous data for research, statistical analysis, and educational purposes.
- (c) Any communication making an actual threat of physical violence against a clearly identified or reasonably identifiable victim or an actual threat of some specific violent act may be revealed by the program in order to prevent the commission of any physical violence or violent act using the protocol established in KRS 202A.400.
- (8) (a) There is hereby established in the State Treasury a restricted fund to be known as the Law Enforcement Professional Development and Wellness Program fund.
- (b) The fund shall consist of moneys received from the Kentucky Law Enforcement Foundation Program fund established in KRS 15.430, grants, gifts, state appropriations, and federal funds.
- (c) The fund shall be administered by the department.
- (d) Amounts deposited in the fund shall be used only for administration of the program.
- (e) Notwithstanding KRS 45.229, fund amounts not expended at the close of a fiscal year shall not lapse but shall be carried forward to the next fiscal year.
- (f) Any interest earnings of the fund shall become a part of the fund and shall not lapse.
- (g) Moneys deposited in the fund are hereby appropriated for the purposes set forth in this section and shall not be appropriated or transferred by the General Assembly for any other purposes.
- (9) (a) ***For the purposes of this subsection, "critical incident" means any event that has a stressful impact sufficient enough to overwhelm a peace officer's usual coping strategies. These events may include:***
1. *An officer-involved shooting;*
 2. *A vehicle crash resulting in serious injury or death to an officer or citizen;*
 3. *An officer being the victim of a felonious assault;*
 4. *The death of a colleague or partner;*
 5. *The death of, or serious injury to, a person in the custody of the officer;*
 6. *The severe injury to, or death of, a child, particularly if the officer has a child of or near the same age; or*
 7. *An incident involving multiple deaths or injuries in a short amount of time.*
- (b) ***Any peace officer involved directly in a critical incident may take up to forty-eight (48) hours of leave immediately following a critical incident. This leave may commence upon:***
1. *The completion of that peace officer's shift encompassing the critical incident, or when all necessary administrative procedures relating to a critical incident have been completed; and*
 2. *The officer informs his or her supervisor.*
- (c) ***This leave may be unpaid or paid leave. The pay status is to be determined by the officer's employment contract, collective labor agreement if any, or by written departmental policy.***
- (d) ***This subsection shall not be construed to set aside any employment contract, labor agreement, or departmental policies that grant more than forty-eight (48) hours of leave following an officer involved critical incident.***

➔Section 2. KRS 95A.292 is amended to read as follows:

- (1) The commission shall establish the Alan "Chip" Terry Professional Development and Wellness Program for firefighters.
- (2) The program shall:
 - (a) Use seminar-based peer support and counseling services designed to reduce negative mental and behavioral health outcomes; and
 - (b) Be offered to Kentucky professional and volunteer firefighters in Kentucky at least two (2) times each calendar year.
- (3) On a limited basis, the program may be offered to professional and volunteer firefighters from states other than Kentucky upon application to and approval by the executive director. However, no Kentucky professional and volunteer firefighters may be denied admission to the program if professional and volunteer firefighters from another state are admitted to the program.
- (4) The commission shall promulgate administrative regulations in accordance with KRS Chapter 13A to implement this section. The administrative regulations shall address, at a minimum:
 - (a) The required qualifications and duties of any person used by the commission to implement or administer the program;
 - (b) The curriculum, programming, seminar type, and treatment modalities used in the program;
 - (c) The extent to which a participating firefighter's relatives or friends may participate in seminars;
 - (d) The standards by which professional and volunteer firefighters from other states may be accepted into the program by the executive director; and
 - (e) A protocol for establishing reciprocity for interagency assistance with other state, federal, and tribal professional and volunteer firefighters in administering the program.
- (5)
 - (a) Except as provided in paragraphs (b) and (c) of this subsection, communications, identifying data, and any reports made in the application for or in the course of a firefighter's participation in the program shall be confidential and privileged from disclosure in any civil or criminal proceeding and shall not be subject to discovery, disclosure, or production upon the order or subpoena of a court or other agency with subpoena power, regardless of who possesses them. The participating firefighter is the holder of the privilege.
 - (b) The commission may use anonymous data for research, statistical analysis, and educational purposes.
 - (c) Any communication making an actual threat of physical violence against a clearly identified or reasonably identifiable victim or an actual threat of some specific violent act may be revealed by the program in order to prevent the commission of any physical violence or violent act using the protocol established in KRS 202A.400.
- (6)
 - (a) There is hereby established in the State Treasury a restricted fund to be known as the professional and volunteer firefighters professional development and wellness program fund.
 - (b) The fund shall consist of moneys received from the Firefighters Foundation Program Fund established in KRS 95A.220, grants, gifts, state appropriations, and federal funds.
 - (c) The fund shall be administered by the commission.
 - (d) Amounts deposited in the fund shall be used only for administration of the program.
 - (e) Notwithstanding KRS 45.229, fund amounts not expended at the close of a fiscal year shall not lapse but shall be carried forward to the next fiscal year.
 - (f) Any interest earnings of the fund shall become a part of the fund and shall not lapse.
 - (g) Moneys deposited in the fund are hereby appropriated for the purposes set forth in this section and shall not be appropriated or transferred by the General Assembly for any other purposes.
- (7)
 - (a) ***For the purposes of this subsection, "critical incident" means any event that has a stressful impact sufficient enough to overwhelm a firefighter's usual coping strategies. These events may include:***
 1. ***A fire or vehicle crash resulting in serious injury or death to a first responder or citizen;***
 2. ***A firefighter being the victim of a felonious assault;***

3. *The death of a colleague or partner;*
 4. *A death of, or serious injury to, a person in the medical care of the firefighter;*
 5. *The severe injury to, or death of, a child, particularly if the firefighter has a child of or near the same age; or*
 6. *An incident involving multiple deaths or injuries in a short amount of time.*
- (b) *Any firefighter involved directly in a critical incident may take up to forty-eight (48) hours of leave immediately following a critical incident. This leave may commence upon:*
1. *The completion of that firefighter's shift encompassing the critical incident, or when all necessary administrative procedures relating to a critical incident have been completed; and*
 2. *The firefighter informs his or her supervisor.*
- (c) *For regular firefighters, this leave may be unpaid or paid leave. The pay status is to be determined by the firefighter's employment contract, collective labor agreement if any, or by written departmental policy. This subsection shall not be construed to set aside any employment contract, labor agreement, or departmental policies that grant more than forty-eight (48) hours of leave following an officer involved critical incident.*
- (d) *For volunteer firefighters, this leave may be unpaid or paid leave. The pay status is to be determined by the firefighter's written departmental policy.*

➔Section 3. KRS 337.100 is amended to read as follows:

- (1) No employer shall terminate an employee who is a volunteer firefighter, rescue squad member, emergency medical technician, peace officer, or a member of an emergency management agency because that employee, when acting as a volunteer firefighter, rescue squad member, emergency medical technician, peace officer, or a member of an emergency management agency, is absent or late to the employee's employment in order to respond to an emergency prior to the time the employee is to report to his or her place of employment.
- (2) *No employer shall terminate an employee who is a volunteer firefighter, rescue squad member, emergency medical technician, peace officer, or a member of an emergency management agency because that employee, when acting as a volunteer firefighter, rescue squad member, emergency medical technician, peace officer, or a member of an emergency management agency, takes leave following a critical incident pursuant to Sections 1 and 2 of this Act.*
- (3){(2)} An employer may charge any time that an employee who is a volunteer firefighter, rescue squad member, emergency medical technician, peace officer, or a member of an emergency management agency loses from employment because of the employee's response to an emergency against the employee's regular pay.
- (4){(3)} An employer may request an employee who loses time from the employee's employment to respond to an emergency to provide the employer with a written statement from the supervisor or acting supervisor of the volunteer fire department, rescue squad, emergency medical services agency, law enforcement agency, or the director of the emergency management agency stating that the employee responded to an emergency and listing the time and date of the emergency.
- (5){(4)} No employer shall terminate an employee who is a volunteer firefighter, rescue squad member, emergency medical technician, peace officer, or member of an emergency management agency who is absent for a period of no more than twelve (12) months from the employee's employment because of injuries incurred in the line of duty. The volunteer firefighter, rescue squad member, emergency medical technician, peace officer, or member of an emergency management agency shall provide, at the request of his or her employer:
 - (a) A written statement from the supervisor, acting supervisor, or director of the volunteer fire department, rescue squad, emergency medical services agency, law enforcement agency, or emergency management agency under whose command the employee was on active duty and on assignment with that fire department, rescue squad, emergency medical services agency, law enforcement agency, or emergency management agency when the injury occurred; and
 - (b) A written statement from at least one (1) licensed and practicing physician stating that the volunteer firefighter, rescue squad member, emergency medical technician, peace officer, or member of an emergency management agency is injured and a date for the employee's return to work.

- ~~(6)(5)~~ Any employee that is terminated in violation of the provisions of this section may bring a civil action against his or her employer. The employee may seek reinstatement to the employee's former position, payment of back wages, reinstatement of fringe benefits, and where seniority rights are granted, the reinstatement of seniority rights. In order to recover, the employee shall file this action within one (1) year of the date of the violation of this section.

Signed by Governor April 8, 2022.

CHAPTER 95

(SB 164)

AN ACT relating to the Imagination Library of Kentucky Program and making an appropriation therefor.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 171 IS CREATED TO READ AS FOLLOWS:

- (1) *The Imagination Library of Kentucky Program is hereby established. The purpose of the program shall be to promote the development of a comprehensive statewide initiative for encouraging preschool children to develop a love of reading and learning. For purposes of this section, "state program" means the Imagination Library of Kentucky Program.*
- (2) *State program funds shall be used to provide, through Dolly Parton's Imagination Library, one (1) age-appropriate book to each registered child from birth to age five (5) in participating counties. Books shall be sent monthly to each child's home at no cost to families. The state program shall contribute the fifty percent (50%) match of the funds, if available, required of local programs participating in Dolly Parton's Imagination Library.*
- (3) *The Department for Libraries and Archives shall administer the state program, including but not limited to:*
 - (a) *Promoting the statewide development of county-level Dolly Parton's Imagination Library programs;*
 - (b) *Advancing and strengthening local Dolly Parton's Imagination Library programs with the goal of increasing family enrollment in those programs;*
 - (c) *Recruiting volunteers to assist in the development, promotion, and coordination of the state program;*
 - (d) *Soliciting donations, gifts, and other funding to financially support the local Dolly Parton's Imagination Library programs;*
 - (e) *Developing community engagement;*
 - (f) *Administering the state and local programs' dollar matching requirements;*
 - (g) *Coordinating the collection and remittance of local program costs for books and mailing; and*
 - (h) *Developing statewide marketing and communication plans.*
- (4) *The Imagination Library of Kentucky Program trust fund is hereby created as a trust fund in the State Treasury to be administered by the Department for Libraries and Archives for the purposes set forth in this section.*
 - (a) *The trust fund shall consist of state general fund appropriations, gifts and grants from public and private sources, and federal funds. All moneys included in the fund shall be appropriated for the purposes set forth in this section.*
 - (b) *Any unallotted or unencumbered balances in the trust fund shall be invested as provided in KRS 42.500(9). Income earned from the investments shall be credited to the trust fund.*
 - (c) *Notwithstanding KRS 45.229, any fund balance at the close of the fiscal year shall not lapse but shall be carried forward to the next fiscal year and continuously appropriated only for the purposes specified in this section.*

Signed by Governor April 8, 2022.

CHAPTER 96**(SB 276)**

AN ACT relating to Medicaid coverage for sickle cell disease.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO READ AS FOLLOWS:

- (1) *The cabinet shall conduct an annual review of all medications, services, and forms of treatment for enrollees with a diagnosis of sickle cell disease that are eligible for coverage under the Kentucky medical assistance program. The purpose of the annual review shall be to determine if the available covered medications, services, and treatments are adequate to meet the need of enrollees with a diagnosis of sickle cell disease and if Department for Medicaid Services should seek to expand coverage to include additional medications, services, and treatments.*
- (2) *When conducting the annual review required by this section, the cabinet shall solicit and consider input from the general public with specific emphasis on obtaining input from individuals or groups with knowledge and experience in the area of sickle cell disease treatment.*
- (3)
 - (a) *No later than January 15, 2023, and no later than January 15 each year thereafter, the cabinet shall submit a report to the Legislative Research Commission for distribution to the appropriate subject matter committees. The report required by this subsection shall detail the cabinet's findings from the annual review required by this section and any recommendations based on those findings.*
 - (b) *The cabinet shall make the report required by paragraph (a) of this subsection available on its Web site in a manner that is accessible by the general public.*
- (4) *This section may be cited as Emily's Law.*

Signed by Governor April 8, 2022.

CHAPTER 97**(SB 23)**

AN ACT relating to theft of mail matter.

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

➔Section 1. KRS 514.140 is amended to read as follows:

- (1) A person is guilty of theft of mail matter when with intent to deprive the owner thereof he *or she*:
 - (a) Steals;
 - (b) By fraud or deception obtains;
 - (c) Embezzles;
 - (d) Conceals;
 - (e) Damages; or
 - (f) Destroys;

any mail matter of another (including but not limited to any letter, postal card, package, bag, or other item) from any letterbox, mail receptacle, or other authorized depository for mail matter, or from a letter carrier, postal vehicle, or private mail box or which has been left for collection or delivery adjacent thereto by the United States Postal Service, *common carrier, or delivery service*.

- (2) Theft of mail matter is a Class D felony.

Signed by Governor April 8, 2022.

CHAPTER 98

(SB 378)

AN ACT relating to the Crime Victims Compensation Board.

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

➔Section 1. KRS 49.010 is amended to read as follows:

- (1) The Office of Claims and Appeals is created within the Public Protection Cabinet and shall constitute a statutory administrative office of the state government within the meaning of KRS Chapter 12.
- (2) The Office of Claims and Appeals shall consist of three (3) separate and distinct administrative boards attached to the office within the meaning of KRS 12.020:
 - (a) The Board of Tax Appeals;
 - (b) The Board of Claims; and
 - (c) The Crime Victims Compensation Board.
- (3) The executive director of the Office of Claims and Appeals shall be appointed by the secretary of the Public Protection Cabinet with the approval of the Governor in accordance with KRS 12.050. The secretary of the Public Protection Cabinet is the appointing authority for the Office of Claims and Appeals, and the executive director shall be directly responsible to the secretary of the Public Protection Cabinet and shall perform the functions, powers, and duties provided by law and prescribed by the secretary of the Public Protection Cabinet. The executive director shall:
 - (a) Carry out the policy and program directives of the boards;
 - (b) Be responsible for the day-to-day operations of the office;
 - (c) Establish appropriate organizational structures and personnel policies;
 - (d) Prepare annual reports on the office's and boards' activities;
 - (e) Prepare budgets; ~~and~~
 - (f) Perform all other duties as directed by the secretary and the boards and necessary for the operations of the office; **and**
 - (g) ***Keep written records documenting the completion of training by staff for and members of the Crime Victims Compensation Board.***
- (4) The Office of Claims and Appeals shall be authorized to:
 - (a) Employ necessary staff, secure adequate office space, and execute other administrative and logistical matters as may be necessary to ensure proper functioning of the office;
 - (b) Promulgate, amend, and repeal suitable administrative regulations to carry out the provisions and purposes of the office's statutory authority;
 - (c) Publicize widely the functions and purposes of the Office of Claims and Appeals and its attached boards; ~~and~~
 - (d) Enter into agreements with any state agency, political subdivision of the state, postsecondary education institution, or other person or entity to enlist assistance to implement the duties and responsibilities of the office; **and**
 - (e) ***Ensure that staff for the Crime Victims Compensation Board receives trauma-informed training to understand the challenges faced by victims of crime, including factors that may result in the delayed filing of a claim. Staff shall receive six (6) hours of training under this paragraph within thirty (30)***

days of being hired, and three (3) hours of training each year thereafter. Training pursuant to this paragraph may be developed in collaboration with organizations and agencies that specialize in victim services and victim advocacy.

- (5) The principal office of the Office of Claims and Appeals shall be at Frankfort, Kentucky, and shall be open during regular working hours for the conduct of its business.

➔Section 2. KRS 49.020 is amended to read as follows:

- (1) (a) As used in this section and KRS 49.220, "revenue and taxation agency" means and includes any agency of state, county, and local government, including special taxing districts, that issues final rulings, orders, or determinations affecting revenue and taxation.
- (b) The Board of Tax Appeals created by KRS 49.010 shall have the power and authority to hear and determine appeals from final rulings, orders, and determinations of any revenue and taxation agency.
- (2) (a) The Board of Tax Appeals shall consist of three (3) members appointed by the Governor, subject to Senate confirmation in accordance with KRS 11.160 for each appointment or reappointment. One (1) member shall be appointed initially for a two (2) year term. One (1) member shall be appointed initially for a three (3) year term. One (1) member shall be appointed initially for a four (4) year term. Thereafter, all appointments to the board shall be for a four (4) year term. There shall be no limit to the amount of reappointments a member shall receive.
- (b) Vacancies for unexpired terms shall be filled in the same manner as regular appointments, but the appointees shall hold office only to the end of the unexpired term of the member replaced.
- (c) The Governor shall appoint a chairperson for the board, subject to Senate confirmation in accordance with KRS 11.160 for each appointment or reappointment. The chairperson shall be appointed for a four (4) year term and shall be an attorney with the qualifications required of candidates for Circuit Judge. The chairperson shall be the presiding officer over appeals heard by the board.
- (d) The Governor shall establish the compensation, not to include benefits, of the members of the board pursuant to KRS 64.640.
- (e) Two (2) of the members shall be attorneys with the qualifications required of candidates for Circuit Judge. One (1) of the members shall have a background in taxation. No member shall engage in any occupation or business inconsistent with his or her duties as such a member.
- (3) The Crime Victims Compensation Board created by KRS 49.010 shall have the power and authority to hear and determine all matters relating to a claim by a crime victim or a person authorized by law to act on behalf of a crime victim for compensation.
- (4) (a) The Crime Victims Compensation Board shall consist of three (3) members appointed by the Governor, not all of whom shall be engaged in the same occupation or profession. Appointed board members shall be subject to Senate confirmation in accordance with KRS 11.160 for each appointment or reappointment. Members shall be appointed for a four (4) year term. There shall be no limit to the amount of reappointments a member may receive. One (1) member shall be appointed initially for a two (2) year term. One (1) member shall be appointed initially for a three (3) year term. One (1) member shall be appointed initially for a four (4) year term. Thereafter, all appointments to the board shall be for a four (4) year term. Two (2) of the appointees shall be a victim as defined in KRS 421.500(1), the parent, spouse, sibling, or child of a victim as defined in KRS 421.500(1), whether or not the victim is deceased, or a victim advocate as defined in KRS 421.570(1); and the other appointee shall be an attorney licensed to practice law in this state with two (2) years of experience.
- (b) Vacancies for unexpired terms shall be filled in the same manner as regular appointments, but the appointees shall hold office only to the end of the unexpired term of the member replaced.
- (c) The Governor shall appoint a chairperson for the board, subject to Senate confirmation in accordance with KRS 11.160 for each appointment or reappointment. The chairperson shall be appointed for a four (4) year term.
- (d) The Governor shall establish the compensation, not to include benefits, of the members of the board pursuant to the provisions of KRS 64.640.
- (5) The Board of Claims created by KRS 49.010 shall have the following powers and authority to investigate, hear proof, and compensate persons for damages sustained to either person or property as a proximate result of

negligence on the part of the Commonwealth, any of its cabinets, departments, bureaus, or agencies, or any of its officers, agents, or employees while acting within the scope of their employment by the Commonwealth or any of its cabinets, departments, bureaus, or agencies; except, however, regardless of any provision of law to the contrary, the Commonwealth, its cabinets, departments, bureaus, and agencies, and its officers, agents, and employees, while acting within the scope of their employment by the Commonwealth or any of its cabinets, departments, bureaus, or agencies, shall not be liable for collateral or dependent claims which are dependent on loss to another and not the claimant or damages for mental distress or pain or suffering, and compensation shall not be allowed, awarded, or paid for such claims for damages.

- (6) (a) The Board of Claims shall consist of three (3) members appointed by the Governor, subject to Senate confirmation in accordance with KRS 11.160 for each appointment or reappointment. One (1) member shall be appointed initially for a two (2) year term. One (1) member shall be appointed initially for a three (3) year term. One (1) member shall be appointed initially for a four (4) year term. Thereafter, all appointments to the board shall be for a four (4) year term. There shall be no limit to the amount of reappointments a member shall receive.
- (b) Vacancies for unexpired terms shall be filled in the same manner as regular appointments, but the appointees shall hold office only to the end of the unexpired term of the member replaced.
- (c) The Governor shall appoint a chairperson for the board, subject to Senate confirmation in accordance with KRS 11.160 for each appointment or reappointment. The chairperson shall be appointed for a four (4) year term, and shall be an attorney with the qualifications required of a candidate for Circuit Judge. The chairperson shall be the presiding officer over appeals heard by the board.
- (d) The Governor shall establish the compensation, not to include benefits, of the members of the board pursuant to the provision of KRS 64.640.
- (e) Two (2) of the members shall be attorneys with the qualifications required of candidates for Circuit Judge and have a background and working knowledge in Kentucky tort law. One (1) member shall have a background in business. No member shall engage in any occupation or business inconsistent with his or her duties as such a member.
- (7) The Board of Tax Appeals, the Board of Claims, and the Crime Victims Compensation Board shall each be separately authorized to:
 - (a) Promulgate, amend, and repeal suitable administrative regulations to carry out the provisions and purposes of the board's statutory authority;
 - (b) Issue subpoenas and discovery orders, and to petition a court of competent jurisdiction for any order necessary to carry out the board's powers and duties;
 - (c) Take or cause to be taken affidavits or depositions within or without the state;
 - (d) Administer or cause to be administered oaths;
 - (e) Except for the power to issue final decisions on the merits of a claim or appeal, to delegate any of its power or authority to the Office of Claims and Appeals; and
 - (f) Publicize widely the functions and purposes of the board.
- (8) If any appointed board member has a conflict of interest, as contemplated by KRS 11A.030, involving any matter pending before the board, the secretary of the cabinet shall appoint a member of one (1) of the other boards administered by the Office of Claims and Appeals as a substitute member. Following appointment, the substitute board member shall serve in place of the member who has a conflict for all actions and votes relevant to that matter.
- (9) Members of the Board of Tax Appeals, Board of Claims, and Crime Victims Compensation Board shall receive new member orientation and annual training to discuss new legislation, pertinent court decisions, and board policies and procedures. ***Members of the Crime Victims Compensation Board shall receive trauma-informed training to understand the challenges faced by victims of crime, including factors that may result in the delayed filing of a claim. Members shall receive six (6) hours of training under this subsection within thirty (30) days of appointment, and three (3) hours of training each year thereafter. Training pursuant to this subsection may be developed in collaboration with organizations and agencies that specialize in victim services and victim advocacy.***

- (10) The boards shall meet as often as necessary to perform their statutory responsibilities as outlined in this chapter. A majority of the members of the commission shall constitute a quorum for the transaction of business.
- (11) Immediately following June 29, 2021, the Governor shall review the current board, determine any members that are no longer qualified, and appoint new members to the board if necessary.

Signed by Governor April 8, 2022.

CHAPTER 99

(HB 279)

AN ACT relating to motor vehicles.

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

➔Section 1. KRS 186.032 is amended to read as follows:

- (1) *As used in this section, "communication disorder" means a health condition or disability that may impede effective communication with a peace officer.*
- (2) ~~[At the time of initial application for registration or application for renewal,]~~The owner or lessee of a motor vehicle may inform the county clerk that he or she, or someone who may be operating the vehicle, is deaf or hard of hearing and request that information be included in the Kentucky vehicle registration system database to assist law enforcement in identifying the operator of the vehicle as possibly being deaf or hard of hearing.
- (3) *The owner or lessee of a motor vehicle may inform the county clerk that he or she, or someone who may be operating the vehicle, has a communication disorder and request that information be included in the Kentucky vehicle registration system database to assist law enforcement in identifying the operator of the vehicle as possibly having a communication disorder.*
- ~~(4)(2)~~ (a) The deaf or hard of hearing protection trust fund is created as a separate trust fund in the State Treasury. The trust fund shall consist of any proceeds from gifts, grants, contributions, appropriations, or other moneys made available for the purposes of the trust fund.
- (b) The fund shall be administered by the Kentucky Commission on the Deaf or Hard of Hearing.
- (c) Notwithstanding KRS 45.229, trust fund amounts not expended at the close of a fiscal year shall not lapse but shall be carried forward to the next fiscal year.
- (d) Any interest earnings of the trust fund shall become part of the trust fund and shall not lapse.
- (e) Trust fund moneys deposited in this fund shall only be used to:
1. Reimburse the Transportation Cabinet for the cost of including information that someone is deaf or hard of hearing *or has a communication disorder* in the Kentucky vehicle registration system database;
 2. Support other actions to protect the safety and welfare of persons who are deaf or hard of hearing *or have a communication disorder*; and
 3. Educate the public, ~~and~~ the deaf and hard of hearing community, *and the communication disorder community* on issues confronting the deaf and hard of hearing *and those with communication disorders*.
- (5) (a) *Every county clerk shall post a permanent notice containing information about the availability of a deaf or hard of hearing or a communication disorder designation in the Kentucky vehicle registration database. The notice shall be printed in bold face type of sufficient point size to be read from a distance of at least three (3) feet. The notice shall be posted in a conspicuous place to ensure that every person who enters the county clerk's office will readily see the notice.*

- (b) *The Transportation Cabinet shall put information on its Web site about the availability of a deaf or hard of hearing or a communication disorder designation in the Kentucky vehicle registration database.*

➔Section 2. This Act takes effect January 1, 2024.

Signed by Governor April 8, 2022.

CHAPTER 100

(HB 49)

AN ACT relating to changes in pension payments due to overtime worked during a local emergency and declaring an emergency.

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

➔Section 1. KRS 61.598 is amended to read as follows:

- (1) For purposes of this section, "bona fide promotion or career advancement":
- (a) Means a professional advancement in substantially the same line of work held by the employee in the four (4) years immediately prior to the final five (5) fiscal years preceding retirement or a change in employment position based on the training, skills, education, or expertise of the employee that imposes a significant change in job duties and responsibilities to clearly justify the increased compensation to the member; and
 - (b) Does not include any circumstance where an elected official participating in the Kentucky Employees Retirement System or the County Employees Retirement System takes a position of employment with a different employer participating in any of the state-administered retirement systems.
- (2) (a) For employees retiring from the Kentucky Employees Retirement System, the County Employees Retirement System, or the State Police Retirement System on or after January 1, 2018, the systems shall, for each of the retiring employee's last five (5) fiscal years of employment, identify any fiscal year in which the creditable compensation increased at a rate of ten percent (10%) or more annually over the immediately preceding fiscal year's creditable compensation. The employee's creditable compensation in the fiscal year immediately prior to the employee's last five (5) fiscal years of employment shall be utilized to compare the initial fiscal year in the five (5) fiscal year period.
- (b) Except as limited or excluded by subsections (3) and (4) of this section, any amount of increase in creditable compensation for a fiscal year identified under paragraph (a) of this subsection that exceeds ten percent (10%) more than the employee's creditable compensation from the immediately preceding fiscal year shall not be included in the creditable compensation used to calculate the retiring employee's monthly retirement allowance. If the creditable compensation for a specific fiscal year identified under paragraph (a) of this subsection as exceeding the ten percent (10%) increase limitation is not used to calculate the retiring employee's monthly retirement allowance, then no reduction in creditable compensation shall occur for that fiscal year.
- (c) If the creditable compensation of the retiring employee is reduced as provided by paragraph (b) of this subsection, the retirement systems:
1. Shall refund the employee contributions and interest attributable to the reduction in creditable compensation; and
 2. Shall not refund the employer contributions paid but shall utilize those funds to pay down the unfunded liability of the pension fund in which the retiring employee participated.
- (3) (a) In order to ensure the prospective application of the limitations on increases in creditable compensation contained in subsection (2) of this section, only the creditable compensation earned by the retiring employee on or after July 1, 2017, shall be subject to reduction under subsection (2) of this section. Creditable compensation earned by the retiring employee prior to July 1, 2017, shall not be subject to reduction under subsection (2) of this section.

- (b) If the reductions in creditable compensation during a retiring member's entire last five (5) years of employment results in a reduction in his or her monthly retirement allowance of less than twenty-five dollars (\$25) per month or an actuarially equivalent value under the various payment options, then no reduction in creditable compensation or retirement allowances shall occur under subsection (2) of this section.
- (4) Subsection (2) of this section shall not apply to:
- (a) A bona fide promotion or career advancement as defined by subsection (1) of this section;
 - (b) A lump-sum payment for compensatory time paid to an employee upon termination of employment;
 - (c) A lump-sum payment made pursuant to an alternate sick leave program under KRS 78.616(5) that is paid to an employee upon termination of employment;
 - (d) Increases in creditable compensation in a fiscal year over the immediately preceding fiscal year, where in the immediately preceding fiscal year the employer reported the employee as being on leave without pay for any reason, including but not limited to sick leave without pay, maternity leave, leave authorized under the Family Medical Leave Act, and any period of time where the employee received workers' compensation benefit payments that were not reported to the plan as creditable compensation;
 - (e) Increases in creditable compensation directly attributable to an employee's receipt of compensation for:
 - 1. Overtime hours worked while serving as a participating employee under any state or federal grant, grant pass-through, or similar program that requires overtime as a condition or necessity of the employer's receipt of the grant; *or*
 - 2. *The first one hundred (100) hours of mandatory overtime hours that the employee is individually required to work by the employer during a fiscal year. This subparagraph shall not be construed to apply to overtime hours voluntarily worked by the employee or in situations in which the employee has the option to elect out of participation in overtime hours. Any mandatory overtime hours exempt under this subparagraph shall be in addition to any overtime hours otherwise exempt under the provisions of this subsection;* and
 - (f) Increases in creditable compensation directly attributable to an employee's receipt of compensation for overtime performed during *and as a result of* a state of emergency declared by:
 - 1. The President of the United States or the Governor of the Commonwealth of Kentucky; *or*
 - 2. *A local government in which the Governor authorizes mobilization of the Kentucky National Guard pursuant to KRS 38.030 and 39A.950 during such time as the National Guard is mobilized.*
- (5) (a) For employees retiring on or after January 1, 2014, but prior to July 1, 2017, the last participating employer shall be required to pay for any additional actuarial costs resulting from annual increases in an employee's creditable compensation greater than ten percent (10%) over the employee's last five (5) fiscal years of employment that are not the direct result of a bona fide promotion or career advancement. The cost shall be determined by the retirement systems.
- (b) Lump-sum payments for compensatory time paid to an employee upon termination of employment shall be exempt from this subsection.
 - (c) The Authority shall be required to answer inquiries from participating employers regarding this subsection. Upon request of the employer prior to the employee's change of position or hiring, the systems shall make a determination that is binding to the systems as to whether or not a change of position or hiring constitutes a bona fide promotion or career advancement.
 - (d) For any additional actuarial costs charged to the employer under this subsection, the systems shall allow the employer to pay the costs without interest over a period of one (1) year from the date of receipt of the employer's final invoice.
- (6) The Authority shall determine whether increases in creditable compensation during the last five (5) fiscal years of employment prior to retirement constitute a bona fide promotion or career advancement and may promulgate administrative regulations in accordance with KRS Chapter 13A to administer this section. All state-administered retirement systems shall cooperate to implement this section.

- (7) Any employer who disagrees with a determination made by the system in accordance with this section regarding whether an increase in compensation constitutes a bona fide promotion or career advancement for purposes of subsection (5) of this section may request a hearing and appeal the decision in accordance with KRS 61.645(16) or 78.782(16).
- (8) For the fiscal year beginning July 1, 2017, and subsequent years, the Kentucky Retirement Systems and the County Employees Retirement System shall provide a means for employers to separately report the specific exceptions provided in subsection (4) of this section within the reporting system utilized by the employers for making employer reports under KRS 16.645, 61.675, and 78.545. The Kentucky Retirement Systems and the County Employees Retirement System shall continually provide communication, instructions, training, and educational opportunities for employers regarding how to appropriately report exemptions established by subsection (4) of this section.
- (9) This section shall not apply to employees participating in the hybrid cash balance plan as provided by KRS 16.583, 61.597, 78.5512, and 78.5516.

➔Section 2. The amendments to subsection (4)(f) of Section 1 of this Act shall be retroactive to May 28, 2020, and shall for purposes of local government emergencies issued on or after May 28, 2020, but prior to October 5, 2020, apply to any overtime worked from May 28, 2020, through May 11, 2021, regardless of whether or not the National Guard was mobilized for the entire period. The Kentucky Public Pensions Authority shall adjust the benefits of members, retirees, and recipients accordingly.

➔Section 3. Whereas the retirement benefits of public safety officers have been impacted due to overtime worked during emergencies declared by local governments, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 8, 2022.

CHAPTER 101

(HB 316)

AN ACT relating to cancer awareness.

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

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

- (1) *May 17 of each year is designated as "Diffuse Intrinsic Pontine Glioma Awareness Day" throughout the Commonwealth.*
- (2) *The Governor shall proclaim May 17 of each year as "Diffuse Intrinsic Pontine Glioma Awareness Day" to raise awareness and encourage research into effective treatments and cures.*

➔Section 2. This Act may be cited as the Candace Metten Act.

Signed by Governor April 8, 2022.

CHAPTER 102

(HB 363)

AN ACT relating to the apportionment of money in the CMRS fund.

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

➔Section 1. KRS 65.7621 is amended to read as follows:

As used in KRS 65.7621 to 65.7643, unless the context requires otherwise:

- (1) "Administrator" means the person who serves as the state 911 coordinator, the executive director of the Kentucky 911 Services Board, and the state administrator of CMRS emergency telecommunications under KRS 65.7625;
- (2) "Automatic location identification", or "ALI" means a feature by which the location or estimated location of the calling party is made available to a PSAP in accordance with applicable FCC rules and regulations;
- (3) "Automatic number identification", or "ANI" means a feature that allows for the automatic display of the 911 caller's ten-digit number, or equivalent, in accordance with applicable FCC rules and regulations;
- (4) **"Board" means the Kentucky 911 Services Board;**
- (5) "CMRS" means commercial mobile radio service under Sections 3(27) and 332(d) of the Federal Telecommunications Act of 1996, 47 U.S.C. secs. 151 et seq., and the Omnibus Budget Reconciliation Act of 1993, as it existed on August 10, 1993. The term includes the term "wireless" and service provided by any wireless real time two-way voice communication device, including radio-telephone communications used in cellular telephone service, personal communications service, and the functional or competitive equivalent of a radio-telephone communications line used in cellular telephone service, a personal communications service, or a network radio access line;
- ~~(5) "Board" means the Kentucky 911 Services Board;~~
- (6) "CMRS connection" means a mobile handset telephone number assigned to a CMRS customer;
- (7) "CMRS customer" means an end user to whom a mobile handset telephone number is assigned and to whom CMRS is provided in return for compensation;
- (8) "CMRS Fund" means the commercial mobile radio service emergency telecommunications fund;
- (9) "CMRS provider" means a person or entity who provides CMRS to an end user. The term includes both facilities-based resellers and nonfacilities-based resellers;
- (10) "CMRS service charges" means the CMRS postpaid service charge, the CMRS prepaid service charge, and the CMRS service charge fee levied under KRS 65.7636;
- (11) "CMRS postpaid service charge" means the CMRS emergency telephone service charge fee levied under KRS 65.7629(3) and collected under KRS 65.7635;
- (12) "CMRS prepaid service charge" means the fee imposed on prepaid wireless telecommunications service under KRS 65.7634 and collected under KRS 142.100 to 142.135;
- (13) **"Core services" or "next generation core services":**
 - (a) **Means the base set of services needed to process a 911 service request within a next generation 911 environment;**
 - (b) **Is limited to the functional elements essential to routing emergency calls based on location information through a managed emergency services Internet protocol network infrastructure; and**
 - (c) **Includes only the services, and not the network on which they operate;**
- (14) "FCC order" means the Order of the Federal Communications Commission, FCC Docket No. 94-102, adopted effective October 1, 1996, including any subsequent amendments or modifications thereof;
- ~~(15)~~~~(14)~~ "Local exchange carrier" or "LEC" means any person or entity who is authorized to provide telephone exchange service or exchange access in the Commonwealth;
- ~~(16)~~~~(15)~~ "Local government" means any city, county, charter county, or urban-county government of the Commonwealth, or any other governmental entity maintaining a PSAP;
- ~~(17)~~~~(16)~~ "Mobile telephone handset telephone number" means the ten (10) digit number assigned to a CMRS connection;
- ~~(18)~~~~(17)~~ "Next generation 911" means a 911 system where any device capable of making a 911 emergency request uses digital technology through managed emergency services Internet protocol networks composed of functional elements and databases that replicate enhanced 911 features and functions while providing additional multimedia capabilities for the PSAP. "Next generation 911" includes any technology, functions, capabilities, best practices, or processes, either currently existing or later developed, that will be used during and after the transition of the delivery of 911 services from analog to digital technology;

~~(19)~~~~(18)~~ "Prepaid wireless telecommunications service" means a wireless telecommunications service that, if purchased, is required to be paid for in advance and is either sold in predetermined units, dollars, or time which decline with use in a known amount, or is sold for unlimited use during a predetermined period of time;

"Prepaid wireless telecommunications service" includes service provided by prepaid wireless providers approved as eligible telecommunications companies by the Kentucky Public Service Commission to participate in the wireless low-income Lifeline program;

~~(20)~~~~(19)~~ "Prepaid wireless telecommunications service provider" means a person or entity that provides prepaid wireless telecommunications service as authorized by a license issued by the FCC;

~~(21)~~~~(20)~~ "Proprietary information" means information, including customer lists and other related information, technology descriptions, technical information, or trade secrets;

~~(22)~~~~(21)~~ "Pseudo-automatic number identification" means a wireless enhanced 911 service capability that enables the automatic display of the number of the cell site or cell face;

~~(23)~~~~(22)~~ "Public safety answering point" or "PSAP" means a communications facility that is assigned the responsibility to receive 911 calls originating in a given area and, as appropriate, to dispatch public safety services or to extend, transfer, or relay 911 calls to appropriate public safety agencies;

~~(24)~~~~(23)~~ "Purchaser" means a person who purchases prepaid wireless telecommunications service in a retail transaction;

~~(25)~~~~(24)~~ "Retail transaction" means the purchase of prepaid wireless telecommunications service from a retailer for any purpose other than resale;

~~(26)~~~~(25)~~ "Retailer" means a person who sells prepaid wireless telecommunications service to any person for a purpose other than resale;

~~(27)~~~~(26)~~ "Service connection" means the transmission, conveyance, or routing of voice, data, video, text, or any other information signal of the purchaser's choosing by any medium or method now in existence or later devised with the ability to directly connect the user to 911 emergency services;

~~(28)~~~~(27)~~ "Service supplier" means a person or entity who provides local exchange telephone service to a telephone subscriber;

~~(29)~~~~(28)~~ ***"Tier III CMRS provider" means a non-nationwide commercial mobile radio service provider with no more than five hundred thousand (500,000) subscribers as of December 31, 2001; and***

~~(30)~~ "Wireless enhanced 911 system," "wireless E911 system," "wireless enhanced 911 service," or "wireless E911 service" means an emergency telephone system that provides the end user of the CMRS connection with wireless 911 service and, in addition, directs 911 calls to appropriate public safety answering points based on the geographical location from which the call originated and provides the capability for automatic number identification and automatic location identification features in accordance with the requirements of the FCC order~~;~~ ~~and~~

~~(29)~~ ~~"Tier III CMRS provider" means a non-nationwide Commercial Mobile Radio Service provider with no more than five hundred thousand (500,000) subscribers as of December 31, 2001].~~

➔Section 2. KRS 65.7631 is amended to read as follows:

- (1) The moneys in the CMRS fund shall be apportioned among the approved uses of the fund as specified in this section. The board shall make individual disbursements from the fund upon such terms and conditions necessary in view of the amount of revenues on deposit at the time each request for disbursement is reviewed and approved.
- (2) Not more than two and one-half percent (2.5%) of the total monthly revenues deposited into the CMRS fund shall be disbursed or reserved for disbursement by the board to pay the administrative costs and expenses incurred in the operation of the board in carrying out the functions and duties set forth in KRS 65.7621 to 65.7643.
- (3) (a) ***Prior to August 1, 2022***, two and one-half percent (2.5%) of the total monthly revenues deposited into the CMRS fund shall be used solely for the purpose of establishing or maintaining statewide ~~next generation~~ 911 initiatives to assist with the adoption and operation of next generation 911 services and applications. Fund disbursements shall be limited to equipment, hardware, software, or contracted services used in the preparation for, or delivery of, next generation 911 ***systems and services***.

- (b) *On and after August 1, 2022, and before July 1, 2024, the rate shall be five percent (5%).*
 - (c) *On and after July 1, 2024, the rate shall be two and one-half percent (2.5%).*
- (4) (a) *Prior to August 1, 2022, ten percent (10%) of the total monthly revenues deposited into the CMRS fund shall be disbursed or reserved for disbursement to provide direct grants, matching money, or funds to PSAPs as determined by the Kentucky 911 Services Board:*
- 1.~~(a)~~ For the establishment and improvement of 911 services in the Commonwealth, including the implementation of next generation 911 capacity;
 - 2.~~(b)~~ For incentives to create more efficient delivery of 911 services by local governments receiving funding under subsection (5) of this section; *and*
 - 3.~~(c)~~ ~~For improvement of 911 infrastructure by Tier III wireless providers receiving funding under this section; and~~
- ~~(d)~~ For consolidation reimbursement of two hundred thousand dollars (\$200,000) per PSAP, not to exceed four hundred thousand dollars (\$400,000) per county, to any PSAP that consolidates with a CMRS-certified PSAP, or creates a newly consolidated Phase II compliant PSAP. Funds shall be applied toward the cost of consolidating. If a PSAP consolidates and receives reimbursement, the Kentucky 911 Services Board shall not certify a new PSAP within the same county for a period of ten (10) years.
- (b) *On and after August 1, 2022, and before July 1, 2024, the rate shall be seven and one-half percent (7.5%).*
 - (c) *On and after July 1, 2024, the rate shall be ten percent (10%).*

When the balance of money collected under this subsection and not yet obligated for permitted uses exceeds *two million five hundred thousand dollars (\$2,500,000)*~~three million dollars (\$3,000,000)~~ in any fiscal year, the excess amount shall be allocated under subsection (5) of this section.

- (5) The balance of the total monthly revenues deposited into the CMRS fund after the amounts disbursed or reserved for disbursement under subsections (2), (3), and (4) of this section have been subtracted shall be distributed to PSAPs eligible to receive disbursement from the CMRS fund under subsection (6) of this section who actually request disbursement, as follows:
- (a) Fifty percent (50%) of the remaining balance to be allocated under this subsection shall be distributed according to the "PSAP pro rata formula," whereby each *state police dispatch center that previously qualified for PSAP pro rata formula funding under subsection (6)(a)2.a. of this section but subsequently qualifies under subsection (6)(a)2.b. of this section* receives a percentage determined by dividing *one-half (1/2)*~~(1/4)~~ by the total number of PSAPs eligible to request and actually requesting disbursements under subsection (6) of this section. *The remaining balance to be allocated under this subsection shall be distributed to all remaining qualifying PSAPs equally.* Any PSAPs certified before January 1, 2004, or for more than three (3) years, that choose to consolidate their operations shall continue to receive pro-rata shares as if they remained separate and distinct entities. The consolidated entity must be certified to receive funds under subsection (6) of this section; and
 - (b) Fifty percent (50%) of the remaining balance to be allocated under this subsection shall be distributed according to a method chosen by the board and based on the wireless workload of the PSAP. Methods to be considered may be based on the number of wireless 911 calls answered by each PSAP, the number of wireless phone users served by each PSAP, or any other method deemed by the board to be reasonable and equitable. The method chosen by the board shall be promulgated as a regulation under KRS 65.7633.

All amounts distributed to PSAPs under this subsection shall be used by the PSAPs solely for the purposes of answering, routing, and properly disposing of 911 calls, training PSAP staff, and public education concerning appropriate use of 911, in accordance with KRS 65.760(4) and (5). Additionally, amounts distributed to PSAPs under this subsection may be used for the purposes of complying with the wireless E911 service requirements established by the FCC order and any rules and regulations which are or may be adopted by the Federal Communications Commission pursuant to the FCC order, including the payment of costs and expenses incurred in designing, upgrading, purchasing, leasing, programming, testing, installing, or maintaining all necessary data, hardware, and software required in order to provide wireless E911 service.

- (6) (a) Notwithstanding any other provision of the law, no PSAP shall be eligible to request or receive a disbursement from the CMRS fund under subsection (4)(a) or (b) or (5) of this section unless and until the PSAP:
1. Is expressly certified as a PSAP by the Kentucky 911 Services Board, upon written application to the board;
 2. Demonstrates that the PSAP is:
 - a. Providing E911 services to a local government that has adopted an ordinance either imposing a special tax, license, or fee as authorized by KRS 65.760(3) or has established other means of funding wireline 911 emergency service; *or*
 - b. *A state police dispatch center that actively serves as an alternate or backup PSAP for one (1) or more nonstate police PSAPs;*
 3. Demonstrates that the administrator of the PSAP sent a request for wireless, E911 service to a CMRS provider, and that the infrastructure of the local exchange carrier will support wireless E911 service;
 4. Provides an accounting of the number of wireless E911 calls received by the PSAP during the prior calendar year if requested by the board; ~~and~~
 5. Demonstrates that the PSAP has made the investment which is necessary to allow the PSAP to receive and utilize the data elements associated with wireless E911 service; *and*
 6. *Adopts and participates in, or provides a compatible service to, board-funded statewide next generation 911 projects, programs, and initiatives required to meet federal directives, and supports or implements next generation 911 emergency services Internet protocol networks, core services, and geographic information services components.*
- (b) In addition to the requirements of paragraph (a) of this subsection and in order to encourage the additional consolidation of PSAPs by local governments and state government agencies, after January 1, 2017, a PSAP shall receive priority consideration for distributions of funds from subsection (4)(a) and (b) of this section as follows:
1. A PSAP that is not a state police dispatch center and that covers all local governments within two (2) or more counties shall receive first priority in the distribution of the funds by the board;
 2. A PSAP, including any state police dispatch center, that covers all the local governments within a single county shall receive second priority in the distribution of the funds by the board; and
 3. A PSAP, *including any state police dispatch center*, that does not cover all of the local governments within a single county shall receive the last priority for the distribution of the funds listed in this subsection by the board.

→Section 3. This Act takes effect August 1, 2022.

Signed by Governor April 8, 2022.

CHAPTER 103

(HB 399)

AN ACT relating to local government.

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

→Section 1. KRS 42.455 is amended to read as follows:

- (1) There is established within the Department for Local Government a Local Government Economic Assistance Program to consist of a system of grants to local governments to improve the environment for new industry and to improve the quality of life for the residents.

- (2) Grants obtained under this program shall be used for priority expenditures. Thirty percent (30%) of all moneys in the fund shall be spent on the coal haul road system as described in subsection (8)~~[(7)]~~ of this section. The remaining seventy percent (70%) of the fund shall be spent on priority categories limited to the following, but in no event shall grants obtained under this program be used for expenses related to administration of government:
- (a) Public safety, including law enforcement, fire protection, ambulance service, and other related services;
 - (b) Environmental protection, including sewage disposal, sanitation, solid waste, and other related programs;
 - (c) Public transportation, including mass transit systems, streets, and roads;
 - (d) Health;
 - (e) Recreation;
 - (f) Libraries and educational facilities;
 - (g) Social services for the poor, the elderly, and individuals with disabilities;
 - (h) Industrial and economic development;
 - (i) Vocational education;
 - (j) Workforce training; and
 - (k) Secondary wood industry development.
- (3) The use of entitlement funds for repayment of debt as related to long-term bond issues is permissible as long as the revenue from the bond issues is expended on priority categories.
- (4) Grants obtained under this program may be used as local portion to secure federal programs as long as program expenditures are in the priority category area. Interest earned on funds received by local units of government shall be considered available for use by the local unit of government in the priority expenditure categories.
- (5) The Department for Local Government shall be responsible for the promulgation of rules and regulations necessary to implement the grants programs authorized by this section.
- (6) ~~[/The Department for Local Government shall assure that a public hearing is held on the expenditure of funds received under KRS 42.450 to 42.495. Advertisement of the public hearing shall be published at least once but may be published two (2) or more times, provided that one (1) publication occurs not less than seven (7) days nor more than twenty one (21) days before the scheduled date of the public hearing.]~~The Department for Local Government shall submit an annual report to the Governor indicating how the grants were used and an evaluation of the program's effectiveness in improving the economy of the units of government receiving assistance.
- (7) ***Prior to a local government's expenditure of any funds it receives under this section, the local government shall allow an opportunity for public input and comments regarding the expenditure of those funds. Before any unit of local government expends any funds it receives under this section, it shall:***
- (a) ***Provide an opportunity to the public to provide input with regard to the project or projects in a public meeting for which notice has been given under KRS 61.823(2) to (4);***
 - (b) ***Include the topic as a specific item on the public meeting agenda and shall allow any person to speak with regard to any proposed project, any project which he or she feels should be built or done which has not been proposed, priorities for completion of projects, and any other matter related to expenditure of any funds it receives under this section. The local government shall not be bound by the comments and input provided at the meeting but shall give due consideration to them; and***
 - (c) ***Not begin construction on a project until the meeting as provided in this section has been held.***
- This subsection shall not be construed to require a separate meeting for each project. A single meeting encompassing the program, if all projects subsequently undertaken have been identified at the meeting, shall meet the requirements of this subsection.***
- (8) On or before August 15, 1980, and each year thereafter, the Transportation Cabinet shall publish and furnish to the Department for Local Government a directory, including supporting maps and other documents,

designating the official state coal road system in coal-impact and coal-producing counties which shall include all public highways, roads, and streets over which quantities of coal, sufficient to significantly affect the condition and state of repair of highways, roads, and streets, have been transported in the immediately preceding fiscal year. The cabinet shall further publish the total county mileage of the official state coal road system and the total ton/miles within each coal-impact and coal-producing county for said preceding fiscal year.

~~(9)~~~~(8)~~ Every person shipping or transporting coal, and every carrier for hire or common carrier hauling coal over the public highways, roads, and streets shall file with the Transportation Cabinet such information and at intervals as the cabinet shall designate by regulation duly adopted for the purpose of identifying those highways, roads, and streets comprising the coal haul road system and the quantities of coal transported thereon, in order that the cabinet can accurately calculate total ton/miles within each coal-impact and coal-producing county.

~~(10)~~~~(9)~~ The Department of Revenue shall make available to the Transportation Cabinet coal severance and processing tax data for use in verifying and supplementing the information furnished under the provisions of subsection ~~(9)~~~~(8)~~ of this section. The information shall be furnished in such a manner as to conceal the identity of individual taxpayers; if the data cannot be furnished without revealing the identity of individual taxpayers, it shall be withheld.

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

- (1) Except as provided in subsections (2) to (4) of this section, each city shall, after the close of each fiscal year, cause each fund of the city to be audited by the Auditor of Public Accounts or a certified public accountant. The audit shall be completed by ~~March~~~~February~~ 1 immediately following the fiscal year being audited. The city shall forward an electronic copy of the audit report to the Department for Local Government for information purposes by no later than ~~April~~~~March~~ 1 immediately following the fiscal year being audited.
- (2) In lieu of the annual audit requirements in subsection (1) of this section, a city with a population equal to or less than one thousand (1,000) based upon the most recent federal decennial census may elect to have an audit performed every other fiscal year in the following manner:
 - (a) After the close of each odd-numbered fiscal year, the city shall for that odd-numbered year cause each fund of the city to be audited by the Auditor of Public Accounts or a certified public accountant. The audits shall be completed by ~~March~~~~February~~ 1 immediately following the fiscal year to be audited. The city shall forward an electronic copy of the audit report to the Department for Local Government for information purposes by no later than ~~April~~~~March~~ 1 immediately following the fiscal year being audited; and
 - (b) After the close of each even-numbered fiscal year, the city shall not be required to complete an annual audit but shall forward an electronic copy of its financial statement prepared in accordance with KRS 424.220 to the Department for Local Government by no later than October 1 immediately following the close of the even-numbered fiscal year.
- (3) In lieu of the annual audit requirements in subsection (1) of this section, a city with a population of more than one thousand (1,000) but less than two thousand (2,000) based upon the most recent federal decennial census may elect to have an audit performed every other fiscal year to cover the two (2) fiscal years occurring since the prior audit in the following manner:
 - (a) After the close of each odd-numbered fiscal year, the city shall cause each fund of the city to be audited by the Auditor of Public Accounts or a certified public accountant. The audit shall include both fiscal years since the prior audit and shall be completed by ~~March~~~~February~~ 1 immediately following the fiscal years to be audited. The city shall forward an electronic copy of the audit report to the Department for Local Government for information purposes by no later than ~~April~~~~March~~ 1 immediately following the fiscal years being audited; and
 - (b) After the close of each even-numbered fiscal year, the city shall not be required to complete an annual audit but shall forward an electronic copy of its financial statement prepared in accordance with KRS 424.220 to the Department for Local Government by no later than October 1 immediately following the close of the even-numbered fiscal year.
- (4) Any city, which for any fiscal year receives and expends, from all sources and for all purposes, less than *one hundred fifty thousand dollars (\$150,000)*~~seventy five thousand dollars (\$75,000)~~, and which has no long-

term debt, whether general obligation or revenue debt, shall not be required to audit each fund of the city for that particular fiscal year. ***In addition***, each city exempted in accordance with this subsection shall:

- (a) Annually prepare a financial statement in accordance with KRS 424.220 and shall, not later than October 1 following the conclusion of the fiscal year, forward one (1) electronic copy to the Department for Local Government for information purposes~~[-]~~; ***and***
- (b) ***If exempted under this subsection for more than four (4) consecutive fiscal years after July 1, 2022, have prepared an attestation engagement covering the fourth fiscal year in which the city qualified for an exemption under this subsection. An attestation engagement completed pursuant to this subsection shall be:***
 1. ***Prepared by an independent certified public accountant or by the Auditor of Public Accounts pursuant to a contract with the city using generally accepted attestation standards as promulgated by the American Institute of Certified Public Accountants and any additional procedures established by the Department for Local Government through administrative regulation;***
 2. ***Completed by no later than March 1 immediately following the conclusion of the fiscal year in which in the attestation engagement is required;***
 3. ***Submitted to the Department for Local Government as one (1) electronic copy no later than April 1 after its completion;***
 4. ***Advertised to the public within (30) days of its completion by causing the publication of a legal display advertisement of not less than six (6) column inches in a newspaper qualified under KRS 424.120 stating that the attestation has been prepared and copies have been provided to each local newspaper of general circulation, each news service, and each local radio and television station which has on file with the city a written request to receive copies of financial statements under KRS 424.220. Any city advertising under this subparagraph shall be exempt from publishing its financial statement under KRS 424.220(6)(b) for any year in which it is required to have an attestation engagement completed; and***
 5. ***Provided to the Auditor of Public Accounts upon request for review of the final report and all related work papers and documents regarding the attestation engagement.***
- (5) If a city is required by another provision of law to audit its funds more frequently or more stringently than is required by this section, the city shall also comply with the provisions of that law.
- (6) The Department for Local Government shall, upon request, make available electronic copies of the audit reports and financial statements received by it under subsections (1) to (4) of this section to the Legislative Research Commission to be used for the purposes of KRS 6.955 to 6.975 or to the Auditor of Public Accounts.
- (7) Each city required by this section to conduct an annual or biennial audit shall enter into a written contract with the selected auditor. The contract shall set forth all terms and conditions of the agreement which shall include but not be limited to requirements that:
 - (a) The auditor be employed to examine the basic financial statements, which shall include the government-wide and fund financial statements;
 - (b) The auditor shall include in the annual or biennial city audit report an examination of local government economic assistance funds granted to the city under KRS 42.450 to 42.495. The auditor shall include a certification with the annual or biennial audit report that the funds were expended for the purpose intended;
 - (c) All audit information be prepared in accordance with generally accepted governmental auditing standards which include tests of the accounting records and auditing procedures considered necessary in the circumstances. Where the audit is to cover the use of state or federal funds, appropriate state or federal guidelines shall be utilized;
 - (d) The auditor shall prepare a typewritten or printed report embodying:
 1. The basic financial statements and accompanying supplemental and required supplemental information;
 2. The auditor's opinion on the basic financial statements or reasons why an opinion cannot be expressed; and

3. Findings required to be reported as a result of the audit;
 - (e) The completed audit and all accompanying documentation shall be presented to the city legislative body at a regular or special meeting; and
 - (f) Any contract with a certified public accountant for an audit shall require the accountant to forward a copy of the audit report and management letters to the Auditor of Public Accounts upon request of the city or the Auditor of Public Accounts, and the Auditor of Public Accounts shall have the right to review the certified public accountant's work papers upon request.
- (8) A copy of an audit report which meets the requirements of this section shall be considered satisfactory and final in meeting any official request to a city for financial data, except for statutory or judicial requirements, or requirements of the Legislative Research Commission necessary to carry out the purposes of KRS 6.955 to 6.975.
- (9) Each city shall, within thirty (30) days after the presentation of an audit to the city legislative body, publish an advertisement in accordance with KRS Chapter 424 containing:
 - (a) The auditor's opinion letter;
 - (b) The "Budgetary Comparison Schedules-Major Funds," which shall include the general fund and all major funds;
 - (c) A statement that a copy of the complete audit report, including financial statements and supplemental information, is on file at city hall and is available for public inspection during normal business hours;
 - (d) A statement that any citizen may obtain from city hall a copy of the complete audit report, including financial statements and supplemental information, for his *or her* personal use;
 - (e) A statement which notifies citizens requesting a personal copy of the city audit report that they will be charged for duplication costs at a rate that shall not exceed twenty-five cents (\$0.25) per page; and
 - (f) A statement that copies of the financial statement prepared in accordance with KRS 424.220, when a financial statement is required by KRS 424.220, are available to the public at no cost at the business address of the officer responsible for preparation of the statement.
- (10) Any resident of the city or owner of real property within the city may bring an action in the Circuit Court to enforce the provisions of this section. Any person who violates any provision of this section shall be fined not less than fifty dollars (\$50) nor more than five hundred dollars (\$500). In addition, any officer who fails to comply with any of the provisions of this section shall, for each failure, be subject to a forfeiture of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500), in the discretion of the court, which may be recovered only once in a civil action brought by any resident of the city or owner of real property within the city. The costs of all proceedings, including a reasonable fee for the attorney of the resident or property owner bringing the action, shall be assessed against the unsuccessful party.
- (11) In the event of extenuating circumstances that prevent a city from completing and submitting a required audit or financial statement in compliance with the applicable deadlines in subsections (1) to (4) of this section, the city may submit a written request for an extension of time to the Department for Local Government on a form prescribed by the Department for Local Government. The Department for Local Government shall approve the request if it is submitted on or before the applicable deadline and, in the judgment of the Department for Local Government, the request is warranted by extenuating circumstances beyond the control of the city. Extensions granted under this subsection shall not exceed nine (9) months from the original due date of the audit or financial statement. If the Department for Local Government approves an extension for a city and the city fails to complete and submit the required audit or financial statement in compliance with that extended deadline, then the provisions of subsection (12) of this section shall apply.
- (12) If a city fails to complete an audit or financial statement and submit it to the Department for Local Government as required in subsections (1) to (4) and (11) of this section, the Department for Local Government shall notify the Finance and Administration Cabinet that the city has failed to comply with the audit requirements of this section, and that any funds in the possession of any agency, entity, or branch of state government shall be withheld from the city until further notice. The Department for Local Government shall immediately notify the Finance and Administration Cabinet when the city complies with the requirements of subsections (1) to (4) and (11) of this section for all prior fiscal years it has failed to comply with the audit requirements of this section, and the Finance and Administration Cabinet shall direct the reinstatement of payments to the city, including any funds that were withheld due to the noncompliance.

- (13) Within a reasonable time after the completion of a special audit or examination conducted pursuant to KRS 43.050, the Auditor shall bill the city for the actual expense of the audit or examination conducted. The actual expense shall include the hours of work performed on the audit or examination as well as reasonable associated costs, including but not limited to travel costs. The bill submitted to the city shall include a statement of the hourly rate, total hours, and total costs for the entire audit or examination.

➔Section 3. KRS 174.100 is amended to read as follows:

Before any unit of local government expends state-derived tax revenues on a state rural, secondary, county road or municipal highway, road, street, or county or municipal bridge, it shall ~~hold a hearing in accordance with the provisions of this section~~ **provide an opportunity to the public to provide input in a public meeting for which notice has been given under KRS 61.823(2) to (4)** ~~to take the sense of the public~~ with regard to the project and to priorities for use of tax moneys for road and bridge purposes.

- (1) Prior to the contemplated date of expenditure of state-derived tax revenues on a road or bridge by a unit of local government, that unit of government shall **include the topic as a specific item on the public meeting agenda and shall allow** ~~hold a public hearing to take the sense of the public with regard to road and bridge matters within the unit of local government. Notice of the hearing shall be given not less than seven (7) days nor more than twenty one (21) days before the scheduled date of the public hearing and before beginning work on any project covered by this section.~~
- (2) ~~At the hearing,~~ any person ~~to~~ **may** speak with regard to any proposed project, any project which he *or she* feels should be built or done which has not been proposed, priorities for completion of projects, and any other matter related to road or bridge projects.
- (2)~~(3)~~ The unit of local government ~~holding the hearing~~ shall not be bound by the **comments and input provided at the meeting** ~~testimony heard at the hearing~~ but shall give due consideration to **them** ~~it~~.
- (3)~~(4)~~ No unit of local government shall begin construction on a road or bridge project in which state-derived tax revenues are involved until the **meeting** ~~hearing~~ as provided in this section has been held.
- (4)~~(5)~~ This section shall not be construed to require a separate **meeting** ~~hearing~~ for each project. A single **meeting** ~~hearing~~ encompassing the entire road and bridge program, if all projects subsequently undertaken have been identified at the **meeting** ~~hearing~~, shall meet the requirements of this section.
- (5)~~(6)~~ The provisions of this section shall not apply to emergency repair or replacement of roads or bridges necessitated by natural or man-caused disasters nor to street cleaning or snow removal operations.
- ~~(7) The provisions of this section shall not apply to projects which were under construction as of July 15, 1980, unless construction was suspended after that date and the unit of local government desires to reactivate the project.~~

Signed by Governor April 8, 2022.

CHAPTER 104

(HB 536)

AN ACT relating to alcoholic beverages.

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

➔SECTION 1. KRS 242.1292 IS REPEALED AND REENACTED TO READ AS FOLLOWS:

- (1) **Any license issued by a state or local administrator under this section before the effective date of this Act shall:**
- (a) **Remain valid and in effect unless the license is surrendered to the department as authorized under KRS Chapters 241 to 244;**
- (b) **Continue to be subject to the regulatory license fee assessed under KRS 243.075, and the jurisdiction that issued the license may continue to assess the regulatory license fee; and**
- (c) **Not count toward the total for any other city, county, or state license limits.**

- (2) (a) *Notwithstanding any limitations imposed on the city's taxing or licensing power by KRS 243.070, for any city with a limited sale precinct established as wet territory under this section prior to the effective date of this Act, the governing body of the city may continue to impose a regulatory license fee upon the gross receipts of each establishment located in said city licensed to sell alcoholic beverages.*
- (b) *The regulatory license fee may be levied at the beginning of each city budget period at the percentage rate reasonably estimated to fully reimburse the city for the estimated costs of any additional policing, regulatory, or administrative expenses related to the sale of alcoholic beverages in the city.*
- (c) *The regulatory license fee shall be in addition to any other taxes, fees, or licenses permitted by law, but a credit against the fee shall be allowed in an amount equal to any licenses or fees imposed by the city pursuant to KRS 243.070.*

➔Section 2. KRS 243.033 is amended to read as follows:

- (1) A caterer's license may be issued as a supplementary license to a caterer that holds a quota retail package license, a quota retail drink license, an NQ1 license, an NQ2 license, or a limited restaurant license.
- (2) The caterer's license may be issued as a primary license to a caterer in any wet territory or in any moist territory under KRS 242.1244 for the premises that serves as the caterer's commissary and designated banquet hall. No primary caterer's license shall authorize alcoholic beverage sales at a premises that operates as a restaurant. The alcoholic beverage stock of the caterer shall be kept under lock and key at the licensed premises during the time that the alcoholic beverages are not being used in conjunction with a catered function.
- (3) The caterer's license shall authorize the caterer to:
- (a) Purchase and store alcoholic beverages in the manner prescribed in KRS 243.088, 243.250, and 244.260;
- (b) Transport, sell, serve, and deliver alcoholic beverages by the drink at locations away from the licensed premises or at the caterer's designated banquet hall in conjunction with the catering of food and alcoholic beverages for a customer and the customer's guests, in:
1. Cities and counties established as moist territory under KRS 242.1244 if the receipts from the catering of food at any catered event are at least seventy percent (70%) of the gross receipts from the catering of both food and alcoholic beverages;
 2. *Precincts established as moist territory if the receipts from the catering of food at any catered event are at least ten percent (10%) of the gross receipts from the catering of both food and alcoholic beverages. This subparagraph shall supersede any conflicting provisions of KRS Chapters 241 to 244;*
 3. Wet cities and counties in which quota retail drink licenses are not available if the receipts from the catering of food at any catered event are at least fifty percent (50%) of the gross receipts from the catering of both food and alcoholic beverages; or
 4. ~~3.~~ All other wet territory if the receipts from the catering of food at any catered event are at least thirty-five percent (35%) of the gross receipts from the catering of both food and alcoholic beverages;
- (c) Receive and fill telephone orders for alcoholic beverages in conjunction with the ordering of food for a catered event; and
- (d) Receive payment for alcoholic beverages served at a catered event on a by-the-drink, cash bar, or by-the-event basis. The caterer may bill the customer for by-the-function sales of alcoholic beverages in the usual course of the caterer's business.
- (4) A caterer licensee shall not cater alcoholic beverages at locations for which retail alcoholic beverage licenses or special temporary licenses have been issued. A caterer licensee may cater a fundraising event for which a special temporary alcoholic beverage auction license has been issued under KRS 243.036.
- (5) A caterer licensee shall not cater alcoholic beverages on Sunday except in territory in which the Sunday sale of alcoholic beverages is permitted under the provisions of KRS 244.290 and 244.480.

- (6) ~~A caterer licensee shall not cater alcoholic beverages at an event hosted by the caterer licensee or hosted as a joint venture of the caterer licensee.~~
- (7) The location at which alcoholic beverages are sold, served, and delivered by a caterer, pursuant to this section, shall not constitute a public place for the purpose of KRS Chapter 222. If the location is a multi-unit structure, only the unit or units at which the function being catered is held shall be excluded from the public place provisions of KRS Chapter 222.
- (7)(8) The caterer licensee shall post a copy of the licensee's caterer's license at the location of the function for which alcoholic beverages are catered.
- (8)(9) All restrictions and prohibitions applying to a quota retail drink licensee and an NQ4 retail malt beverage drink licensee not inconsistent with this section shall apply to the caterer licensee.
- (9)(10) The caterer licensee shall maintain records as set forth in KRS 244.150 and in administrative regulations promulgated by the board.
- (10)(11) Notwithstanding subsection (3)(b) of this section, a caterer may serve alcoholic beverages to guests who are twenty-one (21) years of age or older at a private event in dry territory if:
- (a) The alcoholic beverages were lawfully purchased in a wet or moist territory:
 1. By an individual; or
 2. At the caterer's licensed premises in wet or moist territory; and
 - (b) The alcoholic beverages are not sold in dry territory to guests at the private residence or private event regardless of whether the venue is a public place.

➔Section 3. KRS 83A.022 is amended to read as follows:

Once a city meets the population criteria established in KRS 67.750, 82.095, 92.281, 96.060, 96.189, 97.120, 99.615, 100.137, 100.209, 100.217, 100.253, 241.160, ~~242.1292,~~ 243.230, 244.290, 244.540, ~~or~~ ~~and~~ 281.014, **and prior to the effective date of this Act, Section 1 of this Act**, under the most recent federal decennial census and has exercised the powers and duties pursuant to the section, the city shall not thereafter lose the ability to exercise the powers and duties provided in those sections because of an increase or decrease in population in a subsequent federal decennial census, or because of a judgment of a court pursuant to a petition to certify a city's population as different than the federal decennial census made under KRS 81.006. The city shall be permitted to continue to exercise the powers and duties under the applicable section as if it still meets the population requirements provided by the section. However, if there is a conflict between a power or privilege established under a lower population limit and a higher population limit, then the city shall follow the provisions required by the higher population limit.

➔Section 4. KRS 242.1238 is amended to read as follows:

- (1) Other provisions of the Kentucky Revised Statutes notwithstanding, a limited sale precinct election may be held in any precinct containing a horse racetrack. ~~The election shall be conducted in the same manner as provided for in KRS 242.1292.~~ Upon approval of the proposition, a Nonquota type I retail drink license may be issued in accordance with KRS 243.265. Nothing in this section shall be construed as authorizing the issuance of any alcoholic beverage licenses other than for the premises of a horse racetrack pursuant to KRS 243.260.
- (2) A petition seeking a local option election under this section shall state "We the undersigned registered voters hereby petition for an election on the following question: 'Are you in favor of the sale of alcoholic beverages in (official name of the horse racetrack located in the designated precinct)?'".
- (3) ***The question shall be presented to the voters in conformance with the requirements of KRS 242.050, except that the form of the proposition shall be, "Are you in favor of the sale of alcoholic beverages in (official name of the horse racetrack located in the designated precinct)?".***
- (4) ***The election shall be held in the precinct or precincts in the manner prescribed in this chapter. The election shall not be deemed to be an election in the "same territory" within the meaning of KRS 242.030(3).***

➔Section 5. KRS 243.0341 is amended to read as follows:

- (1) Notwithstanding any other provision of law, ***the following local governments may elect to act under this section:***

- (a) Any city or county that conducted an election under KRS 242.1244(2) prior to January 1, 2016, for by the drink sales of alcoholic beverages in restaurants and dining facilities seating one hundred (100) persons or more; or
 - (b) Any city with limited sale precincts created pursuant to KRS 242.1292 *prior to the effective date of this Act*~~[may elect to act under this section]~~.
- (2) Upon a determination by the legislative body of a city or county that:
- (a) An economic hardship exists within the city or county; and
 - (b) Expanded sales of alcoholic beverages by the drink could aid in economic growth;
- the city or county may, after conducting a public hearing that is noticed to the public in accordance with the KRS Chapter 424, adopt an ordinance authorizing by the drink sales of alcoholic beverages in restaurants and dining facilities containing seating for at least fifty (50) persons and meeting the requirements of subsection (3) of this section.
- (3) The ordinance enacted by a city or county pursuant to subsection (2) of this section shall authorize the sale of alcoholic beverages under the following limitations:
- (a) Sales shall only be conducted in restaurants and other dining facilities meeting the requirements of KRS 241.010(36)(a); and
 - (b) The provisions of KRS 243.034 shall apply to any restaurant or dining facility operating under a license issued pursuant to this section.
- (4) A city or county acting under this section may allow limited restaurant sales as defined in KRS 241.010(36).
- (5) The enactment of an ordinance under this section shall not:
- (a) Modify the city's or county's ability to issue a limited restaurant license to restaurants or other dining facilities meeting the requirements of KRS 241.010(36)(b); or
 - (b) Affect, alter, or otherwise impair any license previously issued to a restaurant or dining facility meeting the requirements of KRS 241.010(36)(b).

➔Section 6. The following KRS sections are repealed:

242.1294 Statement of proposition submitted in election.

242.1296 Requisites for subsequent elections.

242.1298 Moist territory resulting from a special limited local option election to remain dry except for specific type of sales authorized by the election proposition -- Limited local option election to return moist territory to dry status at later date.

Signed by Governor April 8, 2022.

CHAPTER 105

(HB 465)

AN ACT relating to special military unit license plates.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 186 IS CREATED TO READ AS FOLLOWS:

- (1) *The Transportation Cabinet shall produce special military unit license plates for owners and lessees of motor vehicles, motorcycles, and recreational vehicles who are associated with the following units of the United States military:*
 - (a) *The V Corps;*
 - (b) *The 101st Airborne Division (Air Assault);*

- (c) *The 5th Special Forces Group;*
 - (d) *The 160th Special Operations Aviation Regiment;*
 - (e) *The United States Army Human Resources Command;*
 - (f) *The United States Army Recruiting Command; or*
 - (g) *The United States Army Cadet Command.*
- (2) *Each initial and renewal application for a special military unit license plate by a person who meets the criteria of paragraph (a) or (b) of this subsection and each initial application by a person who meets the criteria of paragraph (c) and (d) of this subsection shall be accompanied by proof as set out in subsection (3) of this section that the person is associated with one (1) of the military units identified in subsection (1) of this section in one (1) of the following ways:*
- (a) *A member of the Armed Forces of the United States, the member's spouse, or the member's dependent child;*
 - (b) *A Department of Defense civilian employee assigned to support one (1) of the military units, the employee's spouse, or the employee's dependent child;*
 - (c) *A retired member; or*
 - (d) *A veteran who received a discharge under honorable conditions, or the veteran's surviving spouse, and:*
 - 1. *Performed one hundred eighty (180) days of active military service;*
 - 2. *Received an early release due to injury or other medical condition, or at the convenience of the service;*
 - 3. *Received a hardship discharge;*
 - 4. *Was separated or retired due to a disability; or*
 - 5. *Was determined to have a service-connected disability incurred during the enlistment.*
- (3) (a) *Prior to receiving a special military unit license plate requested under this section, the member shall present the following as proof of eligibility an original or copy of his or her:*
- 1. *Unexpired Veteran Identification Card or Veteran Health Identification Card issued by the United States Department of Veterans Affairs;*
 - 2. *DD-2, DD-214, DD-256, or DD-257 form; or*
 - 3. *Unexpired Geneva Conventions Identification Card issued by the United States Department of Defense.*
- (b) *A civilian employee of the Department of Defense who meets the criteria for a special military unit license plate under this section shall be eligible for a special military unit license plate and shall present as proof of eligibility an original or copy of one (1) of the following:*
- 1. *His or her current SF 50 form; or*
 - 2. *Other Department of Defense documentation showing current employment.*
- (c) *The legally married spouse of a member of the Armed Forces of the United States or of a Department of Defense employee who meets the criteria for a special military unit license plate under this section shall be eligible for a special military unit license plate and shall present as proof of eligibility an original or copy of his or her marriage certificate establishing marriage to the member of the Armed Forces of the United States or to the Department of Defense employee and an original or copy of one (1) of the following:*
- 1. *His or her unexpired DD-1173 form;*
 - 2. *Any identification document outlined in paragraph (a) of this subsection issued to his or her spouse;*
 - 3. *A current SF 50 form issued to his or her spouse; or*

4. *Other Department of Defense documentation showing current employment of his or her spouse.*
- (d) *The dependent child of a member of the Armed Forces of the United States or of a Department of Defense civilian employee who meets the criteria for a special military unit license plate under this section shall be eligible for a special military unit license plate and shall present as proof of eligibility establishing that he or she is a dependent child an original or copy of his or her birth certificate or certificate of adoption, a valid operator's license, and an original or copy of one (1) of the following:*
1. *Any identification document outlined in paragraph (a) of this subsection issued to his or her parent;*
 2. *A current SF 50 form issued to his or her parent; or*
 3. *Other Department of Defense documentation showing current employment of his or her parent.*
- (4) *The member, retired member, civilian employee, spouse, or dependent child may purchase an unlimited number of special military unit license plates described in subsection (1) of this section annually for vehicles they own or lease.*

➔Section 2. KRS 186.162 is amended to read as follows:

- (1) As used in this section and in KRS 186.043, 186.164, 186.166, 186.1722, and 186.174:
- (a) "Special license plate" means a unique license plate issued under this chapter to a group or organization that readily identifies the operator of the motor vehicle or motorcycle bearing the plate as a member of a group or organization, or a supporter of the work, goals, or mission of a group or organization. The term shall not include regular license plates issued under KRS 186.240;
 - (b) "Street rod" means a modernized private passenger motor vehicle manufactured prior to the year 1949, or designed or manufactured to resemble a vehicle manufactured prior to 1949;
 - (c) "SF" means the portion of an initial or renewal fee to obtain a special license plate that is dedicated for use by the Transportation Cabinet;
 - (d) "CF" means the county clerk's fee for issuing a motor vehicle registration as established under KRS 186.040(1). If a CF amount is charged for a license plate listed in this section, the applicant for that plate shall also pay the fees identified in KRS 186.040(6). If a CF amount is not charged, the applicant shall not be required to pay those fees; and
 - (e) "EF" means the portion of an initial or renewal fee to obtain a special license plate that is mandated by this chapter to be dedicated for use by a particular group or organization.
- (2) The initial purchase fee and renewal fee for a special license plate created under this chapter shall be as established in this subsection and includes the name of group or organization and the total initial and renewal fee required for the plate. The amount in parentheses indicates how the total fee is required to be divided:
- (a) Disabled veterans who receive assistance to purchase a vehicle from the United States Department of Veterans' Affairs, veterans declared by the United States Department of Veterans' Affairs to be one hundred percent (100%) service-connected disabled, and recipients of the Congressional Medal of Honor:
 1. Initial Fee: \$0 (\$0 SF/\$0 CF/\$0 EF).
 2. Renewal Fee: \$0 (\$0 SF/\$0 CF/\$0 EF).
 - (b) Former prisoners of war and survivors of Pearl Harbor:
 1. Initial Fee: \$23 (\$12 SF/\$6 CF/\$5 EF to the veterans' program trust fund established under KRS 40.460).
 2. Renewal Fee: \$6 (\$0 SF/\$6 CF/\$0 EF).
 - (c) Members of the Kentucky National Guard and recipients of the Purple Heart:
 1. Initial Fee: \$23 (\$12 SF/\$6 CF/\$5 EF to the veterans' program trust fund established under KRS 40.460).

2. Renewal Fee: \$11 (\$0 SF/\$6 CF/\$5 EF to the veterans' program trust fund established under KRS 40.460).
- (d) Members of the Civil Air Patrol; active, retired, veteran, reserve, or auxiliary members of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard; Merchant Marines who served between December 7, 1941, and August 15, 1945; recipients of the Silver Star Medal, the Distinguished Flying Cross, the Air Medal, the Combat Action Badge, the Combat Infantry Badge, or the Bronze Star Medal; persons who wish to receive Gold Star Mothers, Gold Star Fathers, or Gold Star Spouses license plates beyond the two (2) exempted from fees under KRS 186.041(6); individuals eligible for a special military service academy license plate under KRS 186.041(8); *individuals eligible for a special military unit license plate under Section 1 of this Act*; and disabled veterans who have been declared to be between fifty percent (50%) and ninety-nine percent (99%) service-connected disabled by the United States Department of Veterans' Affairs:
1. Initial Fee: \$23 (\$12 SF/\$6 CF/\$5 EF to the veterans' program trust fund established under KRS 40.460).
 2. Renewal Fee: \$23 (\$12 SF/\$6 CF/\$5 EF to the veterans' program trust fund established under KRS 40.460).
- (e) Recipients of the Distinguished Service Cross, Navy Cross, or Air Force Cross:
1. Initial Fee: \$6 (\$0 SF/\$6 CF/\$0 EF).
 2. Renewal Fee: \$6 (\$0 SF/\$6 CF/\$0 EF).
- (f) Disabled license plates:
1. Initial Fee: \$18 (\$12 SF/\$6 CF/\$0 EF).
 2. Renewal Fee: \$18 (\$12 SF/\$6 CF/\$0 EF).
- (g) Historic vehicles:
1. Initial Fee for two plates: \$56 (\$50 SF/\$6 CF/\$0 EF).
 2. Renewal Fee: Do not renew annually.
- (h) Members of Congress:
1. Initial Fee: \$43 (\$37 SF/\$6 CF/\$0 EF).
 2. Renewal Fee: \$23 (\$12 SF/\$6 CF/\$5 EF to the veterans' program trust fund established under KRS 40.460).
- (i) Firefighters:
1. Initial Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the Kentucky Firefighters Association).
 2. Renewal Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the Kentucky Firefighters Association).
- (j) Emergency management:
1. Initial Fee: \$31 (\$25 SF/\$6 CF/\$0 EF).
 2. Renewal Fee: \$18 (\$12 SF/\$6 CF/\$0 EF).
- (k) Fraternal Order of Police:
1. Initial Fee: \$41 (\$25 SF/\$6 CF/\$10 EF to the Kentucky FOP Death Benefit Fund).
 2. Renewal Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the Kentucky FOP Death Benefit Fund).
- (l) Law Enforcement Memorial:
1. Initial Fee: \$41 (\$25 SF/\$6 CF/\$10 EF to the Kentucky Law Enforcement Memorial Foundation, Inc.).

ACTS OF THE GENERAL ASSEMBLY

2. Renewal Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the Kentucky Law Enforcement Memorial Foundation, Inc.).
- (m) Personalized plates:
1. Initial Fee: \$43 (\$37 SF/\$6 CF/\$0 EF).
 2. Renewal Fee: \$43 (\$37 SF/\$6 CF/\$0 EF).
- (n) Street rods:
1. Initial Fee: \$43 (\$37 SF/\$6 CF/\$0 EF).
 2. Renewal Fee: \$18 (\$12 SF/\$6 CF/\$0 EF).
- (o) Nature plates:
1. Initial Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to Kentucky Heritage Land Conservation Fund established under KRS 146.570).
 2. Renewal Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to Kentucky Heritage Land Conservation Fund established under KRS 146.570).
- (p) Amateur radio:
1. Initial Fee: \$43 (\$37 SF/\$6 CF/\$0 EF).
 2. Renewal Fee: \$18 (\$12 SF/\$6 CF/\$0 EF).
- (q) Kentucky General Assembly:
1. Initial Fee: \$43 (\$37 SF/\$6 CF/\$0 EF).
 2. Renewal Fee: \$23 (\$12 SF/\$6 CF/\$5 EF to the veterans' program trust fund established under KRS 40.460).
- (r) Kentucky Court of Justice:
1. Initial Fee: \$43 (\$37 SF/\$6 CF/\$0 EF).
 2. Renewal Fee: \$11 (\$0 SF/\$6 CF/\$5 EF to the veterans' program trust fund established under KRS 40.460).
- (s) Masons:
1. Initial Fee: \$41 (\$25 SF/\$6 CF/\$10 EF to the Masonic Homes of Kentucky).
 2. Renewal Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the Masonic Homes of Kentucky).
- (t) Collegiate plates:
1. Initial Fee: \$53 (\$37 SF/\$6 CF/\$10 EF to the general scholarship fund of the university whose name will be borne on the plate).
 2. Renewal Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the general scholarship fund of the university whose name will be borne on the plate).
- (u) Independent Colleges:
1. Initial Fee: \$41 (\$25 SF/\$6 CF/\$10 EF to the Association of Independent Kentucky Colleges and Universities for distribution to the general scholarship funds of the Association's members).
 2. Renewal Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the Association of Independent Kentucky Colleges and Universities for distribution to the general scholarship funds of the Association's members).
- (v) Child Victims:
1. Initial Fee: \$41 (\$25 SF/\$6 CF/\$10 EF to the child victims' trust fund established under KRS 41.400).
 2. Renewal Fee: \$23 (\$12 SF/\$6 CF/\$5 EF to the child victims' trust fund established under KRS 41.400).

- (w) Kentucky Horse Council:
1. Initial Fee: \$41 (\$25 SF/\$6 CF/\$10 EF to the Kentucky Horse Council).
 2. Renewal Fee: \$23 (\$12 SF/\$6 CF/\$5 EF to the Kentucky Horse Council).
- (x) Ducks Unlimited:
1. Initial Fee: \$41 (\$25 SF/\$6 CF/\$10 EF to Kentucky Ducks Unlimited).
 2. Renewal Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to Kentucky Ducks Unlimited).
- (y) Spay neuter:
1. Initial Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the animal control and care fund established under KRS 258.119).
 2. Renewal Fee: \$23 (\$12 SF/\$6 CF/\$5 EF to the animal control and care fund established under KRS 258.119).
- (z) Gold Star Mothers, Gold Star Fathers, or Gold Star Spouses:
1. Initial Fee: \$0 (\$0 SF/\$0 CF/ \$0 EF).
 2. Renewal Fee: \$0 (\$0 SF/\$0 CF/ \$0 EF).
 3. A person may receive a maximum of two (2) plates under this paragraph free of charge and may purchase additional plates for fees as established in subsection (2)(d) of this section.
- (aa) I Support Veterans:
1. Initial Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the Kentucky Department of Veterans' Affairs).
 2. Renewal Fee: \$23 (\$12 SF/\$6 CF/\$5 EF to the Kentucky Department of Veterans' Affairs).
- (ab) Gold Star Siblings, Gold Star Sons, or Gold Star Daughters:
1. Initial Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the veterans' program trust fund established under KRS 40.460).
 2. Renewal Fee: \$23 (\$12 SF/\$6 CF/\$5 EF to the veterans' program trust fund established under KRS 40.460).
- (ac) POW/MIA Awareness:
1. Initial Fee: \$41 (\$25 SF/\$6 CF/\$10 EF to the veterans' program trust fund established under KRS 40.460).
 2. Renewal Fee: \$28 (\$12 SF/\$6 CF/\$10 EF to the veterans' program trust fund established under KRS 40.460).
- (ad) Special license plates established under KRS 186.164:
1. Initial Fee: \$41 (\$25 SF/\$6 CF/\$10 EF).
 2. Renewal Fee: \$41 (\$25 SF/\$6 CF/\$10 EF).
- (3) Any special license plate may be combined with a personalized license plate for a twenty-five dollar (\$25) state fee in addition to all other fees for the particular special license plate established in this section and in KRS 186.164(3). The twenty-five dollar (\$25) fee required under this subsection shall be divided between the cabinet and the county clerk of the county where the applicant is applying for the license plate with the cabinet receiving twenty dollars (\$20) and the county clerk receiving five dollars (\$5).
- (4) (a) A sponsoring organization of any special license plate issued under this section or any special license plate established under the provisions of KRS 186.164 may petition the cabinet for the production of that special license plate for motorcycles.
- (b) Owners and lessees of motorcycles registered under KRS 186.050(2) may be eligible to receive special license plates approved by the cabinet under paragraph (a) of this subsection. Applicants for a special license plate for a motorcycle shall be required to pay the fee for a special plate as prescribed in this

section or in KRS 186.164. The fee paid for the special plate for a motorcycle shall be in lieu of the registration fee required under KRS 186.050(2).

➔Section 3. KRS 186.166 is amended to read as follows:

- (1) The Transportation Cabinet shall, unless directed otherwise by the General Assembly, perpetually produce the following special license plates: military license plates, *military unit license plates*, U.S. Congressional license plates, firefighter license plates, emergency management license plates, Fraternal Order of Police license plates, Law Enforcement Memorial license plates, street rod license plates, nature license plates, amateur radio license plates, Kentucky General Assembly license plates, Kentucky Court of Justice license plates, Masonic Order license plates, collegiate license plates, independent college and university license plates, child victims' trust fund license plates, Kentucky Horse Council license plates, Ducks Unlimited license plates, Gold Star Mothers, Fathers, and Spouses license plates, Gold Star Siblings, Sons, and Daughters license plates, Silver Star Medal license plates, Bronze Star Medal license plates, Air Medal license plates, Distinguished Flying Cross license plates, Combat Action Badge license plates, Combat Infantry Badge license plates, POW/MIA Awareness license plates, spay neuter license plates, service academy license plates, and I Support Veterans license plates.
- (2) The design of the plates identified for perpetual production under this section may be revised upon request of a group or organization requesting a design revision under the provisions of KRS 186.164(15).
- (3) (a) The design of a Purple Heart license plate shall not include any representation of the word "Kentucky" that is a registered trademark or slogan which appears on a general issue license plate.
- (b) The design of a Purple Heart license plate shall include a representation of the Purple Heart medal and the words "Combat Wounded."

Signed by Governor April 8, 2022.

CHAPTER 106

(HB 687)

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

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

➔Section 1. There is appropriated out of the general fund and the transportation fund in the State Treasury for the purpose of compensating persons and companies named below for claims which have been duly audited and approved according to law, but have not been paid because of lapsing or insufficiency of former appropriations against which the claims were chargeable, or the lack of an appropriate procurement document in place, the amounts listed below:

Axon Enterprise, Inc.

PO Box 29661, Department 2018	
Phoenix, AZ 85038-9661	\$19,180.80

Branagh Information Services

548 Market Street #19130	
San Francisco, CA 94104	\$38,100.00

Burrell Pest Control

1433 Bypass North	
Lawrenceburg, KY 40342	\$22,448.40

Center for Employment Opportunities

50 Broadway Suite 1604 New York, NY 10004	\$26,378.33
Elaine Stirling 150 Cricket Lane, Apt. 2C Elizabethtown, KY 42701	\$370.09
Hatfield Media 2351 Nelson Miller Pkwy Suite #100 Louisville, KY 40223	\$29,883.84
Hatfield Media 2351 Nelson Miller Pkwy Suite #100 Louisville, KY 40223	\$18,395.20
Integrated Sign & Graphic 5801 Kingpost Ct. Lexington, KY 40509	\$19,720.00
Kentucky Public Pensions Authority 1260 Louisville Road Frankfort, KY 40601	\$25,387.35
Kentucky Public Pensions Authority 1260 Louisville Road Frankfort, KY 40601	\$8,268.40
Mercer & Sons Marine 13965 Falls of Rough Road Falls of Rough, KY 40119	\$5,709.00
National Center for Families Learning, Inc. 325 West Main Street, Suite 300 Louisville, KY 40202-4251	\$28,219.23
Nixon Power Services PO Box 934345 Atlanta, GA 31193-4345	\$5,600.00
NORC at the University of Chicago Attn: Accounts Receivable 55 East Monroe Street Chicago, IL 60603	\$50,465.57
The Adanta Group 130 Southern School Road Somerset, KY 42501	\$524.00
The HON Company PO Box 404422 Atlanta, GA 30384-4422	\$369.60

The HON Company	
PO Box 404422	
Atlanta, GA 30384-4422	\$525.80
The HON Company	
PO Box 404422	
Atlanta, GA 30384-4422	\$357.72
Torco Testing Services	
PO Box 1717	
Louisville, KY 40201	\$11,170.00
<p>➔Section 2. The claims listed below are for the payment of State Treasury checks payable to the persons or their personal representatives, and the firms listed, but not presented for payment within a period of five years from the date of issuance of such checks as required by KRS 41.370 and 413.120.</p>	
Check #TA 16241356 dated May 9, 2014	
Adkins James W & Eva M	
184 Tracey St	
Pikeville, KY 41501	\$360.00
Check #GA 20889245 dated November 16, 2016	
Albert Pinson	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$398.60
Check #GA 20982917 dated October 28, 2016	
Alfred Hiles	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$81.12
Check #GA 19870241 dated June 12, 2015	
Alvin L Hager	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$61.96
Check #GA 20220362 dated November 13, 2015	
Alvin L Hager	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$61.96
Check #GA 20745526 dated July 8, 2016	
Bartley Slone	
Labor Redeposit	
500 Mero Street, 3rd Floor	

Frankfort, KY 40601	\$609.60
Check #GA 20426929 dated February 19, 2016	
Benjamin Vanover	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$35.24
Check #GA 20982269 dated October 28, 2016	
Bernis Hill	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$242.00
Check #GA 20121235 dated October 2, 2015	
Beulah Horning	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$12.10
Check #GA 20153286 dated October 16, 2015	
Beulah Horning	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$12.10
Check #GA 20952743 dated October 14, 2016	
Beverly Hancock	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$151.52
Check #GA 20063465 dated September 4, 2015	
Beverly Upton	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$343.02
Check #GA 20091452 dated September 18, 2015	
Beverly Upton	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$343.02
Check #GA 19938786 dated July 10, 2015	
Beverly K Slone	
Labor Redeposit	

500 Mero Street, 3rd Floor Frankfort, KY 40601	\$289.42
Check #GA 20587027 dated April 29, 2016 Billie Martin Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$151.54
Check #GA 20031405 dated August 21, 2015 Bobbie Garrison Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$43.90
Check #GA 20064838 dated September 4, 2015 Bobbie Garrison Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$43.90
Check #GA 19769076 dated May 1, 2015 Bobby Embry Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$644.38
Check #GA 20366423 dated January 22, 2016 Bobby Gentry Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$449.60
Check #GA 20123717 dated October 2, 2015 Bobby McKinney Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$768.04
Check #GA 20745696 dated July 8, 2016 Bobby N Young Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$153.06
Check #GA 20771813 dated July 22, 2016 Bobby N Young	

Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$153.06
Check #GA 19818694 dated May 22, 2015	
Bonnie Dozier	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$67.06
Check #GA 19936091 dated July 10, 2015	
Bonnie Waller	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$100.00
Check #GA 20062395 dated September 4, 2015	
Bonnie Waller	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$100.00
Check #GA 20090380 dated September 18, 2015	
Bonnie Waller	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$100.00
Check #GA 20121114 dated October 2, 2015	
Bonnie Waller	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$100.00
Check #GA 20155612 dated October 16, 2015	
Brenda Bishop	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$216.58
Check #GA 19721322 dated April 7, 2015	
Brian M Black	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$95.94
Check #GA 19913951 dated June 24, 2015	

Caitlin Babb Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$120.48
Check #GA 20462180 dated March 4, 2016 Carl Cherry Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$226.50
Check #GA 19996028 dated August 7, 2015 Carl Miller Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$41.12
Check #GA 20028891 dated August 21, 2015 Carl Miller Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$41.12
Check #GA 20461163 dated March 4, 2016 Carl A. Walker Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$400.00
Check #GA 20090176 dated September 18, 2015 Carol Sue Ratliff Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$20.80
Check #GA 20281812 dated December 11, 2015 Carol Sue Ratliff Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$20.80
Check #TA 1620787 dated April 29, 2014 Casper Christopher 607 Locust Ln Louisville, KY 40217	\$343.00
Check #GA 19695828 dated April 3, 2015	

Cathryn Martin	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$97.42
Check #GA 19729572 dated April 17, 2015	
Cathryn Martin	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$97.42
Check #GA 19769098 dated May 1, 2015	
Cathryn Martin	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$97.42
Check #GA 19801387 dated May 15, 2015	
Cathryn Martin	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$97.42
Check #GA 19835669 dated May 29, 2015	
Cathryn Martin	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$97.42
Check #GA 19871289 dated June 12, 2015	
Cathryn Martin	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$97.42
Check #GA 19902536 dated June 26, 2015	
Cathryn Martin	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$97.42
Check #GA 19936827 dated July 10, 2015	
Cathryn Martin	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$97.42

Check #GA 19966568 dated July 24, 2015

Cathryn Martin

Labor Redeposit

500 Mero Street, 3rd Floor

Frankfort, KY 40601

\$97.42

Check #GA 19996808 dated August 7, 2015

Cathryn Martin

Labor Redeposit

500 Mero Street, 3rd Floor

Frankfort, KY 40601

\$97.42

Check #GA 20029667 dated August 21, 2015

Cathryn Martin

Labor Redeposit

500 Mero Street, 3rd Floor

Frankfort, KY 40601

\$97.42

Check #GA 20063103 dated September 4, 2015

Cathryn Martin

Labor Redeposit

500 Mero Street, 3rd Floor

Frankfort, KY 40601

\$97.42

Check #GA 20091091 dated September 18, 2015

Cathryn Martin

Labor Redeposit

500 Mero Street, 3rd Floor

Frankfort, KY 40601

\$97.42

Check #GA 20121821 dated October 2, 2015

Cathryn Martin

Labor Redeposit

500 Mero Street, 3rd Floor

Frankfort, KY 40601

\$97.42

Check #GA 20153873 dated October 16, 2015

Cathryn Martin

Labor Redeposit

500 Mero Street, 3rd Floor

Frankfort, KY 40601

\$97.42

Check #GA 20190028 dated October 30, 2015

Cathryn Martin

Labor Redeposit

500 Mero Street, 3rd Floor

Frankfort, KY 40601	\$97.42
Check #GA 20221351 dated November 13, 2015	
Cathryn Martin	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$97.42
Check #GA 20254691 dated November 27, 2015	
Cathryn Martin	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$97.42
Check #GA 20282709 dated December 11, 2015	
Cathryn Martin	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$97.42
Check #GA 20309576 dated December 23, 2015	
Cathryn Martin	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$97.42
Check #GA 20331257 dated January 8, 2016	
Cathryn Martin	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$97.42
Check #GA 20366651 dated January 22, 2016	
Cathryn Martin	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$97.42
Check #GA 20396553 dated February 5, 2016	
Cathryn Martin	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$97.42
Check #GA 20427642 dated February 19, 2016	
Cathryn Martin	
Labor Redeposit	

500 Mero Street, 3rd Floor Frankfort, KY 40601	\$97.42
Check #GA 20461533 dated March 4, 2016 Cathryn Martin Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$97.42
Check #GA 20492868 dated March 18, 2016 Cathryn Martin Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$97.42
Check #GA 20523452 dated April 1, 2016 Cathryn Martin Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$97.42
Check #GA 20554112 dated April 15, 2016 Cathryn Martin Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$97.42
Check #GA 20586309 dated April 29, 2016 Cathryn Martin Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$97.42
Check #GA 20620008 dated May 13, 2016 Cathryn Martin Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$97.42
Check #GA 20651912 dated May 27, 2016 Cathryn Martin Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$97.42
Check #GA 201678553 dated June 10, 2016 Cathryn Martin	

Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$97.42
Check #GA 20711639 dated June 24, 2016	
Cathryn Martin	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$97.42
Check #GA 20745741 dated July 8, 2016	
Cathryn Martin	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$97.42
Check #GA 20771858 dated July 22, 2016	
Cathryn Martin	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$97.42
Check #GA 20800797 dated August 5, 2016	
Cathryn Martin	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$97.42
Check #GA 20830623 dated August 19, 2016	
Cathryn Martin	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$97.42
Check #GA 20860154 dated September 2, 2016	
Cathryn Martin	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$97.42
Check #GA 20889002 dated September 16, 2016	
Cathryn Martin	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$97.42
Check #GA 20919948 dated September 30, 2016	

Cathryn Martin Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$97.42
Check #GA 20951285 dated October 14, 2016 Cathryn Martin Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$97.42
Check #GA 20982977 dated October 28, 2016 Cathryn Martin Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$97.42
Check #GA 20938523 dated October 4, 2016 CCMSI Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$418.44
Check #TA 16698713 dated April 16, 2015 Cepek Maryann M Vance W Cook (POA) 919 Fox Meadow Rd Princeton, KY 42445	\$248.00
Check #TA 17226705 dated April 22, 2016 Cepek Maryann M Vance W cook (POA) 919 Fox Meadow Rd Princeton, KY 42445	\$460.00
Check #GA 19729792 dated April 17, 2015 Charles Medley Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$138.80
Check #GA 20064836 dated September 4, 2015 Charles Reed Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$142.52

Check #GA 19800932 dated May 15, 2015	
Charles Spurlock	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$113.32
Check #GA 19715932 dated April 10, 2015	
Charles A Blackburn	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$176.46
Check #GA 20951708 dated October 14, 2016	
Charles A Wombles	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$686.04
Check #GA 20983399 dated October 28, 2016	
Charles A Wombles	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$686.04
Check #GA 20829926 dated August 19, 2016	
Charles H Wallace	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$200.38
Check #GA 20859460 dated September 2, 2016	
Charles H Wallace	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$200.38
Check #GA 20771746 dated July 22, 2016	
Charles Webb	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$301.06
Check #BA 11083010 dated January 13, 2012	
Checkpoint System Inc.	
Attn: Kristen Sofia	
101 Wolf Drive	

Thorofare, NJ 08086	\$524.08
Check #GA 20155475 dated October 16, 2015	
Christopher Cox	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$48.70
Check #GA 20256275 dated November 27, 2015	
Christopher Cox	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$48.70
Check #GA 20284289 dated December 11, 2015	
Christopher Cox	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$48.70
Check #GA 20311157 dated December 23, 2015	
Christopher Cox	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$48.70
Check #GA 20332831 dated January 8, 2016	
Christopher Cox	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$48.70
Check #GA 20398124 dated February 5, 2016	
Christopher Cox	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$48.70
Check #GA 20429207 dated February 19, 2016	
Christopher Cox	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$20.87
Check #GA 20898922 dated September 15, 2016	
Citizens Bank & Trust Company	
Labor Redeposit	

500 Mero Street, 3rd Floor Frankfort, KY 40601	\$10.00
Check #EA 11763958 dated January 21, 2016 Cleves Cynthia M 211 Watch Hill Road Fort Mitchell, KY 41011	\$237.36
Check #BA 11129920 dated May 15, 2015 Cleves Ruth C Trust CO Elmer Cleves (Estate) 4646 Baker Street Cincinnati, OH 45212	\$196.13
Check #BA 11111459 dated January 17, 2014 Cleves Ruth C Trust CO Elmer Cleves (Estate) 4646 Baker Street Cincinnati, OH 45212	\$19.00
Check #GA 20861630 dated September 2, 2016 Clyde Fitch Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$62.40
Check #T1 13159889 dated April 9, 2009 Collie Rondal & Mary (Estate) Vickie Johnson Englert (Administrator) 414 Stark Cemetery Rd Benton, KY 42025	\$102.00
Check #GA 20558696 dated April 12, 2016 Commonwealth of KY Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$711.36
Check #GA 20493928 dated March 18, 2016 Corinne Warfield Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$609.05
Check #GA 20323223 dated December 30, 2015 Craig Damron Labor Redeposit	

500 Mero Street, 3rd Floor Frankfort, KY 40601	\$14,939.62
Check #GA 20890684 dated September 16, 2016 Curtis Delk Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$188.04
Check #GA 20255591 dated November 27, 2015 Curtis Layne Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$681.54
Check #GA 19695153 dated April 3, 2015 Dale Edward Williams Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$51.34
Check #GA 19728902 dated April 17, 2015 Dale Edward Williams Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$51.34
Check #GA 19768434 dated May 1, 2015 Dale Edward Williams Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$51.34
Check #GA 19800726 dated May 15, 2015 Dale Edward Williams Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$51.34
Check #GA 19835011 dated May 29, 2015 Dale Edward Williams Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$51.34
Check #GA 19870635 dated June 12, 2015 Dale Edward Williams	

Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$51.34
Check #GA 19901885 dated June 26, 2015	
Dale Edward Williams	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$51.34
Check #GA 19936177 dated July 10, 2015	
Dale Edward Williams	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$51.34
Check #GA 19965926 dated July 24, 2015	
Dale Edward Williams	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$51.34
Check #GA 19996174 dated August 7, 2015	
Dale Edward Williams	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$51.34
Check #GA 20029036 dated August 21, 2015	
Dale Edward Williams	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$51.34
Check #GA 20062480 dated September 4, 2015	
Dale Edward Williams	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$51.34
Check #GA 20090464 dated September 18, 2015	
Dale Edward Williams	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$51.34
Check #GA 20121198 dated October 2, 2015	

Dale Edward Williams	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$51.34
Check #GA 20153248 dated October 16, 2015	
Dale Edward Williams	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$51.34
Check #GA 20189405 dated October 30, 2015	
Dale Edward Williams	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$51.34
Check #GA 20220732 dated November 13, 2015	
Dale Edward Williams	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$51.34
Check #GA 20254076 dated November 27, 2015	
Dale Edward Williams	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$51.34
Check #GA 20282090 dated December 11, 2015	
Dale Edward Williams	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$51.34
Check #GA 20308959 dated December 23, 2015	
Dale Edward Williams	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$51.34
Check #20330640 dated January 8, 2016	
Dale Edward Williams	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$51.34

Check #20366034 dated January 22, 2016	
Dale Edward Williams	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$22.45
Check #GA 19903785 dated June 26, 2015	
Danny Music	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$116.00
Check #GA 20155104 dated October 16, 2015	
Danny Music	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$116.00
Check #GA 20653092 dated May 27, 2016	
Danny Music	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$116.00
Check #GA 20507683 dated March 25, 2016	
David Morton	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$234.78
Check #GA 20538438 dated April 8, 2016	
David Morton	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$234.78
Check #GA 20569654 dated April 22, 2016	
David Morton	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$234.78
Check #GA 20603263 dated May 6, 2016	
David Morton	
Labor Redeposit	
500 Mero Street, 3rd Floor	

Frankfort, KY 40601	\$234.78
Check #GA 20635579 dated May 20, 2016	
David Morton	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$234.78
Check #GA 20666383 dated June 3, 2016	
David Morton	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$234.78
Check #GA 19920736 dated July 3, 2015	
David Osborne	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$670.06
Check #GA 20771844 dated July 22, 2016	
David E Daniel	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$161.08
Check #GA 20888435 dated September 16, 2016	
David W Pettie	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$20.00
Check #GA 20062460 dated September 4, 2015	
Deloise Blevins	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$7.44
Check #GA 20492075 dated March 18, 2016	
Delores Stiltner	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$124.68
Check #KA 12426182 dated July 14, 2015	
Denise Tipton Perry	
6982 Port Royal Rd	

Turners Station, KY 40075	\$226.08
Check #GA 19888480 dated June 19, 2015	
Dennis Combs	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$3,540.93
Check #GA 19965912 dated July 24, 2015	
Denny John Griffey	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$23.25
Check #GA 20603330 dated May 6, 2016	
Dewey Back	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$9.02
Check #GA 20635646 dated May 20, 2016	
Dewey Back	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$9.02
Check #GA 20666450 dated June 3, 2016	
Dewey Back	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$9.02
Check #GA 20694159 dated June 17, 2016	
Dewey Back	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$9.02
Check #GA 20428070 dated February 19, 2016	
Dewey McClanahan	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$644.38
Check #GA 20223054 dated November 13, 2015	
Dillard Couch	
Labor Redeposit	

500 Mero Street, 3rd Floor Frankfort, KY 40601	\$213.76
Check #GA 20331013 dated January 8, 2016 Dillard Rigney Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$46.66
Check #GA 20332309 dated January 8, 2016 Donald Rheinlaender Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$55.58
Check #GA 19729298 dated April 17, 2015 Donald L Smith Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$609.60
Check #GA 19218376 dated August 26, 2014 Donald Pace (Decd) c/o Elizabeth Pace 20 Heritage Place Winchester, KY 40391	\$300.00
Check #GA 20666571 dated June 3, 2016 Donnie Jackson Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$50.00
Check #G1 11337075 dated September 28, 2006 Doris A Kovats Estate c/o Richard Kovats Exec 4418 Deepwood Drive Louisville, KY 40241	\$17.44
Check #GA 20711149 dated June 24, 2016 Dottie King Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$555.32
Check #GA 20694275 dated June 17, 2016 Drexel Williams	

Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$144.20
Check #GA 19696411 dated April 3, 2015	
Dwayne Cockerell	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$190.34
Check #GA 19768831 dated May 1, 2015	
Dwight E Layne	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$55.00
Check #GA 19695498 dated April 3, 2015	
Earl Shirley	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$586.70
Check #GA 19729245 dated April 17, 2015	
Earl Shirley	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$586.70
Check #GA 20872481 dated September 9, 2016	
Earl L Goins	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$135.38
Check #GA 20256812 dated November 27, 2015	
Edgar Brown	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$271.12
Check #GA 20800961 dated August 5, 2016	
Edward D Smith	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$451.08
Check #GA 20191432 dated October 30, 2015	

Elmer May	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$529.86
Check #GA 19800672 dated May 15, 2015	
Elro L Vincent	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$42.96
Check #GA 20522817 dated April 1, 2016	
Elro L Vincent	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$42.96
Check #GA 20801614 dated August 5, 2016	
Eunice Lawson	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$179.48
Check #GA 20494874 dated March 18, 2016	
Faye Elkins	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$115.28
Check #GA 20898923 dated September 15, 2016	
First National Bank of Jackson	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$10.00
Check #GA 20984784 dated October 28, 2016	
Floyd Isaacs	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$126.36
Check #GA 19769538 dated May 1, 2015	
Fred Johnson	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$651.32

Check #GA 20859392 dated September 2, 2016	
Fred C Dowell	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$242.00
Check #GA 20888239 dated September 16, 2016	
Fred C Dowell	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$242.00
Check #GA 20222150 dated November 13, 2015	
Gary McIntyre	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$434.44
Check #GA 20522509 dated April 1, 2016	
Gary L Starr	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$88.00
Check #GA 20728847 dated July 1, 2016	
George Standifur	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$69.24
Check #P 3993255 dated June 9, 1997	
George N Thomas (Estate)	
Katherine A Ford (Administratrix)	
900 Kentucky Home Life Bldg	
Louisville, KY 40202	\$668.79
Check #P 4023153 dated June 21, 1997	
George N Thomas (Estate)	
Katherine A Ford (Administratrix)	
900 Kentucky Home Life Bldg	
Louisville, KY 40202	\$700.50
Check #P 4052712 dated July 8, 1997	
George N Thomas (Estate)	
Katherine A Ford (Administratrix)	
900 Kentucky Home Life Bldg	

Louisville, KY 40202	\$787.74
Check #P 4194540 dated July 23, 1997	
George N Thomas (Estate)	
Katherine A Ford (Administratrix)	
900 Kentucky Home Life Bldg	
Louisville, KY 40202	\$753.09
Check #P 4223988 dated August 8, 1997	
George N Thomas (Estate)	
Katherine A Ford (Administratrix)	
900 Kentucky Home Life Bldg	
Louisville, KY 40202	\$851.06
Check #P 4253604 dated August 22, 1997	
George N Thomas (Estate)	
Katherine A Ford (Administratrix)	
900 Kentucky Home Life Bldg	
Louisville, KY 40202	\$951.94
Check #P 4281762 dated September 9, 1997	
George N Thomas (Estate)	
Katherine A Ford (Administratrix)	
900 Kentucky Home Life Bldg	
Louisville, KY 40202	\$859.17
Check #P 4310699 dated September 23, 1997	
George N Thomas (Estate)	
Katherine A Ford (Administratrix)	
900 Kentucky Home Life Bldg	
Louisville, KY 40202	\$754.93
Check #P 4338978 dated October 8, 1997	
George N Thomas (Estate)	
Katherine A Ford (Administratrix)	
900 Kentucky Home Life Bldg	
Louisville, KY 40202	\$679.65
Check #P 4367320 dated October 23, 1997	
George N Thomas (Estate)	
Katherine A Ford (Administratrix)	
900 Kentucky Home Life Bldg	
Louisville, KY 40202	\$674.46
Check #P 4395613 dated November 10, 1997	
George N Thomas (Estate)	
Katherine A. Ford (Administratrix)	

900 Kentucky Home Life Bldg Louisville, KY 40202	\$748.11
Check #GA 20619349 dated May 13, 2016 Gerald E Lewis Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$109.86
Check #GA 19870728 dated June 12, 2015 Gladys Ann Mills Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$135.88
Check #GA 20524388 dated April 1, 2016 Glenda G Devine Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$146.66
Check #GA 19769697 dated May 1, 2015 Guy Cottle Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$106.48
Check #GA 20538450 dated April 8, 2016 Hank Craft Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$406.10
Check #GA 20569665 dated April 22, 2016 Hank Craft Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$406.10
Check #GA 20603274 dated May 6, 2016 Hank Craft Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$406.10
Check #GA 20635590 dated May 20, 2016 Hank Craft	

Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$406.10
Check #GA 20666394 dated June 3, 2016	
Hank Craft	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$406.10
Check #GA 20282466 dated December 11, 2015	
Harold Bryant	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$555.32
Check #GA 19834647 dated May 29, 2015	
Harold Gee	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$168.00
Check #GA 20889890 dated September 16, 2016	
Hazel Marie Barnes	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$100.00
Check #GA 19729679 dated April 17, 2015	
Hazie Boyd	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$644.38
Check #GA 20888914 dated September 16, 2016	
Helen Davidson	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$94.40
Check #GA 20190207 dated October 30, 2015	
Helen L Slaughter	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$253.16
Check #GA 20221528 dated November 13, 2015	

Helen L Slaughter Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$253.16
Check #GA 20309659 dated December 23, 2015	
Henry Alexander Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$327.18
Check #GA 20788485 dated July 29, 2016	
Henry Elswick Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$470.58
Check #GA 19800441 dated May 15, 2015	
Henry Clay Craft Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$24.30
Check #GA 20154589 dated October 16, 2015	
Herbert Brooks Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$675.46
Check #GA 20063812 dated September 4, 2015	
Herman Hill Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$380.42
Check #GA 19835630 dated May 29, 2015	
Hindman A Loy Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$354.52
Check #GA 20323233 dated January 1, 2016	
Hon Glenn M Hammond Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$5,499.51

Check #GA 20800018 dated August 5, 2016

Howard F Hanks

Labor Redeposit

500 Mero Street, 3rd Floor

Frankfort, KY 40601

\$57.04

Check #GA 20829845 dated August 19, 2016

Howard F Hanks

Labor Redeposit

500 Mero Street, 3rd Floor

Frankfort, KY 40601

\$57.04

Check #GA 20859378 dated September 2, 2016

Howard F Hanks

Labor Redeposit

500 Mero Street, 3rd Floor

Frankfort, KY 40601

\$57.04

Check #GA 20888225 dated September 16, 2016

Howard F Hanks

Labor Redeposit

500 Mero Street, 3rd Floor

Frankfort, KY 40601

\$57.04

Check #GA 20919182 dated September 30, 2016

Howard F Hanks

Labor Redeposit

500 Mero Street, 3rd Floor

Frankfort, KY 40601

\$57.04

Check #GA 20950529 dated October 14, 2016

Howard F Hanks

Labor Redeposit

500 Mero Street, 3rd Floor

Frankfort, KY 40601

\$57.04

Check #GA 20982223 dated October 28, 2016

Howard F Hanks

Labor Redeposit

500 Mero Street, 3rd Floor

Frankfort, KY 40601

\$57.04

Check #GA 19729241 dated April 17, 2015

Hubert T Williams

Labor Redeposit

500 Mero Street, 3rd Floor

Frankfort, KY 40601	\$589.74
Check #GA 20090351 dated September 18, 2015	
Hugh C McKinney	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$242.00
Check #GA 20121085 dated October 2, 2015	
Hugh C McKinney	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$242.00
Check #GA 20189294 dated October 30, 2015	
Hugh C McKinney	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$242.00
Check #GA 20220623 dated November 13, 2015	
Hugh C McKinney	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$242.00
Check #GA 20253968 dated November 27, 2015	
Hugh C McKinney	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$242.00
Check #GA 20281981 dated December 11, 2015	
Hugh C McKinney	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$242.00
Check #GA 20308851 dated December 23, 2015	
Hugh C McKinney	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$242.00
Check #GA 20330536 dated January 8, 2016	
Hugh C McKinney	
Labor Redeposit	

500 Mero Street, 3rd Floor Frankfort, KY 40601	\$242.00
Check #GA 20365930 dated January 22, 2016 Hugh C McKinney Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$242.00
Check #GA 20395842 dated February 5, 2016 Hugh C McKinney Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$242.00
Check #GA 20426939 dated February 19, 2016 Hugh C McKinney Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$242.00
Check #GA 20460834 dated March 4, 2016 Hugh C McKinney Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$242.00
Check #GA 20492163 dated March 18, 2016 Hugh C McKinney Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$242.00
Check #GA 20747576 dated July 8, 2016 Hugh E Harlan Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$332.76
Check #GA 20982369 dated October 28, 2016 Jack D Whitledge Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$242.00
Check #GA 20921912 dated September 30, 2016 Jackie Lewis	

Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$371.26
Check #GA 19870905 dated June 12, 2015 Jackie A Kanipe Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$331.14
Check #GA 19902154 dated June 26, 2015 Jackie A Kanipe Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$331.14
Check #GA 20189121 dated October 30, 2015 Jacqueline Adams Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$5.35
Check #GA 20771388 dated July 22, 2016 James Eaves Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$555.32
Check #GA 19901485 dated June 26, 2015 James A Brandon Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$67.50
Check #GA 20831543 dated August 19, 2016 James Charles Hall Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$29.04
Check #GA 20153181 dated October 16, 2015 James D Lynch Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$45.44
Check #GA 20189338 dated October 30, 2015	

James D Lynch Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$45.44
Check #GA 20220667 dated November 13, 2015 James D Lynch Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$45.44
Check #GA 20254012 dated November 27, 2015 James D Lynch Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$45.44
Check #GA 20282026 dated December 11, 2015 James D Lynch Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$45.44
Check #GA 19768302 dated May 1, 2015 James E Bennett Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$224.00
Check #GA 19800595 dated May 15, 2015 James E Bennett Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$224.00
Check #GA 20554348 dated April 15, 2016 James L Johnson Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$661.06
Check #GA 20555703 dated April 15, 2016 Janice Martin Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$317.16

Check #GA 20366193 dated January 22, 2016	
Janice Turner	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$555.32
Check #GA 20222016 dated November 13, 2015	
Jason Jackson	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$686.04
Check #GA 19837331 dated May 29, 2015	
Jerry W Collins	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$60.64
Check #GA 19872945 dated June 12, 2015	
Jerry W Collins	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$60.64
Check #GA 20677610 dated June 10, 2016	
Jesse J France	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$84.00
Check #GA 20603447 dated May 6, 2016	
Joe Ray Roberts	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$75.00
Check #GA 20788467 dated July 29, 2016	
John Short	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$47.86
Check #GA 19771162 dated May 1, 2015	
John Vance	
Labor Redeposit	
500 Mero Street, 3rd Floor	

Frankfort, KY 40601	\$552.68
Check #GA 20282697 dated December 11, 2015	
Johna Dean Roby	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$149.52
Check #GA 20062440 dated September 4, 2015	
Joy Faircloth	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$40.54
Check #GA 20950687 dated October 14, 2016	
Joy Faircloth	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$1.45
Check #GA 19770722 dated May 1, 2015	
Kathi Kerr-Grubbs	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$153.82
Check #GA 20091517 dated September 18, 2015	
Kathy D Bassett	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$82.24
Check #GA 20027039 dated August 14, 2015	
Kelsey Cotton	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$32.00
Check #GA 20052442 dated August 25, 2015	
Kentuckiana Reporters	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$317.25
Check #GA 20651932 dated May 27, 2016	
L P Smallwood	
Labor Redeposit	

500 Mero Street, 3rd Floor Frankfort, KY 40601	\$1.62
Check #GA 19966926 dated July 24, 2015	
Larry Slusher Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$172.16
Check #GA 20427763 dated February 19, 2016	
Larry D Prater Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$644.38
Check #GA 20745618 dated July 8, 2016	
Lee R Cammuse Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$149.22
Check #GA 20461907 dated March 4, 2016	
Leeca S Nordin Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$481.14
Check #GA 20651162 dated May 27, 2016	
Lois Jent Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$57.92
Check #GA 20773783 dated July 22, 2016	
Lorene Coots Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$118.96
Check #GA 20189084 dated October 30, 2015	
Lucy J Adkins Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$64.00
Check #GA 20829854 dated August 19, 2016	
Lula Davis Marlow	

Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$35.32
Check #TA 16233080 dated May 8, 2014 Lund Mark E & Judith A 4253 Steamboat Road Lexington, KY 40514	\$176.00
Check #TA 16243967 dated May 12, 2014 Lyons Marshall S & T L 6502 Beech Grove Ct Louisville, KY 40229	\$289.00
Check #GA 19768455 dated May 1, 2015 Margie Collins Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$217.00
Check #GA 19996137 dated August 7, 2015 Mark Yeckering Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$89.96
Check #GA 20028999 dated August 21, 2015 Mark Yeckering Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$89.96
Check #GA 20062443 dated September 4, 2015 Mark Yeckering Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$89.96
Check #GA 20090428 dated September 18, 2015 Mark Yeckering Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$89.96
Check #GA 20121162 dated October 2, 2015 Mark Yeckering Labor Redeposit	

500 Mero Street, 3rd Floor Frankfort, KY 40601	\$89.96
Check #GA 20710509 dated June 17, 2016	
Mark Flores Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$23.40
Check #GA 20310022 dated December 23, 2015	
Martha Robinson Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$243.52
Check #GA 20872570 dated September 9, 2016	
Marvin Miles Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$141.13
Check #GA 20677852 dated June 10, 2016	
Mary Haskell Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$104.46
Check #GA 20366115 dated January 22, 2016	
Mary Saunders Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$508.66
Check #GA 20396024 dated February 5, 2016	
Mary Saunders Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$508.66
Check #GA 20427120 dated February 19, 2016	
Mary Saunders Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$508.66
Check #GA 20461016 dated March 4, 2016	
Mary Saunders	

Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$508.66
Check #GA 20800302 dated August 5, 2016	
Mary Saunders	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$508.66
Check #GA 20859660 dated September 2, 2016	
Mary Saunders	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$508.66
Check #GA 20155476 dated October 16, 2015	
Mary Anne Cox	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$83.67
Check #GA 20256276 dated November 27, 2015	
Mary Anne Cox	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$83.67
Check #GA 20284290 dated December 11, 2015	
Mary Anne Cox	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$83.67
Check #GA 20398125 dated February 5, 2016	
Mary Anne Cox	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$83.67
Check #GA 20429208 dated February 19, 2016	
Mary Anne Cox	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$31.80
Check #G1 11882434 dated March 1, 2007	

McDowell Linda CHFS Redeposit 275 E Main Street (3E-1) Frankfort, KY 40621	\$600.00
Check #GA 20520199 dated March 24, 2016 Melissa Gentile Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$15.00
Check #GA 19995801 dated August 7, 2015 Michael Lee Russell Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$192.00
Check #GA 20223323 dated November 13, 2015 Michael R Marshall Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$390.00
Check #BA 11089993 dated July 23, 2012 Midwest Aviation Keiwit Corporation Attn: Marcia Knupp 1550 Mike Fahey Street Omaha, NE 68102	\$686.86
Check #GA 20951105 dated October 14, 2016 Milford Marcum Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$417.60
Check #BA 11103602 dated July 24, 2013 Motion Industries Inc. Attn: Tax Dept PO Box 1477 Birmingham, AL 35201	\$2,018.81
Check #BA 11103933 dated July 25, 2013 Motion Industries Inc. Attn: Tax Dept PO Box 1477 Birmingham, AL 35201	\$7,011.55

Check #GA 20283234 dated December 11, 2015

Nellie Maise Jones

Labor Redeposit

500 Mero Street, 3rd Floor

Frankfort, KY 40601

\$202.94

Check #C1 1216701 dated June 14, 2001

Odaniel, William E

William E O'Daniel Jr (POA)

2202 Wadsworth Ave

Louisville, KY 40205

\$321.67

Check #TA 15350592 dated February 12, 2013

Pate Patricia A

1941 Tamarack Rd 3-C

Owensboro, KY 42301

\$15.00

Check #GA 20310240 dated December 23, 2015

Patricia Ann Ware

Labor Redeposit

500 Mero Street, 3rd Floor

Frankfort, KY 40601

\$152.46

Check #GA 20331919 dated January 8, 2016

Patricia Ann Ware

Labor Redeposit

500 Mero Street, 3rd Floor

Frankfort, KY 40601

\$152.46

Check #GA 20367312 dated January 22, 2016

Patricia Ann Ware

Labor Redeposit

500 Mero Street, 3rd Floor

Frankfort, KY 40601

\$152.46

Check #GA 20397215 dated February 5, 2016

Patricia Ann Ware

Labor Redeposit

500 Mero Street, 3rd Floor

Frankfort, KY 40601

\$152.46

Check #GA 20428300 dated February 19, 2016

Patricia Ann Ware

Labor Redeposit

500 Mero Street, 3rd Floor

Frankfort, KY 40601

\$152.46

Check #GA 20462187 dated March 4, 2016	
Patricia Ann Ware	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$152.46
Check #GA 20493521 dated March 18, 2016	
Patricia Ann Ware	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$152.46
Check #GA 20524105 dated April 1, 2016	
Patricia Ann Ware	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$152.46
Check #GA 20554764 dated April 15, 2016	
Patricia Ann Ware	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$152.46
Check #GA 20586963 dated April 29, 2016	
Patricia Ann Ware	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$152.46
Check #GA 20620660 dated May 13, 2016	
Patricia Ann Ware	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$152.46
Check #GA 20652562 dated May 27, 2016	
Patricia Ann Ware	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$152.46
Check #GA 20679200 dated June 10, 2016	
Patricia Ann Ware	
Labor Redeposit	
500 Mero Street, 3rd Floor	

Frankfort, KY 40601	\$152.46
Check #GA 20712285 dated June 24, 2016	
Patricia Ann Ware	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$152.46
Check #GA 20746387 dated July 8, 2016	
Patricia Ann Ware	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$152.46
Check #GA 20772506 dated July 22, 2016	
Patricia Ann Ware	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$152.46
Check #GA 2080144 dated August 5, 2016	
Patricia Ann Ware	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$152.46
Check #GA 20831267 dated August 19, 2016	
Patricia Ann Ware	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$152.46
Check #GA 20860800 dated September 2, 2016	
Patricia Ann Ware	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$152.46
Check #GA 20889648 dated September 16, 2016	
Patricia Ann Ware	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$152.46
Check #GA 20920598 dated September 30, 2016	
Patricia Ann Ware	
Labor Redeposit	

500 Mero Street, 3rd Floor Frankfort, KY 40601	\$152.46
Check #GA 20951933 dated October 14, 2016 Patricia Ann Ware Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$152.46
Check #GA 20983622 dated October 28, 2016 Patricia Ann Ware Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$152.46
Check #GA 20281914 dated December 11, 2015 Patricia B Williams Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$15.46
Check #GA 20951049 dated October 14, 2016 Patricia L Looney Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$293.08
Check #GA 20982741 dated October 28, 2016 Patricia L Looney Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$293.08
Check #GA 20330623 dated January 8, 2016 Paul Fields Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$81.20
Check #GA 19801020 dated May 15, 2015 Paul B Hill Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$589.74
Check #GA 19835301 dated May 29, 2015 Paul B Hill	

Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$589.74
Check #GA 19870922 dated June 12, 2015 Paul B Hill Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$589.74
Check #GA 20773347 dated July 22, 2016 Paul K Cornelius Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$113.02
Check #GA 20678031 dated June 10, 2016 Paul O Hodges Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$508.66
Check #GA 20627423 dated May 11, 2016 Pepsi Bottling Company Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$529.21
Check #GA 20830031 dated August 19, 2016 Perry Denver Meade Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$0.32
Check #BA 11101755 dated May 10, 2013 Petroleum Products LLC Attn: David Clothier 5508 Lonas Drive Knoxville, TN 37909	\$101.64
Check #BA 11101756 dated May 10, 2013 Petroleum Products LLC Attn: David Clothier 5508 Lonas Drive Knoxville, TN 37909	\$1,809.65
Check #GA 19800989 dated May 15, 2015	

Phillip Railey Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$555.32
Check #GA 19835270 dated May 29, 2015 Phillip Railey Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$555.32
Check #GA 19836527 dated May 29, 2015 Phillip B Stephenson Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$397.18
Check #BA 11081220 dated November 17, 2011 Pilot Travel Centers LLC Attn: David Clothier/Latecia Richard 5508 Lonas Drive Knoxville, TN 37909	\$133.26
Check #GA 20029080 dated August 21, 2015 Priscilla Ann Gipe Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$4.54
Check #GA 20269042 dated November 30, 2015 Pulaski County Constable Dist 3 Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$40.00
Check #GA 20029119 dated August 21, 2015 Reba Honeycutt Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$466.52
Check #TA 15700818 dated May 6, 2013 Reddicks Barbara J 1636 Sale Ave Louisville, KY 40215	\$88.00
Check #GA 20621479 dated May 13, 2016	

Regina K Jones Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$84.44
Check #GA 19870272 dated June 12, 2015 Richard L Parsley Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$192.00
Check #GA 20189583 dated October 30, 2015 Robert Lee Brawley Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$169.40
Check #GA 20553786 dated April 15, 2016 Robert R Mason Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$555.32
Check #GA 19871563 dated June 12, 2015 Robert Rhymer 300 Howard Rd Putney, KY 40865	\$625.64
Check #GA 20861940 dated September 2, 2016 Roger McKnight Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$438.62
Check #GA 20666378 dated June 3, 2016 Roger D Cook Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$469.62
Check #GA 20694088 dated June 17, 2016 Roger D Cook Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$469.62
Check #GA 20815657 dated August 12, 2016	

Roger D Cook Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$469.62
Check #GA 20523598 dated April 1, 2016	
Roger L Duvall Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$119.00
Check #GA 20153900 dated October 16, 2015	
Ruby Saylor-Epperson Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$171.96
Check #GA 20190055 dated October 30, 2015	
Ruby Saylor-Epperson Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$171.96
Check #TA 17320990 dated June 2, 2016	
Rusche Stephen L (Estate) Chris Meinhart (Administration) 222 E Witherspoon St, Ste 401 Louisville, KY 40202	\$293.00
Check #GA 20153454 dated October 16, 2015	
Russell Pack Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$555.32
Check #GA 20189611 dated October 30, 2015	
Russell Pack Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$555.32
Check #GA 20220935 dated November 13, 2015	
Russell Pack Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$555.32

Check #GA 20254277 dated November 27, 2015

Russell Pack

Labor Redeposit

500 Mero Street, 3rd Floor

Frankfort, KY 40601

\$555.32

Check #GA 20282291 dated December 11, 2015

Russell Pack

Labor Redeposit

500 Mero Street, 3rd Floor

Frankfort, KY 40601

\$555.32

Check #GA 20309160 dated December 23, 2015

Russell Pack

Labor Redeposit

500 Mero Street, 3rd Floor

Frankfort, KY 40601

\$555.32

Check #GA 20330841 dated January 8, 2016

Russell Pack

Labor Redeposit

500 Mero Street, 3rd Floor

Frankfort, KY 40601

\$555.32

Check #GA 20366236 dated January 22, 2016

Russell Pack

Labor Redeposit

500 Mero Street, 3rd Floor

Frankfort, KY 40601

\$555.32

Check #GA 20396145 dated February 5, 2016

Russell Pack

Labor Redeposit

500 Mero Street, 3rd Floor

Frankfort, KY 40601

\$555.32

Check #GA 20427240 dated February 19, 2016

Russell Pack

Labor Redeposit

500 Mero Street, 3rd Floor

Frankfort, KY 40601

\$555.32

Check #GA 20461134 dated March 4, 2016

Russell Pack

Labor Redeposit

500 Mero Street, 3rd Floor

Frankfort, KY 40601	\$555.32
Check #GA 20492467 dated March 18, 2016	
Russell Pack	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$555.32
Check #GA 20523056 dated April 1, 2016	
Russell Pack	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$555.32
Check #GA 20553719 dated April 15, 2016	
Russell Pack	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$555.32
Check #GA 20585921 dated April 29, 2016	
Russell Pack	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$555.32
Check #GA 20619618 dated May 13, 2016	
Russell Pack	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$555.32
Check #GA 20651524 dated May 27, 2016	
Russell Pack	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$555.32
Check #GA 20678168 dated June 10, 2016	
Russell Pack	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$555.32
Check #GA 20711257 dated June 24, 2016	
Russell Pack	
Labor Redeposit	

500 Mero Street, 3rd Floor Frankfort, KY 40601	\$555.32
Check #GA 20745356 dated July 8, 2016 Russell Pack Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$555.32
Check #GA 20771476 dated July 22, 2016 Russell Pack Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$555.32
Check #GA 20800417 dated August 5, 2016 Russell Pack Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$555.32
Check #GA 20801006 dated August 5, 2016 Sabrina B Keown Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$176.60
Check #GA 19696774 dated April 3, 2015 Sammie Nichols Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$380.00
Check #GA 19730518 dated April 17, 2015 Sammie Nichols Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$380.00
Check #GA 19872221 dated June 12, 2015 Sammie Nichols Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$380.00
Check #GA 19903472 dated June 26, 2015 Sammie Nichols	

Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$380.00
Check #GA 19937762 dated July 10, 2015 Sammie Nichols Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$380.00
Check #GA 19967498 dated July 24, 2015 Sammie Nichols Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$380.00
Check #GA 19997736 dated August 7, 2015 Sammie Nichols Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$380.00
Check #GA 20030599 dated August 21, 2015 Sammie Nichols Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$380.00
Check #GA 20064036 dated September 4, 2015 Sammie Nichols Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$380.00
Check #GA 20092027 dated September 18, 2015 Sammie Nichols Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$380.00
Check #GA 20122753 dated October 2, 2015 Sammie Nichols Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$380.00
Check #GA 20222267 dated November 13, 2015	

Sammie Nichols	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$380.00
Check #GA 19996631 dated August 7, 2015	
Sara Preston	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$186.88
Check #GA 20282536 dated December 11, 2015	
Sara Preston	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$186.88
Check #GA 20256484 dated November 27, 2015	
Sarah Howard	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$506.34
Check #TA 16478361 dated February 23, 2015	
Schwass Caitlin	
P.O. Box 131	
Atwood, IL 61913	\$239.00
Check #GA 20398368 dated February 5, 2016	
Sharon D Ellis	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$354.60
Check #GA 20429449 dated February 19, 2016	
Sharon D Ellis	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$354.60
Check #GA 20494669 dated March 18, 2016	
Sharon D Ellis	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$354.60
Check #GA 20525249 dated April 1, 2016	

Sharon D Ellis Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$354.60
Check #BA 11137725 dated January 4, 2016 Sherman Samuel Est Steven Sherman Exe 742 Longacre Ave Woodmere, NY 11598	\$221.00
Check #GA 19872223 dated June 12, 2015 Shirley Abshire Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$133.34
Check #GA 19901478 dated June 26, 2015 Shirley Collman Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$18.60
Check #BA 11101757 dated May 10, 2013 Simons Petroleum LLC Attn: David Clothier 5508 Lonas Drive Knoxville, TN 37909	\$105.80
Check #BA 11101758 dated May 10, 2013 Simons Petroleum LLC Attn: David Clothier 5508 Lonas Drive Knoxville, TN 37909	\$1,883.67
Check #TA 15785049 dated August 16, 2013 Stover Margaret L 23 Harrison Dr Newtown Square, PA 19073	\$980.00
Check #GA 19948406 dated July 9, 2015 Taylor L McNay Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$60.00
Check #GA 20295566 dated December 18, 2015	

Terry D Hughes Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$141.13
Check #GA 19728656 dated April 17, 2015 Theresa N Balchunas Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$136.80
Check #GA 20651118 dated May 27, 2016 Theresa N Balchunas Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$136.80
Check #GA 20122603 dated October 2, 2015 Thomas W Mayes PO Box 4216 Harrogate, TN 37752	682.44
Check #GA 20679290 dated June 10, 2016 Thomas W Mayes PO Box 4216 Harrogate, TN 37752	\$682.44
Check #GA 20919421 dated September 30, 2016 Titus L White Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$228.88
Check #GA 19944721 dated July 8, 2015 Tri-Star Risk Management Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$577.14
Check #GA 20332819 dated January 8, 2016 Van Duran Patton Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$651.60
Check #GA 20155149 dated October 16, 2015 Virginia Whisman	

Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$49.92
Check #GA 20282349 dated December 11, 2015	
Wanda Tilford	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$26.38
Check #GA 19871718 dated June 12, 2015	
Wanda Sue Thrasher	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$336.18
Check #GA 20281710 dated December 11, 2015	
Warren Edward Hodges	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$116.88
Check #GA 20330263 dated January 8, 2016	
Warren Edward Hodges	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$116.88
Check #GA 20365655 dated January 22, 2016	
Warren Edward Hodges	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$116.88
Check #GA 20395569 dated February 5, 2016	
Warren Edward Hodges	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$116.88
Check #GA 20460562 dated March 4, 2016	
Warren Edward Hodges	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$116.88
Check #GA 20491894 dated March 18, 2016	

Warren Edward Hodges Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$116.88
Check #GA 20522492 dated April 1, 2016 Warren Edward Hodges Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$116.88
Check #GA 20553157 dated April 15, 2016 Warren Edward Hodges Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$116.88
Check #GA 20585360 dated April 29, 2016 Warren Edward Hodges Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$116.88
Check #GA 20619058 dated May 13, 2016 Warren Edward Hodges Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$116.88
Check #GA 20677609 dated June 10, 2016 Warren Edward Hodges Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$116.88
Check #GA 20710699 dated June 24, 2016 Warren Edward Hodges Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$116.88
Check #GA 20744799 dated July 8, 2016 Warren Edward Hodges Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$116.88

Check #GA 20770920 dated July 22, 2016	
Warren Edward Hodges	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$116.88
Check #GA 20799862 dated August 5, 2016	
Warren Edward Hodges	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$116.88
Check #GA 20829691 dated August 19, 2016	
Warren Edward Hodges	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$116.88
Check #GA 20620823 dated May 13, 2016	
Wayne Bryant	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$702.92
Check #GA 20652726 dated May 27, 2016	
Wayne Bryant	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$702.92
Check #GA 20679364 dated June 10, 2016	
Wayne Bryant	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$702.92
Check #GA 20712446 dated June 24, 2016	
Wayne Bryant	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$702.92
Check #GA 20746549 dated July 8, 2016	
Wayne Bryant	
Labor Redeposit	
500 Mero Street, 3rd Floor	

Frankfort, KY 40601	\$702.92
Check #GA 20772667 dated July 22, 2016	
Wayne Bryant	
Labor Redeposit,	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$702.92
Check #GA 20801604 dated August 5, 2016	
Wayne Bryant	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$702.92
Check #GA 20831426 dated August 19, 2016	
Wayne Bryant	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$702.92
Check #GA 20477576 dated March 11, 2016	
Wayne Conley	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$234.86
Check #GA 20153257 dated October 16, 2015	
Wayne A Miller	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$120.60
Check #GA 20323046 dated December 30, 2015	
Wesley Tackett	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$169.22
Check #GA 20492341 dated March 18, 2016	
Willard Blake	
Labor Redeposit	
500 Mero Street, 3rd Floor	
Frankfort, KY 40601	\$508.66
Check #GA 20585553 dated April 29, 2016	
William A McDaniel	
Labor Redeposit	

500 Mero Street, 3rd Floor Frankfort, KY 40601	\$168.00
Check #GA 20309851 dated December 23, 2015 William V Spears Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$461.32
Check #GA 20331532 dated January 8, 2016 William V Spears Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$461.32
Check #GA 20226190 dated November 10, 2015 Winn Dixie Stores Inc. Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$332.67
Check #GA 20746288 dated July 8, 2016 Winston Kirk Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$674.90
Check #GA 19834926 dated May 29, 2015 Wiret Wilson Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$242.00
Check #GA 19630928 dated February 27, 2015 Yoichi Aoyama 2860 Pinckard Pike Versailles, KY 40383	\$765.70
Check #GA 19834635 dated May 29, 2015 Zigler White Labor Redeposit 500 Mero Street, 3rd Floor Frankfort, KY 40601	\$67.72
Check #TA 16846123 dated August 27, 2015 Hall Jr Maurice C (Estate) Melinda C Rogers (Administrator)	

4716 Nottingham Ct Ashland, KY 41101	\$136.00
Check #TA 17336007 dated June 9, 2016 Hall Jr Maurice C (Estate) Melinda C Rogers (Administrator) 4716 Nottingham Ct Ashland, KY 41101	\$104.00
Check #TA 17059447 dated March 11, 2016 Rincon Mackenzie L P.O. Box 1291 Russell Springs, KY 42642	\$52.00
Check #PA 12761986 dated June 15, 2012 Carlotta A Yarberry 1705 Wheeler Hill Road Columbia, KY 42728	\$259.88

➔Section 3. Whereas the persons and companies named above have furnished in good faith services, supplies, and materials and the Commonwealth has received the same, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 8, 2022.

CHAPTER 107

(HB 91)

AN ACT relating to the issuance and renewal of occupational licenses to military spouses.

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

- ➔Section 1. KRS 12.357 is amended to read as follows:
- (1) Notwithstanding any other statute to the contrary, an administrative body shall issue, ***without requiring the payment of dues or fees***, a temporary or regular license or certificate within thirty (30) days to the spouse of ***a current***~~[an active-duty]~~ member of the Armed Forces of the United States if the spouse of the ***service***~~[active-duty]~~ member meets the statutory requirements of the administrative body and applies to the administrative body in a format promulgated in administrative regulation by the administrative body.
 - (2) An application for temporary or regular licensure of the spouse of ***a current***~~[an active-duty]~~ member of the Armed Forces of the United States shall include but not be limited to the following:
 - (a) Proof that the applicant is married to ***a current***~~[an active-duty]~~ member of the Armed Forces of the United States;
 - (b) Proof that the applicant holds a valid license or certificate for the profession issued by another state, the District of Columbia, or any possession or territory of the United States; ***and***
 - (c) Proof that the applicant's spouse is assigned to a duty station in this state~~[and that the applicant is also assigned to a duty station in this state pursuant to the spouse's official active-duty military orders; and~~
 - ~~(d) An application fee to be established by the administrative body in an amount that is no more than is necessary to offset the cost of issuing the temporary or regular license].~~
 - (3) A temporary license issued pursuant to this section shall expire six (6) months after the date of issuance and is not renewable.

- (4) (a) *Notwithstanding any other statute to the contrary, except as provided in paragraph (b) of this subsection, an administrative body shall initially issue or renew any regular occupational license to the spouse of a current member of the Armed Forces of the United States if:*
1. *The spouse meets the statutory requirements for initial issuance or renewal of the occupational license by the administrative body;*
 2. *The spouse applies for the initial issuance or renewal of the occupational license to the administrative body in a format promulgated in administrative regulation by the administrative body; and*
 3. *The spouse's application for the initial issuance or renewal of the occupational license is submitted to the administrative body before the regular application deadline for the original license or renewal.*
- (b) *An administrative body that requires payment of dues or fees for the submission of an electronic application for an occupational license shall, within thirty (30) days, refund the dues or fees paid by a spouse of a current member of the Armed Forces of the United States if the provisions of paragraph (a) of this subsection are met.*

Signed by Governor April 8, 2022.

CHAPTER 108

(HB 249)

AN ACT relating to building facilities and declaring an emergency.

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

➔Section 1. KRS 198B.650 is amended to read as follows:

As used in KRS 198B.650 to 198B.689, unless the context requires otherwise:

- (1) "Air conditioning or cooling system" means a system in which heat is removed from air, surrounding surfaces, or both;
- (2) "Apprentice heating, ventilation, and air conditioning mechanic" means an individual in the process of learning the heating, ventilation, and air conditioning trade who assists and is under the supervision of a master heating, ventilation, and air conditioning contractor and a journeyman heating, ventilation, and air conditioning mechanic;
- (3) "Burner service" means the servicing of oil or gas burners used for heating air or water for purposes other than the transmission of heat;
- (4) "Certificate" means a document issued by the department to an apprentice heating, ventilation, and air conditioning mechanic to assist a master heating, ventilation, and air conditioning contractor or a journeyman heating, ventilation, or air conditioning mechanic;
- (5) "Commissioner" means the commissioner of the Department of Housing, Buildings and Construction;
- (6) "Department" means the Department of Housing, Buildings and Construction;
- (7) "Heating system" means a system in which heat is transmitted by radiation, conduction, convection, or a combination of any of these methods to air, surrounding surfaces, or both. "Heating system" does not include fireplaces and free-standing stoves not incorporated into a primary heating system, electric thermal storage units, electric ceiling cable heating systems, or electric baseboard heating units;
- (8) "Hydronic system" means a heating and cooling system using liquids to transmit or remove heat;
- (9) "Initial heating, ventilation, or air conditioning system" means the first or original heating, ventilation, or air conditioning system installed in a building;

- (10) "Journeyman heating, ventilation, and air conditioning mechanic" means an individual who is licensed by the department to perform heating, ventilation, and air conditioning work under the supervision, direction, and responsibility of a master heating, ventilation, and air conditioning contractor;
- (11) "Maintenance person or maintenance engineer" means a person who is a regular and bona fide employee of a property owner, property lessor, property management company, or firm, not in the heating, ventilating, and air conditioning business that has jurisdiction of property where the routine maintenance of heating, ventilating, and air conditioning is being performed, provided the maintenance shall not include major repairs;
- (12) "Major repair" means the complete replacement of any of the following heating, ventilation, or air conditioning equipment:
- (a) Furnaces;
 - (b) Condensing units;
 - (c) Heat pumps;
 - (d) Fan coil units;
 - (e) Chiller systems; or
 - (f) Heating boiler systems not covered by KRS Chapter 236;
- (13) "Master heating, ventilation, and air conditioning contractor" means a heating, ventilation, and air conditioning contractor who is licensed by the department to advertise and practice heating, ventilation, and air conditioning contracting in this Commonwealth;
- (14) "Permit" means a document issued by the department or its authorized agent allowing the installation of an original heating, ventilation, or air conditioning system;
- (15) (a) "Practice of heating, ventilation, and air conditioning contracting" means the installation, maintenance, altering, remodeling, or repair of heating systems, ventilation systems, hydronic systems, burner service, or cooling systems.
- (b) ***"Practice of heating, ventilation, and air conditioning contracting" does not include cleaning of duct work. If cleaning of duct work involves cutting an access point or hole into a duct, the access point or hole shall be repaired and resealed in such a manner that the integrity of the duct is restored before the cleaning service is concluded.***
- (c) ***Nothing in this subsection shall be taken to prohibit a person licensed under KRS 198B.650 to 198B.689 from performing the cleaning of duct work;***
- (16) "Routine maintenance of heating, ventilation, or air conditioning" means the routine and periodic servicing of heating, ventilation, and air conditioning systems, including cleaning, inspection, and adjustments to ensure the proper operation, and the removal and replacement of component parts. "Routine maintenance of heating, ventilation, or air conditioning" shall not include major repairs; and
- (17) "Ventilation system" means a natural or mechanical system of supplying air to or removing air from any space.

➔Section 2. KRS 198B.674 is amended to read as follows:

KRS 198B.650 to 198B.689 shall not apply to:

- (1) Employees of any master heating, ventilation, and air conditioning contractor who are subordinates of the licensee, if those employees are not journeyman heating, ventilation, and air conditioning mechanics or apprentice heating, ventilation, and air conditioning mechanics and do not engage in heating, ventilation, and air conditioning contracting, except as an employee;
- (2) An employee of the United States government while practicing heating, ventilation, and air conditioning contracting on or within property owned by the United States government.
- (3) An individual owner of real property while practicing heating, ventilation, and air conditioning work on or within property owned and occupied by the individual;
- (4) A person employed in the installation, maintenance, repair, or replacement of residential window air conditioning units;
- (5) A person licensed under KRS Chapter 236, if he is installing, servicing, repairing, or replacing boiler devices;

- (6) A person licensed under KRS Chapter 322, if he is preparing plans or conducting construction inspections;
- (7) A full-time maintenance person or maintenance engineer performing routine maintenance of heating, ventilation, or air conditioning in connection with his employment;
- (8) Contractors or employees while installing or maintaining heating, cooling, air conditioning, ventilation, or burner services on any property or site owned or operated by any entity:
 - (a) Subject to the jurisdiction of KRS Chapter 278; or
 - (b) Of any municipal electric, water, gas, or sewer utility operating pursuant to any of the provisions of KRS Chapter 96;
- (9) The adjustment of an air flow device performed by any entity specified in subsection (8) of this section, if the adjustment is performed in conjunction with the installation, replacement, or repair of a gas distribution line;
- (10) A person licensed or certified pursuant to KRS 227.570, or the administrative regulations promulgated thereunder, upon initial installation of air conditioning units incorporated with the original sale of a manufactured housing unit;
- (11) A general retailer whose primary business is not the practice of heating, ventilation, and air conditioning contracting, if that general retailer uses only licensed subcontractors that comply with the provisions of KRS 198B.650 to 198B.689. The provisions of this subsection shall not exclude or limit the liability of the general retailer, or exempt the general retailer from the insurance requirements as established in KRS 198B.668, if the general retailer is engaging in the practice of heating, ventilation, and air conditioning contracting;
- (12) The installation, service, repair, or replacement of electrical units on any heating, ventilation, or air conditioning system;
- (13) An employee or agent of the Commonwealth of Kentucky while practicing heating and ventilation contracting in connection with weatherization assistance for low income persons pursuant to 903 KAR 6:020;
- (14) A person conducting routine maintenance of heating, ventilation, or air conditioning as a volunteer for any church or religious organization, provided he receives no compensation for the services rendered;~~{or}~~
- (15) The installation, service, repair, or replacement of liquefied petroleum gas units on any heating, ventilation, or air conditioning system by an employee of any person licensed under the provisions of KRS 234.120(1)(a); **or**
- (16) ***A person cleaning duct work not engaged in installation or repair of the heating, ventilation, or air conditioning system unless, in cleaning the duct work it was necessary to cut an access point or hole, in which case the repair of the access point or hole shall be included in the cleaning service and the duct work shall be restored to its original integrity before concluding the cleaning service. A person who cuts, repairs, or restores duct work related to a duct cleaning service shall be a contractor that is licensed and insured in the state of Kentucky.***

➔Section 3. KRS 198B.4021 is amended to read as follows:

- (1) An elevator contractor shall notify the department when the contractor has ***a shortage of***~~{no}~~ licensed personnel available, ***due to a reduction in licensed elevator mechanics employed by the contractor or an increase in work***, to perform elevator work. The elevator contractor may request that the department issue temporary elevator mechanic licenses to persons confirmed by the licensed elevator contractor to have a combination of ***a minimum of twenty-four (24) months'*** documented experience and education ***as part of:***
 - (a) ***A state-certified apprenticeship educational program;***
 - (b) ***A training program provided by the National Elevator Industry Educational Program or the National Association of Elevator Contractors; or***
 - (c) ***Equivalent experience while serving in the United States military services*** to perform elevator work without direct and immediate supervision, ***not to exceed twenty-five percent (25%) of the number of licensed personnel employed by the elevator contractor.***
- (2) Any person confirmed by an elevator contractor to have a combination of ***a minimum of twenty-four (24) months'*** documented experience and education ***as part of:***
 - (a) ***A state-certified apprenticeship educational program;***
 - (b) ***A training program provided by the National Elevator Industry Educational Program or the National Association of Elevator Contractors; or***

- (c) *Equivalent experience while serving in the United States military services* to perform elevator work without direct and immediate supervision shall *be eligible to* immediately seek a temporary elevator mechanic license from the department.
- (3) Each temporary license shall be valid for a period of one (1) year and only while the licensee is employed by the licensed elevator contractor that confirmed the individual as qualified.
- (4) The temporary license shall be renewable for *one (1)* additional ~~term~~^{terms} of one (1) year ~~each until there is no shortage of ordinary license holders~~.

➔Section 4. KRS 198B.010 is amended to read as follows:

As used in this chapter, unless otherwise provided:

- (1) "Assembly occupancy" means the occupancy or use of a building or structure or any portion thereof by a gathering of persons for civic, political, travel, religious, social, or recreational purposes, including among others:
 - (a) Armories;
 - (b) Assembly halls;
 - (c) Auditoriums;
 - (d) Bowling alleys;
 - (e) Broadcasting studios;
 - (f) Chapels;
 - (g) Churches;
 - (h) Clubrooms;
 - (i) Community buildings;
 - (j) Courthouses;
 - (k) Dance halls;
 - (l) Exhibition rooms;
 - (m) Gymnasiums;
 - (n) Hotels;
 - (o) Lecture rooms;
 - (p) Lodge rooms;
 - (q) Motels;
 - (r) Motion picture theaters;
 - (s) Museums;
 - (t) Night clubs;
 - (u) Opera houses;
 - (v) Passenger stations;
 - (w) Pool rooms;
 - (x) Recreation areas;
 - (y) Restaurants;
 - (z) Skating rinks;
 - (aa) Television studios; *and*
 - (bb) Theaters.
- (2) "Attic" means the space between the ceiling beams of the top habitable story and the roof rafters.

- (3) "Basement" means that portion of a building the average height of which is at least half below grade, which is ordinarily used for purposes such as storage, laundry facilities, household tool shops, and installation and operation of heating, cooling, and ventilating facilities, but which is not ordinarily used for purposes of general household habitation.
- (4) "Building" means any combination of materials, whether portable or fixed, which comprises a structure or nonmine underground area affording facilities or shelter for any human occupancy, whether infrequent or regular, and also means single-family dwellings, including those sold or constructed under a trade or brand name. The word "building" shall be construed wherever used herein as if followed by the words "or part or parts thereof and all equipment therein" unless the context clearly requires a different meaning. "Building" shall also mean swimming pools constructed below grade on site, but not swimming pools assembled above grade on site. "Building" shall not mean a manufactured home governed by the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. secs. 5401 et seq., or a farm dwelling or other farm buildings and structures incident to the operation and maintenance of the farm if the farm structures are located outside the boundary of a municipality and are not used in the business of retail trade or used as a place of regular employment for ten (10) or more people or structures used in the storage or processing of timber products.
- (5) "Business occupancy" means the occupancy or use of a building or structure or any portion thereof for the transaction of business, the rendering or receiving of professional services, or the displaying, selling, or buying of goods, wares, or merchandise, or the housing of vehicles of transportation, except where occupancy is of high hazard, including among others:
 - (a) Banks;
 - (b) Barber shops;
 - (c) Beauty parlors;
 - (d) Department stores;
 - (e) Garages;
 - (f) Markets;
 - (g) Service stations;
 - (h) Offices;
 - (i) Stores;
 - (j) Radio stations;
 - (k) Telephone exchanges; and
 - (l) Television stations.
- (6) "Certified building inspector" means a person who has been certified by the department as having successfully completed the test requirements provided by KRS 198B.090 to practice as a city, county, or state building inspector within the Commonwealth.
- (7) "Certified plans and specifications inspector" means a person who has been certified by the department as having successfully completed the test requirements provided by KRS 198B.090 to practice as a city, county, or state plans and specifications inspector within the Commonwealth.
- (8) "Certified plumbing inspector" means a person who has been certified by the department as having successfully completed the test requirements provided by KRS 198B.090 and 318.140, or 318.090 to practice as a city, county, or state plumbing inspector within the Commonwealth.
- (9) "Commissioner" means the commissioner of the department.
- (10) "Committee" means the Housing, Buildings and Construction Advisory Committee established by KRS 198B.032.
- (11) "Construction" means the erection, fabrication, reconstruction, substantial alteration or conversion of a building, or the installation of equipment therein, but shall not include the ordinary repair of a building or structure.
- (12) "***Controlled environment agriculture facility***":

- (a) *Means a facility that utilizes a technologically advanced form of hydroponic or soilless-based production that includes a combination of engineering, plant science, and computer-managed greenhouse control technologies in growing spaces and all connected sorting, packing, and storage areas to allow complete and stable control of the plant environment, including temperature, light, and carbon dioxide;*
 - (b) *Includes the immediate sorting, packing, and shipping of fresh, ready-to-consume produce; and*
 - (c) *Shall not be used for retail sales or allow open access to the public.*
- (13) "Department" means the Department of Housing, Buildings and Construction.
- ~~(14)~~~~(13)~~ "Educational occupancy" means the occupancy or use of a building or structure or any portion thereof by persons assembled for the purpose of learning or of receiving educational instruction. "Educational occupancy" shall not include a building for occupancy or use by thirty-five (35) persons or less assembled to receive religious and educational instruction. "Educational occupancy" includes but is not limited to:
- (a) Academies;
 - (b) Care centers;
 - (c) Colleges;
 - (d) Kindergartens;
 - (e) Libraries;
 - (f) Preschools;
 - (g) Relocatable classroom units;
 - (h) Schools;
 - (i) Seminaries; and
 - (j) Universities.
- ~~(15)~~~~(14)~~ "Equipment" means facilities or installations, including but not limited to heating, electrical, ventilating, air conditioning, and refrigerating facilities or installations.
- ~~(16)~~~~(15)~~ "High hazard occupancy" means the occupancy or use of a building or structure or any portion thereof that involves highly combustible, highly flammable, or explosive materials or which has inherent characteristics that constitute a special fire hazard, including among others:
- (a) Aluminum powder factories;
 - (b) Charging or filling stations;
 - (c) Distilleries;
 - (d) Dry cleaning plants;
 - (e) Dry dyeing plants;
 - (f) Explosive-manufacture, sale or storage;
 - (g) Flour and feed mills;
 - (h) Gasoline bulk plants;
 - (i) Grain elevators;
 - (j) Lacquer factories;
 - (k) Liquefied petroleum gas;
 - (l) Mattress factories;
 - (m) Paint factories;
 - (n) Pyroxylin-factories, or warehouses; and
 - (o) Rubber factories.

~~(17)~~~~(16)~~ "Industrial occupancy" means the occupancy or use of a building structure or any portion thereof for assembling, fabricating, finishing, manufacturing, packaging, or processing operations, except for occupancies of high hazard, including among others:

- (a) Assembly plants;
- (b) Creameries;
- (c) Electrical substations;
- (d) Factories;
- (e) Ice plants;
- (f) Laboratories;
- (g) Laundries;
- (h) Manufacturing plants;
- (i) Mills;
- (j) Power plants;
- (k) Processing plants;
- (l) Pumping stations;
- (m) Repair garages;
- (n) Smokehouses; and
- (o) Workshops.

~~(18)~~~~(17)~~ "Industrialized building system" means any structure or component thereof which is wholly or in substantial part fabricated in an off-site manufacturing facility for installation or assembly on a permanent foundation at the building site.

~~(19)~~~~(18)~~ "Institutional occupancy" means the occupancy or use of a building or structure or any portion thereof by persons harbored or detained to receive medical, charitable, or other care or treatment, or by persons involuntarily detained, including among others:

- (a) Asylums;
- (b) Homes for the aged;
- (c) Hospitals;
- (d) Houses of correction;
- (e) Infirmaries;
- (f) Jails;
- (g) Nursing homes;
- (h) Orphanages;
- (i) Penal institutions;
- (j) Reformatories;
- (k) Sanitariums; and
- (l) Nurseries.

~~(20)~~~~(19)~~ "Mobile home" means mobile home as defined in KRS 227.550.

~~(21)~~~~(20)~~ "Ordinary repair" means any nonstructural reconstruction or renewal of any part of an existing building for the purpose of its maintenance, or decoration, and shall include but not be limited to the replacement or installation of nonstructural components of the building such as roofing, siding, windows, storm windows, insulation, drywall or lath and plaster, or any other replacement, in kind, that does not alter the structural integrity, alter the occupancy or use of the building, or affect, by rearrangement, exitways and means of egress; but shall not include additions to, or alteration of, or relocation of any standpipe, water supply, sewer,

drainage, gas, soil, waste, vent or similar piping, electric wiring, or mechanical equipment including furnaces and hot water heaters or other work affecting public health or safety.

~~(22)~~~~(21)~~ "Story" means that part of a building comprised between a floor and the floor or roof next above which is not a basement or an attic.

~~(23)~~~~(22)~~ "Person with a physical disability" means a person confined to a wheelchair; a person who uses braces or crutches; a person who because of the loss of a foot or leg or because of an arthritic, spastic, pulmonary, or cardiac condition, walks with difficulty or insecurity; a person who suffers from a faulty coordination or palsy; a person who is blind or whose sight is so impaired that, functioning in a public area, he or she is insecure or exposed to danger; a person whose hearing is so impaired that he or she is unable to hear warning signals; and a person whose mobility, flexibility, coordination, and perceptiveness are significantly reduced by aging.

~~(24)~~~~(23)~~ "Facility for persons with physical disabilities" means any convenience or device which facilitates the health, safety, or comfort of a person with a disability, including, but not limited to, ramps, handrails, elevators, and doors.

~~(25)~~~~(24)~~ "Manufactured home" is defined as in KRS 227.550.

➔Section 5. Whereas, the safety and well-being of the citizens of our great Commonwealth are a vital part of our communities, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 8, 2022.

CHAPTER 109

(HB 269)

AN ACT relating to mental illness.

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

➔Section 1. KRS 532.130 is amended to read as follows:

- (1) An adult, or a minor under eighteen (18) years of age who may be tried as an adult, convicted of a crime and subject to sentencing, is referred to in *this section and* KRS 532.135 and 532.140 as a defendant.
- (2) A defendant with significant subaverage intellectual functioning existing concurrently with substantial deficits in adaptive behavior and manifested during the developmental period is referred to in KRS 532.135 and 532.140 as a defendant with a serious intellectual disability. "Significantly subaverage general intellectual functioning" is defined as an intelligence quotient (I.Q.) of seventy (70) or below.
- (3) *A defendant is referred to in Sections 2 and 3 of this Act as a defendant with serious mental illness if:*
 - (a) *At the time of the offense, he or she has active symptoms and a documented history, including a diagnosis, of one (1) or more of the following mental disorders using the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association:*
 1. *Schizophrenia;*
 2. *Schizoaffective disorder;*
 3. *Bipolar disorder; or*
 4. *Delusional disorder; and*
 - (b) *The disorder is not manifested primarily by repeated criminal conduct or attributable solely to the acute effects of the voluntary use of alcohol or other drugs.*

As used in this subsection, a documented history and diagnosis shall be from a mental health professional as defined in KRS 645.020(7)(a) to (d).

➔Section 2. KRS 532.135 is amended to read as follows:

- (1) At least **one hundred twenty (120)**~~(thirty (30))~~ days before trial, the defendant shall file a motion with the trial court wherein the defendant may allege that he **or she** is a defendant with a serious intellectual disability **or a defendant with serious mental illness** and present evidence with regard thereto. The Commonwealth may offer evidence in rebuttal.
- (2) At least **ninety (90)**~~(ten (10))~~ days before the beginning of the trial, the court shall determine whether or not the defendant is a defendant with a serious intellectual disability **or a defendant with serious mental illness**, in accordance with the **criteria set forth**~~(definition)~~ in KRS 532.130.
- (3) The decision of the court shall be placed in the record.
- (4) The pretrial determination of the trial court shall not preclude the defendant from raising any legal defense during the trial. If it is determined the defendant is **a defendant**~~(an offender)~~ with a serious intellectual disability **or a defendant with serious mental illness**, he **or she** shall be sentenced as provided in KRS 532.140.

➔Section 3. KRS 532.140 is amended to read as follows:

- (1) KRS 532.010, 532.025, and 532.030 to the contrary notwithstanding, **a defendant**~~(no offender)~~ who has been determined to be **a defendant**~~(an offender)~~ with a serious intellectual disability **or a defendant with serious mental illness** under~~(the provisions of)~~ KRS 532.135~~(,)~~ shall **not** be subject to execution. The same procedure as required in KRS 532.025 and 532.030 shall be utilized in determining the sentence of the **defendant**~~(offender)~~ with a serious intellectual disability **or serious mental illness** under **this section and**~~(the provisions of)~~ KRS 532.135~~(and 532.140)~~.
- (2) **This section and**~~(The provisions of)~~ KRS 532.135~~(and 532.140)~~ do not preclude the sentencing of **a defendant**~~(an offender)~~ with a serious intellectual disability **or serious mental illness** to any other sentence authorized by KRS 532.010, 532.025, or 532.030 for a crime which is a capital offense.
- (3) (a) **For a defendant with a serious intellectual disability, this section and**~~(the provisions of)~~ KRS 532.135~~(and 532.140)~~ shall apply only to trials commenced after July 13, 1990.
 (b) **For a defendant with serious mental illness, this section and Section 2 of this Act shall apply only to trials commenced after the effective date of this Act.**

Signed by Governor April 8, 2022.

CHAPTER 110

(HB 282)

AN ACT relating to health care services agencies.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 216 IS CREATED TO READ AS FOLLOWS:

As used in Sections 1 to 6 of this Act:

- (1) *"Assisted-living community" has the same meaning as in KRS 194A.700;*
- (2) *"Cabinet" means the Cabinet for Health and Family Services;*
- (3) *"Controlling person" means:*
 - (a) *A corporation, partnership, or other business entity, or an officer, program administrator or director thereof, whose responsibilities include the direction of the management or policies of a health care services agency; or*
 - (b) *An individual who, directly or indirectly, beneficially owns an interest in a corporation, partnership, or other business entity that is a health care services agency;*
- (4) *"Direct care service" means a service provided to a resident in an assisted-living community, a resident in a long-term care facility, or a patient in a hospital, by direct care staff;*

- (5) *"Direct care staff" means an individual who contracts with or is employed by a health care services agency to provide direct care services to residents in assisted-living communities, residents in long-term care facilities, or patients in hospitals;*
- (6) *"Health care services agency" means any person, firm, corporation, partnership, or other business entity engaged in the business of referring direct care staff to render temporary direct care services to an assisted-living community, a long-term care facility, or a hospital but does not include a health care services agency operated by an assisted-living community, a long-term care facility, a hospital, or any affiliates thereof, solely for the purpose of procuring, furnishing, or referring temporary or permanent direct care staff for employment at that assisted-living community, long-term care facility, hospital, or any affiliates thereof;*
- (7) *"Hospital" means a facility licensed pursuant to KRS Chapter 216B as an acute-care hospital, psychiatric hospital, rehabilitation hospital, or chemical dependency treatment facility; and*
- (8) *"Long-term care facilities" has the same meaning as in KRS 216.510.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 216 IS CREATED TO READ AS FOLLOWS:

- (1) *No health care services agency shall be operated, maintained, or advertised without registering with the Cabinet for Health and Family Services. Each separate location of a health care services agency shall register and obtain a separate registration.*
- (2) *The cabinet shall promulgate administrative regulations in accordance with KRS Chapter 13A to establish the application process for health care services agency registration. The application shall include:*
 - (a) *The names and addresses of any controlling person;*
 - (b) *The names and addresses of any owner who does not meet the definition of controlling person. If the owner is a corporation, the application shall include copies of its articles of incorporation and current bylaws, and the names and addresses of its officers and directors;*
 - (c) *Satisfactory proof of compliance with Sections 1 to 6 of this Act;*
 - (d) *A policy and procedure that describes how the health care services agency's records will be immediately available to the cabinet upon request;*
 - (e) *Any other relevant information that the cabinet determines is necessary to properly evaluate an application for registration; and*
 - (f) *A registration fee in the amount of three thousand dollars (\$3,000) per registration.*
- (3) *The cabinet shall deny any application for health care services agency registration for failure to provide the information required by this section.*
- (4) *A registration issued by the cabinet to a health care services agency shall be effective for a period of one (1) year from the date of its issuance unless the registration is revoked for noncompliance with Sections 1 to 6 of this Act. If a controlling person changes, the health care services agency is sold, or management is transferred, the registration of the agency shall be voided and the new controlling person, owner, or manager may apply for a new registration.*
- (5) *The cabinet shall not issue or renew a health care services agency registration if a controlling person's registration has not been renewed or has been revoked due to noncompliance with requirements in Sections 1 to 6 of this Act for five (5) years from the date of nonrenewal or revocation.*
- (6) *A health care services agency may request a hearing in accordance with KRS Chapter 13B to appeal a denial of an application for registration, revocation of registration, or an imposed monetary penalty.*

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 216 IS CREATED TO READ AS FOLLOWS:

- (1) *A health care services agency shall:*
 - (a) *Retain documentation that each direct care staff contracted with or employed by the agency meets the minimum licensing, certification, training, and continuing education standards for his or her position;*
 - (b) *Comply with all pertinent requirements relating to the health and other qualifications of personnel employed in assisted-living communities, long-term care facilities, or hospitals;*

- (c) *Carry all professional and general liability insurance coverage to insure against loss, damage, or expense incident to a claim arising out of the death or injury of any person as the result of negligence or malpractice in the provision of direct care services by the health care services agency or any direct care staff;*
 - (d) *Carry an employee dishonesty bond in the amount of ten thousand dollars (\$10,000);*
 - (e) *Maintain coverage for workers' compensation for all direct care staff; and*
 - (f) *Retain all records for five (5) calendar years and make all records immediately available to the cabinet upon request.*
- (2) *Failure to comply with subsection (1) of this section shall result in:*
- (a) *Denial of an application for registration or registration renewal; or*
 - (b) *Revocation of registration and a monetary penalty in the amount of twenty-five thousand dollars (\$25,000).*
- (3) *If the cabinet determines that a health care services agency has knowingly provided to an assisted-living community, a long-term care facility, or a hospital direct care staff who have illegally or fraudulently obtained or been issued a diploma, registration, license, certification, or criminal background check, the cabinet shall immediately notify the agency that its registration will be revoked in fifteen (15) days.*

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 216 IS CREATED TO READ AS FOLLOWS:

- (1) *A health care services agency shall not:*
- (a) *Restrict in any manner the employment opportunities of any direct care staff that is contracted with or employed by the agency including but not limited to contract buy-out provisions or contract non-compete clauses;*
 - (b) *Require, in any contract with direct care staff, an assisted-living community, a long-term care facility, or a hospital, the payment of liquidated damages, employment fees, or other compensation should the employee be hired as a permanent employee of the assisted-living community, long-term care facility, or hospital except in cases where the damages, fees, or compensation are payable, solely by the assisted-living community, long-term care facility, or hospital and the contract with the assisted-living community, long-term care facility, or hospital specifies that the amount will be reduced pro-rata based on the length of time the direct care staff performs services for the assisted-living community, long-term care facility, or hospital while on the payroll of the health care services agency; or*
 - (c) *Solicit or recruit the current staff of an assisted-living community, long-term care facility, or hospital, or require, as a condition of employment, assignment, or referral, that their employees recruit new employees for the agency from among the current employees of the assisted-living community, long-term care facility, or hospital to which the agency employees are employed, assigned, or referred.*
- (2) *Any contract between a health care services agency and direct care staff that does not comply with subsection (1) of this section shall be considered an unfair trade practice and be void pursuant to KRS 365.060.*

➔SECTION 5. A NEW SECTION OF KRS CHAPTER 216 IS CREATED TO READ AS FOLLOWS:

The cabinet shall establish a reporting system for complaints relating to a health care services agency or direct care staff. Complaints may be reported by any member of the public. The cabinet shall investigate the complaints and report its findings to the complaining party and the health care services agency.

➔SECTION 6. A NEW SECTION OF KRS CHAPTER 216 IS CREATED TO READ AS FOLLOWS:

- (1) *A health care services agency shall submit quarterly reports to the cabinet.*
- (2) *The cabinet shall promulgate administrative regulations in accordance with KRS Chapter 13A to establish requirements for health care services agencies to submit quarterly reports. The quarterly reports shall include but not be limited to the following:*
- (a) *The name, professional licensure or certification, and assigned location for each direct care staff;*

- (b) *The length of time the direct care staff have been assigned to the assisted-living communities, long-term care facilities, or hospitals and the total hours worked; and*
 - (c) *For all long-term care facilities or hospitals that participate in the Medicare and Medicaid programs, copies of all invoices submitted to the long-term care community or hospital and proof of payment by the long-term care community or hospital.*
- (3) *A health care services agency shall disclose the following information in response to a request from the Attorney General during an investigation of an alleged or suspected violation of Section 7 of this Act by the health care services agency:*
- (a) *The amount charged for each direct care staff;*
 - (b) *The amount paid to each direct care staff;*
 - (c) *The amount of payment received that is retained by the health care services agency; and*
 - (d) *Any other information that the Attorney General deems relevant to determine the amount that the assisted-living facility, long-term care facility, or hospital is charged by the health care services agency.*
- (4) *The information provided under subsection (3) of this section shall not be subject to open records laws pursuant to KRS 61.870 to 61.884.*

➔Section 7. KRS 367.374 is amended to read as follows:

- (1) (a) When a Condition Red has been declared by the United States Department of Homeland Security under the Homeland Security Advisory System, *the Secretary of the Department of Health and Human Services, under Section 319 of the Public Health Service Act, declares a public health emergency*, or the Governor has declared a state of emergency under KRS 39A.100, the Governor may implement this section by executive order for a period of fifteen (15) days from notification of implementation, as required by KRS 367.376. The order implementing this section shall be limited to the geographical area indicated in the declaration of emergency. The Governor may terminate or limit the scope of the order at any time.
- (b) No person shall sell, rent, or offer to sell or rent, regardless of whether an actual sale or rental occurs, a good or service listed in this paragraph or any repair or reconstruction service for a price which is grossly in excess of the price prior to the declaration and unrelated to any increased cost to the seller. Goods and services to which this section applies are:
1. Consumer food items;
 2. Goods or services used for emergency cleanup;
 3. Emergency supplies;
 4. Medical supplies;
 5. Home heating oil;
 6. Building materials;
 7. Housing;
 8. Transportation, freight, and storage services; ~~and~~
 9. Gasoline or other motor fuels; *and*
- 10. *Direct care staff services provided by a health care services agency as defined in Section 1 of this Act.***
- (c) A person's price does not violate this subsection if it is:
1. Related to an additional cost imposed by a supplier of a good or other costs of providing the good or service, including an additional cost for labor or materials used to provide a service;
 2. Ten percent (10%) or less above the price prior to the declaration;
 3. Ten percent (10%) or less above the sum of the person's costs and normal markup for a good or service;

4. Generally consistent with fluctuations in applicable commodity, regional, national, or international markets, or seasonal fluctuations; or
 5. A contract price, or the result of a price formula, established prior to the order implementing this subsection.
- (d) Whether a price violates this subsection is a question of law. In determining if a violation of this subsection has occurred, the court shall consider all relevant circumstances, including prices prevailing in the locality at that time.
- (2) The provisions of this section may be extended for up to three (3) additional fifteen (15) day periods by the Governor, if necessary to protect the lives, property, or welfare of the citizens.
 - (3) If a person sold or rented a good or service listed in subsection (1) of this section at a reduced price in the thirty (30) days prior to the Governor's implementation of this section, the price at which that person usually sells or rents the good or service in the area for which the declaration was issued shall be used in determining if the person is in violation of this section.
 - (4) If a person did not sell or rent or offer to sell or rent a good or service listed in subsection (1) of this section prior to the Governor's implementation of this section, the price at which a good or service was generally available in the area for which the declaration was issued shall be used in determining if the person is in violation of this section.
 - (5) Nothing in this section shall be affected by the requirements of KRS 39A.090.

➔Section 8. KRS 45A.690 is amended to read as follows:

- (1) As used in KRS 45A.690 to 45A.725:
 - (a) "Committee" means the Government Contract Review Committee of the Legislative Research Commission;
 - (b) "Contracting body" means each state board, bureau, commission, department, division, authority, university, college, officer, or other entity, except the Legislature, authorized by law to contract for personal services. "Contracting body" includes the Tourism Development Finance Authority with regard to tax incentive agreements;
 - (c) "Governmental emergency" means an unforeseen event or set of circumstances that creates an emergency condition as determined by the committee by promulgation of an administrative regulation;
 - (d) "Memorandum of agreement" means any memorandum of agreement, memorandum of understanding, program administration contract, interlocal agreement to which the Commonwealth is a party, privatization contract, or similar device relating to services between a state agency and any other governmental body or political subdivision of the Commonwealth or entity qualified as nonprofit under 26 U.S.C. sec. 501(c)(3) not authorized under KRS Chapter 65 that involves an exchange of resources or responsibilities to carry out a governmental function. It includes agreements by regional cooperative organizations formed by local boards of education or other public educational institutions for the purpose of providing professional educational services to the participating organizations and agreements with Kentucky Distinguished Educators pursuant to KRS 158.782. This definition does not apply to:
 1. Agreements between the Transportation Cabinet and any political subdivision of the Commonwealth for road and road-related projects;
 2. Agreements between the Auditor of Public Accounts and any other governmental agency or political subdivision of the Commonwealth for auditing services;
 3. Agreements between state agencies as required by federal or state law;
 4. Agreements between state agencies and state universities or colleges only when the subject of the agreement does not result in the use of an employee or employees of a state university or college by a state agency to fill a position or perform a duty that an employee or employees of state government could perform if hired, and agreements between state universities or colleges and employers of students in the Commonwealth work-study program sponsored by the Kentucky Higher Education Assistance Authority;
 5. Agreements involving child support collections and enforcement;

6. Agreements with public utilities, providers of direct Medicaid health care to individuals except for any health maintenance organization or other entity primarily responsible for administration of any program or system of Medicaid managed health care services established by law or by agreement with the Cabinet for Health and Family Services, and transit authorities;
 7. Nonfinancial agreements;
 8. Any obligation or payment for reimbursement of the cost of corrective action made pursuant to KRS 224.60-140;
 9. Exchanges of confidential personal information between agencies;
 10. Agreements between state agencies and rural concentrated employment programs; or
 11. Any other agreement that the committee deems inappropriate for consideration;
- (e) "Motion picture or entertainment production" means the same as defined in KRS 154.61-010;
- (f) "Multicontract" means a group of personal service contracts between a contracting body and individual vendors providing the same or substantially similar services to the contracting body that, for purposes of the committee, are treated as one (1) contract;
- (g) "Nurse aide" means an individual who has successfully completed the nurse aide training and competency evaluation program and may include a nursing student, medication aide, or a person employed through a **health care services agency as defined in Section 1 of this Act** ~~(nursing pool)~~ who provides nursing or nursing-related services to a resident in a nursing facility, excluding:
1. An individual who is a licensed health professional;
 2. A volunteer who provides the nursing or nursing-related services without monetary compensation; or
 3. A person who is hired by the resident or family to sit with the resident and who does not perform nursing or nursing-related services;
- (h) "Personal service contract" means an agreement whereby an individual, firm, partnership, or corporation is to perform certain services requiring professional skill or professional judgment for a specified period of time at a price agreed upon. It includes all price contracts for personal services between a governmental body or political subdivision of the Commonwealth and any other entity in any amount. This definition does not apply to:
1. Agreements between the Department of Parks and a performing artist or artists for less than five thousand dollars (\$5,000) per fiscal year per artist or artists;
 2. Agreements with public utilities, foster care parents, providers of direct Medicaid health care to individuals except for any health maintenance organization or other entity primarily responsible for administration of any program or system of Medicaid managed health care services established by law or by agreement with the Cabinet for Health and Family Services, individuals performing homemaker services, and transit authorities;
 3. Agreements between state universities or colleges and employers of students in the Commonwealth work study program sponsored by the Kentucky Higher Education Assistance Authority;
 4. Agreements between a state agency and rural concentrated employment programs;
 5. Agreements between the State Fair Board and judges, officials, and entertainers contracted for events promoted by the State Fair Board;
 6. Agreements between the Department of Public Advocacy and attorneys for the representation of indigent clients who are entitled to representation under KRS Chapter 31 and who, by reason of conflict or otherwise, cannot be represented by the department, subject to quarterly reports of all such agreements to the committee;
 7. Agreements between the Office of Kentucky Veterans' Centers and licensed nurses and nurse aides in order to provide critically needed long-term care to Kentucky veterans who are residents in state veterans' nursing homes pursuant to KRS 40.325; or
 8. Any other contract that the committee deems inappropriate for consideration;

- (i) "Tax incentive agreement" means an agreement executed under KRS 154.61-030; and
 - (j) "Tourism Development Finance Authority" means the authority established by KRS 148.850.
- (2) Compliance with the provisions of KRS 45A.690 to 45A.725 does not dispense with the requirements of any other law necessary to make the personal service contract or memorandum of agreement valid.

➔Section 9. KRS 216.785 is amended to read as follows:

As used in KRS 216.785 to 216.793, unless the context otherwise requires:

- (1) "Assisted-living community" shall have the same meaning as in KRS 194A.700.
- (2) "Crime" means a conviction of or a plea of guilty to a felony offense related to theft; abuse or sale of illegal drugs; abuse, neglect, or exploitation of an adult; or the commission of a sex crime. Conviction of or a plea of guilty to an offense committed outside the Commonwealth of Kentucky is a crime if the offense would have been a felony in Kentucky if committed in Kentucky.
- (3) **"Direct care service" has the same meaning as in Section 1 of this Act**~~["Direct service" means personal or group interaction between the employee and the nursing facility resident or the senior citizen].~~
- (4) **"Health care services agency" has the same meaning as in Section 1 of this Act**~~["Nursing pool" means any person, firm, corporation, partnership, or association engaged for hire in the business of providing or procuring temporary employment in nursing facilities for medical personnel including, but not limited to, nurses, nursing assistants, nurses' aides, and orderlies].~~
- (5) "Senior citizen" means a person sixty (60) years of age or older.

➔Section 10. KRS 216.787 is amended to read as follows:

- (1) No agency providing services to senior citizens which are funded by the Department for Community Based Services of the Cabinet for Health and Family Services or the Department for Aging and Independent Living of the Cabinet for Health and Family Services shall employ persons in a position which involves providing direct **care** services to a senior citizen if that person has been convicted of a felony offense related to theft; abuse or sale of illegal drugs; abuse, neglect, or exploitation of an adult; or the commission of a sex crime.
- (2) Operators of service provider agencies may employ persons convicted of or pleading guilty to an offense classified as a misdemeanor.
- (3) Each service provider agency providing direct **care** services to senior citizens as specified under KRS 216.785 to 216.793 shall request all conviction information from the Justice and Public Safety Cabinet for any applicant for employment prior to employing the applicant.

➔Section 11. KRS 216.789 is amended to read as follows:

- (1) No long-term care facility as defined by KRS 216.535(1), **health care services agency**~~[nursing pool]~~ providing staff to a nursing facility, or assisted-living community shall knowingly employ a person in a position which involves providing direct **care** services to a resident or client if that person has been convicted of a felony offense related to theft; abuse or sale of illegal drugs; abuse, neglect, or exploitation of an adult; or a sexual crime.
- (2) A nursing facility, **health care services agency**~~[nursing pool]~~ providing staff to a nursing facility, or assisted-living community may employ persons convicted of or pleading guilty to an offense classified as a misdemeanor if the crime is not related to abuse, neglect, or exploitation of an adult.
- (3) Each long-term care facility as defined by KRS 216.535(1), **health care services agency**~~[nursing pool]~~ providing staff to a nursing facility, or assisted-living community shall request all conviction information from the Justice and Public Safety Cabinet for any applicant for employment pursuant to KRS 216.793.
- (4) The long-term care facility, **health care services agency**~~[nursing pool]~~ providing staff to a nursing facility, or assisted-living community may temporarily employ an applicant pending the receipt of the conviction information.

➔Section 12. KRS 216.793 is amended to read as follows:

- (1) Each application form provided by the employer, or each application form provided by a facility either contracted or operated by the Department for Behavioral Health, Developmental and Intellectual Disabilities of the Cabinet for Health and Family Services, to the applicant for initial employment in an assisted-living community, nursing facility, or **health care services agency**~~[nursing pool]~~ providing staff to a nursing facility,

or in a position funded by the Department for Community Based Services of the Cabinet for Health and Family Services or the Department for Aging and Independent Living of the Cabinet for Health and Family Services and which involves providing direct *care* services to senior citizens shall conspicuously state the following: "FOR THIS TYPE OF EMPLOYMENT STATE LAW REQUIRES A CRIMINAL RECORD CHECK AS A CONDITION OF EMPLOYMENT."

- (2) Any request for criminal records of an applicant as provided under subsection (1) of this section shall be on a form or through a process approved by the Justice and Public Safety Cabinet or the Administrative Office of the Courts. The Justice and Public Safety Cabinet or the Administrative Office of the Courts may charge a fee to be paid by the applicant or state agency in an amount no greater than the actual cost of processing the request.

➔Section 13. KRS 216B.020 is amended to read as follows:

- (1) The provisions of this chapter that relate to the issuance of a certificate of need shall not apply to abortion facilities as defined in KRS 216B.015; any hospital which does not charge its patients for hospital services and does not seek or accept Medicare, Medicaid, or other financial support from the federal government or any state government; assisted living residences; family care homes; state veterans' nursing homes; services provided on a contractual basis in a rural primary-care hospital as provided under KRS 216.380; community mental health centers for services as defined in KRS Chapter 210; primary care centers; rural health clinics; private duty nursing services operating as *health care services agencies as defined in Section 1 of this Act*~~nursing pools~~; group homes; licensed residential crisis stabilization units; licensed free-standing residential substance use disorder treatment programs with sixteen (16) or fewer beds, but not including Levels I and II psychiatric residential treatment facilities or licensed psychiatric inpatient beds; outpatient behavioral health treatment, but not including partial hospitalization programs; end stage renal disease dialysis facilities, freestanding or hospital based; swing beds; special clinics, including but not limited to wellness, weight loss, family planning, disability determination, speech and hearing, counseling, pulmonary care, and other clinics which only provide diagnostic services with equipment not exceeding the major medical equipment cost threshold and for which there are no review criteria in the state health plan; nonclinically related expenditures; nursing home beds that shall be exclusively limited to on-campus residents of a certified continuing care retirement community; home health services provided by a continuing care retirement community to its on-campus residents; the relocation of hospital administrative or outpatient services into medical office buildings which are on or contiguous to the premises of the hospital; the relocation of acute care beds which occur among acute care hospitals under common ownership and which are located in the same area development district so long as there is no substantial change in services and the relocation does not result in the establishment of a new service at the receiving hospital for which a certificate of need is required; the redistribution of beds by licensure classification within an acute care hospital so long as the redistribution does not increase the total licensed bed capacity of the hospital; residential hospice facilities established by licensed hospice programs; or the following health services provided on site in an existing health facility when the cost is less than six hundred thousand dollars (\$600,000) and the services are in place by December 30, 1991: psychiatric care where chemical dependency services are provided, level one (1) and level two (2) of neonatal care, cardiac catheterization, and open heart surgery where cardiac catheterization services are in place as of July 15, 1990. The provisions of this section shall not apply to nursing homes, personal care homes, intermediate care facilities, and family care homes; or nonconforming ambulance services as defined by administrative regulation. These listed facilities or services shall be subject to licensure, when applicable.
- (2) Nothing in this chapter shall be construed to authorize the licensure, supervision, regulation, or control in any manner of:
- (a) Private offices and clinics of physicians, dentists, and other practitioners of the healing arts, except any physician's office that meets the criteria set forth in KRS 216B.015(5) or that meets the definition of an ambulatory surgical center as set out in KRS 216B.015;
 - (b) Office buildings built by or on behalf of a health facility for the exclusive use of physicians, dentists, and other practitioners of the healing arts; unless the physician's office meets the criteria set forth in KRS 216B.015(5), or unless the physician's office is also an abortion facility as defined in KRS 216B.015, except no capital expenditure or expenses relating to any such building shall be chargeable to or reimbursable as a cost for providing inpatient services offered by a health facility;
 - (c) Outpatient health facilities or health services that:
 1. Do not provide services or hold patients in the facility after midnight; and

2. Are exempt from certificate of need and licensure under subsection (3) of this section;
 - (d) Dispensaries and first-aid stations located within business or industrial establishments maintained solely for the use of employees, if the facility does not contain inpatient or resident beds for patients or employees who generally remain in the facility for more than twenty-four (24) hours;
 - (e) Establishments, such as motels, hotels, and boarding houses, which provide domiciliary and auxiliary commercial services, but do not provide any health related services and boarding houses which are operated by persons contracting with the United States Department of Veterans Affairs for boarding services;
 - (f) The remedial care or treatment of residents or patients in any home or institution conducted only for those who rely solely upon treatment by prayer or spiritual means in accordance with the creed or tenets of any recognized church or religious denomination and recognized by that church or denomination; and
 - (g) On-duty police and fire department personnel assisting in emergency situations by providing first aid or transportation when regular emergency units licensed to provide first aid or transportation are unable to arrive at the scene of an emergency situation within a reasonable time.
- (3) The following outpatient categories of care shall be exempt from certificate of need and licensure on July 14, 2018:
- (a) Primary care centers;
 - (b) Special health clinics, unless the clinic provides pain management services and is located off the campus of the hospital that has majority ownership interest;
 - (c) Specialized medical technology services, unless providing a State Health Plan service;
 - (d) Retail-based health clinics and ambulatory care clinics that provide nonemergency, noninvasive treatment of patients;
 - (e) Ambulatory care clinics treating minor illnesses and injuries;
 - (f) Mobile health services, unless providing a service in the State Health Plan;
 - (g) Rehabilitation agencies;
 - (h) Rural health clinics; and
 - (i) Off-campus, hospital-acquired physician practices.
- (4) The exemptions established by subsections (2) and (3) of this section shall not apply to the following categories of care:
- (a) An ambulatory surgical center as defined by KRS 216B.015(4);
 - (b) A health facility or health service that provides one (1) of the following types of services:
 1. Cardiac catheterization;
 2. Megavoltage radiation therapy;
 3. Adult day health care;
 4. Behavioral health services;
 5. Chronic renal dialysis;
 6. Birthing services; or
 7. Emergency services above the level of treatment for minor illnesses or injuries;
 - (c) A pain management facility as defined by KRS 218A.175(1);
 - (d) An abortion facility that requires licensure pursuant to KRS 216B.0431; or
 - (e) A health facility or health service that requests an expenditure that exceeds the major medical expenditure minimum.

- (5) An existing facility licensed as an intermediate care or nursing home shall notify the cabinet of its intent to change to a nursing facility as defined in Public Law 100-203. A certificate of need shall not be required for conversion of an intermediate care or nursing home to the nursing facility licensure category.
- (6) Ambulance services owned and operated by a city government, which propose to provide services in coterminous cities outside of the ambulance service's designated geographic service area, shall not be required to obtain a certificate of need if the governing body of the city in which the ambulance services are to be provided enters into an agreement with the ambulance service to provide services in the city.
- (7) Notwithstanding any other provision of law, a continuing care retirement community's nursing home beds shall not be certified as Medicaid eligible unless a certificate of need has been issued authorizing applications for Medicaid certification. The provisions of subsection (5) of this section notwithstanding, a continuing care retirement community shall not change the level of care licensure status of its beds without first obtaining a certificate of need.

Signed by Governor April 8, 2022.

CHAPTER 111

(HB 351)

AN ACT relating to local government records.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO READ AS FOLLOWS:

(1) *As used in this section:*

- (a) *"Legislative body" means the city commission, board of commissioners, city council, or board of alderman of a city; the fiscal court of a county; the board of a special purpose governmental entity, fire district, or volunteer fire department; or the legislative body of an urban-county government, charter county government, unified local government, or consolidated local government;*
- (b) *"Local government" means a city, county, urban-county government, charter county government, unified local government, consolidated local government, special purpose governmental entity as defined in KRS 65A.010, or fire district operating under KRS Chapter 75 or volunteer fire department operating under KRS Chapter 273, which reports to the Kentucky Fire Commission under KRS Chapter 95A;*
- (c) *"Government entity" means an entity enumerated in KRS 12.020 or the Legislative Research Commission; and*
- (d) *"Record" means a record, document, data, or information required to be produced by a local government no matter the format. "Record" shall not include any record required under:*
 1. *KRS Chapter 422;*
 2. *KRS Chapters 131 to 144, or any record ancillary to tax collection;*
 3. *KRS Chapters 116 to 121A, or any record ancillary to elections of any kind;*
 4. *KRS Chapter 382, or any record ancillary to conveyances and encumbrances of property;*
 5. *KRS Chapter 213, or any record ancillary to the collection of vital statistics or the reporting of deaths and diseases; or*
 6. *KRS Chapters 431 to 441, or any record ancillary to the administration of persons held in local correctional facilities.*

(2) *If a record required to be produced by a local government is lost, damaged, or destroyed, under circumstances other than as set out in KRS 519.060 when a person tampers with a record with the intent of invoking the provisions of this section, then the legislative body of the local government, in lieu of presenting the record itself, may provide an affidavit that shall be sufficient to serve as being in compliance*

with any statute or administrative regulation promulgated under KRS Chapter 13A that requires the local government to transmit a record to a government entity. Any affidavit presented to a government entity that is in substantial compliance with this section shall be sufficient to consider the local government as effectively having transmitted that record, and a penalty for noncompliance shall not be assessed. The affidavit shall only serve to satisfy any requirement based solely on the fact of the transmission or receipt of the record.

- (3) *A local government shall make a good-faith attempt at replacing or recreating the record that has been lost, damaged, or destroyed. A good-faith effort shall include at least bona fide attempts at:

 - (a) *Contacting the individual or entity in charge of producing or storing the record for replacement;*
 - (b) *Reproducing the data that constituted the record and recreating the record; and*
 - (c) *Contacting an individual or entity that possesses a copy or an additional original of the record to acquire a copy for replacement.**
- (4) *If a bona fide attempt or attempts at replacing or recreating the record in its entirety is unsuccessful, then the legislative body of the local government may proceed with filing the affidavit with the government entity, which shall contain:

 - (a) *The statutory citation requiring transmission of the record which has been lost, damaged, or destroyed and a description of the general contents of what was required to be recorded;*
 - (b) *A description of the circumstances surrounding the loss, damage, or destruction of the record;*
 - (c) *A detailed description of the specific efforts toward reconstructing the record as set out in subsection (3) of this section; and*
 - (d) *A citation of any data or information that the city has been able to replace or reconstruct from the original record, and the data or information itself shall be included as an attachment to the affidavit.**
- (5) *The affidavit shall be in the form of a resolution passed by the legislative body of the local government.*
- (6) *Nothing in this section shall prevent a government entity from requiring that the local government reproduce the information contained in the record if the government entity determines that information is necessary for governmental operations. A government entity shall not require the local government to reproduce the information contained in the record if that information is received only for archival purposes or used for incidental data collection.*

Signed by Governor April 8, 2022.

CHAPTER 112

(HB 451)

AN ACT relating to motor fuel standards.

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

➔Section 1. KRS 363.900 is amended to read as follows:

As used in KRS 363.900 to 363.908, unless the context clearly requires otherwise:

- (1) *"ASTM International" means the international standards developing organization that provides a forum for the development and publication of international voluntary consensus standards for materials, products, systems, and services["ASTM standard" means the latest standards and specifications as set forth by the American Society for Testing and Materials in accordance with the most recent version of ASTM specifications for automotive gasoline, or ASTM specifications for diesel fuel oils];*
- (2) *"Commissioner" means the Commissioner of Agriculture or a departmental employee designated by the Commissioner to act on his or her behalf for the purposes of KRS 363.900 to 363.908;*
- (3) *"Department" means the Kentucky Department of Agriculture;*

- (4) "Diesel ~~fuel~~" means *a refined hydrocarbon suitable for use as a fuel in a compression-ignition internal combustion engine that may contain fuel additives and up to five percent (5%) by volume of biodiesel or biomass-based diesel*~~refined oil commonly used in internal combustion engines and defined as diesel fuel under the ASTM standard classification of diesel fuel oils~~;
- (5) "Division" means the Division of Regulation and Inspection in the Kentucky Department of Agriculture;
- (6) "Gasoline" means gasoline as defined in KRS 138.210;
- (7) "*Gasoline-oxygenate blend*" means *a fuel consisting primarily of gasoline blended with more than one percent (1%) by volume oxygenate or more than three-tenths of one percent (0.3%) by volume methanol. The term "gasoline-oxygenate blend" shall include gasoline-ethanol blends containing between one percent (1%) and fifteen percent (15%) ethanol by volume*;
- (8) "Motor fuel" means any product used for the generation of power in an internal combustion or turbine engine *including but not limited to*~~and includes~~ gasoline, *gasoline-oxygenate blends*, diesel fuel, *and diesel fuel blended with biodiesel or biomass-based diesel*~~or gasoline-ethanol blend fuels~~; and
- ~~(8)~~ (9) "Retail facility" means a *service station, garage, truck stop, or other outlet selling motor fuel from a retail dispensing device. The term "retail facility" shall not include an outlet using such motor fuel dispensers exclusively for company and fleet use and price contract sales*~~facility that sells motor fuels to the general public~~.

➔Section 2. KRS 363.902 is amended to read as follows:

- (1) The Commissioner or his *or her* authorized agent shall implement and administer an inspection and testing program for motor fuels *intended for sale from a retail facility* to ensure compliance with KRS 363.900 to 363.908.
- (2) For the purposes of administering and giving effect to the provisions of KRS 363.900 to 363.908, the standards set forth in the annual book of ASTM *International* standards, supplements, and revisions shall be applied.
- (3) In administering KRS 363.900 to 363.908, the department shall conform to any provisions of federal law or regulations which impose requirements in conflict with the ASTM *International* standard.
- (4) The department may promulgate administrative regulations to implement and enforce KRS 363.900 to 363.908.

➔Section 3. KRS 363.904 is amended to read as follows:

- (1) No *motor fuel*~~article or commodity~~ shall be sold or offered for sale *at a retail facility*~~and use~~ in Kentucky~~as motor fuel~~ unless it conforms to the following:
- (a) The motor fuel shall be labeled and posted in accordance with applicable federal and state laws; and
- (b) The motor fuel shall conform to the latest ASTM *International* specifications for that particular type, class, and grade of motor fuel, except when one (1) or more of the following circumstances exists:
1. When a federal law or a federal administrative regulation imposes requirements in conflict with the ASTM *International* standard, as provided by KRS 363.902(3); or
 2. When the Governor determines that circumstances present, or are likely to present, a disruption in motor fuel supply, the Governor or the Commissioner or the secretary of the Energy and Environment Cabinet, as designated by the Governor, may issue a temporary waiver of ASTM *International* specifications for motor fuel. The temporary waiver shall be effective for a defined period of time and shall be the shortest practicable time period necessary to permit the correction of the disruption in motor fuel supplies.
- (2) *For gasoline-oxygenate blends containing between one percent (1%) and fifteen percent (15%) by volume ethanol, the vapor pressure limit for each class shall be increased by one (1) pound per square inch.*~~For gasoline containing up to fifteen percent (15%) ethanol, in which case the vapor pressure limit for each class shall be increased by one (1) pound per square inch, and the ASTM V/L (vapor to liquid ratio) specification shall be waived.~~ Additionally, the department shall adopt a minimum temperature for fifty percent (50%) distillation of *gasoline-oxygenate blends* containing up to fifteen percent (15%) ethanol through the promulgation of an administrative regulation in accordance with KRS Chapter 13A.

- (3) The motor fuel compliance with ASTM *International* shall be determined in accordance with the test methods prescribed in the latest ASTM *International* publications. *When no such standard exists, the department shall designate a test or specification based upon widely accepted scientific principles.*
- (4) All shipments of motor fuel shall state on either the *product transfer documentation*~~[bill of lading]~~ or invoice the destination of the shipment and that the shipment meets the standards and specifications required in *the administrative regulations promulgated pursuant to* this section. The division may obtain a sample of any shipment of motor fuel for testing. Motor fuel blending components shall be exempt from this section until they are offered for sale as motor fuel by *a retail facility*~~[the refiner or manufacturer].~~

➔Section 4. KRS 363.9055 is amended to read as follows:

- (1) As used in this section, "biodiesel fuel" means a biodegradable, combustible liquid fuel derived from renewable fats and vegetable oils that meets ASTM *International* specification *D6751*~~[PS 424-99]~~ and is suitable for blending with petroleum-based diesel fuel for use in diesel engines.
- (2) The General Assembly strongly encourages that, beginning on January 1, 2006, all diesel fuel sold or offered for sale in the Commonwealth and reformulated to achieve federally mandated sulfur reduction requirements use biodiesel in a blend not less than two percent (2%) by volume to meet those requirements.

➔Section 5. KRS 363.906 is amended to read as follows:

- (1) *A person shall not operate a retail facility without first obtaining a retail motor fuel license from the department.*
- (2) *For the calendar year beginning on January 1, 2023, the department shall collect an annual licensure fee in the amount of seventy-five dollars (\$75) per retail facility from the license holder for the purpose of funding the administration of the retail motor fuel quality program.*
- (3) *For calendar years beginning on or after January 1, 2024, the department shall collect an annual licensure fee in the amount of one hundred dollars (\$100) per retail facility from the license holder for the purpose of funding the administration of the retail motor fuel quality program.*
- (4) *Funds collected from licensure fees shall be deposited into an interest-bearing account in the State Treasury. Money unexpended at the close of a fiscal year shall not lapse but shall be carried forward to the next fiscal year for future use.*
- (5) *A retail motor fuel license shall be valid from the date of issuance until January 31 of the following calendar year.*

~~[The department shall levy and collect annual fees in the amount of fifty dollars (\$50) per facility from the owner or operator of a retail facility for the purpose of funding the administration of the motor fuels quality program. The fees shall be deposited into an interest bearing account in the State Treasury. Money unexpended at the close of a fiscal year shall not lapse but shall be carried forward to the next fiscal year for future use. The annual fees shall be paid to the department by January 31.]~~

Signed by Governor April 8, 2022.

CHAPTER 113

(HB 321)

AN ACT relating to documentation for property which has a Kentucky certificate of title.

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

➔Section 1. KRS 186A.100 is amended to read as follows:

- (1) A motor vehicle dealer licensed under KRS 186.070 who sells a vehicle for use upon the highways of this state shall equip the vehicle with a temporary tag executed in the manner prescribed below, which shall be valid for *sixty (60)*~~[thirty (30)]~~ days from the date the vehicle is delivered to the purchaser. The cost of the tag shall be two dollars (\$2), of which the clerk shall retain one dollar (\$1). A motor vehicle dealer licensed under KRS 186.070 shall apply to the county clerk of the county in which the dealer maintains his principal place of

business for issuance of temporary tags. Application shall be made for such tags on forms supplied to the county clerk by the Transportation Cabinet. ~~[- If the purchaser has not received his certificate of registration within thirty (30) days from the date of delivery, the purchaser may obtain another temporary tag from the dealer.]~~

- (2) The county clerk of any county who receives a proper application for issuance of temporary tags shall record the number of each tag issued upon the application of the dealer for such tags, or if a group of consecutively numbered temporary tags are issued to a dealer in connection with a single application, record the beginning and ending numbers of the group on the application.
- (3) The clerk shall retain, for a period of two (2) years, one (1) copy of the dealer's temporary tag application, and ensure that it reflects the numbers appearing on the tags issued with respect to such application.
- (4) If the owner of a motor vehicle submits to the county clerk a properly completed application for Kentucky certificate of title and registration pursuant to KRS 186A.120, any motor vehicle required to be registered and titled in Kentucky, that is not currently registered and titled in Kentucky, may be equipped with a temporary tag, which shall be valid for ~~thirty (30)~~ **sixty (60)** days from the date of issuance, issued by the county clerk for the purpose of operating the vehicle in Kentucky while assembling the necessary documents in order to title and register the vehicle in Kentucky. The Transportation Cabinet may establish administrative regulations governing this section.
- (5) The county clerk may issue a temporary tag to the owner of a motor vehicle that is currently registered and titled in Kentucky. A temporary tag authorized by this subsection shall be used for emergency or unusual purposes as determined by the clerk for the purpose of maintaining the owner's current registration. A temporary tag authorized by this subsection may only be issued by the county clerk and shall be valid for a period of between twenty-four (24) hours and seven (7) days, as determined is necessary by the clerk. A county clerk shall not issue a temporary tag authorized by this subsection unless the owner of the motor vehicle applying for the tag presents proof of motor vehicle insurance pursuant to KRS 304.39-080. On and after January 1, 2006, if the motor vehicle is a personal motor vehicle as defined in KRS 304.39-087, proof of insurance shall be determined by the county clerk as provided in KRS 186A.042. A temporary tag issued pursuant to this subsection shall not be reissued by the county clerk for the same owner and same motor vehicle within one (1) year of issuance of a temporary tag.

➔Section 2. KRS 186A.105 is amended to read as follows:

- (1) Motor vehicle dealers, their agents and county clerks, before equipping a vehicle with a temporary tag, shall print or stamp in waterproof ink, legibly, in the spaces provided on such tag:
 - (a) The month, day and year the vehicle was delivered to the purchaser;
 - (b) The month, day and year of expiration of the tag which shall be no more than ~~thirty (30)~~ **sixty (60)** days following the date of delivery of the vehicle to the purchaser;
 - (c) The purchaser's or owner's name;
 - (d) The year model, make and vehicle identification number of the vehicle sold; and
 - (e) Either the dealer's name, city of principal place of business and the telephone number, including telephone area code, or the clerk's name, county and telephone number, including area code.
- (2) The dealer's employee who executes the temporary tag shall place his signature in the space provided. A dealer who issues, or whose agents issue, temporary tags shall keep a log of each temporary tag obtained and each tag issued, showing all information entered by the dealer or dealer's agent on forms supplied by the cabinet, and shall make such log available for inspection by any law enforcement officer upon request. The log shall be retained by the dealer for a period of at least two (2) years following the date of issuance of the last dated tags whose issuance is indicated on any individual temporary tag log sheet.
- (3) The county clerk who executes the temporary tag shall place his signature in the space provided. A county clerk who issues temporary tags shall keep a log of each temporary tag obtained and each tag issued, showing all information entered by the county clerk on forms supplied by the cabinet, and shall make the log available for inspection by any law enforcement officer upon request. The log shall be retained by the county clerk for a period of at least two (2) years following the date of issuance of the last dated tags whose issuance is indicated on any individual temporary tag log sheet.

➔Section 3. KRS 186A.297 is amended to read as follows:

- (1) When a manufactured home is or is to be permanently affixed to real estate, the owner may execute and file an affidavit of conversion to real estate with the county clerk of the county in which the real estate is located. The affidavit shall attest to the fact that the home has been or will be permanently affixed to the real estate and be accompanied by a surrender of the Kentucky certificate of title. The county clerk shall file the affidavit of conversion to real estate in the miscellaneous record book.
- (2) A county clerk shall not accept a surrender of a Kentucky certificate of title which displays an unreleased lien unless it is accompanied by:
 - (a) A release of the lien; *or*
 - (b) *An affidavit, signed under oath by the attorney who satisfied the liens noted on the Kentucky certificate of title, attesting that all liens noted on the Kentucky certificate of title have been paid. An affidavit filed by an attorney under this paragraph may only be signed by an attorney licensed to practice law in the Commonwealth.*
- (3) *The provisions of subsection (2) of this section shall not excuse a lender who placed a lien on the certificate of title from filing a release of the lien.*
- (4) *Upon receipt of the information identified in subsection (2) of this section, the county clerk shall accept the affidavit of conversion and the surrender of the Kentucky certificate of title.*
- (5) *In the event of an inaccurate or fraudulent affidavit, the title surrender becomes null and void.*
- (6) *The county clerk shall be held harmless if he or she relies upon receipt of the information identified in subsection (2) of this section.*
- (7) When the county clerk files the affidavit of conversion to real estate, the county clerk shall furnish a copy to the property valuation administrator for inclusion in the real property tax rolls of the county. A filing of an affidavit of conversion to real estate and a surrender of a Kentucky certificate of title shall be deemed a conversion of the property as an improvement to the real estate upon which it is located.

Signed by Governor April 8, 2022.

CHAPTER 114

(HJR 5)

A JOINT RESOLUTION directing mental health professional licensure boards to strongly consider entering into an interstate compact with other states, easing reciprocity procedures with other states, or establishing reciprocity procedures with other states to increase the mental health workforce in Kentucky, and declaring an emergency.

WHEREAS, approximately 746,000 adults in Kentucky have a mental health condition and about 113,069 individuals have a severe mental illness; and

WHEREAS, there is a mental health workforce shortage in Kentucky; and

WHEREAS, mental health providers are more likely to practice in urban centers and this causes chronic shortages of mental health professionals in rural areas of Kentucky; and

WHEREAS, there are only 350 actively practicing psychiatrists in Kentucky, about eight per 100,000 residents, and to adequately serve individuals with mental health issues there should be at least 50 actively practicing psychiatrists per 100,000 residents; and

WHEREAS, due to a chronic shortage of psychiatrists, primary care providers are providing up to 74 percent of all psychiatric care in the United States and primary care providers may not have the training or experience to accurately diagnose or treat individuals with severe mental illness or other mental health conditions; and

WHEREAS, Community Mental Health Centers (CMHCs) and Certified Community Behavioral Health Clinics (CCBHCs) provide comprehensive mental health and substance use disorder services to vulnerable individuals and, to provide these services, the CMHCs and CCBHCs must have enough qualified mental health providers to meet the needs of communities;

NOW, THEREFORE,

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

➔Section 1. The General Assembly hereby directs the following boards to strongly consider entering into an interstate compact with other states, easing reciprocity procedures with other states, or establishing reciprocity procedures with other states to increase the mental health workforce in Kentucky:

- (1) Kentucky Board of Social Work;
- (2) Kentucky Board of Licensure for Marriage and Family Therapists;
- (3) Kentucky Board of Licensed Professional Counselors;
- (4) Kentucky Board of Medical Licensure;
- (5) Kentucky Board of Pharmacy;
- (6) Kentucky Board of Nursing;
- (7) Kentucky Board of Examiners of Psychology;
- (8) Kentucky Board of Licensure for Pastoral Counselors;
- (9) Kentucky Board of Licensure for Professional Art Therapists; and
- (10) Kentucky Board of Alcohol and Drug Counselors.

➔Section 2. Each board shall report to the General Assembly by June 1, 2022, and by June 1, 2023, of any actions taken and any necessary legislative action that may be needed to accomplish the goal of increasing the mental health workforce.

➔Section 3. Whereas, the General Assembly desires to increase the mental health workforce in Kentucky, an emergency is declared to exist, and this Resolution takes effect upon its passage and approval by the Governor or upon its otherwise becoming law.

Signed by Governor April 8, 2022.

CHAPTER 115**(HB 512)**

AN ACT relating to heart attack response and treatment.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 211 IS CREATED TO READ AS FOLLOWS:

As used in Sections 1 to 4 of this Act, unless the context requires otherwise, "department" means the Department for Public Health.

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

- (1) *The department shall establish and implement a plan for achieving continuous quality improvement in the quality of care provided under a statewide system for heart attack response and treatment by designating licensed hospitals as:*
 - (a) *Level I Comprehensive Cardiac Center;*
 - (b) *Level II Primary Heart Attack Center; or*
 - (c) *Level III Acute Heart Attack Ready.*
- (2) *A hospital may apply to the department in order to be recognized as Level I Comprehensive Cardiac Center, Level II Primary Heart Attack Center, or Level III Acute Heart Attack Ready hospital. If a hospital applies for recognition, it shall demonstrate, to the satisfaction of the department, that the hospital meets the applicable criteria set forth in Sections 1 to 4 of this Act.*
- (3) (a) *A Level I Comprehensive Cardiac Center is a hospital that is certified as a Comprehensive Cardiac Center hospital by any certifying body which is a nationally recognized guidelines-based*

organization that provides comprehensive cardiac center certification for heart attack care. Each hospital shall maintain an active certification.

- (b) *The department shall recognize any hospital as a Level I Comprehensive Cardiac Center if it meets the criteria established in this subsection.*
- (4) (a) *A Level II Primary Heart Attack Center is a hospital that is certified as a Primary Heart Attack Center by any certifying body which is a nationally recognized guidelines-based organization that provides primary heart attack center certification for heart attack care. Each hospital shall maintain an active certification.*
- (b) *The department shall recognize any hospital as a Level II Primary Heart Attack Center if it meets the criteria established in this subsection.*
- (5) (a) *A Level III Acute Heart Attack Ready hospital is a hospital that is certified as Acute Heart Attack Ready by any certifying body which is a nationally recognized guidelines-based organization that provides acute heart attack ready certification for heart attack care. Each hospital shall maintain an active certification.*
- (b) *The department shall recognize any hospital as a Level III Acute Heart Attack Center if it meets the criteria established in this subsection.*
- (6) *Level I Comprehensive Cardiac Centers, Level II Primary Heart Attack Centers, and Level III Acute Heart Attack Ready hospitals are encouraged to coordinate, through a coordinating heart attack care agreement, within their service area to provide appropriate access to care for acute heart attack patients. A coordinating heart attack care agreement shall be in writing and include at a minimum:*
 - (a) *Transfer protocols for the transport and acceptance of heart attack patients for treatment therapies which the transferring facility is not capable of providing; and*
 - (b) *Communication criteria and protocols that include but are not limited to telemedicine systems.*
- (7) *The department may suspend or revoke a hospital's designation as Level I Comprehensive Cardiac Center, Level II Primary Heart Attack Center, or Level III Acute Heart Attack Ready if the department determines that the hospital is not in compliance with the requirements of Sections 1 to 4 of this Act.*

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

- (1) *By June 1 of each year, the department shall send the list of recognized Level I Comprehensive Cardiac Centers, Level II Primary Heart Attack Centers, and Level III Acute Heart Attack Ready hospitals to the medical director of each licensed emergency medical services provider in this state. The department shall maintain a copy of the list in the office designated within the department to oversee emergency medical services and shall post on the department's Web site a list of Level I Comprehensive Cardiac Centers, Level II Primary Heart Attack Centers, and Level III Acute Heart Attack Ready hospitals.*
- (2) *By June 1 of each year, in accordance with Section 5 of this Act, all emergency medical services authorities across the department shall establish pre-hospital care protocols related to the assessment, treatment, transport, and routing of heart attack patients by emergency medical services providers in this state. The protocols shall include the development and implementation of plans for the triage and transport of acute heart attack patients.*
- (3) *All emergency medical services authorities across the state shall establish training requirements to ensure that licensed emergency medical services providers and 911 dispatch personnel receive regular training on the assessment and treatment of heart attack patients.*

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 211 IS CREATED TO READ AS FOLLOWS:

The department shall, within one hundred twenty (120) days of the effective date of this Act, promulgate administrative regulations in accordance with KRS Chapter 13A to implement Sections 1 to 4 of this Act.

➔Section 5. KRS 311A.180 is amended to read as follows:

- (1) Each emergency medical services medical director for an ambulance service, or other emergency medical services provider, shall submit:
 - (a) His or her protocols, including the pre-hospital care protocols related to the assessment, treatment, and transport of stroke, *trauma, cardiac arrest, and heart attack* patients;

- (b) His or her standing orders; and
 - (c) Similar medical control documents to the board for approval prior to placing the document in use.
- (2) The medical advisor for the board shall review each document submitted to ascertain if it is in accordance with accepted standards of medical care and in accordance with the provisions of this chapter and administrative regulations promulgated thereunder. If the protocol, standing order, or other medical control document clearly violates the accepted standards of medical care, this chapter, or an administrative regulation, the medical advisor shall notify the emergency medical services medical director of the exact violation and recommend a correction thereof.
 - (3) Following review of protocol, standing order, and medical control documents and giving the emergency medical services medical director who submitted the documents an opportunity to review the medical advisor's comments, the medical advisor shall submit the documents together with his or her comments to the board for approval or disapproval.
 - (4) The board shall approve, disapprove, or approve with modifications protocol, standing order, and medical control documents submitted by the emergency medical services medical director at its next regular or special meeting following the submission of the documents.
 - (5) If a protocol, standing order, or other medical control document is disapproved by the board, the emergency medical services medical director who submitted it may appeal the decision to the Franklin Circuit Court. If the decision of the board is appealed to the Franklin Circuit Court, the board shall bear the burden of proving that the protocol, standing order, or other medical control document violates the accepted standards of medical care, or an administrative regulation.
 - (6) The board shall, by administrative regulation, specify a schedule for submission and prompt review and decision making with regard to protocols, standing orders, and medical control documents submitted to the board.

Signed by Governor April 8, 2022.

CHAPTER 116

(HB 46)

AN ACT relating to the operation of a motor vehicle using a bioptic device.

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

➔Section 1. KRS 186.578 is amended to read as follows:

- (1) Applicants accepted to participate in a certified driver training program shall meet the following minimum vision requirements:
 - (a) A distance visual acuity of 20/200 or better, with corrective lenses, in the applicant's better eye;
 - (b) A visual field of at least one hundred twenty (120) degrees horizontally and eighty (80) degrees vertically in the same eye as used in paragraph (a) of this subsection;
 - (c) A distance visual acuity of 20/60 or better using a bioptic telescopic device; and
 - (d) No ocular diagnosis or prognosis that indicates a likelihood that significant deterioration of visual acuity or visual field to levels below the minimum standards outlined in this subsection will occur.
- (2) Upon acceptance into a certified driver training program, an applicant shall be given an examination to test his or her knowledge of the motor vehicle laws of the Commonwealth. This examination may be taken orally. Upon successful completion of this examination, the applicant shall be issued a temporary instruction permit, that shall be valid only when the applicant is accompanied by an employee of a certified driver training program. Temporary instruction permits issued under this section shall be valid for one (1) year from the date of issue.

- (3) An applicant who successfully completes a certified driver training program shall be reexamined by a vision specialist upon completion of the program. The examination shall certify that the applicant continues to meet the visual acuity and visual field standards set forth in subsection (1) of this section.
- (4) (a) An applicant who successfully completes a certified driving training program and passes the visual reexamination required by subsection (3) of this section shall be eligible to take a comprehensive operator's license examination administered by the Department of Kentucky State Police.
- (b) The operator's license examination shall include testing of the applicant's driving skills over a route specifically designed to test the applicant's competency using a bioptic telescopic device.
- (c) *If the applicant is a new driver, the applicant shall take a daytime and nighttime operator's license examination, which may be given on the same day.*
- (d) *If the applicant is a currently licensed driver, the applicant may take either a daytime or a nighttime operator's license examination, but if the applicant chooses a daytime operator's license examination, any license granted shall be subject to a daytime restriction.*
- (5) (a) An applicant who is a restricted out-of-state driver establishing residence in Kentucky shall be required to take and pass a ~~knowledge~~^{temporary instruction permit} examination before being eligible to take the operator's license examination.
- (b) An applicant who is a restricted out-of-state driver establishing residence in Kentucky shall not be required to complete a certified driver training program but shall be required to take and pass the visual examination outlined in subsection (3) of this section before taking the operator's license examination.
- (c) *If an applicant moving to Kentucky from another state possesses a valid bioptic operator's license from the applicant's previous state:*
1. *Without a daytime-only restriction the applicant may take a daytime operator's license examination, and upon passage of the examination, be granted a license without a daytime-only restriction;*
 2. *With a daytime-only restriction and wishes to have it removed, the applicant shall take a nighttime operator's license examination, and upon passage of the examination, be granted a license without a daytime-only restriction; or*
 3. *With a daytime-only restriction and does not wish to have it removed, the applicant shall take a daytime operator's license examination, and upon passage of the examination, be granted a license with a daytime-only restriction.*
- (6) If an applicant or restricted out-of-state driver fails the operator's license examination three (3) times, he or she shall not be eligible to retake the examination until successfully completing additional training from a certified driver training program and obtaining an affidavit from the program director or bioptic driving instructor recommending that the applicant or restricted out-of-state driver be allowed to retake the examination.
- (7) The Office of Vocational Rehabilitation in the Education and Workforce Development Cabinet shall promulgate administrative regulations in accordance with KRS Chapter 13A to set standards for a certified driver training program and to otherwise carry out the provisions of this section.
- ➔Section 2. KRS 186.579 is amended to read as follows:
- (1) The Transportation Cabinet shall issue, to an applicant who successfully passes the operator's license examination outlined in KRS 186.578(4), an operator's license with the following restrictions:
- (a) Required use of a bioptic telescopic device;
 - (b) Restricted to daytime driving upon the recommendation of a vision specialist *or upon failure of a nighttime examination administered under Section 1 of this Act*; and
 - (c) Restricted to vehicles with left and right outside mirrors.
- (2) A restriction to daytime driving in accordance with subsection (1) of this section shall be removed if the **applicant or** licensed driver:
- (a) Obtains a recommendation from a vision specialist;

- (b) Successfully completes ~~an additional~~ evaluation *by the Office of Vocational Rehabilitation's bioptic driving program* and training specifically designed for night driving from a certified driver training program; and
 - (c) Passes a comprehensive night driving examination.
- (3) (a) *Subject to the requirements of paragraph (b) of this subsection*, an operator's license issued under KRS 186.578 and 186.579 shall be *valid for four (4) years or (8) years at the discretion of the applicant as outlined in KRS 186.4101*.
- (b) *The holder of a license issued in accordance with this section and Section 1 of this Act shall submit the results of a comprehensive visual examination to Kentucky Office of Vocational Rehabilitation each year before the last day of the birth month of the license holder. An operator's license shall be subject to suspension if the license holder does not submit results of the comprehensive visual examination required under this paragraph*~~[effective for one (1) year and shall expire on the last day of the birth month of the license holder. The license holder shall undergo a comprehensive visual examination by a vision specialist before a license can be renewed]~~.
- (c) If the vision specialist *completing the examination required under paragraph (b) of this subsection* certifies that the conditions causing the visual impairment are stable, then the *license shall remain valid*~~[cabinet shall issue a renewal license]~~. If the conditions causing the visual impairment are unstable or deteriorating, the license holder may be required to undergo additional testing as required by the department *and may have his or her operator's license suspended if he or she cannot successfully pass the tests*~~[before a renewal license may be issued]~~.

Signed by Governor April 8, 2022.

CHAPTER 117

(SB 173)

AN ACT relating to medical order for scope of treatment.

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

➔Section 1. KRS 311.6225 is amended to read as follows:

- (1) An adult with decisional capacity, an adult's legal surrogate, or a responsible party may complete a medical order for scope of treatment directing medical interventions. The form shall have the title "MOST, Medical Orders for Scope of Treatment" and an introductory section containing the patient's name and date of birth, the effective date of the form, including the statement "Form must be reviewed at least annually" and the statements "HIPAA permits disclosure of MOST to other health care professionals as necessary" and "This document is based on this person's medical condition and wishes. Any section not completed indicates a preference for full treatment for that section." The form shall be in substantially the following order and format and shall have the following contents:
- (a) Section A of the form shall direct cardiopulmonary resuscitation when a person has no pulse and is not breathing by selection of one (1) of the following:
 - 1. "Attempt Resuscitation (CPR)"; or
 - 2. "Do Not Attempt Resuscitation"; and
 include the statement "When not in cardiopulmonary arrest, follow orders in B, C, and D.";
 - (b) Section B of the form shall direct the scope of treatment when a person has a pulse or is breathing by selection of one (1) of the following:
 - 1. Full scope of treatment, including the use of intubation, advanced airway interventions, mechanical ventilation, defibrillation or cardioversion as indicated, medical treatment, intravenous fluids, and comfort measures. This option shall include the statement "Transfer to a hospital if indicated. Includes intensive care. Treatment Plan: Full treatment, including life support measures.";

2. Limited additional intervention, including the use of medical treatment, oral and intravenous medications, intravenous fluids, cardiac monitoring as indicated, noninvasive bi-level positive airway pressure, a bag valve mask, and comfort measures. This option excludes the use of intubation or mechanical ventilation. This option shall include the statement "Transfer to a hospital if indicated. Avoid intensive care. Treatment Plan: Provide basic medical treatments."; or
3. Comfort measures, including keeping the patient clean, warm, and dry; use of medication by any route; positioning, wound care, and other measures to relieve pain and suffering; and the use of oxygen, suction, and manual treatment of airway obstruction as needed for comfort. This option shall include the statement "Do not transfer to a hospital unless comfort needs cannot be met in the patient's current location (e.g. hip fracture).".

These options shall be followed by a space for other instructions;

- (c) Section C of the form shall direct the use of oral and intravenous antibiotics by selection of one (1) of the following:

1. Antibiotics if indicated for the purpose of maintaining life;
2. Determine use or limitation of antibiotics when infection occurs;
3. Use of antibiotics to relieve pain and discomfort; or
4. No antibiotics, use other measures to relieve symptoms.

This option shall include a space for other instructions;

- (d) Section D of the form shall:

1. Have the heading "Medically Administered Fluids and Nutrition: The provision of nutrition and fluids, even if medically administered, is a basic human right and authorization to deny or withdraw shall be limited to the patient, the surrogate in accordance with KRS 311.629, or the responsible party in accordance with KRS 311.631.";
2. Direct the administration of fluids if physically possible as determined by the patient's physician in accordance with reasonable medical judgment and in consultation with the patient, surrogate, or responsible party by selecting one (1) of the following:
 - a. Long-term intravenous fluids if indicated;
 - b. Intravenous fluids for a defined trial period. This option shall be followed by "Goal:....."; or
 - c. No intravenous fluids, provide other measures to ensure comfort; and
3. Direct the administration of nutrition if physically possible as determined by the patient's physician in accordance with reasonable medical judgment and in consultation with the patient, surrogate, or responsible party by selecting one (1) of the following:
 - a. Long-term feeding tube if indicated;
 - b. Feeding tube for a defined trial period. This option shall be followed by "Goal:....."; or
 - c. No feeding tube. This option shall be followed by a space for special instructions;

- (e) Section E of the form shall:

1. Have the heading "Patient Preferences as a Basis for this MOST Form" and shall include the language "Basis for order must be documented in medical record";
2. Provide direction to indicate whether or not the patient has an advance medical directive such as a health care power of attorney or living will and, if so, a place for the printed name, position, and signature of the individual certifying that the MOST is in accordance with the advance directive; and
3. Indicate whether oral or written directions were given and, if so, by which one (1) or more of the following:

- a. Patient;
 - b. Parent or guardian if patient is a minor;
 - c. Surrogate appointed by the patient's advance directive;
 - d. The judicially appointed guardian of the patient, if the guardian has been appointed and if medical decisions are within the scope of the guardianship;
 - e. The attorney-in-fact named in a durable power of attorney, if the durable power of attorney specifically includes authority for health care decisions;
 - f. The spouse of the patient;
 - g. An adult child of the patient or, if the patient has more than one (1) child, the majority of the adult children who are reasonably available for consultation;
 - h. The parents of the patient; and
 - i. The nearest living relative of the patient or, if more than one (1) relative of the same relation is reasonably available for consultation, a majority of the nearest living relatives;
- (f) A signature portion of the form shall include spaces for the printed name, signature, and date of signing for:
1. The patient's physician;
 2. The patient, parent of minor, guardian, health care agent, surrogate, spouse, or other responsible party, with a description of the relationship to the patient and contact information, unless based solely on advance directive; and
 3. The health care professional preparing the form, with contact information;
- (g) A section of the form shall be titled "Information for patient, surrogate, or responsible party named on this form" with the following language: "The MOST form is always voluntary and is usually for persons with advanced illness. MOST records your wishes for medical treatment in your current state of health. The provision of nutrition and fluids, even if medically administered, is a basic human right and authorization to deny or withdraw shall be limited to the patient, the surrogate in accordance with KRS 311.629, or the responsible party in accordance with KRS 311.631. Once initial medical treatment is begun and the risks and benefits of further therapy are clear, your treatment wishes may change. Your medical care and this form can be changed to reflect your new wishes at any time. However, no form can address all the medical treatment decisions that may need to be made. An advance directive, such as the Kentucky Health Care Power of Attorney, is recommended for all capable adults, regardless of their health status. An advance directive allows you to document in detail your future health care instructions or name a surrogate to speak for you if you are unable to speak for yourself, or both. If there are conflicting directions between an enforceable living will and a MOST form, the provisions of the living will shall prevail.";
- (h) A section of the form shall be titled "Directions for Completing and Implementing Form" with these four (4) subdivisions:
1. The first subdivision shall be titled "Completing MOST" and shall have the following language:

"MOST must be reviewed, prepared, and signed by the patient's physician in personal communication with the patient, the patient's surrogate, or responsible party.

MOST must be reviewed and contain the original *or electronic* signature of the patient's physician to be valid. Be sure to document the basis in the progress notes of the medical record. Mode of communication (e.g., in person, by telephone, etc.) should also be documented.

The signature of the patient, surrogate, or a responsible party is required; however, if the patient's surrogate or a responsible party is not reasonably available to sign the original form, a copy of the completed form with the signature *or electronic signature* of the patient's surrogate or a responsible party must be signed by the patient's physician and placed in the medical record.

Use of original form is required. Be sure to send the original form with the patient.

There is no requirement that a patient have a MOST.";

2. The second subdivision shall be titled "Implementing MOST" and shall have the following language: "If a health care provider or facility cannot comply with the orders due to policy or personal ethics, the provider or facility must arrange for transfer of the patient to another provider or facility.";
3. The third subdivision shall be titled "Reviewing MOST" and shall have the following language:

"This MOST must be reviewed at least annually or earlier if:

The patient is admitted and/or discharged from a health care facility;

There is a substantial change in the patient's health status; or

The patient's treatment preferences change.

If MOST is revised or becomes invalid, draw a line through Sections A-E and write "VOID" in large letters."; and
4. The fourth subdivision shall be titled "Revocation of MOST" and shall have the following language: "This MOST may be revoked by the patient, the surrogate, or the responsible party."; and
 - (i) A section of the form shall be titled "Review of MOST" and shall have the following columns and a number of rows as determined by the Kentucky Board of Medical Licensure:
 1. "Review Date";
 2. "Reviewer and Location of Review";
 3. "MD/DO Signature (Required)";
 4. "Signature of Patient, Surrogate, or Responsible Party (Required)"; and
 5. "Outcome of Review, describing the outcome in each row by selecting one (1) of the following:
 - a. No Change;
 - b. FORM VOIDED, new form completed; or
 - c. FORM VOIDED, no new form".
- (2) The Kentucky Board of Medical Licensure shall promulgate administrative regulations in accordance with KRS Chapter 13A to develop the format for a standardized medical order for scope of treatment form to be approved by the board, including spacing, size, borders, fill and location of boxes, type of fonts used and their size, and placement of boxes on the front or back of the form so as to fit on a single sheet. ***The board shall create an electronically fillable version of the MOST form that can be accessed on the board's Web site.*** The board may not alter the wording or order of wording provided in subsection (1) of this section, except to ***provide translated versions of the MOST form or*** add identifying data such as form number and date of promulgation or revision and instructions for completing, reviewing, and revoking the election of the form. ***The board shall provide a translation of the MOST form in print and in an electronically fillable version into Spanish, and other languages as needed.*** The board shall consult with appropriate professional organizations to develop the format for the medical order for scope of treatment form, including:
 - (a) The Kentucky Association of Hospice and Palliative Care;
 - (b) The Kentucky Board of Emergency Medical Services;
 - (c) The Kentucky Hospital Association;
 - (d) The Kentucky Association of Health Care Facilities;
 - (e) LeadingAge Kentucky;
 - (f) The Kentucky Right to Life Association; and
 - (g) Other groups interested in end-of-life care.
- (3) The medical order for scope of treatment form developed under subsection (2) of this section shall include but not be limited to:
 - (a) An advisory that completing the medical order for scope of treatment form is voluntary and not required for treatment;

- (b) Identification of the person who discussed and agreed to the options for medical intervention that are selected;
 - (c) All necessary information necessary to comply with subsection (1) of this section;
 - (d) The effective date of the form;
 - (e) The expiration or review date of the form, which shall be no more than one (1) calendar year from the effective date of the form;
 - (f) Indication of whether the patient has a living will directive or health care power of attorney, a copy of which shall be attached to the form if available;
 - (g) An advisory that the medical order for scope of treatment may be revoked by the patient, the surrogate, or a responsible party at any time; and
 - (h) A statement written in boldface type directly above the signature line for the patient that states "You are not required to sign this form to receive treatment."
- (4) A physician shall document the medical basis for completing a medical order for scope of treatment in the patient's medical record.
- (5) The patient, the surrogate, or a responsible party shall sign the medical order for scope of treatment form; however, if it is not practicable for the patient's surrogate or a responsible party to sign the original form, the surrogate or a responsible party shall sign a copy of the completed form and return it to the health care provider completing the form. The copy of the form with the signature of the surrogate or a responsible party, whether in electronic or paper form, shall be signed by the physician and shall be placed in the patient's medical record. When the signature of the surrogate or a responsible party is on a separate copy of the form, the original form shall indicate in the appropriate signature field that the signature is attached.
- (6) *The MOST form may be electronic or printed on any color of paper and the form shall be honored on any color of paper.*

Signed by Governor April 8, 2022.

CHAPTER 118

(SB 315)

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

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

➔Section 1. KRS 353.510 is amended to read as follows:

As used in KRS 353.500 to 353.720, unless the context otherwise requires:

- (1) "Department" means the Department for Natural Resources;
- (2) "Commissioner" means the commissioner of the Department for Natural Resources;
- (3) "Director" means the director of the Division of Oil and Gas as provided in KRS 353.530;
- (4) "Commission" means the Kentucky Oil and Gas Conservation Commission as provided in KRS 353.565;
- (5) "Person" means any natural person, corporation, association, partnership, receiver, governmental agency subject to KRS 353.500 to 353.720, trustee, so-called common-law or statutory trust, guardian, executor, administrator, or fiduciary of any kind, federal agency, state agency, city, commission, political subdivision of the Commonwealth, or any interstate body;
- (6) "Correlative rights" means the reasonable opportunity of each person entitled thereto to recover and receive or receive, without waste, the oil and gas in and under or produced from a tract or tracts in which the person owns or controls an interest, or proceeds thereof;

- (7) "Oil" means natural crude oil or petroleum and other hydrocarbons, regardless of gravity, which are produced at the well in liquid form by ordinary production methods and which are not the result of condensation of gas after it leaves the underground reservoir;
- (8) "Gas" means all natural gas, including casinghead gas, and all other hydrocarbons not defined in subsection (7) of this section as oil;
- (9) "Pool" means:
- (a) An underground reservoir containing a common accumulation of oil or gas or both; or
 - (b) An area established by the department or the commission as a pool.
- Each productive zone of a general structure which is completely separated from any other zone in the structure, or which for the purpose of KRS 353.500 to 353.720 may be so declared by the department, is covered by the word "pool";
- (10) "Field" means the general area which is underlaid or appears to be underlaid by at least one (1) pool; and "field" includes the underground reservoir containing oil or gas or both. The words "field" and "pool" mean the same thing when only one (1) underground reservoir is involved; however, "field," unlike "pool," may relate to two (2) or more pools;
- (11) "Just and equitable share of production" means, as to each person, an amount of oil or gas or both substantially equal to the amount of recoverable oil and gas in that part of a pool underlying his tract or tracts;
- (12) "Abandoned," when used in connection with a well or hole, means a well or hole which has never been used, or which, in the opinion of the department, will no longer be used for the production of oil or gas or for the injection or disposal of fluid therein;
- (13) "Workable bed" means:
- (a) A coal bed actually being operated commercially;
 - (b) A coal bed that the department decides can be operated commercially and the operation of which can reasonably be expected to commence within not more than ten (10) years; or
 - (c) A coal bed which, from outcrop indications or other definite evidence, proves to the satisfaction of the commissioner to be workable, and which, when operated, will require protection if wells are drilled through it;
- (14) "Well" means a borehole:
- (a) Drilled or proposed to be drilled for the purpose of producing gas or oil;
 - (b) Through which gas or oil is being produced; or
 - (c) Drilled or proposed to be drilled for the purpose of injecting any water, gas, or other fluid therein or into which any water, gas, or other fluid is being injected;
- (15) "Shallow well" means any well drilled and completed at a depth of six thousand (6,000) feet or less except, in the case of any well drilled and completed east of longitude line 84 degrees 30'; shallow well means any well drilled and completed at a depth of six thousand (6,000) feet or above the base of the lowest member of the Devonian Brown Shale, whichever is the deeper in depth;
- (16) "Deep well" means any well drilled and completed below the depth of six thousand (6,000) feet or, in case of a well located east of longitude line 84 degree 30', a well drilled and completed at a depth below six thousand (6,000) feet or below the base of the lowest member of the Devonian Brown Shale, whichever is deeper;
- (17) "Operator" means:
- (a) For a deep well, any owner of the right to develop, operate, and produce oil and gas from a pool and to appropriate the oil and gas produced therefrom, either for himself or for himself and others. In the event that there is no oil and gas lease in existence with respect to the tract in question, the owner of the oil and gas rights therein shall be considered as the royalty owner to the extent of the prevailing royalty in the oil and gas in that portion of the pool underlying the tract owned by the owner, and as operator as to the remaining interest in such oil and gas. In the event the oil is owned separately from the gas, the owner of the right to develop, operate, and produce the substance being produced or sought to be produced from the pool shall be considered as "operator" as to such pool; and

- (b) For a shallow well, any owner of the right to develop, operate, and produce oil and gas from a pool and to appropriate the oil and gas therefrom, either for himself or herself, or for himself or herself and others. If there is no oil and gas lease in existence with respect to the tract in question, the owner of the oil and gas rights therein shall be considered as operator to the extent of seven-eighths (7/8) of the oil and gas in that portion of the pool underlying the tract owned by the owner, and as a royalty owner as to the one-eighth (1/8) interest in the oil and gas. If the oil is owned separately from the gas, the owner of the right to develop, operate, and produce the substance being produced or sought to be produced from the pool shall be considered as operator as to the pool;
- (18) "Royalty owner" means any owner of oil and gas in place, or oil and gas rights, to the extent that the owner is not an operator as defined in subsection (17) of this section;
- (19) "Drilling unit" generally means the maximum area in a pool which may be drained efficiently by one (1) well so as to produce the reasonable maximum oil or gas reasonably recoverable in the area. Where the regulatory authority has provided rules for the establishment of a drilling unit and an operator, proceeding within the framework of the rules so prescribed, has taken the action necessary to have a specified area established for production from a well, the area shall be a drilling unit;
- (20) "Underground source of drinking water" means those subsurface waters identified as in regulations promulgated by the department which shall be consistent with the definition of underground source of drinking water in regulations promulgated by the Environmental Protection Agency pursuant to the Safe Drinking Water Act, 42 U.S.C. secs. 300(f) et seq.;
- (21) "Underground injection" means the subsurface emplacement of fluids by well injection but does not include the underground injection of natural gas for purposes of storage;
- (22) "Endangerment of underground sources of drinking water" means underground injection which may result in the presence in underground water, which supplies or can reasonably be expected to supply any public water system, of any contaminant and if the presence of the contaminant may result in the system's not complying with any national primary drinking water regulation or may otherwise adversely affect the health of persons;
- (23) "Class II well" means wells which inject fluids:
- (a) Which are brought to the surface in connection with conventional oil or natural gas production and may be commingled with waste waters from gas plants which are an integral part of production operations, unless those waters are classified as a hazardous waste at the time of injection;
 - (b) For enhanced recovery of oil or natural gas; and
 - (c) For storage of hydrocarbons which are liquid at standard temperature and pressure;
- (24) "Fluid" means any material or substance which flows or moves whether in a semisolid, liquid, sludge, gas, or any other form or state;
- (25) "Horizontal well" means a well, the wellbore of which is initially drilled on a vertical or directional plane and which is curved to become horizontal or nearly horizontal, in order to parallel a particular geological formation and which may include multiple horizontal or stacked laterals;
- (26) "Vertical well" means a well, the wellbore of which is drilled on a vertical or directional plane into a formation and is not turned or curved horizontally to allow the wellbore additional access to the oil and gas reserves in the formation;
- (27) "Prevailing royalty" means the royalty rate or percentage that the department or the commission determines is the royalty most commonly applicable with regard to the tract or unit in the issue. The royalty rate set by the department or the commission shall not be less than one-eighth (1/8) or twelve and one-half percent (12.5%);
- (28) "Best management practices" means demonstrated practices intended to control site runoff and pollution of surface water and groundwater to prevent or reduce the pollution of waters of the Commonwealth;
- (29) "Abandoned storage tank facility" means any aboveground storage tank or interconnected grouping of tanks that is no longer being actively used and maintained in conjunction with the production and storage of crude oil or produced water;
- (30) "Spill prevention, control, and countermeasure structures" means containment structures constructed around a storage facility to contain facility discharges;

- (31) "Landowner" means any person who owns real property where an abandoned storage tank facility is currently located;
- (32) "Chemical Abstracts Service" means the division of the American Chemical Society that is the globally recognized authority for information on chemical substances;
- (33) "Chemical abstracts service number" means the unique identification number assigned to a chemical by the Chemical Abstracts Service;
- (34) "Chemical" means any element, chemical compound, or mixture of elements or compounds that has its own specific name or identity, such as a chemical abstracts service number;
- (35) "Chemical disclosure registry" means the chemical registry known as FracFocus developed by the Groundwater Protection Council and the Interstate Oil and Gas Compact Commission. If that registry becomes permanently inoperable, the chemical disclosure registry shall mean another publicly accessible Web site that is designated by the commissioner;
- (36) "Division" means the Kentucky Division of Oil and Gas;
- (37) "Emergency spill or discharge" means an uncontrolled release, spill, or discharge associated with an oil or gas well or production facility that has an immediate adverse impact to public health, safety, or the environment as declared by the secretary of the cabinet;
- (38) "Health professional" means a physician, physician assistant, nurse practitioner, registered nurse, or emergency medical technician licensed by the Commonwealth of Kentucky;
- (39) "High-volume horizontal fracturing treatment" means the stimulated treatment of a horizontal well by the pressurized application of more than eighty thousand (80,000) gallons of water, chemical, and proppant, combined for any stage of the treatment or three hundred twenty thousand (320,000) gallons in the aggregate for the treatment used to initiate or propagate fractures in a geological formation for the purpose of enhancing the extraction or production of oil or natural gas;
- (40) "Proppant" means sand or any natural or man-made material that is used in a hydraulic fracturing treatment to prop open the artificially created or enhanced fractures once the treatment is completed;
- (41) "Total water volume" means the total quantity of water from all sources used in a high-volume hydraulic fracturing treatment;
- (42) "Trade secret" means information concerning the volume of a chemical or relative concentration of chemicals used in a hydraulic fracturing treatment that:
- (a) Is known only to the hydraulic fracturing treatment's owners, employees, former employees, or persons under contractual obligation to hold the information in confidence;
 - (b) Has been perfected and appropriated by the exercise of individual ingenuity which gives the hydraulic fracturing treatment's owner an opportunity to retain or obtain an advantage over competitors who do not know the information; and
 - (c) Is not required to be disclosed or otherwise made available to the public under any federal or state law or administrative regulation;
- (43) "Cabinet" means the Energy and Environment Cabinet;
- (44) "Stratigraphic test well" means an exploratory borehole drilled for the sole purpose of acquiring subsurface geological and structure test data;
- (45) "Notice" means the sending of certified mail to the last known address. The date of delivery shall be the earlier of the date shown on the certified mail return receipt or the date thirty (30) days after the date shown on the postal service proof of mailing. For the purposes of KRS 353.620, 353.630, 353.640, and 353.700, any unknown or nonlocatable owner shall be deemed to have received notice, provided that the person giving the notice has caused to be published, no more than thirty (30) days prior to the submission of an application or order issued pursuant to an application, one (1) notice in the newspaper of the largest circulation in each county in which any tract, or portion thereof, affected or proposed to be affected, is located. The applicant shall provide a copy of the published notification to the director within twenty (20) days of the date of publication. The notice shall:
- (a) State, as applicable, that an application is being filed with the division or that an order has been issued pursuant to an application filed with the division;

- (b) Describe any tract, or portion thereof, affected or proposed to be affected;
 - (c) In the case of an unknown owner, identify the name of the last known owner;
 - (d) In the case of a nonlocatable owner, identify the owner and the owner's last known address; and
 - (e) State that any party claiming an interest in any tract, or portion thereof, affected or proposed to be affected, shall contact the operator at the published address;
- (46) (a) "Control person" means a person who:
- 1. Has the ability to commit the financial or real property assets or working resources of an entity to comply with this chapter and the administrative regulations promulgated hereunder with respect to the operations of a well or the manner in which a well is operated;
 - 2. Has any other relationship that gives that person authority to determine the manner in which a well is operated, plugged, and abandoned. This includes a rebuttable presumption that an ineligible person is directing the actions of his or her spouse or child who files an application;
 - 3. Is an officer, director, or general partner of an entity; or
 - 4. Has an ownership interest in an entity equaling or exceeding fifty percent (50%), except that the cabinet may determine that a person has controlling interest in an entity with less than fifty percent (50%) ownership.
- (b) Unless the person is determined to qualify under paragraph (a) of this subsection, "control person" does not include:
- 1. An independent third-party service company;
 - 2. A contract operator;
 - 3. A well tender or pumper;
 - 4. The owner of a non-operated undivided working interest;
 - 5. A limited partner;
 - 6. A unitholder in a limited liability company; or
 - 7. Any other person who by virtue of a joint operating agreement, entity governance agreement, or other contractual relationship does not have the right to control the manner in which a well is operated and plugged and abandoned;
- (47) "Eligible well" means:
- (a) An orphan well; or
 - (b) Any abandoned well that poses an imminent threat to human health, safety, or the environment; and
- (48) "Orphan well" means any oil or gas well, *as defined in subsection (14) of this section*, which has been determined by the cabinet to be improperly abandoned or improperly closed, and that ~~is~~
- ~~(a) 1. Predates the state oil and gas permitting requirements enacted on June 16, 1960; or~~
 - ~~2. Has no known history of permitting or bonding under any state regulatory program; and~~
 - ~~(b) 1. }has no known owner or operator with continuing legal responsibility, {;}~~ or
 - ~~{2. }all owners or operators with continuing legal responsibility for the well are determined to be financially insolvent following a reasonable investigation conducted by the cabinet.~~
- ➔Section 2. KRS 353.562 is amended to read as follows:
- (1) (a) There is hereby created the Kentucky Abandoned Storage Tank and Orphan Well Reclamation Program. The purpose of the program is to:
- 1. **Remediate and** reclaim abandoned storage tanks;
 - 2. Properly plug and abandon eligible wells; and
 - 3. Address imminent threats to human health, safety, or the environment posed by oil and gas facilities located in the Commonwealth.

- (b) Reclamation of abandoned storage tank facilities and eligible wells under the program shall include:
 - 1. Removing necessary well and tank infrastructure;
 - 2. Proper plugging and abandonment of eligible wells;
 - 3. Proper abandonment of tanks posing an imminent threat to human health, safety, or the environment;
 - 4. Implementation of best management practices at sites associated with eligible wells or abandoned storage tank facilities; or
 - 5. Removing primary and secondary sources of contamination of the land, air, and water.
 - (c) Orphan wells and abandoned storage tank facilities determined by the cabinet to be eligible for plugging, removal, reclamation, and clean up funds from the Kentucky abandoned storage tank and orphan well reclamation fund shall be addressed in accordance with this section and KRS 353.561, 353.563, and 353.564.
- (2) The Kentucky abandoned storage tank and orphan well reclamation fund is hereby created as an interest-bearing, restricted, agency account. The fund shall be administered by the cabinet. Interest credited to the account shall be retained in the account. Notwithstanding KRS 45.229, any moneys remaining in the fund at the close of the fiscal year shall not lapse but shall be carried forward into the succeeding fiscal year to be used for the purposes authorized and set forth in this section and KRS 353.561, 353.563, and 353.564.
 - (3) The fund established in subsection (2) of this section may utilize and expend funds as authorized by the biennial budget.
 - (4) Moneys in the fund shall be for carrying out the purpose provided in subsection (1) of this section, including any administrative costs incurred by the cabinet during the implementation of this section and KRS 353.561, 353.563, and 353.564. The fund may receive moneys from federal and state grants or appropriations, and from any other proceeds received for the purposes of this section and KRS 353.561, 353.563, and 353.564. *Separate accounts may be established within the fund to segregate moneys received and expended for different programs operated by the Kentucky Abandoned Storage Tank and Orphan Well Reclamation Program.*
 - (5) (a) Funds may be expended for costs incurred in the:
 - 1. **Remediation and** reclamation of abandoned storage tank facilities;
 - 2. Proper plugging, **remediation**, reclamation, and abandonment of eligible wells; or
 - 3. Proper **remediation**, reclamation, and abandonment of abandoned storage tank facilities posing an imminent threat.(b) These funds may be expended in accordance with this section and after the cabinet determines that:
 - 1. The well qualifies as an eligible well as defined in KRS 353.510;
 - 2. There is no person identified or found with continuing legal responsibility for the abandoned storage tank facility; or
 - 3. Reclamation or remedial measures are necessary to respond to an imminent threat to human health, safety, or the environment, posed by an abandoned storage tank facility or improperly abandoned well.
- (6) Reclamation measures paid for by the fund shall include the following:
 - (a) Removal and disposal of abandoned storage tank facilities;
 - (b) Reclamation of lands affected by abandoned storage tank facilities, including:
 - 1. Proper removal or abandonment of flow lines;
 - 2. Removal or treatment of contaminated soil to no more than three (3) feet in depth;
 - 3. Elimination of all berms, dikes, and other structures utilized as spill prevention, control, and countermeasure structures;
 - 4. Grading, stabilization, and seeding of the surface where the tank or tank battery was located; and

5. Implementation of best management practices at sites associated with abandoned storage facilities; and
- (c) Reclamation of lands affected by eligible wells, including:
 1. Proper removal or abandonment of flow lines;
 2. Removal and disposal of surface production equipment;
 3. Grading, stabilization, and seeding of the surface where the well was located;
 4. Implementation of best management practices at sites associated with eligible wells; and
 5. Removal or treatment of contaminated soil to no more than three (3) feet in depth.
- (7) If during the course of removing and reclaiming an abandoned storage tank facility or plugging and reclaiming an eligible well, the division observes evidence of soil contamination below three (3) feet depth, the division shall consult with the Department for Environmental Protection to determine whether further action is necessary to protect public health and the environment. Nothing contained in this section shall be construed to obligate the fund to provide additional moneys for removal or treatment of contaminated soil other than provided in subsection (6)(b)2. and (c)5. of this section.
- (8) Any person performing reclamation measures pursuant to this section shall comply with applicable local, state, and federal laws and regulations.
- (9) The cabinet shall have the authority to:
 - (a) Contract for services provided by and engage in cooperative projects with other government agencies or private parties in the furtherance of any remedial or reclamation project authorized and undertaken pursuant to this section and KRS 353.561, 353.563, and 353.564;
 - (b) Enter into agreements with those government agencies or private parties to compensate those agencies and private parties with funds from the account; and
 - (c) Accept and deposit into *separate accounts within* the fund any federal, state, and other funds for the purposes of *subsection (10) of this section and* KRS 353.561, 353.563, and 353.564.
- (10) ***Moneys received by the Commonwealth from the Infrastructure Investment and Jobs Act, Pub. L. No. 117-58, shall be placed into a separate account within the fund to administer and award contracts which are committed to and issued for the purposes of Pub. L. No. 117-58 and any federal rules and guidance issued pursuant thereto. Moneys received by the Commonwealth under Pub. L. No. 117-58:***
 - (a) *May be used for the plugging and abandonment of wells and the remediation and reclamation of associated pipelines, facilities, and infrastructure eligible for funding under this section; and*
 - (b) *Shall be maintained and expended in a manner as provided by any federal rules and guidance issued pursuant to Pub. L. No. 117-58.*
- (11) ***Except for the modification allowed for initial grants in subsection (12) of this section, the number of eligible wells in the vendor's scope of work for contracts issued pursuant to subsection (10) of this section for all grant types established under Pub. L. No. 117-58 shall be limited as follows:***
 - (a) *One-third (1/3) of the contracts issued in a twelve (12) month period shall be limited to no more than ten (10) wells;*
 - (b) *One-third (1/3) of the contracts issued in a twelve (12) month period shall be limited to no more than twenty-five (25) wells; and*
 - (c) *One-third (1/3) or the remaining contracts issued within a twelve (12) month period shall not have a limit on the number of wells in the scope of work.*
- (12) ***The cabinet may adjust the number of wells within a bid package issued pursuant to subsections (10) and (11) of this section as needed in order to comply with any deadlines imposed under Pub. L. No. 117-58 for initial grants, provided that the overall percentages required in subsection (11) of this section are achieved at the end of each twelve (12) month period.***
- (13) ***As used in this section, "grant types" means the initial, formula, and performance grant categories that states can use to apply for moneys to clean-up orphan wells described in the December 21, 2021, guidance to states issued by the United States Department of the Interior.***

➔Section 3. Whereas the Commonwealth is eligible for federal funding to properly close and clean up orphaned wells and well sites, and many of these well sites have degrading infrastructure that can harm public health, safety, and the environment, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 8, 2022.

CHAPTER 119

(SB 114)

AN ACT relating to the disposition of catalytic converters and other items containing metal.

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

➔Section 1. KRS 433.890 is amended to read as follows:

- (1) Every recycler, dealer in junk or metals, dealer in secondhand articles, vendor of bottles or rags, collector of or dealer in articles found in ashes, garbage, or other refuse, whether such dealers, collectors, or vendors have established places of business or operate a business of an itinerant nature, shall, with regard to any catalytic converter, metal beverage container that is capable of holding more than two (2) liters of beverage and is marketed as returnable, railroad rails, nonferrous metal or an alloy thereof, or an object containing nonferrous metal or an alloy thereof:
 - (a) Keep a register that contains:
 1. A photocopy of a valid *operator's*~~driver's~~ license, *personal identification card*, or other government-issued identification card or document which contains the name, photograph, and signature of the seller. If the purchaser has a copy of the seller's valid photo identification on file, it shall not be necessary for the purchaser to make another copy of the identification document for each purchase if the purchaser references the number on the identification document in the register at the time of each purchase; ~~and~~
 2. The state and license number of the motor vehicle used to transport the purchased catalytic converter, metal beverage container that is capable of holding more than two (2) liters of beverage and is marketed as returnable, railroad rail, nonferrous metal or an alloy thereof, or object containing nonferrous metal or an alloy thereof, to the place of purchase, which shall be provided by the seller of the items;
 3. The time and date of the transaction;
 4. A description in the usage of the trade of the kind and weight of the railroad rail, nonferrous metal or an alloy thereof, or object containing the nonferrous metal or an alloy thereof purchased; ~~and~~
 5. The amount paid for the material and the unit basis of the purchase, such as by ounce or pound, etc.; *and*
 6. *For the purchase of a catalytic converter, a photocopy of:*
 - a. The seller's identification that meets the minimum age requirement in paragraph (c) of this subsection;*
 - b. The receipt for the replacement catalytic converter; and*
 - c. The title or registration for the vehicle from which the catalytic converter was removed in the name of the seller;*
 - (b) Not purchase any metal that has been smelted, burned, or melted unless, in addition to the other requirements of this subsection, the seller provides the following, and the purchaser maintains a copy thereof:
 1. A signed certificate of ownership stating that he or she is the owner of the metal and is entitled to sell it; or

2. A signed certificate from the owner of the metal stating that he or she is the owner of the metal, and that the person selling the metal is authorized to sell the metal on behalf of the owner;
- (c) Not purchase any catalytic converter, metal beverage container that is capable of holding more than two (2) liters of beverage and is marketed as returnable, railroad rail, nonferrous metal or an alloy thereof, or an object containing nonferrous metal or an alloy thereof from a person who:
 1. Is less than eighteen (18) years of age; or
 2. Is unable or refuses to provide the identification and information required in paragraph (a) of this subsection;
- (d) Retain the information required by this section for a period of two (2) years, after which time, the information may be retained, destroyed in a manner that protects the identity of the owner of the property and the seller of the property, or transferred to a law enforcement agency specified in paragraph (g) of this subsection;
- (e) If the purchaser ceases business, transfer all records and information required by this section to a law enforcement agency specified in paragraph (g) of this subsection;
- (f) Permit any peace officer to inspect the register, and if the peace officer deems it necessary to locate specific stolen property, may inspect the catalytic converter, metal beverage and container that is capable of holding more than two (2) liters of beverage is marketed as returnable, railroad rail, nonferrous metal or an alloy thereof, or object containing nonferrous metal or an alloy thereof received during business hours;
- (g) Upon written request of the sheriff, ~~for~~ *the* chief of police, *or the Kentucky State Police*, as appropriate, make a report containing the information required to be retained in the register under paragraph (a) of this subsection in person, in digital format, in writing, or by electronic means within twenty-four (24) hours of the transaction to:
 1. The sheriff of the county in which the purchase was made and the sheriff of the county in which the business is located; and
 2. When the purchase was made in a city, county, urban-county, charter county, consolidated local government, or unified local government, to the police department of the city, county, urban-county, charter county, consolidated local government, or unified local government in which the purchase is made and the police department of the city, county, urban-county, charter county, consolidated local government, or unified local government in which the business is located, unless there is no police department in that jurisdiction;
- (h) Comply with a written request pursuant to paragraph (g) of this subsection until a written notice to cease sending the reports required by paragraph (g) of this subsection is received by the purchaser. A request may relate to:
 1. All records of purchases;
 2. Records of a specific class of metals or items purchased;
 3. Records of purchases during a specific period of time; or
 4. Records of a specific purchase or purchases; and
- (i) Retain the property in its original form or a photograph or digital image of the property for a period of three (3) business days from the date of purchase unless notified by a peace officer having reasonable cause to believe that the property may be stolen property, in which case, the property may be seized as evidence by the peace officer or, if not seized, shall be retained for an additional thirty (30) days unless earlier notified by a peace officer that the property may be sold.
- (2) A sheriff or police department receiving records pursuant to this section shall retain the records for two (2) years, after which time, it may either retain or destroy the records in a manner that protects the identity of the owner of the property, the seller of the property, and the purchaser of the property.
- (3) Any record required to be made or reported pursuant to this section may be kept and reported in hard copy or digital or in electronic format.
- (4) This section shall not apply to the purchase, sale, or transfer of:

- (a) A motor vehicle, aircraft, or other item that is licensed by the state or federal government pursuant to a legitimate transfer of title or issuance of a junk title;
- (b) A firearm, part of a firearm, firearm accessory, ammunition, or ammunition component;
- (c) A knife, knife parts, accessory or sheath for a knife, or knifemaking products;
- (d) A nonreturnable used beverage container or food container;
- (e) Jewelry, household goods containing metal, garden tools, and similar household items, except for a catalytic converter or metal beverage container that is capable of holding more than two (2) liters of liquid and which is marketed as returnable, which takes place at a flea market or yard sale;
- (f) A single transaction involving a purchase price of ten dollars (\$10) or less, but more than two (2) transactions with the same person involving a purchase price of ten dollars (\$10) or less in one (1) seven (7) day period shall be reportable transactions;
- (g) Material disposed of as trash or refuse that contains or may contain a catalytic converter, metal beverage container that is capable of holding more than two (2) liters of beverage and is marketed as returnable, railroad rail, nonferrous metals or an alloy thereof, or an object that contains or may contain a railroad rail or nonferrous metals or an alloy thereof, which is collected by a municipal waste department or by a licensed waste hauler and no payment is made to the person from whom the material is collected by the person or agency collecting the material;
- (h) A catalytic converter, metal beverage container that is capable of holding more than two (2) liters of beverage and marketed as returnable, railroad rail, nonferrous metal or alloy thereof, or an object containing railroad rail, nonferrous metal, or an alloy thereof from a person who has maintained a record pursuant to this section to a person who is to further recycle the metal or object containing the metal;
- (i) A catalytic converter, metal beverage container that is capable of holding more than two (2) liters of beverage and marketed as returnable, railroad rail, nonferrous metal or an alloy thereof, or object containing nonferrous metal or an alloy thereof under a written contract with an organization, corporation, or association registered with the Commonwealth as a charitable, philanthropic, religious, fraternal, civic, patriotic, social, or school sponsored organization;
- (j) A purchase, pursuant to a written contract, from a manufacturing, industrial or other commercial vendor that generates catalytic converters, metal beverage containers capable of holding more than two (2) liters of beverage and which are marketed as returnable, railroad rail, nonferrous metal or an alloy thereof, or object containing nonferrous metal in the ordinary course of business;
- (k) An item purchased by, pawned to, or sold by a pawnbroker licensed pursuant to KRS Chapter 226, engaging in the business authorized by that chapter; or
- (l) Any ferrous metal item, except for a catalytic converter, metal beverage container that is capable of holding more than two (2) liters of beverage and is marked as returnable, or railroad rails.

➔Section 2. KRS 433.892 is amended to read as follows:

- (1) A person is guilty of failure to maintain a register of metals and objects containing metal when the person fails or refuses to:
 - (a) Obtain the information required by KRS 433.890;
 - (b) Keep the records required by KRS 433.890 for the period of time required in KRS 433.890;
 - (c) Provide the required records to the police department or sheriff as required by KRS 433.890;
 - (d) Provide access to a peace officer to records required to be kept pursuant to KRS 433.890; or
 - (e) Dispose of the records required to be maintained pursuant to KRS 433.890 in a manner meeting the requirements of KRS 433.890.
- (2) ***Failure to maintain a register of metals and objects containing metal is a Class B misdemeanor.*** ~~A person guilty of failure to maintain a register of metals and objects containing metal shall be fined not more than one hundred dollars (\$100) or be imprisoned in the county jail for not more than thirty (30) days, or both.~~

➔Section 3. KRS 433.894 is amended to read as follows:

- (1) A person is guilty of unlawful acts relating to purchase or disposition of metals when the person violates any provision of KRS 433.890 other than the recordkeeping provisions.
- (2) ~~*Unlawful acts relating to the purchase or disposition of metals is a Class B misdemeanor*~~ [A person guilty of unlawful acts relating to the purchase or disposition of metals shall be fined not more than one hundred dollars (\$100) or imprisoned in the county jail for not more than thirty (30) days, or both].

Signed by Governor April 8, 2022.

CHAPTER 120

(SB 205)

AN ACT relating to state dealings with companies that engage in energy company boycotts.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 41 IS CREATED TO READ AS FOLLOWS:

The General Assembly finds that:

- (1) *Fossil fuels currently supply more than eighty percent (80%) of the world's primary energy, and the United States Energy Information Administration still projects global consumption of fossil fuels to increase steadily at least through 2050;*
- (2) *Restricting the supply of fossil fuels, without an immediate substitute for those fuels, only serves to raise prices on energy consumers, profoundly impacting the poorest among us;*
- (3) *Denying financing to American and European fossil energy producers, who are among the most socially and environmentally responsible companies in the world, only serves to support hostile nations and less responsible producers;*
- (4) *Banks are increasingly denying financing to creditworthy fossil energy companies solely for the purpose of decarbonizing their lending portfolios and marketing their environmental credentials, to the detriment of potential returns for their shareholders;*
- (5) *Institutional investors are divesting from fossil energy companies and pressuring corporations to commit to the goal of the Paris Agreement to reduce greenhouse gas emissions to zero by 2050;*
- (6) *Large investment firms are colluding to force fossil energy companies to cannibalize their existing businesses and direct time and attention away from increasing shareholder returns;*
- (7) *Corporations are boycotting fossil energy companies by refusing to provide them with products or services; and*
- (8) *Energy-producing states, when financially prudent, should avoid doing business with companies that are attacking the industries that substantially contribute to their state budgets.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 41 IS CREATED TO READ AS FOLLOWS:

(1) *As used in Sections 1 to 4 of this Act:*

- (a) *"Company" means a for-profit sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, limited liability company, or other entity or business association, including a wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of those entities or business associations, that exists to make a profit;*
- (b) *"Direct holdings" means, with respect to a financial company, all securities of that financial company held directly by a state governmental entity in an account or fund in which a state governmental entity owns all shares or interests;*
- (c) *"Energy company boycott" means, without an ordinary business purpose, refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations with a company because the company:*

1. *Engages in the exploration, production, utilization, transportation, sale, or manufacturing of fossil fuel-based energy and does not commit or pledge to meet environmental standards beyond applicable federal and state law; or*
 2. *Does business with a company described in subparagraph 1. of this paragraph;*
- (d) *"Financial company" means a publicly traded financial services, banking, or investment company;*
 - (e) *"Indirect holdings" means, with respect to a financial company, all securities of that financial company held in an account or fund, such as a mutual fund, managed by one (1) or more persons not employed by a state governmental entity, in which the state governmental entity owns shares or interests together with other investors not subject to the provisions of this chapter. The term does not include money invested under a plan described by Section 401(k) or 457 of the Internal Revenue Code;*
 - (f) *"Listed financial company" means a financial company listed by the Treasurer;*
 - (g) *"State governmental entity" means any state board, bureau, cabinet, commission, department, authority, officer, or other entity in the executive branch of state government that makes investments, deposits, or transactions in excess of one million dollars (\$1,000,000) annually; and*
 - (h) *"Treasurer" means the State Treasurer.*
- (2) *Notwithstanding any provision of law to the contrary, with respect to actions taken in compliance with Sections 1 to 4 of this Act, including all good faith determinations regarding financial companies as required by Sections 1 to 4 of this Act, a state governmental entity and the Treasurer are exempt from any conflicting statutory or common law obligations, including any obligations with respect to making investments, divesting from any investment, preparing or maintaining any list of financial companies, or choosing asset managers, investment funds, or investments for the state governmental entity's securities portfolios.*
 - (3) *A state governmental entity shall not be subject to the requirements of Sections 1 to 4 of this Act if the state governmental entity determines that the requirements would be inconsistent with its fiduciary responsibility with respect to the investment of entity assets or other duties imposed by law relating to the investment of entity assets.*

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 41 IS CREATED TO READ AS FOLLOWS:

- (1) (a) *The Treasurer shall prepare and maintain, and provide to each state governmental entity through publication on the Treasurer's official Web site, a list of all financial companies that, to the Treasurer's knowledge, have engaged in energy company boycotts. In maintaining the list, the Treasurer may:*
 1. *Review and rely, as appropriate in the Treasurer's judgment, on all available information regarding financial companies, including information provided by the Commonwealth, nonprofit organizations, research firms, international organizations, governmental entities, or other organizations in the business of providing information relevant for investments; and*
 2. *Request written verification from a financial company that it does not engage in energy company boycotts and rely on, as appropriate in the Treasurer's judgment and without conducting further investigation, research, or inquiry, a financial company's written response to the request.*
 - (b) *A financial company that fails to provide to the Treasurer a written verification under paragraph (a)2. of this subsection within sixty (60) days of receiving the request from the Treasurer is presumed to be engaging in energy company boycotts.*
 - (c) *The Treasurer shall update the list required in paragraph (a) of this subsection annually or more often as the Treasurer considers necessary based on information from, among other sources, those listed in paragraph (a) of this subsection.*
 - (d) *Within thirty (30) days of the date the list of financial companies that engage in energy company boycotts is first provided or updated, the Treasurer shall file the list with the Legislative Research Commission and the Attorney General and post the list on a publicly available Internet Web site.*
- (2) *Within thirty (30) days of a state governmental entity receiving the list provided under subsection (1)(a) of this section, the state governmental entity shall notify the Treasurer of the listed financial companies in*

which the state governmental entity owns direct or indirect holdings. Receipt of the list by the state governmental entity shall be presumed upon the publication of the list on the Treasurer's official Web site.

- (3) (a) *For each listed financial company identified under subsection (2) of this section, the state governmental entity shall send a written notice:*
1. *Informing the financial company of its status as a listed financial company;*
 2. *Warning the financial company that it may become subject to divestment by state governmental entities after the expiration of the period described by paragraph (b) of this subsection; and*
 3. *Offering the financial company the opportunity to clarify its activities related to companies that are engaged in energy company boycotts.*
- (b) *Within ninety (90) days of the financial company receiving notice under paragraph (a) of this subsection, the financial company must cease engaging in energy company boycotts in order to avoid becoming subject to divestment by state governmental entities.*
- (c) *If, during the time provided by paragraph (b) of this subsection, the financial company ceases engaging in energy company boycotts, and the Treasurer is made aware of the cessation, the Treasurer shall remove the financial company from the list maintained under subsection (1)(a) of this subsection, and Sections 2, 3, and 4 of this Act shall no longer apply to the financial company unless it resumes engaging in energy company boycotts.*
- (d) *If, after the time provided by paragraph (b) of this subsection expires, the financial company continues to engage in energy company boycotts, the state governmental entity shall sell, redeem, divest, or withdraw all publicly traded securities of the financial company, except securities described in subsection (5) of this section, according to the schedule provided in subsection (4) of this section.*
- (4) (a) *A state governmental entity shall sell, redeem, divest, or withdraw all publicly traded securities of a listed financial company within one (1) year of the expiration of the time period provided in subsection (3)(b) of this section.*
- (b) *If a financial company that ceased engaging in energy company boycotts after receiving notice under subsection (3) of this section resumes its boycott, the state governmental entity shall send a written notice to the financial company informing it that the state governmental entity will sell, redeem, divest, or withdraw all publicly traded securities of the financial company according to the schedule in paragraph (a) of this subsection.*
- (c) *A state governmental entity may delay the schedule for divestment under paragraph (a) of this subsection only to the extent that the state governmental entity determines, in the state governmental entity's good faith judgment, and consistent with the entity's fiduciary duty, that divestment from listed financial companies will likely result in a loss in value or a benchmark deviation described in subsection (6) of this section.*
- (d) *If a state governmental entity delays the schedule for divestment under paragraph (c) of this subsection, the state governmental entity shall submit a report within thirty (30) days of the decision to the Treasurer, the Legislative Research Commission, and the Attorney General stating the reasons and justification for the state governmental entity's delay in divestment from listed financial companies. The report shall include documentation, including objective numerical estimates, supporting its determination that the divestment would result in a loss in value or a benchmark deviation described by subsection (6) of this section.*
- (5) *A state governmental entity shall not be required to divest from any indirect holdings in actively or passively managed investment funds or private equity funds. The state governmental entity shall submit the list of all financial companies that have engaged in energy company boycotts to each investment fund manager and request that if any of those companies are present within their funds, they remove those financial companies from the fund or create a similar actively or passively managed fund with indirect holdings devoid of listed financial companies. If a manager creates a similar fund with substantially the same management fees and same level of investment risk and anticipated return, the state governmental entity may replace all applicable investments with investments in the similar fund in a time frame consistent with prudent fiduciary standards but not later than the four hundred fifty (450) days after the date the fund is created.*

- (6) (a) *A state governmental entity may cease divesting from one (1) or more listed financial companies only if reasonable evidence shows that:*
1. *The state governmental entity has suffered or will suffer a material financial loss as a result of having to divest from listed financial companies under this section; or*
 2. *An individual portfolio that uses a benchmark-aware strategy would be subject to an aggregate expected deviation from its benchmark as a result of having to divest from listed financial companies under this section.*
- (b) *A state governmental entity may cease divesting from a listed financial company as provided by this section only to the extent necessary to ensure that the state governmental entity does not suffer a loss in value or deviate from its benchmark as described by paragraph (a) of this subsection.*
- (c) *Before a state governmental entity may cease divesting from a listed financial company under this section, the state governmental entity shall provide a written report to the Treasurer, the Legislative Research Commission, and the Attorney General setting forth the reason and justification, supported by reasonable evidence, for deciding to cease divestment or to remain invested in a listed financial company.*
- (d) *This section shall not apply to reinvestment in a financial company that is no longer a listed financial company under subsection (1) of this section.*

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 41 IS CREATED TO READ AS FOLLOWS:

- (1) *No later than December 1, 2023, and each December 1 thereafter, each state governmental entity shall file a publicly available report with the Treasurer, the Legislative Research Commission, and the Attorney General that:*
- (a) *Identifies all securities sold, redeemed, divested, or withdrawn in compliance with subsection (4) of Section 3 of this Act; and*
 - (b) *Summarizes any changes made under subsection (5) of Section 3 of this Act.*
- (2) *The Attorney General or the Treasurer may bring any civil action necessary to enforce Sections 1 to 4 and 5 of this Act.*

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

- (1) *As used in this section:*
- (a) *"Company" has the same meaning as in Section 2 of this Act, except that it shall not include a sole proprietorship;*
 - (b) *"Energy company boycott" has the same meaning as in Section 2 of this Act; and*
 - (c) *"Governmental entity" means any state board, bureau, cabinet, commission, department, authority, officer, or other entity in the executive branch of state government.*
- (2) *This section applies only to a contract that:*
- (a) *Is between a governmental entity and a company with ten (10) or more full-time employees; and*
 - (b) *Has a value of one hundred thousand dollars (\$100,000) or more that is to be paid wholly or partly from public funds of the governmental entity.*
- (3) *Except as provided in subsection (4) of this section, a governmental entity shall not enter into a contract with a company for goods or services unless the contract contains a written verification from the company that it:*
- (a) *Does not engage in energy companies boycotts; and*
 - (b) *Will not engage in energy company boycotts during the term of the contract.*
- (4) *The requirements of subsection (3) of this section shall not apply to a governmental entity that determines that those requirements are inconsistent with the governmental entity's constitutional, statutory, or fiduciary duties related to the issuance, incurrence, or management of debt obligations or the deposit, custody, management, borrowing, or investment of funds.*

➔Section 6. KRS 286.2-015 is amended to read as follows:

- (1) *Except as provided in Sections 1 to 4 and 5 of this Act*, all political subdivisions of the Commonwealth shall be prohibited from enacting and from enforcing ordinances, resolutions, and regulations pertaining to the financial or lending activities of persons or entities which:
 - (a) Are subject to the jurisdiction of the department or the provisions of this chapter;
 - (b) Are subject to the jurisdiction or regulatory supervision of the Board of Governors of the Federal Reserve System, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, the National Credit Union Administration, the Farm Credit Administration, the Federal Deposit Insurance Corporation, or the United States Department of Housing and Urban Development; or
 - (c) Originate, purchase, sell, assign, securitize, assist, facilitate, or service property interests or obligations created by financial transactions or loans made, executed, or originated by persons or entities referred to in paragraph (a) or (b) of this subsection.
- (2) The requirements of this section shall apply to all ordinances, resolutions, or regulations pertaining to lending activities, including any ordinances, resolutions, or regulations which limit or disqualify persons or entities from doing business with a political subdivision based upon financial or lending activities or the imposition of additional reporting requirements or other obligations on such persons or entities seeking to do business with a political subdivision.
- (3) Any provision of this chapter preempted by federal law with respect to a national bank or federal savings association shall not apply to the same extent to an operating subsidiary of a national bank or federal savings association.
- (4) The provisions of this chapter shall be interpreted and applied to the fullest extent practicable in a manner consistent with applicable federal laws and regulations and with applicable policies and orders of federal regulatory agencies and shall not be deemed to constitute an attempt to override federal law.
- (5) Nothing in this section shall be interpreted as preventing the enforcement of ordinances, regulations, or resolutions of political subdivisions of the Commonwealth pertaining to civil rights.

Signed by Governor April 8, 2022.

CHAPTER 121

(HB 482)

AN ACT relating to area development districts, making an appropriation therefor, and declaring an emergency.

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

➔Section 1. KRS 147A.100 is amended to read as follows:

~~{The Finance and Administration Cabinet shall, subject to the availability of funds, allocate funds to each district for the purpose of carrying out the district's responsibilities and for matching federal and local funds}~~

- (1) *The Department for Local Government shall allocate area development district funds appropriated to the Joint Funding Administration Program to the area development districts in accordance with the following formula:*
 - (a) *Seventy percent (70%) of the total appropriation shall be allocated equally among all area development districts;*
 - (b) *Twenty percent (20%) of the total appropriation shall be allocated based upon each area development district's proportionate share of total state population as identified by the most recent federal decennial census; and*
 - (c) *Ten percent (10%) of the total appropriation shall be allocated based upon each area development district's proportionate share of total incorporated cities and counties as identified by the records of the Kentucky Secretary of State's land office at the time of the allocation.*

- (2) *The Department for Local Government shall, upon the unanimous written direction of all area development districts, reduce the allocation based upon proportionate share of total incorporated cities and counties set forth in subsection (1)(c) of this section and instead allocate those funds to provide additional nonfederal dollars to area development districts for the purpose of maximizing federal awards.*

➔Section 2. Whereas area development district funds are essential for providing services throughout the Commonwealth, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 8, 2022.

CHAPTER 122

(HB 501)

AN ACT relating to child support.

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

➔Section 1. KRS 403.212 is amended to read as follows:

- (1) The following provisions and child support table shall be the child support guidelines established for the Commonwealth of Kentucky.
- (2) *The Cabinet for Health and Family Services shall:*
- (a) *Promulgate an administrative regulation in accordance with KRS Chapter 13A establishing a child support obligation worksheet; and*
 - (b) *Make accessible on its Web site a manual providing examples or illustrations of the application of the child support guidelines and the child support obligation worksheet.*
- ~~(3)~~~~(2)~~ For the purposes of the child support guidelines:
- (a) "Income" means actual gross income of the parent if employed to full capacity or potential income if unemployed or underemployed;
 - (b) "Gross income" includes income from any source, except as excluded in this subsection, and includes but is not limited to income from salaries, wages, retirement and pension funds, commissions, bonuses, dividends, severance pay, pensions, interest, trust income, annuities, capital gains, Social Security benefits, workers' compensation benefits, unemployment insurance benefits, disability insurance benefits, Supplemental Security Income (SSI), gifts, prizes, and alimony or maintenance received. Specifically excluded are benefits received from means-tested public assistance programs, including but not limited to public assistance as defined under Title IV-A of the Federal Social Security Act, and food stamps;
 - (c) For income from self-employment, rent, royalties, proprietorship of a business, or joint ownership of a partnership or closely held corporation, "gross income" means gross receipts minus ordinary and necessary expenses required for self-employment or business operation. Straight-line depreciation, using Internal Revenue Service (IRS) guidelines, shall be the only allowable method of calculating depreciation expense in determining gross income. Specifically excluded from ordinary and necessary expenses for purposes of this guideline shall be investment tax credits or any other business expenses inappropriate for determining gross income for purposes of calculating child support. Income and expenses from self-employment or operation of a business shall be carefully reviewed to determine an appropriate level of gross income available to the parent to satisfy a child support obligation. In most cases, this amount will differ from a determination of business income for tax purposes. Expense reimbursement or in-kind payments received by a parent in the course of employment, self-employment, or operation of a business or personal use of business property or payments of expenses by a business, shall be counted as income if they are significant and reduce personal living expenses such as a company or business car, free housing, reimbursed meals, or club dues;

- (d) "Self-support reserve" means a low-income adjustment amount to the obligated parent of nine hundred fifteen dollars (\$915) per month that considers the subsistence needs of the ~~obligor parent~~ with a limited ability to pay in accordance with 45 C.F.R. sec. 302.56(c)(1)(ii), and as applied under subsection ~~(5)(3)~~ of this section;
- (e) 1. If there is a finding that a parent is voluntarily unemployed or underemployed, child support shall be calculated based on a determination of potential income, except that a finding of voluntary unemployment or underemployment and a determination of potential income shall not be made for a parent who is incarcerated, physically or mentally incapacitated, or is caring for a very young child, age three (3) or younger, for whom the parents owe a joint legal responsibility;
2. A court may find a parent is voluntarily unemployed or underemployed without finding that the parent intended to avoid or reduce the child support obligation; and
3. Imputation of potential income, when applicable, shall include consideration of the following circumstances of the parents, to the extent known:
- a. Assets and residence;
 - b. Employment, earning history, and job skills;
 - c. Educational level, literacy, age, health, and criminal record that could impair the ability to gain or continue employment;
 - d. Record of seeking work;
 - e. Local labor market, including availability of employment for which the parent may be qualified and employable;
 - f. Prevailing earnings in the local labor market; and
 - g. Other relevant background factors, including employment barriers;
- (f) **"Obligor" has the same meaning as in KRS 205.710;**
- ~~(g)(f)~~ "Imputed child support obligation" means the amount of child support the parent would be required to pay from application of the child support guidelines;
- ~~(h)(g)~~ Income statements of the parents shall be verified by documentation of both current and past income. Suitable documentation shall include, but shall not be limited to, income tax returns, paystubs, employer statements, or receipts and expenses if self-employed;
- ~~(i)(h)~~ "Combined monthly adjusted parental gross income" means the combined monthly gross incomes of both parents, less any of the following payments made by the parent:
1. The amount of pre-existing orders for current maintenance for prior spouses to the extent payment is actually made and the amount of current maintenance, if any, ordered paid in the proceeding before the court;
 2. The amount of pre-existing orders of current child support for prior-born children to the extent payment is actually made under those orders; and
 3. A deduction for the support to the extent payment is made, if a parent is legally responsible for and is actually providing support for other prior-born children who are not the subject of a particular proceeding. If the prior-born children reside with that parent, an "imputed child support obligation" shall be allowed in the amount which would result from application of the guidelines for the support of the prior-born children; and
- ~~(j)(i)~~ "Split custody arrangement" means a situation where each parent **has sole custody and decision-making authority while the child or children is in his or her residence. Visitation only occurs when the child is in residence with the other parent.** ~~is the residential custodian for one (1) or more children for whom the parents share a joint legal responsibility.~~
- (4) **Any child support obligation shall be calculated by using the number of children for whom the parents share a joint legal responsibility.**
- ~~(5)(3)~~ (a) Except as provided in paragraph (b) of this subsection, the child support obligation set forth in the child support guidelines table shall be divided between the parents in proportion to their combined monthly adjusted parental gross income.

(b) *The child support obligation of an obligated parent whose monthly adjusted gross income is equal to or less than the amounts in subparagraphs 1. to 5. of this paragraph shall be calculated using the monthly adjusted gross income of the obligated parent alone to provide for the self-support reserve. The following monthly adjusted gross income amounts shall qualify an individual for the self-support reserve* ~~If the monthly adjusted gross income of the obligated parent and the number of children for whom support is being determined fall within the following defined areas, which represent the self support reserve, the basic child support obligation shall be calculated by using the monthly adjusted gross income of the obligated parent only to provide the obligated parent with the self support reserve~~:

1. ~~Equal to or less than~~ One thousand one hundred dollars (\$1,100) with one (1) ~~for more~~ child~~{children}~~;
2. ~~Equal to or less than~~ One thousand three hundred dollars (\$1,300) with two (2) ~~for more~~ children;
3. ~~Equal to or less than~~ One thousand four hundred dollars (\$1,400) with three (3) ~~for more~~ children;
4. ~~Equal to or less than~~ One thousand five hundred dollars (\$1,500) with four (4) *or five (5)* ~~for more~~ children; or
5. ~~Equal to or less than~~ One thousand six hundred dollars (\$1,600) with six (6) or more children.

(c) *The obligated parent shall pay the lesser support amount calculated in accordance with:*

1. *Paragraph (a) of this subsection;*
2. *Paragraph (b) of this subsection; and*
3. *As determined under Section 2 of this Act if the shared parenting time credit is applicable.*

~~(4) The child support obligation shall be the appropriate amount for the number of children in the table for whom the parents share a joint legal responsibility.~~

(6) The minimum amount of child support shall be sixty dollars (\$60) per month, *except as provided in subsection (3) of Section 2 of this Act.*

~~(7)~~~~(5)~~ The court may use its judicial discretion in determining child support in circumstances where combined adjusted parental gross income exceeds the uppermost levels of the guideline table.

~~(8)~~~~(6)~~ The child support obligation in a split custody arrangement shall be calculated in the following manner:

- (a) Two (2) separate child support obligation worksheets shall be prepared, one (1) for each household, using the number of children born of the relationship in each separate household, rather than the total number of children born of the relationship.
- (b) The parent with the greater monthly obligation amount shall pay the difference between the obligation amounts, as determined by the worksheets, to the other parent.

~~(9)~~~~(7)~~ The child support guidelines table is as follows:

COMBINED MONTHLY ADJUSTED PARENTAL GROSS INCOME	ONE	TWO	THREE	FOUR	FIVE	SIX
	CHILD	CHILDREN				OR MORE
\$0	\$60	\$60	\$60	\$60	\$60	\$60
100	60	60	60	60	60	60
200	60	60	60	60	60	60

ACTS OF THE GENERAL ASSEMBLY

300	60	60	60	60	60	60
400	60	60	60	60	60	60
500	60	60	60	60	60	60
600	60	60	60	60	60	60
700	60	60	60	60	60	60
800	60	60	60	60	60	60
900	60	60	60	60	60	60
1,000	85	85	85	85	85	85
1,100	148	150	152	154	155	157
1,200	200	231	234	237	239	242
1,300	216	312	316	320	323	327
1,400	231	339	398	403	407	412
1,500	247	362	437	486	491	497
1,600	262	384	464	518	570	582
1,700	277	406	491	548	603	655
1,800	292	428	517	578	635	691
1,900	307	450	544	607	668	726
2,000	322	472	570	637	701	762
2,100	337	494	597	667	734	797
2,200	352	516	624	697	766	833
2,300	367	538	650	726	799	869
2,400	382	560	677	756	832	904
2,500	397	582	704	786	865	940
2,600	412	604	730	816	897	975
2,700	427	626	757	845	930	1,011
2,800	442	648	783	875	963	1,046
2,900	457	670	810	905	995	1,082
3,000	472	692	837	935	1,028	1,118
3,100	487	714	863	964	1,061	1,153
3,200	502	737	890	994	1,094	1,189
3,300	517	759	917	1,024	1,126	1,224
3,400	532	781	943	1,054	1,159	1,260
3,500	547	803	970	1,083	1,192	1,295
3,600	562	825	997	1,113	1,224	1,331
3,700	577	847	1,023	1,143	1,257	1,367
3,800	592	869	1,050	1,173	1,290	1,402
3,900	607	891	1,076	1,202	1,323	1,438
4,000	621	912	1,102	1,230	1,353	1,471
4,100	634	931	1,125	1,256	1,382	1,502

4,200	647	950	1,148	1,282	1,410	1,533
4,300	660	969	1,171	1,308	1,439	1,564
4,400	673	988	1,194	1,334	1,467	1,595
4,500	686	1,007	1,217	1,359	1,495	1,625
4,600	699	1,026	1,240	1,385	1,524	1,656
4,700	712	1,045	1,263	1,411	1,552	1,687
4,800	725	1,064	1,286	1,437	1,580	1,718
4,900	738	1,084	1,309	1,463	1,609	1,749
5,000	751	1,103	1,332	1,488	1,637	1,780
5,100	764	1,122	1,356	1,514	1,666	1,810
5,200	777	1,141	1,379	1,540	1,694	1,841
5,300	790	1,160	1,402	1,566	1,722	1,872
5,400	799	1,172	1,415	1,581	1,739	1,890
5,500	805	1,177	1,419	1,585	1,744	1,896
5,600	810	1,181	1,423	1,590	1,749	1,901
5,700	815	1,186	1,427	1,594	1,753	1,906
5,800	820	1,191	1,431	1,598	1,758	1,911
5,900	825	1,195	1,435	1,603	1,763	1,916
6,000	831	1,200	1,439	1,607	1,768	1,922
6,100	837	1,208	1,449	1,618	1,780	1,935
6,200	844	1,217	1,459	1,629	1,792	1,948
6,300	851	1,226	1,469	1,641	1,805	1,962
6,400	858	1,234	1,479	1,652	1,817	1,975
6,500	865	1,243	1,489	1,663	1,829	1,988
6,600	871	1,251	1,499	1,674	1,841	2,002
6,700	881	1,263	1,513	1,690	1,859	2,021
6,800	892	1,278	1,530	1,709	1,880	2,044
6,900	903	1,292	1,548	1,729	1,902	2,067
7,000	914	1,306	1,565	1,748	1,923	2,090
7,100	925	1,320	1,582	1,767	1,944	2,113
7,200	935	1,335	1,600	1,787	1,965	2,136
7,300	946	1,348	1,616	1,805	1,986	2,159
7,400	954	1,360	1,630	1,820	2,003	2,177
7,500	962	1,372	1,643	1,836	2,019	2,195
7,600	969	1,384	1,657	1,851	2,036	2,213
7,700	977	1,396	1,670	1,866	2,052	2,231
7,800	984	1,407	1,683	1,880	2,068	2,248
7,900	991	1,419	1,696	1,895	2,084	2,266
8,000	996	1,426	1,704	1,903	2,094	2,276

ACTS OF THE GENERAL ASSEMBLY

8,100	1,000	1,429	1,709	1,908	2,099	2,282
8,200	1,004	1,433	1,713	1,914	2,105	2,288
8,300	1,008	1,437	1,718	1,919	2,110	2,294
8,400	1,012	1,441	1,722	1,924	2,116	2,300
8,500	1,016	1,444	1,727	1,929	2,122	2,306
8,600	1,020	1,448	1,731	1,934	2,127	2,312
8,700	1,026	1,456	1,740	1,944	2,138	2,324
8,800	1,033	1,464	1,749	1,953	2,149	2,336
8,900	1,039	1,472	1,758	1,963	2,160	2,347
9,000	1,046	1,480	1,766	1,973	2,170	2,359
9,100	1,052	1,488	1,775	1,983	2,181	2,371
9,200	1,059	1,496	1,784	1,993	2,192	2,382
9,300	1,065	1,502	1,792	2,002	2,202	2,393
9,400	1,070	1,507	1,799	2,010	2,211	2,403
9,500	1,075	1,511	1,807	2,018	2,220	2,413
9,600	1,080	1,516	1,814	2,026	2,229	2,423
9,700	1,085	1,520	1,822	2,035	2,238	2,433
9,800	1,090	1,524	1,829	2,043	2,247	2,443
9,900	1,094	1,529	1,836	2,051	2,256	2,453
10,000	1,099	1,533	1,844	2,059	2,265	2,463
10,100	1,104	1,538	1,851	2,068	2,275	2,472
10,200	1,109	1,542	1,859	2,076	2,284	2,482
10,300	1,115	1,549	1,867	2,086	2,294	2,494
10,400	1,123	1,560	1,878	2,098	2,308	2,509
10,500	1,130	1,571	1,889	2,110	2,321	2,523
10,600	1,137	1,582	1,900	2,123	2,335	2,538
10,700	1,145	1,593	1,911	2,135	2,349	2,553
10,800	1,152	1,604	1,922	2,147	2,362	2,568
10,900	1,159	1,615	1,933	2,160	2,376	2,582
11,000	1,167	1,626	1,944	2,172	2,389	2,597
11,100	1,174	1,637	1,956	2,185	2,403	2,612
11,200	1,182	1,649	1,968	2,198	2,418	2,628
11,300	1,191	1,661	1,980	2,212	2,433	2,644
11,400	1,199	1,673	1,992	2,225	2,448	2,660
11,500	1,207	1,685	2,004	2,239	2,462	2,677
11,600	1,215	1,695	2,016	2,252	2,477	2,693
11,700	1,222	1,705	2,029	2,266	2,493	2,710
11,800	1,229	1,714	2,041	2,280	2,508	2,726
11,900	1,237	1,723	2,054	2,294	2,523	2,743

12,000	1,244	1,732	2,066	2,308	2,539	2,759
12,100	1,252	1,742	2,078	2,322	2,554	2,776
12,200	1,259	1,751	2,091	2,336	2,569	2,793
12,300	1,267	1,760	2,103	2,349	2,584	2,809
12,400	1,274	1,769	2,116	2,363	2,600	2,826
12,500	1,282	1,778	2,128	2,377	2,615	2,842
12,600	1,289	1,788	2,141	2,391	2,630	2,859
12,700	1,296	1,797	2,153	2,405	2,645	2,876
12,800	1,304	1,806	2,165	2,419	2,661	2,892
12,900	1,311	1,815	2,178	2,433	2,676	2,909
13,000	1,319	1,825	2,190	2,447	2,691	2,925
13,100	1,326	1,834	2,203	2,461	2,707	2,942
13,200	1,334	1,843	2,215	2,474	2,722	2,959
13,300	1,341	1,852	2,228	2,488	2,737	2,975
13,400	1,348	1,861	2,238	2,500	2,750	2,990
13,500	1,353	1,868	2,247	2,510	2,761	3,001
13,600	1,359	1,875	2,255	2,519	2,771	3,012
13,700	1,364	1,882	2,264	2,529	2,781	3,023
13,800	1,370	1,889	2,272	2,538	2,792	3,035
13,900	1,375	1,896	2,281	2,547	2,802	3,046
14,000	1,381	1,903	2,289	2,557	2,812	3,057
14,100	1,386	1,910	2,297	2,566	2,822	3,068
14,200	1,391	1,916	2,304	2,574	2,831	3,078
14,300	1,396	1,922	2,312	2,582	2,841	3,088
14,400	1,401	1,929	2,319	2,591	2,850	3,098
14,500	1,406	1,935	2,327	2,599	2,859	3,108
14,600	1,410	1,941	2,334	2,607	2,868	3,118
14,700	1,415	1,947	2,342	2,616	2,877	3,128
14,800	1,420	1,954	2,349	2,624	2,886	3,138
14,900	1,425	1,960	2,357	2,632	2,896	3,147
15,000	1,430	1,966	2,364	2,641	2,905	3,157
15,100	1,435	1,972	2,371	2,649	2,914	3,167
15,200	1,440	1,978	2,379	2,657	2,923	3,177
15,300	1,444	1,985	2,386	2,666	2,932	3,187
15,400	1,449	1,991	2,394	2,674	2,941	3,197
15,500	1,454	1,997	2,401	2,682	2,950	3,207
15,600	1,459	2,003	2,409	2,691	2,960	3,217
15,700	1,464	2,010	2,416	2,699	2,969	3,227
15,800	1,469	2,016	2,424	2,707	2,978	3,237

ACTS OF THE GENERAL ASSEMBLY

15,900	1,474	2,022	2,431	2,715	2,987	3,247
16,000	1,478	2,028	2,439	2,724	2,996	3,257
16,100	1,484	2,035	2,445	2,732	3,005	3,266
16,200	1,490	2,041	2,452	2,739	3,013	3,275
16,300	1,495	2,047	2,459	2,747	3,022	3,285
16,400	1,501	2,053	2,466	2,755	3,030	3,294
16,500	1,506	2,059	2,473	2,763	3,039	3,303
16,600	1,512	2,065	2,480	2,770	3,047	3,313
16,700	1,518	2,071	2,487	2,778	3,056	3,322
16,800	1,523	2,077	2,494	2,786	3,065	3,331
16,900	1,529	2,083	2,501	2,794	3,073	3,340
17,000	1,534	2,089	2,508	2,801	3,082	3,350
17,100	1,540	2,095	2,515	2,809	3,090	3,359
17,200	1,545	2,102	2,522	2,817	3,099	3,368
17,300	1,551	2,108	2,529	2,825	3,107	3,378
17,400	1,557	2,114	2,536	2,832	3,116	3,387
17,500	1,562	2,120	2,543	2,840	3,124	3,396
17,600	1,568	2,126	2,550	2,848	3,133	3,405
17,700	1,573	2,132	2,557	2,856	3,141	3,415
17,800	1,579	2,138	2,563	2,863	3,149	3,423
17,900	1,584	2,144	2,570	2,870	3,157	3,432
18,000	1,589	2,149	2,576	2,878	3,166	3,441
18,100	1,595	2,155	2,583	2,885	3,174	3,450
18,200	1,600	2,161	2,590	2,893	3,182	3,459
18,300	1,605	2,167	2,596	2,900	3,190	3,467
18,400	1,611	2,173	2,603	2,907	3,198	3,476
18,500	1,616	2,178	2,609	2,915	3,206	3,485
18,600	1,621	2,184	2,616	2,922	3,214	3,494
18,700	1,627	2,190	2,623	2,929	3,222	3,503
18,800	1,632	2,196	2,629	2,937	3,231	3,512
18,900	1,637	2,202	2,636	2,944	3,239	3,520
19,000	1,642	2,207	2,642	2,952	3,247	3,529
19,100	1,648	2,213	2,649	2,959	3,255	3,538
19,200	1,653	2,219	2,656	2,966	3,263	3,547
19,300	1,658	2,225	2,662	2,974	3,271	3,556
19,400	1,664	2,231	2,669	2,981	3,279	3,565
19,500	1,669	2,236	2,675	2,989	3,287	3,573
19,600	1,674	2,242	2,682	2,996	3,295	3,582
19,700	1,680	2,248	2,689	3,003	3,304	3,591

19,800	1,685	2,254	2,695	3,011	3,312	3,600
19,900	1,690	2,260	2,702	3,018	3,320	3,609
20,000	1,696	2,265	2,709	3,025	3,328	3,617
20,100	1,701	2,271	2,715	3,033	3,336	3,626
20,200	1,706	2,277	2,722	3,040	3,344	3,635
20,300	1,710	2,282	2,728	3,047	3,352	3,643
20,400	1,713	2,287	2,733	3,053	3,358	3,651
20,500	1,717	2,292	2,739	3,059	3,365	3,658
20,600	1,720	2,297	2,745	3,066	3,372	3,666
20,700	1,723	2,302	2,750	3,072	3,379	3,673
20,800	1,726	2,307	2,756	3,078	3,386	3,681
20,900	1,730	2,313	2,761	3,084	3,393	3,688
21,000	1,733	2,318	2,767	3,091	3,400	3,695
21,100	1,736	2,323	2,773	3,097	3,407	3,703
21,200	1,739	2,328	2,778	3,103	3,413	3,710
21,300	1,743	2,333	2,784	3,109	3,420	3,718
21,400	1,746	2,338	2,789	3,116	3,427	3,725
21,500	1,749	2,343	2,795	3,122	3,434	3,733
21,600	1,752	2,348	2,801	3,128	3,441	3,740
21,700	1,756	2,353	2,806	3,134	3,448	3,748
21,800	1,759	2,358	2,812	3,141	3,455	3,755
21,900	1,762	2,363	2,817	3,147	3,462	3,763
22,000	1,765	2,368	2,823	3,153	3,469	3,770
22,100	1,769	2,373	2,829	3,160	3,475	3,778
22,200	1,772	2,378	2,834	3,166	3,482	3,785
22,300	1,775	2,383	2,840	3,172	3,489	3,793
22,400	1,778	2,388	2,845	3,178	3,496	3,800
22,500	1,782	2,393	2,851	3,185	3,503	3,808
22,600	1,785	2,398	2,857	3,191	3,510	3,815
22,700	1,788	2,403	2,862	3,197	3,517	3,823
22,800	1,791	2,408	2,868	3,203	3,524	3,830
22,900	1,795	2,413	2,873	3,210	3,531	3,838
23,000	1,798	2,418	2,879	3,216	3,537	3,845
23,100	1,801	2,423	2,885	3,222	3,544	3,853
23,200	1,804	2,429	2,890	3,228	3,551	3,860
23,300	1,808	2,434	2,896	3,235	3,558	3,868
23,400	1,811	2,439	2,901	3,241	3,565	3,875
23,500	1,814	2,444	2,907	3,247	3,572	3,883
23,600	1,817	2,449	2,913	3,253	3,579	3,890

ACTS OF THE GENERAL ASSEMBLY

23,700	1,821	2,454	2,918	3,260	3,586	3,898
23,800	1,824	2,459	2,924	3,266	3,593	3,905
23,900	1,827	2,464	2,929	3,272	3,599	3,913
24,000	1,830	2,469	2,935	3,278	3,606	3,920
24,100	1,834	2,474	2,941	3,285	3,613	3,928
24,200	1,837	2,479	2,946	3,291	3,620	3,935
24,300	1,840	2,484	2,952	3,297	3,627	3,943
24,400	1,843	2,489	2,957	3,304	3,634	3,950
24,500	1,847	2,494	2,963	3,310	3,641	3,957
24,600	1,850	2,499	2,969	3,316	3,648	3,965
24,700	1,853	2,504	2,974	3,322	3,655	3,972
24,800	1,856	2,509	2,980	3,329	3,661	3,980
24,900	1,860	2,514	2,986	3,335	3,668	3,987
25,000	1,863	2,519	2,991	3,341	3,675	3,995
25,100	1,866	2,524	2,997	3,347	3,682	4,002
25,200	1,869	2,529	3,002	3,354	3,689	4,010
25,300	1,873	2,534	3,008	3,360	3,696	4,017
25,400	1,876	2,540	3,014	3,366	3,703	4,025
25,500	1,879	2,545	3,019	3,372	3,710	4,032
25,600	1,882	2,550	3,025	3,379	3,716	4,040
25,700	1,886	2,555	3,030	3,385	3,723	4,047
25,800	1,889	2,560	3,036	3,391	3,730	4,055
25,900	1,892	2,565	3,042	3,397	3,737	4,062
26,000	1,895	2,570	3,047	3,404	3,744	4,070
26,100	1,899	2,575	3,053	3,410	3,751	4,077
26,200	1,902	2,580	3,058	3,416	3,758	4,085
26,300	1,905	2,585	3,064	3,422	3,765	4,092
26,400	1,908	2,590	3,070	3,429	3,772	4,100
26,500	1,912	2,595	3,075	3,435	3,778	4,107
26,600	1,915	2,600	3,081	3,441	3,785	4,115
26,700	1,918	2,605	3,086	3,447	3,792	4,122
26,800	1,921	2,610	3,092	3,454	3,799	4,130
26,900	1,925	2,615	3,098	3,460	3,806	4,137
27,000	1,928	2,620	3,103	3,466	3,813	4,145
27,100	1,931	2,625	3,109	3,473	3,820	4,152
27,200	1,934	2,630	3,114	3,479	3,827	4,160
27,300	1,938	2,635	3,120	3,485	3,834	4,167
27,400	1,941	2,640	3,126	3,491	3,840	4,175
27,500	1,944	2,645	3,131	3,498	3,847	4,182

27,600	1,948	2,650	3,137	3,504	3,854	4,190
27,700	1,951	2,656	3,142	3,510	3,861	4,197
27,800	1,954	2,661	3,148	3,516	3,868	4,205
27,900	1,957	2,666	3,154	3,523	3,875	4,212
28,000	1,961	2,671	3,159	3,529	3,882	4,219
28,100	1,964	2,676	3,165	3,535	3,889	4,227
28,200	1,967	2,681	3,170	3,541	3,896	4,234
28,300	1,970	2,686	3,176	3,548	3,902	4,242
28,400	1,972	2,689	3,179	3,551	3,907	4,247
28,500	1,974	2,691	3,182	3,555	3,911	4,251
28,600	1,976	2,694	3,185	3,558	3,914	4,255
28,700	1,978	2,696	3,188	3,561	3,918	4,259
28,800	1,980	2,699	3,191	3,565	3,922	4,263
28,900	1,982	2,701	3,194	3,568	3,926	4,268
29,000	1,984	2,704	3,197	3,571	3,930	4,272
29,100	1,986	2,707	3,200	3,575	3,934	4,276
29,200	1,988	2,709	3,203	3,578	3,938	4,280
29,300	1,990	2,712	3,206	3,581	3,941	4,284
29,400	1,992	2,714	3,209	3,584	3,945	4,289
29,500	1,993	2,717	3,212	3,588	3,949	4,293
29,600	1,995	2,719	3,215	3,591	3,953	4,297
29,700	1,997	2,722	3,218	3,594	3,957	4,301
29,800	1,999	2,724	3,221	3,598	3,961	4,305
29,900	2,001	2,727	3,224	3,601	3,965	4,310
30,000	2,003	2,730	3,227	3,604	3,968	4,314

➔SECTION 2. KRS 403.2121 (Effective March 1, 2022) IS REPEALED AND REENACTED TO READ AS FOLLOWS:

- (1) *For purposes of this section, "day":*
- (a) *Means more than twelve (12) consecutive hours in a twenty-four (24) hour period under the care, control, or direct supervision of one (1) parent or caretaker, or as the court determines based on findings of substantially equivalent care or expense; and*
- (b) *Unless the context requires otherwise, includes housing, entertaining, feeding, and transporting the child, attending to school work, athletic events, extracurricular activities, or other activities that transfer with the child as he or she moves from one parent to the other.*
- (2) (a) *In order to receive a shared parenting time credit, a parent shall maintain care, custody, and control over the child for a minimum of seventy-three (73) days per year, as defined by this section.*
- (b) *The shared parenting time credit shall only be applicable for parenting time that is court-ordered or approved and consistently exercised.*
- (3) *Except as provided in subsection (6) of this section or otherwise provided in this chapter, the child support obligation determined under Section 1 of this Act shall be subject to further adjustment as follows:*
- (a) *For parents who share parenting time under either a court-ordered time-sharing schedule or a time-sharing schedule exercised by agreement of the parties, the court shall:*

1.
 - a. Calculate the child support obligation set forth in the child support guidelines table in accordance with subsection (5)(a) of Section 1 of this Act using the combined gross adjusted income of the parties;
 - b. If both parents exercise their equal shared parenting time, consider the parent with the higher gross monthly income the obligor;
 2. Determine the number of days for both parents on an annual basis based upon either a court-ordered time-sharing schedule or a time-sharing schedule exercised by agreement of the parties;
 3. Using the days a child spends with the obligated parent, determine the adjustment percentage using the shared parenting time credit chart in subsection (4) of this section;
 4. Determine the shared parenting time credit adjustment by multiplying the obligated parent's adjustment percentage by the total support obligation found on the child support obligation worksheet to establish the shared parenting expense adjustment for the obligated parent, as determined in subparagraph 1. of this paragraph; and
 5. Subtract the amount calculated in subparagraph 4. of this paragraph from the obligated parent's monthly obligation, found on the child support obligation worksheet, as determined in subparagraph 1. of this paragraph;
- (b) The court may use its discretion in adjusting each parent's child support obligation under this paragraph in accordance with the factors proscribed in this section, and the following:
1. The obligated parent's low income and ability to maintain the basic necessities of the home for the child;
 2. The likelihood that either parent will actually exercise the time-sharing schedule set forth in the court-ordered time-sharing schedule or time-sharing agreement between the parents;
 3. Whether all of the children are subject to the same time-sharing schedule;
 4. Whether the time-sharing plan results in fewer overnights due to a significant geographical distance between the parties that may affect the child support obligation; and
 5. The military deployment or extended service obligations of the parties; and
- (c) The self-support reserve, as calculated under subsection (5)(b) of Section 1 of this Act, and the shared parenting time credit, as calculated under this subsection, shall not be applied together. The obligor shall be responsible for the lesser support amount as determined under subsection (5)(c) of Section 1 of this Act.

(4) The shared parenting time credit chart is as follows:

<i>Parenting Time Days</i>	<i>Adjustment Percentage</i>
73-87	10.5%
88-115	15%
116-129	20.5%
130-142	25%
143-152	30.5%
153-162	36%
163-172	42%
173-181	48.5%
182-182.5	50%

- (5) Failure by one (1) party to consistently comply with the parenting schedule shall be grounds for the other party to seek modification from the court. A party may seek modification following a fifteen percent (15%) change in the number of timesharing days and shall have the burden of proving a material change in circumstances.

- (6) *This section shall not apply if the child or children subject to the child support award receive public assistance, including:*
- (a) *Kentucky Children's Health Insurance Program (KCHIP);*
 - (b) *Kentucky Transitional Assistance Program (K-TAP);*
 - (c) *Supplemental Nutrition Assistance Program (SNAP); or*
 - (d) *Medicaid.*

➔Section 3. KRS 620.090 is amended to read as follows:

- (1) If, after completion of the temporary removal hearing, the court finds there are reasonable grounds to believe the child is dependent, neglected or abused, the court shall:
- (a) Issue an order for temporary removal and shall grant temporary custody to the cabinet or other appropriate person or agency. Preference shall be given to available and qualified relatives of the child considering the wishes of the parent or other person exercising custodial control or supervision, if known. The order shall state the specific reasons for removal and show that alternative less restrictive placements and services have been considered. The court may recommend a placement for the child;
 - (b) *Inquire as to an existing child support order; and*
 - (c) *If there is no existing order, or if the order is to be amended, the court shall:*
 - 1. *Make specific findings, either written or on the record, as to:*
 - a. *The child support obligation in the best interest of the child;*
 - b. *The action to be taken by the payee, payor, or any other party by making an application for services to the child support office who shall take all appropriate action; or*
 - c. *Setting a hearing as soon as practicable; and*
 - 2. *Require proper service before establishing a new child support order.*
- (2) In placing a child under an order of temporary custody, the cabinet or its designee shall use the least restrictive appropriate placement available. Preference shall be given to available and qualified relatives of the child considering the wishes of the parent or other person exercising custodial control or supervision, if known. The child may also be placed in a facility or program operated or approved by the cabinet, including a foster home, or any other appropriate available placement. However, under no circumstance shall the child be placed in a home, facility, or other shelter with a child who has been committed to the Department of Juvenile Justice for commission of a sex crime as that term is defined in KRS 17.500, unless the child committed for the commission of a sex crime is kept segregated from other children in the home, facility, or other shelter that have not been committed for the commission of a sex crime.
- (3) If the court finds there are not reasonable grounds to believe the child is dependent, neglected or abused, or if no action is taken within seventy-two (72) hours, the emergency custody order shall be dissolved automatically and the cabinet or its designee shall return the child to the parent or other person exercising custodial control or supervision. A request for a continuance of the hearing by the parent or other person exercising custodial control or supervision shall constitute action precluding automatic dissolution of the emergency custody order.
- (4) ~~When the court issues a temporary order for the custody of a child, the order shall initiate an action to establish child support in accordance with KRS 403.211. The court shall establish a child support order, or modify an existing order, within seven (7) days of the issuance of the order of temporary removal.~~
- ~~(5)~~ When the court issues a temporary order for the custody of a child, the court may order that, within two (2) weeks, arrangements be made for the child to receive a thorough medical, visual, and dental examination by a professional authorized by the Kentucky Revised Statutes to conduct such examinations. The costs of the examination shall be paid by the cabinet.
- ~~(5)~~~~(6)~~ The child shall remain in temporary custody with the cabinet for a period of time not to exceed forty-five (45) days from the date of the removal from his home. The court shall conduct the adjudicatory hearing and shall make a final disposition within forty-five (45) days of the removal of the child. The court may extend such time after making written findings establishing the need for the extension and after finding that the extension is in the child's best interest.

~~(6)(7)~~ If custody is granted to a grandparent of the child pursuant to this section, the court shall consider granting reasonable visitation rights to any other grandparent of the child if the court determines the grandparent has a significant and viable relationship with the child as established in KRS 405.021(1)(c).

➔Section 4. KRS 403.090 is amended to read as follows:

- (1) The fiscal court of any county may, by resolution, authorize the appointment of a "friend of the court." If the Circuit Court of the county has but one (1) judge, the appointment shall be made by the judge. If the court has two (2) or more judges, the appointment shall be made by joint action of the judges, at the general term. The person appointed to the office of friend of the court shall serve at the pleasure of, and subject to removal by, the appointing authority. The person appointed shall be a licensed practicing attorney. The appointed person shall take the constitutional oath of office and shall give bond in such sum as may be fixed by the appointing judge or judges.
- (2) Except for those cases administered pursuant to 42 U.S.C. secs. 651 et seq., it shall be the duty of the friend of the court to supervise and enforce the payment of sums ordered or adjudged by the Circuit Court in divorce actions to be paid for the care and maintenance of minor children. All persons who have been ordered or adjudged by the court, in connection with divorce actions, to make payments for the care and maintenance of children, shall, if so ordered by the court, make such payments to the friend of the court. The friend of the court shall see that the payments, except for those cases administered pursuant to 42 U.S.C. secs. 651 et seq., are properly applied in accordance with the order or judgment. However, if the court so directs, the payments may be made through the juvenile session of District Court of the county; in such case the friend of the court shall render such assistance as may be required in keeping records concerning such payments and in the enforcement of delinquent payments, and the Circuit Court may direct that a designated amount or portion of the funds appropriated by the fiscal court for expenses of the friend of the court be paid to the juvenile session of District Court as reimbursement for the expenses incurred by the juvenile session of District Court in connection with the handling of such payments. The friend of the court shall promptly investigate all cases where payments have become delinquent, and when necessary shall cause the delinquent person to be brought before the court for the purpose of compelling payment. The friend of the court shall ascertain the facts concerning the care, custody, and maintenance of children for whom payments are being made, and shall report to the court all cases in which the children are not receiving proper care or maintenance, or in which the person having custody is failing to furnish proper custody. He shall make such other reports to the court as the court may require.
- (3) In the event that a waiver is granted under 42 U.S.C. secs. 651 et seq., allowing payment of wage withholding collections to be directed to the friend of the court, an obligor shall be given the option of payment either to the friend of the court or the centralized collection agency.
- (4) In any action for divorce where the parties have minor children, the friend of the court, if requested by the trial judge, shall make such investigation as will enable the friend of the court to ascertain all facts and circumstances that will affect the rights and interests of the children and will enable the court to enter just and proper orders and judgment concerning the care, custody, and maintenance of the children. The friend of the court shall make a report to the trial judge, at a time fixed by the judge, setting forth recommendations as to the care, custody, and maintenance of the children. The friend of the court may request the court to postpone the final submission of any case to give the friend of the court a reasonable time in which to complete the investigation.
- (5) The friend of the court shall have authority to secure the issuance by the court of any order, rule, or citation necessary for the proper enforcement of orders and judgments in divorce actions concerning the custody, care, and maintenance of children. In performing duties under subsection (4) of this section the friend of the court shall attend the taking of depositions within the county, and shall have authority to cross-examine the witnesses. In the case of depositions taken on interrogatories, the friend of the court may file cross-interrogatories. The friend of the court shall be duly notified of the time and place of the taking of depositions in all divorce actions where the parties have minor children, and shall attend the taking of all such depositions when the friend of the court deems it necessary for the protection of the minor children, or when the friend of the court may be directed by the court to attend.
- (6) The friend of the court shall not directly or indirectly represent any party to a divorce action except as herein authorized to represent the minor children of parties to a divorce action, but if an allowance is made for the support of a spouse and an infant child or children, may proceed to enforce the payment of the allowance made to the spouse also.

- (7) Where a friend of the court is acting as a designee of the cabinet pursuant to KRS 205.712 and an applicant for Title IV-D services pursuant to KRS 205.721 has requested a modification of an existing child support order pursuant to a divorce or other judicial order, the friend of the court shall seek the modification, providing all jurisdictional requirements are met. The friend of the court's representation shall extend only for the limited purpose of seeking a modification of an existing child support order consistent with the provisions of KRS 403.212 *or Section 2 of this Act*.
- (8) The fiscal court of any county which has authorized the appointment of a friend of the court under this section shall, by resolution, fix a reasonable compensation for the friend of the court and make a reasonable allowance for necessary expenses, equipment, and supplies, payable out of the general fund of the county, upon approval of the appointing judge or judges.

➔Section 5. KRS 403.160 is amended to read as follows:

- (1) In a proceeding for dissolution of marriage or for legal separation, or in a proceeding for disposition of property or for maintenance or support following dissolution of the marriage by a court which lacked personal jurisdiction over the absent spouse, either party may move for temporary maintenance. The motion shall be accompanied by an affidavit setting forth the factual basis for the motion and the amounts requested.
- (2)
 - (a) In a proceeding for dissolution of marriage, legal separation, or child support, either party, with notice to the opposing party, may move for temporary child support. The motion shall be accompanied by an affidavit setting forth the number of children of the marriage and the information required to calculate the combined adjusted parental gross income set forth in KRS 403.212~~{(2)(b)}~~, and the Social Security numbers, provided in accordance with KRS 403.135, of all parties subject to the motion. The court shall, within fourteen (14) days from the filing of said motion, order an amount of temporary child support based upon the child support guidelines as provided by law, and the ordered child support shall be retroactive to the date of the filing of the motion unless otherwise ordered by the court.
 - (b) Upon a showing of good cause, either party may move the court to enter an order for temporary child support without written or oral notice to the adverse party. After reviewing the affidavit required by paragraph (a) of this subsection, the court may issue a temporary child support order based upon the child support guidelines. The order shall provide that the order becomes effective seven (7) days following service of the order and movant's affidavit upon the adverse party unless the adverse party, within the seven (7) day period, files a motion for a hearing before the court. The motion for hearing shall be accompanied by the affidavit required by paragraph (a) of this subsection. Pending the hearing, the adverse party shall pay child support in an amount based upon the guidelines and the adverse party's affidavit. The child support order entered following the hearing shall be retroactive to the date of the filing of the motion for temporary support unless otherwise ordered by the court.
- (3) As part of a motion for temporary maintenance or support or by independent motion accompanied by affidavit, either party may request the court to issue a temporary injunction or restraining order pursuant to the Rules of Civil Procedure.
- (4) If the court or agent of the court is made aware that there is reasonable evidence of domestic violence or child abuse, the court shall determine whether disclosure to any other person of the information could be harmful to the parent or child, and if the court determines that disclosure to any person could be harmful, the court and its agents shall not make the disclosure.
- (5) On the basis of the showing made and in conformity with KRS 403.200, the court may issue a temporary injunction or restraining order and an order for temporary maintenance in amounts and on terms just and proper in the circumstances.
- (6) A temporary order or temporary injunction:
 - (a) Does not prejudice the rights of the parties or the child which are to be adjudicated at subsequent hearings in the proceeding;
 - (b) May be revoked or modified before final decree on a showing of the facts necessary to revocation or modification under the circumstances; and
 - (c) Terminates when the final decree is entered or when the petition for dissolution or legal separation is voluntarily dismissed.

➔Section 6. KRS 403.211 is amended to read as follows:

- (1) An action to establish or enforce child support may be initiated by the parent, custodian, or agency substantially contributing to the support of the child. The action may be brought in the county in which the child resides or where the defendant resides.
- (2) At the time of initial establishment of a child support order, whether temporary or permanent, or in any proceeding to modify a support order, the child support guidelines in KRS 403.212 *or Section 2 of this Act* shall serve as a rebuttable presumption for the establishment or modification of the amount of child support. Courts may deviate from the guidelines where their application would be unjust or inappropriate. Any deviation shall be accompanied by a written finding or specific finding on the record by the court, specifying the reason for the deviation.
- (3) A written finding or specific finding on the record that the application of the guidelines would be unjust or inappropriate in a particular case shall be sufficient to rebut the presumption and allow for an appropriate adjustment of the guideline award if based upon one (1) or more of the following criteria:
 - (a) A child's extraordinary medical or dental needs;
 - (b) A child's extraordinary educational, job training, or special needs;
 - (c) Either parent's own extraordinary needs, such as medical expenses;
 - (d) The independent financial resources, if any, of the child or children;
 - (e) Combined monthly adjusted parental gross income in excess of the Kentucky child support guidelines;
 - (f) The parents of the child, having demonstrated knowledge of the amount of child support established by the Kentucky child support guidelines, have agreed to child support different from the guideline amount. However, no such agreement shall be the basis of any deviation if public assistance is being paid on behalf of a child under the provisions of Part D of Title IV of the Federal Social Security Act; and
 - (g) Any similar factor of an extraordinary nature specifically identified by the court which would make application of the guidelines inappropriate.
- (4) "Extraordinary" as used in this section shall be determined by the court in its discretion.
- (5) When a party has defaulted or the court is otherwise presented with insufficient evidence to determine gross income, the court shall order child support based upon the needs of the child or the previous standard of living of the child, whichever is greater. An order entered by default or due to insufficient evidence to determine gross income may be modified upward and arrearages awarded from the date of the original order if evidence of gross income is presented within two (2) years which would have established a higher amount of child support pursuant to the child support guidelines set forth in KRS 403.212 *or Section 2 of this Act*.
- (6) The court shall allocate between the parents, in proportion to their combined monthly adjusted parental gross income, reasonable and necessary child care costs incurred due to employment, job search, or education leading to employment, in addition to the amount ordered under the child support guidelines.
- (7)
 - (a) Pursuant to 45 C.F.R. sec. 303.31(a)(2), for the purposes of this section, "health care coverage" includes fee for service, health maintenance organization, preferred provider organization, and other types of private health insurance and public health care coverage under which medical services could be provided to a dependent child. If health care coverage is reasonable in cost and accessible to either parent at the time the request for coverage is made, the court shall order the parent to obtain or maintain coverage, and the court shall allocate between the parents, in proportion to their combined monthly adjusted parental gross income, the cost of health care coverage for the child, in addition to the support ordered under the child support guidelines.
 - (b) A parent, who has one hundred percent (100%) of the combined monthly adjusted parental gross income, shall be entitled to a reduction in gross income of the entire amount of premiums incurred and paid.
 - (c) The court shall order the cost of health care coverage of the child to be paid by either or both parents of the child regardless of who has physical custody. The court order shall include:
 1. A judicial directive designating which parent shall have financial responsibility for providing health care coverage for the dependent child, which shall include but not be limited to health care coverage, payments of necessary health care deductibles or copayments;

2. If appropriate, cash medical support. "Cash medical support" means an amount to be paid toward the cost of health care coverage, fixed payments for ongoing medical costs, extraordinary medical expenses, or any combination thereof; and
 3. A statement providing that if the designated parent's health care coverage provides for covered services for dependent children beyond the age of majority, then any unmarried children up to twenty-five (25) years of age who are full-time students enrolled in and attending an accredited educational institution and who are primarily dependent on the insured parent for maintenance and support shall be covered.
- (d) If health care coverage is not reasonable in cost and accessible at the time the request for the coverage is made, the court order shall provide for cash medical support until health care coverage becomes reasonable in cost and accessible.
- (8) (a) For purposes of this section, "reasonable in cost" means that the cost of coverage to the responsible parent does not exceed five percent (5%) of his or her gross income. The five percent (5%) standard shall apply to the cost of adding the child to an existing policy, the difference in the cost between a single and a family policy, or the cost of acquiring a separate policy to cover the child. If the parties agree or the court finds good cause exists, the court may order health care coverage in excess of five percent (5%) of the parent's gross income.
- (b) For purposes of this section, "accessible" means that there are providers who meet the health care needs of the child and who are located no more than sixty (60) minutes or sixty (60) miles from the child's primary residence, except that nothing shall prohibit use of a provider located more than sixty (60) minutes or sixty (60) miles from the child's primary residence.
- (9) The cost of extraordinary medical expenses shall be allocated between the parties in proportion to their combined monthly adjusted parental gross incomes. "Extraordinary medical expenses" means uninsured expenses in excess of two hundred fifty dollars (\$250) per child per calendar year. "Extraordinary medical expenses" includes but is not limited to the costs that are reasonably necessary for medical, surgical, dental, orthodontal, optometric, nursing, and hospital services; for professional counseling or psychiatric therapy for diagnosed medical disorders; and for drugs and medical supplies, appliances, laboratory, diagnostic, and therapeutic services.
- (10) The court order shall include the Social Security numbers, provided in accordance with KRS 403.135, of all parties subject to a support order.
- (11) In any case administered by the Cabinet for Health and Family Services, if the parent ordered to provide health care coverage is enrolled through an insurer but fails to enroll the child under family coverage, the other parent or the Cabinet for Health and Family Services may, upon application, enroll the child.
- (12) In any case administered by the cabinet, information received or transmitted shall not be published or be open for public inspection, including reasonable evidence of domestic violence or child abuse if the disclosure of the information could be harmful to the custodial parent or the child of the parent. Necessary information and records may be furnished as specified by KRS 205.175.
- (13) In the case in which a parent is obligated to provide health care coverage, and changes employment, and the new employer provides health care coverage, the Cabinet for Health and Family Services shall transfer notice of the provision for coverage for the child to the employer, which shall operate to enroll this child in the obligated parent's health plan, unless the obligated parent contests the notice as specified by KRS Chapter 13B.
- (14) Notwithstanding any other provision of this section, any wage or income shall not be exempt from attachment or assignment for the payment of current child support or owed or to-be-owed child support.
- (15) A payment of money received by a child as a result of a parental disability shall be credited against the child support obligation of the parent. A payment shall not be counted as income to either parent when calculating a child support obligation. An amount received in excess of the child support obligation shall be credited against a child support arrearage owed by the parent that accrued subsequent to the date of the parental disability, but shall not be applied to an arrearage that accrued prior to the date of disability. The date of disability shall be as determined by the paying agency.

➔Section 7. KRS 403.740 is amended to read as follows:

- (1) Following a hearing ordered under KRS 403.730, if a court finds by a preponderance of the evidence that domestic violence and abuse has occurred and may again occur, the court may issue a domestic violence order:
- (a) Restraining the adverse party from:
 1. Committing further acts of domestic violence and abuse;
 2. Any unauthorized contact or communication with the petitioner or other person specified by the court;
 3. Approaching the petitioner or other person specified by the court within a distance specified in the order, not to exceed five hundred (500) feet;
 4. Going to or within a specified distance of a specifically described residence, school, or place of employment or area where such a place is located; and
 5. Disposing of or damaging any of the property of the parties;
 - (b) Directing or prohibiting any other actions that the court believes will be of assistance in eliminating future acts of domestic violence and abuse, except that the court shall not order the petitioner to take any affirmative action;
 - (c) Directing that either or both of the parties receive counseling services available in the community in domestic violence and abuse cases; and
 - (d) Additionally, if applicable:
 1. Directing the adverse party to vacate a residence shared by the parties to the action;
 2. Utilizing the criteria set forth in KRS 403.270, 403.320, and 403.822, grant temporary custody, subject to KRS 403.315; and
 3. Utilizing the criteria set forth in KRS 403.211, 403.212, *Section 2 of this Act*, and 403.213, award temporary child support.
- (2) In imposing a location restriction described in subsection (1)(a)4. of this section, the court shall:
- (a) Afford the petitioner and respondent, if present, an opportunity to testify on the issue of the locations and areas from which the respondent should or should not be excluded;
 - (b) Only impose a location restriction where there is a specific, demonstrable danger to the petitioner or other person protected by the order;
 - (c) Specifically describe in the order the locations or areas prohibited to the respondent; and
 - (d) Consider structuring a restriction so as to allow the respondent transit through an area if the respondent does not interrupt his or her travel to harass, harm, or attempt to harass or harm the petitioner.
- (3) When temporary child support is granted under this section, the court shall enter an order detailing how the child support is to be paid and collected. Child support ordered under this section may be enforced utilizing the same procedures as any other child support order.
- (4) A domestic violence order shall be effective for a period of time fixed by the court, not to exceed three (3) years, and may be reissued upon expiration for subsequent periods of up to three (3) years each. The fact that an order has not been violated since its issuance may be considered by a court in hearing a request for a reissuance of the order.
- ➔Section 8. KRS 405.430 is amended to read as follows:
- (1) When a parent presents himself to the cabinet for the voluntary establishment of paternity and clear evidence of parentage is not present, the cabinet shall pay when administratively ordered the cost of genetic testing to establish paternity, subject to recoupment from the alleged father when paternity is established.
 - (2) The cabinet shall obtain additional testing in any case if an original test is contested, upon request and advance payment by the contestant.
 - (3) In a contested paternity case, the child, the mother, and the putative father shall submit to genetic testing upon a request of any of the parties, unless the person or guardian of the person who is requested to submit to genetic testing shows good cause, taking into account the best interests of the child, why the genetic tests

cannot be performed. The request shall be supported by a sworn statement of the party, requesting that the test be performed, which shall include the information required by 42 U.S.C. sec. 666(a)(5)(B)(i) or (ii).

- (4) When a parent who fails to support a child is not obligated to provide child support by court order, the cabinet may administratively establish a child support obligation based upon a voluntary acknowledgment of paternity as set forth in KRS Chapter 406, the parent's minimum monthly child support obligation and proportionate share of child care costs incurred due to employment or job search of either parent, or incurred while receiving elementary or secondary education, or higher education or vocational training which will lead to employment. The monthly child support obligation shall be determined pursuant to the Kentucky child support guidelines set forth in KRS 403.212 *or Section 2 of this Act*. The actual cost of child care shall be reasonable and shall be allocated between the parents in the same proportion as each parent's gross income, as determined under the guidelines, bears to the total family gross income.
- (5) The cabinet shall recognize a voluntary acknowledgment of paternity as a basis for seeking a support order, irrespective of the alleged father's willingness to consent to a support order.
- (6) When in the best interest of the child, the cabinet may review and adjust a parent's child support obligation or child care obligation as established by the cabinet, upon a request of the cabinet when an assignment has been made, or upon either parent's petition if the amount of the child support awarded under the order differs from the amount that would be awarded in accordance with KRS 403.212 *or Section 2 of this Act*. The cabinet shall notify parents at least once every three (3) years of the right to a review.
- (7) In establishing or modifying a parent's monthly child support obligation, the cabinet may use automated methods to identify orders eligible for review, conduct the review, identify orders eligible for adjustment, and apply the adjustment to eligible orders in accordance with KRS 403.212 *or Section 2 of this Act*. The cabinet shall utilize information, including financial records, about the parent and child which it has good reason to believe is reliable and may require the parents to provide income verification.
- (8) In cases in which past-due support is owed for a child receiving public assistance under Title IV-A of the Federal Social Security Act, the cabinet shall issue an administrative order, or seek a judicial order, requiring the obligated parent to participate in work activities, or educational or vocational training activities for at least twenty (20) hours per week, unless the parent is incapacitated as defined by 42 U.S.C. sec. 607.
- (9) The cabinet may disclose financial records only for the purpose of establishing, modifying, or enforcing a child support obligation of an individual. A financial institution shall not be liable to any individual for disclosing any financial record of the individual to the cabinet attempting to establish, modify, or enforce a child support obligation.
- (10) The cabinet may issue both intrastate and interstate administrative subpoenas to any individual or entity for financial or other information or documents which are needed to establish, modify, or enforce a child support obligation pursuant to Title IV-D of the Social Security Act, 42 U.S.C. secs. 651 et seq. An administrative subpoena lawfully issued in another state to an individual or entity residing in this state shall be honored and enforced in the Circuit Court of the county in which the individual or entity resides.
- (11) In any case where a person or entity fails to respond to a subpoena within the specified time frame, the cabinet shall impose a penalty.
- (12) No person shall knowingly make, present, or cause to be made or presented to an employee or officer of the cabinet any false, fictitious, or fraudulent statement, representation, or entry in any application, report, document, or financial record used in determining child support or child care obligations.
- (13) If a person knowingly or by reason of negligence discloses a financial record of an individual, that individual may pursue civil action for damages in a federal District Court or appropriate state court. No liability shall arise with respect to any disclosure which results from a good faith, but erroneous, interpretation. In any civil action brought for reason of negligence of disclosure of financial records, upon finding of liability on the part of the defendant, the defendant shall be liable to the plaintiff in an amount equal to:
 - (a) The sum of the greater of one thousand dollars (\$1,000) for each act of unauthorized disclosure of financial records; or
 - (b) The sum of the actual damages sustained by the plaintiff resulting from the unauthorized disclosure; plus
 - (c) If willful disclosure or disclosure was a result of gross negligence, punitive damages, plus the costs, including attorney fees, of the action.

- (14) The cabinet shall issue an administrative order or seek a judicial order requiring a parent with a delinquent child support obligation, as defined by administrative regulation promulgated under KRS 15.055, to participate in the program described in KRS 205.732 to help low-income, noncustodial parents find and keep employment unless the parent is incapacitated as defined by 42 U.S.C. sec. 607.

➔Section 9. KRS 406.025 is amended to read as follows:

- (1) Upon completion of a signed, notarized, voluntary acknowledgment-of-paternity affidavit by the mother and alleged father, obtained through the hospital-based paternity program, and submitted to the state registrar of vital statistics, paternity shall be rebuttably presumed for the earlier of sixty (60) days or the date of an administrative or judicial proceeding relating to the child, including a proceeding to establish a child support order.
- (2) Upon completion of a signed, notarized, voluntary acknowledgment-of-paternity affidavit by the mother and alleged father obtained outside of the hospital and submitted to the state registrar of vital statistics, paternity shall be rebuttably presumed for the earlier of sixty (60) days or the date of an administrative or judicial proceeding relating to the child, including a proceeding to establish a child support order following the date of signatures on the notarized affidavit.
- (3) Pending an administrative or judicial determination of parentage, or upon a signed, notarized, voluntary acknowledgment-of-paternity form having been transmitted by the local registrar and received by the Vital Statistics Branch, a temporary support order shall be issued upon motion of any party if paternity is indicated by genetic testing or other clear and convincing evidence.
- (4) The motion shall be accompanied by an affidavit setting forth the factual basis for the motion and the amounts requested.
- (5) The court shall, within fourteen (14) days from the filing of the motion, order an amount of temporary child support based upon the child support guidelines as provided by KRS 403.212 *or Section 2 of this Act*. The ordered child support shall be retroactive to the date of the filing of the motion to move the court to enter an order for temporary child support without written or oral notice to the adverse party. The order shall provide that the order becomes effective seven (7) days following service of the order and movant's affidavit upon the adverse party unless the adverse party, within the seven (7) day period, files a motion for a hearing before the court. The motion for hearing shall be accompanied by the affidavit required by KRS 403.160(2)(a). Pending the hearing, the adverse party shall pay child support in an amount based upon the guidelines and the adverse party's affidavit. The child support order entered following the hearing shall be retroactive to the date of the filing of the motion for temporary support unless otherwise ordered by the court.
- (6) Unless good cause is shown, court or administratively ordered child support shall continue until final judicial or administrative determination of paternity.

➔Section 10. KRS 620.230 is amended to read as follows:

- (1) For each child placed in the custody of the cabinet by an order of commitment, the cabinet shall file a case permanency plan for the child with the court and send a copy to the Administrative Office of the Courts Citizen Foster Care Review Board Program as soon as the plan is prepared but no later than thirty (30) days after the effective date of the order. Notwithstanding the provisions of KRS 620.090(5)~~(6)~~, if a child remains in the temporary custody of the cabinet for longer than forty-five (45) days and if a request is submitted by the Administrative Office of the Courts Citizen Foster Care Review Board Program, the cabinet shall provide a copy of the case permanency plan for the child.
- (2) The case permanency plan shall include, but need not be limited to:
 - (a) A concise statement of the reasons why the child is in the custody of the cabinet;
 - (b) A statement of the actions which have been taken with regard to the child to the date of the plan;
 - (c) A statement of the proposed actions which may be taken or are contemplated with regard to the child during the next six (6) months and during the entire duration of the time the child is in the custody of the cabinet;
 - (d) Contemplated placements for the child;
 - (e) If the child is placed outside the home, reasons why the child cannot be protected adequately in the home, the harms the child may suffer if left in the home, factors which may indicate when the child can be returned to the home, and efforts the cabinet or others are making to return the child to the home;

- (f) If the child is placed outside the home, the steps that the cabinet will take to minimize the harm to the child as a result of the action, both at the time of removal and on a long-term basis;
 - (g) A description of the type of home, child-caring facility, child-placing agency or facility in which the child is to be placed or has been placed, and a statement why the placement is appropriate for the child, including but not limited to:
 - 1. Age;
 - 2. Educational needs;
 - 3. Medical needs;
 - 4. Emotional needs;
 - 5. Relationship with parents; and
 - 6. Number of children the home is authorized to care for and the number of children currently residing in the home;
 - (h) If the placement is outside the child's original county of residence, documentation that no closer placement is appropriate or available, and the reasons why the placement made was chosen;
 - (i) A description of the services for the child and his family to be provided or arranged by the cabinet to facilitate the return of the child to his own home or to another permanent placement;
 - (j) A list of objectives and specific tasks, together with specific time frames for each task, for which the parents have agreed to assume responsibility, including a schedule of regular visits with the child;
 - (k) A projected schedule of time intervals by which each of the services, objectives, and tasks outlined in the case permanency plan should be accomplished and a schedule of time intervals which have already been accomplished or are in the process of accomplishment;
 - (l) If the child is to remain at home, a description of the potential harm which could befall the child and measures that are being taken to prevent or minimize such harm; and
 - (m) If the child is to remain at home, reasons why he cannot be placed in foster care or why such care is not needed.
- (3) Under no circumstance shall a child be placed in a home, facility, or other shelter with a child who has been committed to the Department of Juvenile Justice for commission of a sex crime as defined in KRS 17.500, unless the child committed for the commission of a sex crime is kept segregated from other children in the home, facility, or other shelter that have not been committed for the commission of a sex crime.

➔Section 11. Section 2 of this Act takes effect March 31, 2023.

Signed by Governor April 8, 2022.

CHAPTER 123

(HB 552)

AN ACT relating to the Kentucky Mountain Regional Recreation Authority.

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

➔Section 1. KRS 148.0222 is amended to read as follows:

- (1) The Kentucky Mountain Regional Recreation Authority is hereby created and established as an independent, de jure municipal corporation and political subdivision of the Commonwealth and shall exercise all of the powers that a corporation may lawfully exercise under the laws of the Commonwealth. The authority shall be a public body corporate and politic and an instrumentality of the Commonwealth, established with all the general corporate powers incidental thereto. The authority shall be attached to the Kentucky Department for Local Government for administrative purposes only. The authority shall be reauthorized for five (5) years from

June 27, 2019, and may be renewed by the General Assembly. The authority may adopt by laws and administrative regulations, subject to KRS Chapter 13A, for the orderly conduct of its affairs.

- (2) The purpose of the authority is to establish, maintain, and promote a recreational trail system throughout the KMRRA to increase economic development, tourism, and outdoor recreation for residents and visitors. The recreational trail system shall be located with significant portions of the system situated on private property made available for use through lease, license, easement, or other appropriate legal form by willing landowners.
- (3) The authority shall be governed by a board of directors consisting of representatives from participating counties and the Commonwealth as provided in this section.
- (4) The authority and board shall become operational when sixteen (16) target counties complete the requirements established by subsection (5)(a) of this section. When at least sixteen (16) target counties become participating counties, the commissioner of the Department for Local Government shall notify the county judge/executive of each of the participating counties, as well as the board members described in subsection (6) of this section, that the requirements have been met for the authority and board to become operational. The commissioner shall also establish a date, time, and place for an initial organizational meeting of the board, and shall serve as interim chair of the initial organizational meeting until such time as a chair is elected. The chair shall be a resident of a participating county.
- (5) Any target county may become a participating county upon adoption of a resolution or ordinance by the governing body of the county specifically approving the county's participation in the KMRRA and submission of the adopted resolution or ordinance to:
 - (a) The commissioner of the Department for Local Government if the resolution or ordinance is adopted prior to the KMRRA becoming operational pursuant to subsection (4) of this section; or
 - (b) The KMRRA if the resolution or ordinance is adopted after KMRRA becomes operational.
- (6) The KMRRA board shall consist of the following members:
 - (a) The secretary of the Tourism, Arts and Heritage Cabinet or his or her designee;
 - (b) The commissioner of the Department for Local Government or his or her designee;
 - (c) The commissioner of the Department of Fish and Wildlife Resources or his or her designee;
 - (d) If an executive director of the authority has been employed under subsection (10) of this section, he or she shall serve as a nonvoting member, except in the event of a tie vote of the board;
 - (e) One (1) representative selected for each of the nine (9) participating counties as provided in subsection (8) of this section, who shall be either:
 1. The county judge/executive; or
 2. The county judge/executive's designee, who shall be an individual involved with economic development, tourism, recreation, or a related area within the county;
 - (f) One (1) state Representative who is from the KMRRA region shall serve as a nonvoting member, appointed to a two (2) year term by the Speaker of the Kentucky House of Representatives, and shall not serve another term consecutively with a prior term; and
 - (g) One (1) state Senator who is from the KMRRA region shall serve as a nonvoting member, appointed to a two (2) year term by the President of the Kentucky Senate, and shall not serve another term consecutively with a prior term.
- (7) The board membership of each county judge/executive or his or her designee shall:
 - (a) Begin with the county judge/executive's term of office; and
 - (b) End with the county judge/executive's term of office.

If a county judge/executive ceases to serve as the county judge/executive prior to the end of his or her term, he or she shall be removed from the board, and his or her replacement as county judge/executive shall serve on the board for the remainder of the term.

- (8) (a) The twelve (12) voting members of the board shall be:
 1. The nine (9) county judges/executive, or their designees, from different KMRRA participating counties as described in subsection (6)(e) of this section;

2. The secretary of the Tourism, Arts and Heritage Cabinet or his or her designee;
 3. The commissioner of the Department for Local Government or his or her designee; and
 4. The commissioner of the Department of Fish and Wildlife Resources or his or her designee.
- (b) The nine (9) initial county representatives shall be the county judges/executive of Breathitt, Martin, Perry, Knott, Leslie, Letcher, Pike, Magoffin, and Floyd Counties or their designees in that order. The first three (3) representatives listed shall serve a three (3) year term as voting members, the next three (3) representatives shall serve a two (2) year term as voting members, and the remaining three (3) representatives shall serve a one (1) year term as voting members.
- (c) After each term ends, the voting county representative shall be replaced by one (1) of the county judges/executive or his or her designee from one (1) of the target counties whose representative has not yet served as a voting member.
- (d) After the third year of operation, each new voting member shall serve a term of three (3) years, then step down and let a representative from the next county in line alphabetically whose representative has not served as a voting member take his or her place.
- (e) Once representatives from all participating counties within KMRA have each served one (1) term, the rotation shall begin again.
- (9) (a) The board shall meet at least once annually to elect officers, establish a regular meeting schedule, and perform other duties as may be prescribed in the authority's bylaws. The board chair may call special meetings at any time.
- (b) Notice of each meeting shall be made both in writing and electronically and delivered to board members at least seven (7) days before the scheduled meeting date. Electronic mail alone is an acceptable form of notice of special meetings, so long as it is sent to directors at least seven (7) days before the scheduled meeting date.
- (c) Accommodations shall be made for remote attendance of each board meeting, whether regular or special, through means such as video conferencing, conference call, or similar services.
- (d) The presence of a majority of the total voting members of the KMRRRA board, whether in person or remote, shall constitute a quorum. Vacant board positions shall be counted against the quorum total necessary for board action.
- (e) Board meetings shall be held exclusively within KMRRRA participating counties, and each meeting shall be held in a different participating county until every participating county has hosted a meeting, at which time the cycle shall begin again.
- (10) The KMRRRA board:
- (a) Shall elect a chair, vice chair, secretary, treasurer, and any other officers as established in the bylaws of the board;
 - (b) May appoint temporary and standing committees to accomplish the purposes of KRS 148.0221 to 148.0225 and shall clearly describe the role, responsibilities, and tenure of each committee so created;
 - (c) Shall adopt bylaws for the management and regulation of its affairs and all other matters necessary to effect proper management and accountability of the board. The bylaws shall include, at a minimum, the following:
 1. The powers and duties of the board's members and the manner and number of officers to be elected from among the board members; and
 2. The terms, conditions, and manner in which a board member will be removed;
 - (d) Shall review and approve an annual budget;
 - (e) ~~Shall annually procure an audit of the authority's financial systems, conducted in accordance with generally accepted auditing standards. The Auditor of Public Accounts shall perform the audit. A copy of the audit shall be sent to the Legislative Research Commission and the Department for Local Government within ten (10) days of receipt by the board;~~

~~(f)~~ Shall ensure that all administrative costs for operating the authority are paid from funds accruing to the authority. The authority, its board, and its staff shall incur no liability or obligation beyond the extent to which revenues have been provided under KRS 148.0221 to 148.0225;

~~(f)~~~~(g)~~ May seek administrative and management assistance through written agreement with state agencies, local area development districts, or local governing bodies until such time as the board has secured sufficient funding through grants, loans, fee systems, or any other funding source to hire staff; and

~~(g)~~~~(h)~~ Shall employ an executive director to act as its chief executive officer to serve at its will and pleasure once it is financially possible to do so.

(11) The authority shall comply with the provisions of KRS Chapter 65A.

~~(12)~~~~(11)~~ The executive director:

- (a) Shall be a person who is domiciled in a KMRRA participating county;
- (b) May, with permission of the board and approval of the commissioner of the Department for Local Government or his or her designee, employ any other hourly personnel considered necessary and retain temporary services. Pay raises for any personnel shall require approval of the board and the commissioner of the Department for Local Government or his or her designee;
- (c) Shall carry out plans to implement KRS 148.0221 to 148.0225 and to exercise those powers enumerated in the bylaws of the board;
- (d) Shall, along with any staff with responsibilities so delegated by the executive director, ensure that all minutes, records, and orders of the authority and its board are complete and available for public inspection, if necessary;
- (e) Shall prepare narrative and financial reports of the authority's fiscal obligations and submit these reports to the board at regularly scheduled meetings or as otherwise directed; and
- (f) May cast a tiebreaking vote in board decisions, but shall not be permitted to cast a vote under any other circumstances. Until such time as an executive director is hired, the chairperson of the board shall make the final determination in the event of a tie vote of the board.

~~(13)~~~~(12)~~ The executive director, all full-time or part-time personnel, all seasonal employees, and all contractual employees, if any, shall be paid from funds accruing to the authority and authorized in a budget approved by the board, unless the Department for Local Government has temporarily taken on the responsibility of paying any of those employees.

~~(14)~~~~(13)~~ Board members shall serve without compensation, but may be reimbursed for actual and necessary travel expenses incurred in the performance of their duties, subject to Finance and Administration Cabinet administrative regulations. Board members may have their lodging reimbursed by KMRRA. Any reimbursement requests exceeding five hundred dollars (\$500) per person shall be submitted to the Department for Local Government for approval.

Signed by Governor April 8, 2022.

CHAPTER 124

(HB 607)

AN ACT relating to pari-mutuel wagering and making an appropriation therefor.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 68 IS CREATED TO READ AS FOLLOWS:

(1) Occupational license fees levied under KRS 67.083, 68.180, and 68.197 by the fiscal court of a county, consolidated local government, urban-county government, charter county government, or unified local government may apply to racetrack extensions.

(2) *As used in this section:*

(a) *"Historical horse race" has the same meaning as in KRS 138.511; and*

(b) 1. *"Racetrack extension" means any facility:*

a. *Owned, leased, or purchased by an association licensed by the Kentucky Horse Racing Commission under KRS 230.300;*

b. *That meets the definition of "track" under KRS 230.210(24)(c); and*

c. *Where pari-mutuel wagering on historical horse races is conducted on terminals approved by the Kentucky Horse Racing Commission.*

2. *"Racetrack extension" does not include a facility or real property used for training horses or at which live horse races are run for stakes, purses, or prizes under the jurisdiction of the Kentucky Horse Racing Commission.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 91 IS CREATED TO READ AS FOLLOWS:

(1) *Occupational license fees levied under KRS 91.200 by the legislative body of a city of the first class may apply to racetrack extensions.*

(2) *As used in this section:*

(a) *"Historical horse race" has the same meaning as in KRS 138.511; and*

(b) 1. *"Racetrack extension" means any facility:*

a. *Owned, leased, or purchased by an association licensed by the Kentucky Horse Racing Commission under KRS 230.300;*

b. *That meets the definition of "track" under KRS 230.210(24)(c); and*

c. *Where pari-mutuel wagering on historical horse races is conducted on terminals approved by the Kentucky Horse Racing Commission.*

2. *"Racetrack extension" does not include a facility or real property used for training horses or at which live horse races are run for stakes, purses, or prizes under the jurisdiction of the Kentucky Horse Racing Commission.*

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 92 IS CREATED TO READ AS FOLLOWS:

(1) *Occupational license fees levied under KRS 92.281 by the legislative body of a city may apply to racetrack extensions.*

(2) *As used in this section:*

(a) *"Historical horse race" has the same meaning as in KRS 138.511; and*

(b) 1. *"Racetrack extension" means any facility:*

a. *Owned, leased, or purchased by an association licensed by the Kentucky Horse Racing Commission under KRS 230.300;*

b. *That meets the definition of "track" under KRS 230.210(24)(c); and*

c. *Where pari-mutuel wagering on historical horse races is conducted on terminals approved by the Kentucky Horse Racing Commission.*

2. *"Racetrack extension" does not include a facility or real property used for training horses or at which live horse races are run for stakes, purses, or prizes under the jurisdiction of the Kentucky Horse Racing Commission.*

➔Section 4. KRS 138.510 is amended to read as follows:

(1) (a) *Before August 1, 2022, except as provided in paragraph (e)~~((d))~~ of this subsection and subsection (3) of this section, an excise tax is imposed on all tracks conducting pari-mutuel wagering on live racing under the jurisdiction of the commission as follows:*

1. For each track with a daily average live handle of one million two hundred thousand dollars (\$1,200,000) or above, the tax shall be in the amount of three and one-half percent (3.5%) of all money wagered on live races at the track during the fiscal year; and
 2. For each track with a daily average live handle under one million two hundred thousand dollars (\$1,200,000), the tax shall be one and one-half percent (1.5%) of all money wagered on live races at the track during the fiscal year.
- (b) ***Beginning August 1, 2022, the excise tax imposed on all tracks conducting pari-mutuel wagering on live racing under jurisdiction of the commission shall be one and one-half percent (1.5%) of all money wagered on live races at the track during the fiscal year.***
- (c) Beginning on April 1, 2014, an excise tax is imposed on all tracks conducting pari-mutuel wagering on historical horse races under the jurisdiction of the commission at a rate of one and one-half percent (1.5%) of all money wagered on historical horse races at the track during the fiscal year.
- ~~(d)~~~~(e)~~ Money shall be deducted from the tax paid under paragraphs (a), ~~(and)~~ (b), **and** (c) of this subsection and deposited as follows:
1.
 - a. ***Before August 1, 2022***, an amount equal to three-quarters of one percent (0.75%) of all money wagered on live races and historical horse races at the track for Thoroughbred racing shall be deposited in the Thoroughbred development fund established in KRS 230.400; **and**
 - b. ***Beginning August 1, 2022***, an amount equal to three-quarters of one percent (0.75%) of all money wagered on live races and historical horse races at the track for Thoroughbred racing shall be deposited in the Thoroughbred development fund established in KRS 230.400 until forty-five million dollars (\$45,000,000) has been deposited during a fiscal year, at which point the amount deposited in the fund shall decrease to four-tenths of one percent (0.4%) of all money wagered on live and historical horse races at the track for Thoroughbred racing for the remainder of the fiscal year;
 2.
 - a. ***Before August 1, 2022***, an amount equal to one percent (1%) of all money wagered on live races and historical horse races at the track for harness racing shall be deposited in the Kentucky standardbred development fund established in KRS 230.770. ***Beginning August 1, 2022***, an amount equal to one percent (1%) of all money wagered on live races at the track for harness racing shall be deposited in the Kentucky standardbred development fund until a total of twenty million dollars (\$20,000,000) has been deposited during a fiscal year from this subparagraph, at which point the amount deposited shall decrease to four-tenths of one percent (0.4%) of all money wagered for the remainder of the fiscal year; **and**
 - b. ***Beginning August 1, 2022***, an amount equal to one percent (1%) of all money wagered on historical horse races at the track for harness racing shall be distributed in the exact amounts based upon contracts between the parties that have been filed with the commission, but at least one-half (1/2) of the funds shall be deposited into the Kentucky standardbred development fund established in KRS 230.770 until a total of twenty million dollars (\$20,000,000) has been deposited into the Kentucky standardbred development fund during a fiscal year from this subparagraph, at which point the amount deposited in this subdivision shall decrease to four-tenths of one percent (0.4%) of all money wagered for the remainder of the fiscal year. ***The commission shall provide the department all information necessary from the contracts in order for the funds in this subparagraph to be distributed;***
 3. An amount equal to one percent (1%) of all money wagered on live races and historical horse races at the track for quarter horse, paint horse, Appaloosa, and Arabian horse racing shall be deposited in the Kentucky quarter horse, paint horse, Appaloosa, and Arabian development fund established by KRS 230.445;
 4. An amount equal to two-tenths of one percent (0.2%) of all money wagered on live races and historical horse races at the track shall be ***paid out in equal amounts as follows***~~deposited in the~~:

- a. *To the equine industry program trust and revolving fund established by KRS 230.550 to support the Equine Industry Program at the University of Louisville, except that the amount deposited from money wagered on historical horse races in any fiscal year shall not exceed **eight hundred fifty thousand dollars (\$850,000)**; ~~six hundred fifty thousand dollars (\$650,000)~~*
 - b. *To the University of Kentucky for equine industry programs at the university, except that the amount paid from money wagered on historical horse races in any fiscal year shall not exceed four hundred thousand dollars (\$400,000);*
 - c. *To the Bluegrass Community and Technical College for the provision of equine industry programs by the system, except that the amount paid from money wagered on historical horse races in any fiscal year shall not exceed two hundred fifty thousand dollars (\$250,000);*
 - d. *Amounts remaining from money wagered on historical horse races in a fiscal year after payments are made in accordance with subdivisions a., b., and c. of this subparagraph shall be distributed in equal amounts to:*
 - i. *The Kentucky Thoroughbred breeders incentive fund established in KRS 230.800, in an amount not to exceed four hundred thousand dollars (\$400,000); and*
 - ii. *The Kentucky standardbred breeders incentive fund established in KRS 230.802, in an amount not to exceed one hundred thousand dollars (\$100,000); and*
 - e. *Any amounts remaining from money wagered on historical horse races in a fiscal year after payments are made in accordance with subdivisions a., b., c., and d. of this subparagraph shall be paid to the general fund;*
5. a. An amount equal to one-tenth of one percent (0.1%) of all money wagered on live races and historical horse races at the track shall be deposited in a trust and revolving fund to be used for the construction, expansion, or renovation of facilities or the purchase of equipment for equine programs at state universities, except that the amount deposited from money wagered on historical horse races in any fiscal year shall not exceed three hundred twenty thousand dollars (\$320,000).
- b. These funds shall not be used for salaries or for operating funds for teaching, research, or administration. Funds allocated under this subparagraph shall not replace other funds for capital purposes or operation of equine programs at state universities.
- c. The Kentucky Council on Postsecondary Education shall serve as the administrative agent and shall establish an advisory committee of interested parties, including all universities with established equine programs, to evaluate proposals and make recommendations for the awarding of funds.
- d. The Kentucky Council on Postsecondary Education may promulgate administrative regulations to establish procedures for administering the program and criteria for evaluating and awarding grants; and
6. An amount equal to one-tenth of one percent (0.1%) of all money wagered on live races and historical horse races shall be distributed to the commission to support equine drug testing as provided in KRS 230.265(3), except that the amount deposited from money wagered on historical horse races in any fiscal year shall not exceed three hundred twenty thousand dollars (\$320,000).
- ~~(e)~~~~(d)~~ The excise tax imposed by *paragraphs*~~paragraph~~ (a) and (b) of this subsection shall not apply to pari-mutuel wagering on live harness racing at a county fair.
- ~~(e)~~ The excise tax imposed by paragraph (a) of this subsection, and the distributions provided for in paragraph (c) of this subsection, shall apply to money wagered on historical horse races beginning September 1, 2011, through March 31, 2014, and historical horse races shall be considered live racing for purposes of determining the daily average live handle. Beginning April 1, 2014, the tax imposed by paragraph (b) of this subsection shall apply to money wagered on historical horse races.
- (2) (a) Except as provided in paragraph (c) of this subsection, an excise tax is imposed on:

1. All tracks conducting telephone account wagering;
 2. All tracks participating as receiving tracks in intertrack wagering under the jurisdiction of the commission; and
 3. All tracks participating as receiving tracks displaying simulcasts and conducting interstate wagering thereon.
- (b) *1. Before August 1, 2022, the tax shall be three percent (3%) of all money wagered on races as provided in paragraph (a) of this subsection during the fiscal year.*
- 2. Beginning August 1, 2022, the tax shall be one and one-half percent (1.5%) of all money wagered on races as provided in paragraph (a) of this subsection during the fiscal year.*
- (c) A noncontiguous track facility approved by the commission on or after January 1, 1999, shall be exempt from the tax imposed under this subsection, if the facility is established and operated by a licensed track which has a total annual handle on live racing of two hundred fifty thousand dollars (\$250,000) or less. The amount of money exempted under this paragraph shall be retained by the noncontiguous track facility, KRS 230.3771 and 230.378 notwithstanding.
- (d) Money shall be deducted from the tax paid under paragraphs (a) and (b) of this subsection as follows:
1. An amount equal to *one percent (1%)*~~two percent (2%)~~ of the amount wagered shall be deposited as follows:
 - a. In the Thoroughbred development fund established in KRS 230.400 if the host track is conducting a Thoroughbred race meeting or the interstate wagering is conducted on a Thoroughbred race meeting;
 - b. In the Kentucky standardbred development fund established in KRS 230.770, if the host track is conducting a harness race meeting or the interstate wagering is conducted on a harness race meeting; or
 - c. In the Kentucky quarter horse, paint horse, Appaloosa, and Arabian development fund established by KRS 230.445, if the host track is conducting a quarter horse, paint horse, Appaloosa, or Arabian horse race meeting or the interstate wagering is conducted on a quarter horse, paint horse, Appaloosa, or Arabian horse race meeting;
 2. An amount equal to *twenty-five thousandths of one percent (0.025%)*~~one twentieth of one percent (0.05%)~~ of the amount wagered shall be allocated to the equine industry program trust and revolving fund established by KRS 230.550 to be used to support the Equine Industry Program at the University of Louisville;
 3. An amount equal to *one-twentieth of one percent (0.05%)*~~one tenth of one percent (0.1%)~~ of the amount wagered shall be deposited in a trust and revolving fund to be used for the construction, expansion, or renovation of facilities or the purchase of equipment for equine programs at state universities, as detailed in subsection (1)~~(d)~~~~(e)~~5. of this section; and
 4. An amount equal to *one-twentieth of one percent (0.05%)*~~one tenth of one percent (0.1%)~~ of the amount wagered shall be distributed to the commission to support equine drug testing as provided in KRS 230.265(3).
- (3) If a host track in this state is the location for the conduct of a two (2) day international horse racing event that distributes in excess of a total of twenty million dollars (\$20,000,000) in purses and awards:
- (a) The excise tax imposed by subsection (1)(a) *and (b)* of this section shall not apply to money wagered at the track on live races conducted at the track during the two (2) day international horse racing event; and
 - (b) Amounts wagered at the track on live races conducted at the track during the two (2) day international horse racing event shall not be included in calculating the daily average live handle for purposes of subsection (1) of this section.
- (4) The taxes imposed by this section shall be paid, collected, and administered as provided in KRS 138.530.
- ➔Section 5. KRS 138.513 is amended to read as follows:

- (1) (a) Beginning August 1, 2014, *but before August 1, 2022*, an excise tax is imposed on all advance deposit account wagering licensees licensed under KRS 230.260 at a rate of one-half of one percent (0.5%) of all amounts wagered through the licensee by Kentucky residents; *and*
- (b) *Beginning August 1, 2022, an excise tax is imposed on all advance deposit account wagering licensees licensed under Section 13 of this Act at a rate of one and one-half percent (1.5%) of all amounts wagered through the licensee by Kentucky residents.*
- (2) The tax imposed by this section shall be paid, collected, administered, and distributed as provided in KRS 138.530.

➔Section 6. KRS 139.200 is amended to read as follows:

A tax is hereby imposed upon all retailers at the rate of six percent (6%) of the gross receipts derived from:

- (1) Retail sales of:
- (a) Tangible personal property, regardless of the method of delivery, made within this Commonwealth; and
- (b) Digital property regardless of whether:
1. The purchaser has the right to permanently use the property;
 2. The purchaser's right to access or retain the property is not permanent; or
 3. The purchaser's right of use is conditioned upon continued payment; and
- (2) The furnishing of the following:
- (a) The rental of any room or rooms, lodgings, campsites, or accommodations furnished by any hotel, motel, inn, tourist camp, tourist cabin, campgrounds, recreational vehicle parks, or any other place in which rooms, lodgings, campsites, or accommodations are regularly furnished to transients for a consideration. The tax shall not apply to rooms, lodgings, campsites, or accommodations supplied for a continuous period of thirty (30) days or more to a person;
- (b) Sewer services;
- (c) The sale of admissions, except:
1. Admissions to *enter the grounds or enclosure of any track licensed under KRS Chapter 230 at which live horse racing or historical horse racing is being conducted under the jurisdiction of the Kentucky Horse Racing Commission*~~[racetracks taxed under KRS 138.480]~~;
 2. Admissions to historical sites exempt under KRS 139.482;
 3. Admissions taxed under KRS 229.031;
 4. Admissions that are charged by nonprofit educational, charitable, or religious institutions and for which an exemption is provided under KRS 139.495; and
 5. Admissions that are charged by nonprofit civic, governmental, or other nonprofit organizations and for which an exemption is provided under KRS 139.498;
- (d) Prepaid calling service and prepaid wireless calling service;
- (e) Intrastate, interstate, and international communications services as defined in KRS 139.195, except the furnishing of pay telephone service as defined in KRS 139.195;
- (f) Distribution, transmission, or transportation services for natural gas that is for storage, use, or other consumption in this state, excluding those services furnished:
1. For natural gas that is classified as residential use as provided in KRS 139.470(7); or
 2. To a seller or reseller of natural gas;
- (g) Landscaping services, including but not limited to:
1. Lawn care and maintenance services;
 2. Tree trimming, pruning, or removal services;
 3. Landscape design and installation services;

4. Landscape care and maintenance services; and
5. Snow plowing or removal services;
- (h) Janitorial services, including but not limited to residential and commercial cleaning services, and carpet, upholstery, and window cleaning services;
- (i) Small animal veterinary services, excluding veterinary services for equine, cattle, poultry, swine, sheep, goats, llamas, alpacas, ratite birds, buffalo, and cervids;
- (j) Pet care services, including but not limited to grooming and boarding services, pet sitting services, and pet obedience training services;
- (k) Industrial laundry services, including but not limited to industrial uniform supply services, protective apparel supply services, and industrial mat and rug supply services;
- (l) Non-coin-operated laundry and dry cleaning services;
- (m) Linen supply services, including but not limited to table and bed linen supply services and nonindustrial uniform supply services;
- (n) Indoor skin tanning services, including but not limited to tanning booth or tanning bed services and spray tanning services;
- (o) Non-medical diet and weight reducing services;
- (p) Limousine services, if a driver is provided; and
- (q) Extended warranty services.

➔Section 7. KRS 137.190 is amended to read as follows:

- (1) The license tax imposed by KRS 137.170, *the license taxes permitted by Sections 1, 2, and 3 of this Act*~~the admission tax imposed by KRS 138.480~~, and the state taxes and contributions imposed by KRS 138.510 to 138.550 and KRS 230.380 on pari-mutuel systems of betting shall be in lieu of all other license, excise, special, or franchise taxes to the state or any county, city, or other political subdivision.
- (2) *Except for the license taxes permitted by Sections 1, 2, and 3 of this Act*, no county, city, or other political subdivision may levy any license, income, excise, special, or franchise tax on any such person or corporation engaged in the business of conducting a race track at which races are conducted for stakes, purses or prizes, or operating as a receiving track or simulcast facility, or on the operation or maintenance of any pari-mutuel machine or similar device, or on the money or amount of money handled by or through any pari-mutuel machine or similar device or on the sale of any merchandise during the conducting of races thereon by any such person or corporation.

➔Section 8. KRS 138.224 is amended to read as follows:

It shall be presumed that all untaxed motor fuels are subject to the tax levied under KRS 138.220 unless the contrary is established pursuant to KRS 138.210 to ~~138.448~~~~{138.490}~~ or administrative regulations promulgated thereunder by the department. The tax shall be paid by the licensed dealer to the department. The burden of proving that any motor fuel is not subject to tax shall be upon the dealer or any person who imports, causes to be imported, receives, uses, sells, stores, or possesses untaxed motor fuel in this state. Any dealer or other person who imports, causes to be imported, receives, uses, sells, stores, or possesses untaxed motor fuels but fails to comply with all statutory and regulatory restrictions applicable to the fuel shall be jointly and severally liable for payment of the tax due on the fuel. A person's liability shall not be extinguished until the tax due has been paid to the department.

➔Section 9. KRS 138.226 is amended to read as follows:

- (1) The department shall administer the taxes provided under KRS 138.210 to ~~138.448 and 138.450 to 138.470~~~~{138.490}~~, except KRS 138.463 and 138.4631, and may prescribe, adopt, and enforce administrative regulations relating to the administration and enforcement thereof.
- (2) The department shall, upon the request of the officials to whom are entrusted the enforcement of the motor fuels tax law of any other state, the United States, the provinces of the Dominion of Canada, forward to such officials any information which it may have relative to the manufacture, receipt, sale, use, transportation, shipment or delivery by any person of motor fuels, provided such other state or states provide for the furnishing of like information to this state.

➔Section 10. KRS 138.270 is amended to read as follows:

- (1) (a) From the total number of gallons of gasoline and special fuel received by the dealer within this state during the next preceding calendar month, deductions shall be made for the total number of gallons received by the dealer within this state that were sold or otherwise disposed of during the next preceding calendar month as set forth in subsection (2) of KRS 138.240.
- (b) To cover evaporation, shrinkage, unaccountable losses, collection costs, bad debts, and handling and reporting the tax, each dealer shall be allowed compensation equal to two and one-fourth percent (2.25%) of the net tax due the Commonwealth pursuant to KRS 138.210 to ~~138.448~~~~{138.490}~~ before all allowable tax credits, except the credit authorized pursuant to KRS 138.358. No compensation shall be allowed if the completed tax return and payment are not submitted to the department within the time prescribed by KRS 138.210 to ~~138.448~~~~{138.490}~~.
- (2) The tax imposed by KRS 138.220(1) and (2) shall be computed on the number of gallons remaining after the deductions set forth in subsection (1) of this section have been made, and shall constitute the amount of tax payable for the next preceding calendar month.
- (3) Notwithstanding any other provision of this chapter to the contrary, any person who shall remit to the department, by the twenty-fifth day of the next month, an estimated tax due amount equal to not less than ninety-five percent (95%) of his tax liability, as finally determined for the report month, shall not be required to file the monthly reports required by this chapter until the last day of the month following the report month, and shall be permitted to claim as a credit against the tax liability shown due on the report the estimated tax due amount so paid.

➔Section 11. KRS 138.344 is amended to read as follows:

- (1) Except as otherwise provided in KRS 138.220 to ~~138.448~~~~{138.490}~~, any person who shall purchase gasoline or special fuel, on which the tax as imposed by KRS 138.220 has been paid, for the purpose of operating or propelling stationary engines or tractors for agricultural purposes, or who shall purchase special fuels, on which the tax as imposed by KRS 138.220 has been paid, for consumption in unlicensed vehicles or equipment for nonhighway purposes shall be reimbursed for the tax so paid on the gasoline or special fuel. No refund shall be authorized unless applications and all necessary information are filed with the department on a calendar quarter or calendar year basis on forms and in the manner prescribed by it for refund of the tax paid on the fuel. In lieu of the tax refund procedure, the tax on special fuels and the tax on gasoline used for the purpose of operating or propelling stationary engines or tractors for agricultural purposes may be credited by the dealer to the purchaser as provided in KRS 138.358. The dealer and the purchases shall be subject to the same rules, conditions, and responsibilities as provided in KRS 138.344 to 138.355. The tax shall be refunded with interest at the tax interest rate as defined in KRS 131.010(6).
- (2) The information to be required from the permit holder, by the department, in order that the refund may be allowed, shall be as follows:
 - (a) Name and address of permit holder permit number
 - (b) Total number of gallons purchased and total purchase price (Invoices to be attached to refund application.)
 - (c) Total number of gallons used on highways
 - (d) Total number of gallons on which refund is claimed (Line b minus line c.)
 - (e) Other information as the department may require to reasonably protect the revenues of the Commonwealth.

➔Section 12. KRS 138.655 is amended to read as follows:

As used in KRS 138.660 to 138.7291 and KRS 138.990(13) *and* (14)~~{and (15)}~~, unless the context requires otherwise:

- (1) "Cabinet" means the Transportation Cabinet;
- (2) "Person" includes every natural person, fiduciary, association, state or political subdivision, or corporation. Whenever used in any clause describing and imposing imprisonment the term "person" as applied to an association means and includes the partners or members thereof, and as applied to a corporation the officers thereof;
- (3) "Public highway" means every way or place generally open to the use of the public as a matter of right for the purpose of vehicular travel notwithstanding that it may be temporarily closed or travel thereon restricted for

the purpose of construction, maintenance, repair, or reconstruction; also including all city streets, alleys, and any way or place on which a toll is charged for using such way or place;

- (4) "Motor vehicle" means any vehicle, machine, or mechanical contrivance propelled by an internal combustion engine and licensed for operation and operated upon the public highways and any trailer or semitrailer attached to or having its front end supported by such motor vehicle;
- (5) "Motor carrier" means every person who operates or causes to be operated on any highway in this state, any bus engaged in hauling passengers for hire operating under a certificate of convenience and necessity and any commercial truck or commercial tractor-trailer combination having a total of two (2) or more axles and a declared gross weight above twenty-six thousand (26,000) pounds. The number of axles shall include not only those axles on the power unit but if a tractor-trailer combination is involved, also those axles on the trailer or semitrailer:
 - (a) "Axle" means any two (2) or more load-carrying wheels mounted in a single transverse vertical plane;
 - (b) "Trailers and semitrailers" are those as defined in subsections (1) and (2) of KRS 186.650, except that it does not include those trailers defined in subsections (3) and (4) of KRS 186.650 and those exempted from regulation under KRS 186.675. The term "motor carrier" shall not mean or shall not include any person operating or causing to be operated a city bus;
 - (c) "Commercial" refers to any activity for business purposes;
 - (d) For the purposes of KRS 138.660(3) motor carriers, trailers, and semitrailers shall not mean a farm vehicle as defined in KRS 186.050(4) or under another jurisdiction's law as a farm vehicle;
- (6) "City bus" means any motor vehicle used for the transportation of persons for hire exclusively within the limits of any city or within ten (10) miles of its limits over a regular route and exclusively within the boundaries of this state;
- (7) "Heavy equipment motor carrier" means any person who operates on the public highways of this state as a "motor carrier" as defined in subsection (5) of this section, except that it shall not include motor vehicles used to transport persons for hire;
- (8) "Trip permit" means a permit for the operating during a ten (10) consecutive day period of any motor vehicle of any "heavy equipment motor carrier" not licensed under KRS 138.665;
- (9) "Licensee" means for purposes of KRS 138.660 to 138.7291 any person who has been granted a license as a "motor carrier" or a "heavy equipment motor carrier," or any motor vehicle in which a valid trip permit is carried;
- (10) "Use" means the consumption of gasoline and special fuels in propelling motor vehicles on the public highways;
- (11) "Gasoline" has the same meaning as in KRS 138.210;
- (12) "Special fuels" means and includes all combustible gases and liquids used for the generation of power in an internal combustion engine to propel vehicles of any kind upon the public highways, except that it does not include gasoline;
- (13) "Quarterly" for the purposes of KRS 138.660 to 138.7291 means a calendar quarter;
- (14) "Combined licensed weight" shall mean the greater of:
 - (a) The declared combined maximum gross weight of the vehicle and any towed unit for registration purposes for the current registration period; or
 - (b) The highest actual combined gross weight of the vehicle and any towed unit when operated on the public highways of the state during the current registration period.

➔Section 13. KRS 138.675 is amended to read as follows:

- (1) If a licensee at any time files a false quarterly report of the information required or fails or refuses to file the quarterly report or to pay the full amount of the tax or violates any other provisions of KRS 138.655 to 138.725, inclusive, without a showing that such failure was due to reasonable cause, the cabinet may cancel his license.
- (2) Upon voluntary surrender of the license certificate or upon receipt of a written request by a licensee, the cabinet may cancel his license, effective sixty (60) days from the date of the request, but no such license shall

be canceled upon surrender or request unless the licensee has, prior to the date of cancellation, paid to this state all taxes, penalties, interest and fines that are due or have accrued, and unless the licensee has surrendered to the cabinet his license certificate.

- (3) If upon investigation the cabinet ascertains that any motor carrier or heavy equipment motor carrier to whom a license has been issued is no longer engaged as such and has not been so engaged for a period of six (6) months, the cabinet may cancel such license by giving the motor carrier or heavy equipment motor carrier sixty (60) days' notice of cancellation mailed to his last known address in which event the license certificate shall be surrendered to the cabinet.
- (4) Whenever a licensee ceases to engage in business within this state, he shall notify the cabinet in writing within fifteen (15) days after discontinuance. All taxes that have accrued under KRS 138.655 to 138.725, inclusive, whether or not then due, shall become due and payable concurrently with such discontinuance. The licensee shall make a report and pay all such taxes and any interest and penalties thereon, and shall surrender to the cabinet his license certificate.
- (5) If the license of a motor carrier or heavy equipment motor carrier is canceled by the cabinet as provided in this section and if the licensee has paid to this state all of the taxes, interest and penalties due under KRS 138.655 to 138.725 and 138.990 ~~(13) and (14) and (15)~~, the cabinet shall cancel the bond filed by the licensee.

➔Section 14. KRS 138.990 is amended to read as follows:

- (1) Any person who violates any provision of KRS 138.140, 138.146, or 138.195 for which a specific penalty is not provided shall be guilty of a violation for the first offense; for each such subsequent offense, he shall be guilty of a Class A misdemeanor. These penalties shall be in addition to the civil penalties provided by KRS 138.165, 138.185, and 138.205.
- (2) Any person who fails to supply the information required by subsection (8) of KRS 138.195 shall be guilty of a violation; for each subsequent offense, he shall be guilty of a Class B misdemeanor. These penalties shall be in addition to any civil penalty provided by KRS 138.165, 138.185, and 138.205.
- (3) Any person violating subsection (10) of KRS 138.195 or any regulations adopted thereunder shall be guilty of a Class A misdemeanor. This penalty shall be in addition to any civil penalty provided by KRS 138.165, 138.185, and 138.205.
- (4) Any person who makes a false entry upon any invoices or any record relating to the purchase, possession, transportation, or sale of cigarettes, and presents any such false entry to the department or any of its agents with the intent to avoid any tax imposed by KRS 138.130 to 138.205, shall be guilty of a Class D felony.
- (5) Any person who shall counterfeit any cigarette tax evidence shall be guilty of a Class D felony.
- (6) Any person who sells, offers to sell, or uses counterfeit cigarette tax evidence, affixed or unaffixed, with the intention of evading any tax imposed by KRS 138.130 to 138.205 shall be guilty of a Class D felony.
- (7) Any person who fails to remit gasoline or special fuel tax money to the state as provided in KRS 138.280 is guilty of embezzlement of state funds. Embezzlement of state funds, for the first offense, shall be a Class A misdemeanor, and for the second offense, shall be a Class D felony.
- (8) Any person who violates any of the provisions of KRS 138.300 shall be guilty of a Class A misdemeanor. This penalty shall be in addition to the penalty provided in subsection (7) of this section.
- (9) Any person who violates KRS 138.310 shall be guilty of a Class A misdemeanor. Each day or part of a day of doing business as a dealer without an uncanceled license shall be a separate offense.
- (10) (a) Any person who willfully and fraudulently gives a false statement as to the total and actual consideration paid for a motor vehicle under KRS 138.450 shall be guilty of a Class D felony and shall be fined not less than two thousand dollars (\$2,000) per offense.
- (b) Any person who violates any of the other provisions of KRS 138.460 to 138.470 shall be fined not less than twenty-five dollars (\$25) nor more than one thousand dollars (\$1,000) and if the offender is an individual, he shall be guilty of a Class A misdemeanor.
- (11) ~~Any person who violates any of the provisions of KRS 138.480 or 138.490 shall be guilty of a Class B misdemeanor.~~

- ~~(12)~~ If any offender under the provisions of subsections (1) to (9)~~, (11)~~ or ~~(15)~~~~(16)~~ of this section is a corporation, the principal officer or the officer directly responsible for the violation, or both, may be imprisoned as provided in those subsections.
- ~~(12)~~~~(13)~~ Any person who violates any provision of subsection (1) of KRS 138.354, whether or not his permit has been revoked, shall be guilty of a Class A misdemeanor.
- ~~(13)~~~~(14)~~ Any person violating any provision of KRS 138.655 to 138.725 is guilty of a Class A misdemeanor.
- ~~(14)~~~~(15)~~ In addition to the penalties provided in *subsection (13) of this section*~~[KRS 138.990(14)]~~, the motor vehicle or vehicles of any person violating any provision of KRS 138.720 shall be subject to seizure by any officer duly authorized to enforce the provisions of KRS 138.655 to 138.725.
- ~~(15)~~~~(16)~~ Any person violating KRS 138.175 shall be guilty of a Class D felony.
- ~~(16)~~~~(17)~~ Any person who intentionally evades payment of the tax imposed by KRS 138.460 or 138.463 shall be liable for the taxes evaded, with applicable interest and penalties, and in addition shall be guilty of:
- (a) A Class B misdemeanor if the amount of tax evaded is two hundred fifty dollars (\$250) or less; and
 - (b) A Class A misdemeanor if the amount of tax evaded is greater than two hundred fifty dollars (\$250).

➔Section 15. KRS 230.240 is amended to read as follows:

- (1) In addition to the employees referred to in KRS 230.230, the executive director of the racing commission may employ, dismiss, or take other personnel action and determine the reasonable compensation of stewards, supervisors of mutuels, veterinarians, inspectors, accountants, security officers, and other employees deemed by the executive director to be essential at or in connection with any horse race meeting and in the best interest of racing. Three (3) Thoroughbred stewards shall be employed at each Thoroughbred race meeting. Two (2) stewards shall be employed and compensated by the Commonwealth, subject to reimbursement by the racing associations pursuant to subsection (3) of this section. One (1) Thoroughbred steward shall be employed and compensated by the racing association hosting the race meeting. Three (3) standardbred judges shall be employed at each standardbred race meeting. Two (2) standardbred judges shall be employed and compensated by the Commonwealth, subject to reimbursement by the racing associations pursuant to subsection (3) of this section. One (1) standardbred judge shall be employed and compensated by the racing association hosting the race meeting. The security officers shall be peace officers and conservators of the peace on racing commission property and at all race tracks and grounds in the Commonwealth and shall possess all the common law and statutory powers and privileges now available or hereafter made available to sheriffs, constables, and police officers for the purpose of enforcing all laws relating directly or indirectly to the conduct of horse racing and pari-mutuel wagering thereon, or the enforcement of laws relating to the protection of persons or property on premises licensed by the racing commission. The racing commission, for the purpose of maintaining integrity and honesty in racing, shall prescribe by administrative regulation the powers and duties of the persons employed under this section and qualifications necessary to competently perform their duties. In addition, the racing commission shall be responsible for seeing that racing officials employed under the provisions of this section have adequate training to perform their duties in a competent manner.
- (2) The racing commission shall promulgate administrative regulations for effectively preventing the use of improper devices, and restricting or prohibiting the use and administration of drugs or stimulants or other improper acts to horses prior to the horse participating in a race. The racing commission may acquire, operate, and maintain, or contract for the maintenance and operation of, a testing laboratory and related facilities, for the purpose of saliva, urine, or other tests, and to purchase supplies and equipment for and in connection with the laboratory or testing processes. The expense of the laboratory or other testing processes, whether furnished by contract or otherwise, together with all supplies and equipment used in connection therewith, shall be paid by the various associations licensed under this chapter in the manner and in proportions as the racing commission shall by administrative regulation provide.
- (3) The *expenses of the commission and the* compensation of ~~all~~~~the~~ employees referred to in this section shall be paid by the licensee conducting ~~a~~~~the~~ horse race meeting *or pari-mutuel wagering on live or historic horse racing*~~[in connection with which the employees are utilized or employed]~~. The salary of the executive director to the racing commission shall be prorated among and paid by the various associations licensed under this chapter in the manner as the racing commission shall, by administrative regulation, provide. Except for the Thoroughbred steward and the standardbred judge authorized in subsection (1) of this section, the employees

referred to in this section shall be deemed employees of the racing commission, and are paid by the licensee or association ~~[for convenience only]~~.

- (4) Each person, as a condition precedent to the privilege of receiving a license under this chapter to conduct a horse race meeting, shall be deemed to have agreed to pay expenses and compensation as provided in this section and as may be actually and reasonably incurred.

➔Section 16. KRS 230.260 is amended to read as follows:

The racing commission, in the interest of breeding or the improvement of breeds of horses, shall have all powers necessary and proper to carry out fully and effectually the provisions of this chapter including but without limitation the following:

- (1) The racing commission is vested with jurisdiction and supervision over all horse race meetings in this Commonwealth and over all associations and all persons on association grounds and may eject or exclude therefrom or any part thereof, any person, licensed or unlicensed, whose conduct or reputation is such that his presence on association grounds may, in the opinion of the racing commission, reflect on the honesty and integrity of horse racing or interfere with the orderly conduct of horse racing or racing at horse race meetings; provided, however, no persons shall be excluded or ejected from association grounds solely on the ground of race, color, creed, national origin, ancestry, or sex;
- (2) The racing commission is vested with jurisdiction over any person or entity that offers advance deposit account wagering to Kentucky residents. Any such person or entity under the jurisdiction of the racing commission shall be licensed by the racing commission, and the racing commission may impose a license fee not to exceed ten thousand dollars (\$10,000) annually. The racing commission shall, by administrative regulation promulgated in accordance with KRS Chapter 13A, establish conditions and procedures for the licensing of advance deposit account wagering providers to include but not be limited to:
 - (a) A fee schedule for applications for licensure; and
 - (b) Reporting requirements to include quarterly reporting on:
 1. The amount wagered on Kentucky races; and
 2. The total amount wagered by Kentuckians;
- (3) The racing commission is vested with jurisdiction over any totalisator company that provides totalisator services to a racing association located in the Commonwealth. A totalisator company under the jurisdiction of the racing commission shall be licensed by the racing commission, regardless of whether a totalisator company is located in the Commonwealth or operates from a location or locations outside of the Commonwealth, and the racing commission may impose a license fee on a totalisator company. The racing commission shall, by administrative regulation promulgated in accordance with KRS Chapter 13A, establish conditions and procedures for the licensing of totalisator companies, and a fee schedule for applications for licensure;
- (4) The racing commission is vested with jurisdiction over any manufacturer, wholesaler, distributor, or vendor of any equine drug, medication, therapeutic substance, or metabolic derivative which is purchased by or delivered to a licensee or other person participating in Kentucky horse racing by means of the Internet, mail delivery, in-person delivery, or other means;
- (5) The racing commission is vested with jurisdiction over any horse training center or facility in the Commonwealth that records official timed workouts for publication;
- (6) The racing commission may require an applicant for a license under subsections (2) and (3) of this section to submit to a background check of the applicant, or of any individual or organization associated with the applicant. An applicant shall be required to reimburse the racing commission for the cost of any background check conducted;
- (7) The racing commission, its representatives and employees, may visit, investigate and have free access to the office, track, facilities, or other places of business of any licensee, or any person owning a horse or performing services regulated by this chapter on a horse registered to participate in a breeders incentive fund under the jurisdiction of the racing commission;
- (8) The racing commission shall have full authority to prescribe necessary and reasonable administrative regulations and conditions under which horse racing at a horse race meeting shall be conducted in this state and to fix and regulate the minimum amount of purses, stakes, or awards to be offered for the conduct of any horse race meeting;

- (9) Applications for licenses shall be made in the form, in the manner, and contain information as the racing commission may, by administrative regulation, require. Fees for all licenses issued under KRS 230.310 shall be prescribed by and paid to the racing commission;
- (10) The racing commission shall establish by administrative regulation minimum fees for jockeys to be effective in the absence of a contract between an employing owner or trainer and a jockey. The minimum fees shall be no less than those of July 1, 1985;
- (11) The racing commission may refuse to issue or renew a license, revoke or suspend a license, impose probationary conditions on a license, issue a written reprimand or admonishment, impose fines or penalties, deny purse money, require the forfeiture of purse money, or any combination thereof with regard to a licensee or other person participating in Kentucky horse racing for violation of any federal or state statute, regulation, or steward's or racing commission's directive, ruling, or order to preserve the integrity of Kentucky horse racing or to protect the racing public. The racing commission shall, by administrative regulation, establish the criteria for taking the actions described in this subsection;
- (12) The racing commission may issue subpoenas for the attendance of witnesses before it and for the production of documents, records, papers, books, supplies, devices, equipment, and all other instrumentalities related to pari-mutuel horse racing within the Commonwealth. The racing commission may administer oaths to witnesses and require witnesses to testify under oath whenever, in the judgment of the racing commission, it is necessary to do so for the effectual discharge of its duties;
- (13) The racing commission shall have authority to compel any racing association licensed under this chapter to file with the racing commission at the end of its fiscal year, a balance sheet, showing assets and liabilities, and an earnings statement, together with a list of its stockholders or other persons holding a beneficial interest in the association; and
- (14) The racing commission shall promulgate administrative regulations establishing safety standards for jockeys, which shall include the use of rib protection equipment. Rib protection equipment shall not be included in a jockey's weight.
- (15) (a) *The racing commission shall promulgate administrative regulations establishing a self-exclusion list for individuals who self-identify as being problem or compulsive gamblers.*
- (b) *Each racing association shall display a notice to the public of the self-exclusion list and the method or methods individuals may use to self-identify at the track, online, or by phone.*
- (c) *Self-exclusion information collected by each racing association shall be forwarded to the racing commission, and the information from the racing associations shall be compiled into a comprehensive list that shall be provided to all racing associations.*
- (d) *Pursuant to KRS 61.878(1)(a), information collected under this subsection shall be excluded from the application of KRS 61.870 to 61.884.*

➔Section 17. KRS 230.360 is amended to read as follows:

- (1) The provisions of this chapter are intended to be statewide and exclusive in their effect and no city, county, or other political subdivision of state government shall have the power or authority to make or enforce any local laws, ordinances, or regulations on the subject of horse race meetings.
- (2) Any person licensed under KRS 230.300 shall continue to pay, or be responsible for the payment of, all:
- (a) State taxes presently imposed by law, including but without limitation, license taxes imposed under KRS 137.170 to 137.190~~[,]~~ and ~~[KRS 137.990 together with admission taxes imposed by KRS 138.480, and]~~ the pari-mutuel taxes imposed by KRS 138.510 to 138.550, and all state *ad valorem taxes; and*
- (b) ~~[, as well as]~~ Local~~[,]~~ ad valorem taxes *and the license taxes when levied as permitted by Sections 1, 2, and 3 of this Act.*
- (3) ~~[, provided, however,]~~ No tax shall be imposed by the state or any subdivision thereof upon, or measured by, that portion of the excise tax imposed upon pari-mutuel betting at running and trotting horse race tracks which is collected and retained by the operators thereof under the provisions of KRS 138.510 to 138.550, both inclusive.

➔Section 18. KRS 230.3615 is amended to read as follows:

- (1) The commission, including the tax levied in KRS 138.510, deducted from the gross amount wagered by the association which operates a race track under the jurisdiction of the Kentucky Horse Racing Commission and conducts the Thoroughbred racing at which betting is conducted through a pari-mutuel or other similar system, in races where the patron is required to select one (1) horse, and the breaks, which breaks shall be made and calculated to the *penny, except on races previously run in which the breaks shall be made and calculated to the penny or retained in the pari-mutuel pools*, ~~[dime, shall not be more than sixteen percent (16%) at the discretion of those tracks averaging over one million two hundred thousand dollars (\$1,200,000) in on track pari mutuel handle per day of live racing conducted by the association. The commission at those tracks averaging one million two hundred thousand dollars (\$1,200,000) or less in on track pari mutuel handle per day of live racing conducted by the association, at the discretion of such track,]~~ shall not be more than seventeen and one-half percent (17.5%) ~~[in races where the patron is required to select one (1) horse, and the breaks, which breaks shall be made and calculated to the dime].~~
- (2) The commission ~~[at those tracks averaging over one million two hundred thousand dollars (\$1,200,000) in on track pari mutuel handle per day of live racing conducted by the association]~~, including the tax levied in KRS 138.510, deducted from the gross amount wagered by the person, corporation, or association which operates a race track under the jurisdiction of the Kentucky Horse Racing Commission and conducts Thoroughbred racing at which betting is conducted through a pari-mutuel or other similar system shall not exceed ~~[nineteen percent (19%) of the gross handle in races where the patron is required to select two (2) or more horses, and the breaks, which breaks shall be made and calculated to the dime. The commission, at those tracks averaging one million two hundred thousand dollars (\$1,200,000) or less in on track pari mutuel handle per day of live racing conducted by the association, including the tax levied in KRS 138.510, deducted from the gross amount wagered by the association which operates a race track under the jurisdiction of the Kentucky Horse Racing Commission and conducts Thoroughbred racing at which betting is conducted through a pari mutuel or other similar system shall not exceed]~~ twenty-two percent (22%) of the gross handle in races where the patron is required to select two (2) or more horses, and the breaks, which breaks shall be made and calculated to the *penny, except on races previously run in which the breaks shall be made and calculated to the penny or retained in the pari-mutuel pools* ~~[dime].~~
- (3) The minimum wager to be accepted by any licensed association shall be ten cents (\$0.10). The minimum pay-off on a one dollar (\$1) wager shall be one dollar and ten cents (\$1.10); but, in the event of a minus pool, the minimum pay-off for a one dollar (\$1) wager shall be one dollar and five cents (\$1.05).
- (4) Each association conducting Thoroughbred racing ~~[and averaging one million two hundred thousand dollars (\$1,200,000) or less in on track pari mutuel handle per day of live racing conducted by the association]~~ shall pay to the racing commission all moneys allocated to the backside improvement fund in an amount equal to one-half of one percent (0.5%) of its on-track pari-mutuel wagers.

➔Section 19. KRS 230.378 is amended to read as follows:

- (1) A receiving track may accept wagers only at the track where it is licensed to conduct its race meeting or conduct intertrack wagering. A receiving track may accept wagers through a telephone account wagering system. Wagers at a receiving track, simulcast facility, or on telephone account wagering shall form a common pool with wagers at a host track. This common pool requirement shall not apply to wagers made in connection with interstate simulcasting pursuant to KRS 230.3771; however, common pools shall be encouraged.
- (2) Except as provided in KRS 230.3771(2), the commission of a receiving track, simulcast facility, or on telephone account wagering shall be the same as the commission of the host track as determined in KRS 230.3615 or 230.750.
- (3) In the absence of a valid contract with a horsemen's organization, the commission of a receiving track, after deduction of applicable taxes and other applicable deductions, shall be split as follows: twenty-two percent (22%) to the host track, twenty-two percent (22%) to the purse program at the host track, twenty-two percent (22%) to the receiving track and twenty-two percent (22%) to the purse program at the receiving track. Twelve percent (12%) of the commission shall be allocated evenly between the host track and the receiving track to cover the cost of simulcasting, unless otherwise agreed to by contract.
- (4) The deduction for the backside improvement fund, as provided for in KRS 230.3615(4) shall not apply to the commission or pari-mutuel tax of a receiving track or telephone account wagering.
- (5) A receiving track shall be exempt from ~~[the admissions tax levied in KRS 138.480 and from]~~ any license fee imposed by statute or regulation by the racing commission.

➔Section 20. KRS 230.380 is amended to read as follows:

- (1) Any track licensed by the racing commission to conduct horse racing and desiring to establish a simulcast facility shall apply for and may receive approval from the racing commission for each simulcast facility. Prior to considering an application for approval of a simulcast facility, the racing commission shall notify by regular mail, each state senator, state representative, county judge/executive, and mayor in the jurisdiction in which the proposed simulcast facility is located, at least ten (10) days in advance of the racing commission meeting at which the application is to be considered or voted upon. Consideration of an application shall be based on criteria contained in administrative regulations promulgated under KRS 230.300. Approval, if granted, shall be granted for a term of one (1) calendar year.
- (2) A track or tracks may proceed with the establishment of a simulcast facility unless, within sixty (60) days of the date on which the racing commission approved the facility, the governing body of the local government jurisdiction in which the facility is to be located votes, by simple majority of those voting, to disapprove the establishment of the simulcast facility. For the purposes of this section, "governing body" means, in an incorporated area, the board of aldermen, city council or board of commissioners; in a county, the fiscal court; in an urban-county government, the urban-county council, or in a charter county, the legislative body created in accordance with KRS 67.825 to 67.875.
- (3) The racing commission shall not approve the establishment of any simulcast facility within a radius of fifty (50) miles of a licensed track. The racing commission may approve the establishment of one (1) simulcast facility within a radius of greater than fifty (50) miles but less than seventy-five (75) miles of a licensed track, but the facility shall not be approved to operate without the prior written consent of the licensed track within whose seventy-five (75) mile radius the facility is located.
- (4) The racing commission may promulgate administrative regulations as it deems appropriate to protect the integrity of pari-mutuel wagering at any simulcast facility.
- (5) Licensed tracks conducting horse racing may enter into joint agreements to establish or operate one (1) or more simulcast facilities, on terms and conditions as the participating tracks may determine. Any agreements respecting these arrangements shall be filed with the racing commission, and applications for simulcast facilities shall be filed by and licenses may be issued to, these licensed tracks by the racing commission.
- (6) A simulcast facility may be established and operated on property that is owned or leased and which is not used solely for the operation of a simulcast facility; provided however, that a simulcast facility may not be established on the premises of a lottery vendor.
- (7) A simulcast facility shall not be subject to and shall not pay any excise tax imposed pursuant to KRS 138.510, ~~or any license tax imposed under KRS 137.170, or any admission tax imposed under KRS 138.480.~~
- (8) One percent (1%) of all moneys wagered at a simulcast facility shall be dedicated for local economic development and shall be allocated as follows:
 - (a) If a simulcast facility is located in an incorporated area, seventy-five percent (75%) shall be allocated to the governing body of the city in which the facility is located, and twenty-five percent (25%) to the governing body of the county in which the facility is located.
 - (b) If a simulcast facility is located in an unincorporated area, all moneys shall be allocated to the governing body of the county or charter county in which the facility is located.
- (9) (a) After the deduction of moneys under subsection (8), simulcast facility shall deduct a commission allowed under KRS 230.3615 with respect to all wagers made at the simulcast facility. The commission, less moneys allocated in subsection (8) of this section, shall be split as follows:
 1. Thirty percent (30%) shall be allocated to the host track;
 2. Forty-six and one-half percent (46.5%) to the purse program at the host track;
 3. Thirteen and one-half percent (13.5%) to be retained by the track or tracks owning the simulcast facility for the purpose of application to expenses incurred in connection therewith;
 4. Six percent (6%) to be allocated to the Kentucky Thoroughbred Owners and Breeders, Inc., to be expended as follows:
 - a. Up to three percent (3%) for capital improvements and promotion of off-track betting; and
 - b. The remainder for marketing and promoting the Kentucky Thoroughbred industry; and

5. Four percent (4%) to be allocated to the racing commission to be used for purses at county fairs in Kentucky licensed and approved by the racing commission, and for the standardbred sires stakes program established under KRS 230.770.
 - (b) The commission of a simulcast facility derived from interstate wagering shall be reduced by any amounts required to be paid by contract to the host track or track conducting the live race before it is divided as set forth in this section. No simulcast facility may receive any interstate simulcast except with the approval of the live Kentucky host track.
 - (c) The Kentucky Thoroughbred Owners and Breeders, Inc., shall annually report to the racing commission on all money expended in accordance with subsection (9)(a)4. of this section. The report shall be in the form required, and provide all information required by the racing commission.
- (10) Subsections (1) and (2) of this section shall also apply to the establishment by a track of a noncontiguous facility in a county in which pari-mutuel racing and wagering is not being conducted. Subsection (8) of this section shall also apply to a noncontiguous race track facility referenced in this subsection, unless there is a written agreement to the contrary between the track establishing the facility and the governing body of the local government jurisdiction in which the facility is to be established.

➔Section 21. KRS 230.400 is amended to read as follows:

- (1) There is hereby created a trust and revolving fund for the Kentucky Horse Racing Commission, designated as the Kentucky Thoroughbred development fund, consisting of money allocated to the fund under the provisions of KRS 138.510, together with other money contributed to or allocated to the fund from all other sources. Money to the credit of the Kentucky Thoroughbred development fund shall be distributed by the Treasurer for the purposes of this section upon authorization of the Kentucky Horse Racing Commission and upon approval of the secretary of the Finance and Administration Cabinet. Money from the Kentucky Thoroughbred development fund shall be allocated to each licensed association in an amount equal to the amount the association contributed to the fund. Money to the credit of the Kentucky Thoroughbred development fund at the end of each fiscal year shall not lapse, but shall be carried forward in such fund to the succeeding fiscal year.
- (2) There is hereby established, under the general jurisdiction of the Kentucky Horse Racing Commission, a Kentucky Thoroughbred Development Fund Advisory Committee. The advisory committee shall consist of five (5) members, all of whom shall be residents of Kentucky, to be appointed by the chairman of the Kentucky Horse Racing Commission by July 1 of each year. The committee shall consist of two (2) Thoroughbred breeders recommended by the Kentucky Thoroughbred Owners and Breeders, Inc.; one (1) Thoroughbred owner recommended by the Kentucky division of the Horsemen's Benevolent and Protective Association; one (1) officer or director of a licensed association conducting Thoroughbred racing in Kentucky, recommended by action of all of the licensed associations conducting Thoroughbred racing in Kentucky; and one (1) member of the Kentucky Horse Racing Commission. If any member other than the racing commission member has not been recommended for appointment by July 1 of each year, the chairman of the Kentucky Horse Racing Commission shall make an appointment for the organization or organizations failing to recommend a member of the committee. The members of the advisory committee shall serve without compensation, but shall be entitled to reimbursement for all expenses incurred in the discharge of official business. The advisory committee shall select from its membership annually a chairman and a vice chairman.
- (3)
 - (a) The Kentucky Thoroughbred Development Fund Committee shall advise and assist the Kentucky Horse Racing Commission in the development of the supplemental purse program provided herein for Kentucky-bred Thoroughbreds, shall make recommendations to the racing commission from time to time with respect to the establishment of guidelines, administrative regulations for the provision of supplemental purses, the amount thereof, the races for which the purses are to be provided and the conditions thereof, manner and method of payment of supplemental purses, registry of Thoroughbred stallions standing within the Commonwealth of Kentucky, registry of Kentucky-bred Thoroughbreds for purposes of this section, nature and type of forms and reports to be employed and required in connection with the establishment, provision for, award and payment of supplemental purses, and with respect to all other matters necessary in connection with the carrying out of the intent and purposes of this section.
 - (b) The Kentucky Horse Racing Commission shall employ qualified personnel as may be required to assist the racing commission and the advisory committee in carrying out the provisions of this section. These persons shall serve at the pleasure of the racing commission and compensation for these personnel shall be fixed by the racing commission. The compensation of these personnel and the necessary expenses

incurred by the racing commission or by the committee in carrying out the provisions of this section shall be paid out of the Kentucky Thoroughbred development fund.

- (4) The Kentucky Horse Racing Commission, with the advice and assistance of the Kentucky Thoroughbred Development Fund Advisory Committee, shall use the Kentucky Thoroughbred development fund to promote, enhance, improve, and encourage the further and continued development of the Thoroughbred breeding industry in Kentucky by providing, out of the Kentucky Thoroughbred development fund, supplemental purses for designated stakes, handicap, allowance, nonclaiming maiden races, and ~~allowance optional~~ claiming races ~~for a claiming price of not less than twenty five thousand dollars (\$25,000)~~ contested at licensed Thoroughbred race meetings in Kentucky. The Kentucky Horse Racing Commission shall, by administrative regulation promulgated in accordance with KRS Chapter 13A, establish the requirements, conditions, and procedures for awarding and payment of supplemental purses in designated races by Kentucky-bred Thoroughbred horses. That portion of the supplemental purse provided for any designated race shall be awarded and paid to the owner of the horse only if the horse is a Kentucky-bred Thoroughbred duly registered with the official registrar. Any portion of the supplemental purse which is not awarded and paid over shall be returned to the Kentucky Thoroughbred development fund.
- (5)
 - (a) For purposes of this section, the term "Kentucky Thoroughbred stallion" shall mean and include only a Thoroughbred stallion standing the entire breeding season in Kentucky and registered as a Kentucky Thoroughbred stallion with the official registrar of the Kentucky Thoroughbred development fund.
 - (b) Except for Thoroughbred horses foaled prior to January 1, 1980, the term "Kentucky-bred Thoroughbreds," for purposes of this section, shall mean and include only Thoroughbred horses sired by Kentucky Thoroughbred stallions foaled in Kentucky and registered as a Kentucky-bred Thoroughbred with the official registrar of the Kentucky Thoroughbred development fund.
 - (c) Any Thoroughbred horse foaled prior to January 1, 1980, may qualify as a Kentucky-bred Thoroughbred for purposes of this section if the horse was foaled in Kentucky and if the sire of the Thoroughbred was standing at stud within Kentucky at the time of conception of such Thoroughbred, provided the Thoroughbred is duly registered as a Kentucky-bred Thoroughbred with the official registrar of the Kentucky Thoroughbred development fund.
 - (d) In order for an owner of a Kentucky-sired Thoroughbred to be eligible to demand, claim, and receive a portion of a supplemental purse provided by the Kentucky Thoroughbred development fund, the Thoroughbred horse in a designated race for which a supplemental purse has been provided by the Kentucky Thoroughbred development fund must have been duly registered as a Kentucky-bred Thoroughbred with the official registrar of the Kentucky Thoroughbred development fund prior to entry in the race.
- (6)
 - (a) Kentucky Thoroughbred Owners and Breeders, Inc., is hereby recognized and designated as the sole official registrar of the Kentucky Thoroughbred development fund for the purposes of registering Kentucky Thoroughbred stallions and Kentucky-bred Thoroughbreds in accordance with the terms of this section and any administrative regulations promulgated by the Kentucky Horse Racing Commission. When a Kentucky-bred Thoroughbred is registered with the official registrar, the registrar shall be authorized to stamp the Jockey Club certificate issued for the Thoroughbred with the seal of the registrar, certifying that the Thoroughbred is a duly qualified and registered Kentucky-bred Thoroughbred for purposes of this section. The registrar may establish and charge, with the approval of the racing commission, reasonable registration fees for its services in the registration of Kentucky Thoroughbred stallions and in the registration of Kentucky-bred Thoroughbreds. Registration records of the registrar shall be public records and open to public inspection at all normal business hours and times.
 - (b) Any interested party aggrieved by the failure or refusal of the official registrar to register a stallion or Thoroughbred as a Kentucky stallion or as a Kentucky-bred Thoroughbred shall have the right to file with the racing commission, within thirty (30) days of such failure or refusal of the registrar, a petition seeking registration of the Thoroughbred. The racing commission shall promptly hear the matter de novo and issue its order directing the official registrar to register or not to register as it may be determined by the racing commission.
- (7) The Kentucky Horse Racing Commission shall promulgate administrative regulations as may be necessary to carry out the provisions and purposes of this section, including the promulgation of administrative regulations and forms as may be appropriate for the proper registration of Kentucky stallions and Kentucky-bred Thoroughbreds with the official registrar, and shall administer the Kentucky-bred Thoroughbred program

created hereby in a manner best designed to promote and aid in the further development of the Thoroughbred breeding industry in Kentucky, to upgrade the quality of Thoroughbred racing in Kentucky, and to improve the quality of Thoroughbred horses bred in Kentucky.

➔Section 22. KRS 230.550 is amended to read as follows:

- (1) There is hereby established an Equine Industry Program at the University of Louisville, under the general control and direction of the university. The purpose of the Equine Industry Program is to provide training and educational opportunities in the horse racing industry relating to, but not limited to, finance, management, marketing, regulation and administration aspects of the horse racing industry, in accordance with the industry needs as determined by the university.
- (2) There is hereby created a trust and revolving fund for ~~the~~ equine industry *programs at the University of Louisville, the University of Kentucky, and the Bluegrass Community and Technical College* ~~[Program]~~, consisting of money allocated to the fund together with money as may be contributed to the fund from all other sources. Money to the credit of the ~~Equine Industry Program~~ fund at the end of each fiscal year shall not lapse but shall be carried forward to the succeeding fiscal year. ~~Money from the Equine Industry Program fund shall be administered by the University of Louisville and shall be allocated for the funding of the Equine Industry Program.~~
- (3) The University of Louisville shall utilize personnel and facilities of the University of Kentucky *and the Bluegrass Community and Technical College* when appropriate for assistance in any cooperative undertakings the University of Louisville may wish to enter into with the University of Kentucky *or the Bluegrass Community and Technical College* relating to the Equine Industry Program.

➔Section 23. KRS 230.750 is amended to read as follows:

The commission, including the tax levied in KRS 138.510, deducted from the gross amount wagered by the person, corporation, or association which operates a harness horse track under the jurisdiction of the racing commission at which betting is conducted through a pari-mutuel or other similar system shall not exceed eighteen percent (18%) of the gross amount handled on straight wagering pools and twenty-five percent (25%) of the gross amount handled on multiple wagering pools, plus the breaks, which shall be made and calculated to the *penny, except on races previously run in which the breaks shall be made and calculated to the penny or retained in the pari-mutuel pools* ~~[time]~~. Multiple wagering pools shall include daily double, perfecta, double perfecta, quinella, double quinella, trifecta, and other types of exotic betting. An amount equal to three percent (3%) of the total amount wagered and included in the commission of a harness host track shall be allocated by the harness host track in the following manner. Two percent (2%) shall be allocated to the host for capital improvements, promotions, including advertising, or purses, as the host track shall elect. Three-quarters of one percent (3/4 of 1%) shall be allocated to overnight purses. One-quarter of one percent (1/4 of 1%) shall be allocated to the Kentucky standardbred development fund. This allocation shall be made after deduction from the commission of the pari-mutuel tax but prior to any other deduction, allocation or division of the commission.

➔Section 24. KRS 230.781 is amended to read as follows:

Except as otherwise provided in KRS 230.779(7), the operator of a hub shall not be subject to any fee or tax imposed on racetracks or simulcast facilities under KRS 137.170, ~~138.480~~, 138.510, or Chapter 230 for the hub operator's wagering and simulcast operations established under KRS 230.775 to 230.785.

➔Section 25. KRS 230.783 is amended to read as follows:

- (1) Any wager that is made for an account maintained with the hub operator shall be considered to have been made in the Commonwealth of Kentucky.
- (2) Account holders may communicate instructions concerning account wagers to the hub only by telephonic or other electronic means.
- (3) None of the following wagers shall be processed through a hub:
 - (a) A wager on live racing accepted by a track;
 - (b) A telephone account wager accepted by a track;
 - (c) An intertrack wager accepted by a receiving track or simulcast facility; or
 - (d) An interstate wager accepted by a receiving track or simulcast facility.

- (4) Any hub that processes any of the wagers delineated in subsection (3) of this section from a track, receiving track, or simulcast facility shall be subject to revocation of its hub license.
- (5) Except as provided in KRS 230.752, nothing in KRS 230.775 to 230.785 shall exempt racetracks or simulcast facilities from any taxes imposed under KRS 137.170~~, 138.480~~, 138.510, or Chapter 230.

➔Section 26. The following KRS sections are repealed:

138.480 State tax on race track admissions.

138.490 Report and payment of tax -- Civil penalty.

230.555 Equine Industry Advisory Commission.

Signed by Governor April 8, 2022.

CHAPTER 125

(HB 643)

AN ACT relating to the regulation of the mortgage loan industry.

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

➔Section 1. KRS 286.8-010 is amended to read as follows:

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

- (1) "Affiliate" means any person who directly or indirectly through one (1) or more intermediaries, controls, ~~for~~ is controlled by, or is under common control with another person;
- (2) "*Alternate work location*":
- (a) *Means a physical location, other than the principal office or a branch, at which the employees of a licensee are authorized by the licensee to remotely engage in the mortgage lending process; and*
- (b) *May include a physical location, other than the principal office or a branch, where an employee:*
1. *Completes mortgage-related activities if the location is not maintained or utilized for the purpose of conducting in-person mortgage lending business; and*
 2. *Meets in person at the convenience of the borrower on an infrequent or as-needed basis in order to complete the mortgage lending process if the location is not the employee's home*~~["Department" means the Department of Financial Institutions];~~
- (3) ~~["Commissioner" means the commissioner of the department;~~
- (4) ~~"]~~"Applicant" means a person filing an application or renewal application for a license, registration, or claim of exemption under this subtitle;
- (4)~~(5)~~ "Borrower" means any person that seeks, applies for, or obtains a mortgage loan;
- (5)~~(6)~~ "Branch" or "branches":
- (a) Means any location, other than the mortgage loan company's or mortgage loan broker's principal ~~office~~~~location~~, where the mortgage loan company, mortgage loan broker, or its employees maintain a physical presence for the purpose of conducting business in the mortgage lending process, including the servicing of mortgage loans; **and**
- (b) **Shall not include an alternate work location;**
- (6)~~(7)~~ (a) "Classroom" means a physical classroom environment in which teachers and participants are physically present for the teaching of a course.
- (b) Courses taught through Internet, mail, or correspondence classes shall not be considered to be courses taught in a classroom;

- ~~{(8)}~~ "Clerical or support duties" means administrative functions such as gathering information, requesting information, word processing, sending correspondence, or assembling files, and may include:
- ~~(a)~~ The receipt, collection, distribution, and analysis of information common for the processing or underwriting of a residential mortgage loan; or
 - ~~(b)~~ Any communication with a borrower to obtain the information necessary for the processing or underwriting of a loan, to the extent that such communication does not include taking a residential mortgage loan application, assisting a borrower or prospective borrower with the preparation of documents necessary to obtain a mortgage loan, offering or negotiating loan rates or terms, or counseling consumers about residential mortgage loan rates or terms;}
- ~~(7){(9)}~~ "Control" means the power, directly or indirectly, to direct the management or policies of a company, whether through ownership of securities, by contract, or otherwise;
- ~~{(10)}~~ "Control records" means all records relating to the operation of a branch that are necessary to exercise control and supervision over the branch;}
- ~~(8){(11)}~~ "Criminal syndicate" means five (5) or more persons collaborating to promote or engage in any pattern of residential mortgage fraud on a continuing basis;
- ~~(9){(12)}~~ "Depository institution" means a depository institution as defined in the Federal Deposit Insurance Act, 12 U.S.C. sec. 1813(c), and amendments thereto, and includes any credit union;
- ~~(10){(13)}~~ "Employ or use" means to employ, utilize, or contract with a person or the person's employees for the purpose of participating in the mortgage lending process, including the servicing of mortgage loans;
- ~~(11){(14)}~~ "Immediate family member" means a spouse, child, sibling, parent, grandparent, or grandchild;
- ~~(12){(15)}~~ "Licensee" means a person to whom a license has been issued;
- ~~(13){(16)}~~ "Managing principal" means a natural person who:
- ~~(a)~~ Meets the requirements of KRS 286.8-032(6); and~~{ who}~~
 - ~~(b)~~ Agrees to actively participate in and be primarily responsible for the operations of a licensed mortgage loan broker;
- ~~(14){(17)}~~ "Mortgage lending process":
- ~~(a)~~ Means the process through which a person seeks or obtains a mortgage loan; ~~and{, including}~~
 - ~~(b)~~ **Includes** the solicitation, application, origination, negotiation of terms, processing, underwriting, signing, closing, and funding of a mortgage loan and the services provided incident to a mortgage loan, including the appraisal of the residential real property~~{. Documents involved in the mortgage lending process include but are not limited to:~~
 - ~~(a)~~ Uniform residential loan applications or other loan applications;
 - ~~(b)~~ Appraisal reports;
 - ~~(c)~~ Settlement statements;
 - ~~(d)~~ Supporting personal documentation for loan applications, including:
 - ~~1.~~ Form W-2 or other earnings or income statements;
 - ~~2.~~ Verifications of rent, income, and employment;
 - ~~3.~~ Bank statements;
 - ~~4.~~ Tax returns; and
 - ~~5.~~ Payroll stubs;
 - ~~(e)~~ Any required mortgage related disclosures; and
 - ~~(f)~~ Any other document required as a part of, or necessary to, the mortgage lending process};
- ~~(15){(18)}~~ "Mortgage loan" means any loan primarily for personal, family, or household use that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on residential real property or any loan

primarily for personal, family, or household use that is secured by collateral that has a mortgage lien interest in residential real property;

- (16)~~(19)~~ "Mortgage loan broker" means any person who for compensation or gain, or in the expectation of compensation or other gain, received directly or indirectly, serves as an agent for any borrower in an attempt to obtain a mortgage loan, or holds oneself out as being able to do so;
- (17)~~(20)~~ "Mortgage loan company" means any person who directly or indirectly:
- (a) Makes, purchases, or sells mortgage loans, or holds oneself out as being able to do so; or
 - (b) Services mortgage loans, or holds oneself out as being able to do so;
- (18)~~(21)~~ "Mortgage loan originator" means a natural person who:
- (a)
 1. *Is employed by a licensee;*
 2. *Receives~~[-, in exchange for]~~ compensation or gain, or **expects to receive**~~[- in the expectation of]~~ compensation or gain; **and**~~[-]~~*
 - 3.~~(a)~~ Performs any one (1) or more of the following acts in the mortgage lending process:
 - a.~~[-]~~ Solicits, places, negotiates, or offers to make a mortgage loan;
 - b.~~[-]~~ Assists a borrower or prospective borrower with the preparation of documents necessary to obtain a mortgage loan;
 - c.~~[-]~~ Explains, recommends, discusses, negotiates, or quotes rates, terms, and conditions of a mortgage loan with a borrower or prospective borrower, whether or not the borrower or prospective borrower makes or completes an application;
 - d.~~[-]~~ Explains any term or aspect of any disclosure or agreement given at or after the time a mortgage loan application is received; or
 - e.~~[-]~~ Takes a residential mortgage loan application; or
 - (b) Is an independent contractor engaging in the mortgage lending process as a mortgage loan processor;
- (19) (a)~~(22)~~ "Mortgage loan processor" means a natural person who performs only clerical or support duties at the direction of and subject to the supervision and instruction of a mortgage loan originator.
- (b) *As used in this subsection, "clerical or support duties" means administrative functions such as gathering information, requesting information, word processing, sending correspondence, or assembling files, and may include:*
1. *The receipt, collection, distribution, and analysis of information common for the processing or underwriting of a residential mortgage loan; or*
 2. *Any communication with a borrower to obtain the information necessary for the processing or underwriting of a loan, to the extent that the communication does not include:*
 - a. *Taking a residential mortgage loan application;*
 - b. *Assisting a borrower or prospective borrower with the preparation of documents necessary to obtain a mortgage loan;*
 - c. *Offering or negotiating loan rates or terms; or*
 - d. *Counseling consumers about residential mortgage loan rates or terms;*
- (20)~~(23)~~ "Nationwide ~~Multistate Mortgage~~ Licensing System and Registry" means a mortgage licensing system developed and maintained by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators;
- (21)~~(24)~~ "Originate" means to solicit, place, negotiate, offer to make, or broker a mortgage loan;
- (22)~~(25)~~ "Pattern of residential mortgage fraud" means residential mortgage fraud that involves two (2) or more mortgage loans that have the same or similar intents, results, accomplices, victims, or methods of commission or otherwise are interrelated by distinguishing characteristics;

- ~~{(26)}~~ "Person" means a natural person, or any type or form of corporation, company, partnership, proprietorship, or association;
- (23)~~{(27)}~~ "Physical location" means any location where the mortgage lending process, including the servicing of mortgage loans, is conducted;
- (24)~~{(28)}~~ "Record" means any books of account or other books, papers, journals, ledgers, statements, instruments, documents, files, messages, writings, correspondence, or other internal data or information, made or received in the regular course of business or otherwise, regardless of the mode in which it is recorded;
- (25)~~{(29)}~~ "Registrant" means a person to whom a registration has been issued;
- (26)~~{(30)}~~ "Residential mortgage loan application" means the submission of a borrower's financial information in anticipation of a credit decision, whether written or computer-generated, relating to a mortgage loan;
- (27)~~{(31)}~~ "Residential real property" means a dwelling as defined in the Federal Truth in Lending Act, 15 U.S.C. sec. 1602(w)~~{(v)}~~, or any real property upon which is constructed or intended to be constructed a dwelling as so defined;
- (28)~~{(32)}~~ "Service" or "servicing" means:
- (a) Receiving any scheduled periodic mortgage loan payments from a borrower, including amounts for escrow accounts or other fees or obligations related to the mortgage loan, and making or crediting the payments to the mortgage loan account, owner of the loan, or a third party assigned to receive said payments;
 - (b) Maintaining accountings of principal, interest, and other accounts associated with the servicing of mortgage loans and responding to borrower inquiries regarding the status of these loans or accounts;
 - (c) Initiating, supervising, or conducting foreclosure proceedings and property dispositions in the case of default, except "*service*" or "*servicing*"~~{this}~~ shall not include licensed attorneys representing clients in such matters; or
 - (d) In the case of a home equity conversion mortgage or reverse mortgage, making payments to the borrower;
- (29)~~{(33)}~~ "Takes a residential mortgage loan application" or "*taking a residential mortgage loan application*" means:
- (a) Recording the borrower's application information in any form for use in a credit decision; or
 - (b) Receiving the borrower's application information in any form for use in a credit decision;
- (30)~~{(34)}~~ "Transact business in Kentucky" or "transacting business in Kentucky" means to participate in any meaningful way in the mortgage lending process, including the servicing of mortgage loans, with respect to any residential real property located in Kentucky;
- (31)~~{(35)}~~ "Unique identifier" means a number or other identifier assigned by protocols established by the Nationwide *Multistate*~~{Mortgage}~~ Licensing System and Registry; and
- (32)~~{(36)}~~ "Wholly owned subsidiary" means a subsidiary that is entirely owned or controlled by another person.
- ➔Section 2. KRS 286.8-034 is amended to read as follows:
- (1) (a) An applicant for a license under this subtitle shall provide the commissioner with *a check*~~{separate checks}~~ payable to the Kentucky State Treasurer for *five thousand dollars (\$5,000)*.~~{}~~
 - ~~(a) An investigation fee of three hundred dollars (\$300) for the principal office and one hundred fifty dollars (\$150) for each branch office; and~~
 - (b) *The fee required under paragraph (a) of this subsection shall cover the application fee and the licensing fee for all licensed locations, including any changes of address*~~{A license fee of four hundred fifty dollars (\$450) for the principal office and two hundred fifty dollars (\$250) for each branch originating mortgages on residential real properties located in Kentucky if the applicant applies for a license on or between November 1 and June 30 of the following calendar year or of one hundred fifty dollars (\$150) for the principal office and one hundred dollars (\$100) for each branch if the applicant applies for a license on or between July 1 and October 31 of the same calendar year.}~~

- (2) (a) A license issued between January 1 and **September 30**~~[October 31]~~ of the same calendar year shall expire on December 31 of the same calendar year.
- (b) A license issued between **October**~~[November]~~ 1 and December 31 of the same calendar year shall expire on December 31 of the following calendar year.
- (3) A license may be renewed by **submitting the following**:~~[paying]~~
- (a) 1. ~~An~~~~[the]~~ annual **assessment**~~[renewal license]~~ fee. ~~[which is three hundred fifty dollars (\$350) for the principal office and two hundred fifty dollars (\$250) for each branch originating mortgages on residential real properties located in Kentucky,]~~
2. **Subject to subparagraph 3. of this paragraph, the annual assessment fee required under subparagraph 1. of this paragraph shall:**
- a. **Be based on the volume of loans originated and the volume of loans serviced for residential real property located in Kentucky during the twelve (12) month period ending on September 30;**
- b. **Be determined by applying a factor of one hundred twenty-five ten-thousandths percent (0.0125%) to the volume of loans originated and the volume of loans serviced in Kentucky; and**
- c. **Cover:**
- i. **The renewal fee for the principal office and any branches; and**
- ii. **Any examination-related costs incurred by the department.**
3. **The annual assessment fee shall not be:**
- a. **Less than one thousand five hundred dollars (\$1,500); or**
- b. **More than fifteen thousand dollars (\$15,000);**
- (b) **An annual report of condition**~~[submitting]~~ to the Nationwide **Multistate**~~[Mortgage]~~ Licensing System and Registry~~[an annual report of condition]~~, which shall be in such form and contain such information as the Nationwide **Multistate**~~[Mortgage]~~ Licensing System and Registry may require,~~[]~~ and ~~[submitting]~~
- (c) ~~[To the commissioner]~~Any other information required by the commissioner.
- (4) (a) **The commissioner shall, by administrative regulation or order, adjust the fees in subsections (1) and (3)(a) of this section every two (2) years.**
- (b) **An adjustment under paragraph (a) of this subsection shall be calculated based on the percent change in the nonseasonally adjusted annual average Consumer Price Index for all Urban Consumers (CPI-U), U.S. City Average, All Items, as published by the United States Bureau of Labor Statistics.**
- (5) The commissioner shall not approve the renewal of a mortgage loan broker's license if the commissioner has not received the information on physical location as required in KRS 286.8-032(8).
- ~~(6)~~~~(4)~~ (a) The **renewal** application, fees, and any required information shall be received by the commissioner on or before November 30 prior to the December 31 expiration date.
- (b) The commissioner may reinstate ~~a~~~~[the]~~ license within thirty-one (31) days of the expiration of the license if the licensee pays the **assessment**~~[filing]~~ fee and a reinstatement fee of **five hundred dollars (\$500)**~~[two hundred fifty dollars (\$250)]~~.
- (c) A license shall not be reinstated when the **renewal** application, fees, or any required information is received on or after February 1 of the following year that the renewal application was due.

➔Section 3. KRS 286.8-036 is amended to read as follows:

- (1) **As used in this section:**

(a) **"Documents":**

1. **Means documents involved in the mortgage lending process; and**

2. *Includes but is not limited to:*
- a. *Uniform residential loan applications or other loan applications;*
 - b. *Appraisal reports;*
 - c. *Settlement statements;*
 - d. *Supporting personal documentation for loan applications, including:*
 - i. *Form W-2 or other earnings or income statements;*
 - ii. *Verifications of rent, income, and employment;*
 - iii. *Bank statements;*
 - iv. *Tax returns; and*
 - v. *Payroll stubs;*
 - e. *Any required mortgage-related disclosures; and*
 - f. *Any other document required as a part of, or necessary to, the mortgage lending process; and*

(b) *"Employee" shall include a mortgage loan originator engaged as an independent contractor.*

(2) Each license issued under this subtitle shall state the:

(a) Address or addresses at which business is to be conducted;~~[-the]~~

(b) Name of the licensee;~~[-]~~ and~~[-the]~~

(c) Date and place of its incorporation, if applicable.

~~(3)(2)~~ A license may not be transferred or assigned without the prior written approval of the commissioner.

~~(4)(3)~~ No licensee shall transact the business provided for by this subtitle under any other name or maintain an office at any location other than *a licensed location or an alternate work location*~~[that designated in the license].~~

~~(5)(4)~~ Every licensed mortgage loan company or mortgage loan broker shall notify the commissioner, in writing, within ten (10) days of the closing of any licensed office or registered Kentucky branch.

(6) (a) *A licensee may permit employees to engage in the mortgage lending process at an alternate work location if:*

1. *The licensee has written policies and procedures for supervision of employees working from alternate work locations;*
2. *Access to the licensee's computer systems and customer information is in accordance with the licensee's comprehensive written information technology security plan;*
3. *Employees are not permitted to conduct in-person customer activities at the alternate work location except as provided in subsection (2)(b)2. of Section 1 of this Act;*
4. *The licensee ensures that no physical or electronic documents are maintained at the alternate work location; and*
5. *No signage or advertising of the licensee or the mortgage loan originator is displayed at any alternate work location.*

➔Section 4. KRS 286.8-295 is amended to read as follows:

(1) *As used in this section, "employee" shall include a mortgage loan originator engaged as an independent contractor.*

(2) (a) Every mortgage loan company and mortgage loan broker shall exercise proper supervision and control over the operations, employees, and affairs of its company.

(b) A mortgage loan company or mortgage loan broker shall *supervise and control all employees acting as a mortgage loan originator on behalf of the mortgage loan company or mortgage loan broker*~~[not directly utilize the services of a mortgage loan originator engaging in any of the activities set forth in~~

~~KRS 286.8-010(21)(a), unless that mortgage loan originator is under the supervision and control of that company as an employee.~~

- (3) *A licensee that allows employees to engage in the mortgage lending process from an alternate work location shall:*
- (a) *Exercise proper supervision and control over the employees;*
 - (b) *Have written policies and procedures in place that ensure a safe, secure system for the mortgage lending process;*
 - (c) *Oversee compliance, and require all employees to comply, with the policies and procedures referenced in paragraph (b) of this subsection;*
 - (d) *Employ appropriate risk-based monitoring and oversight processes;*
 - (e) *Ensure that:*
 1. *Customer interactions and communications about consumer accounts are in compliance with federal and state information security requirements, including applicable provisions of:*
 - a. *The Gramm-Leach-Bliley Act of 1999, Pub. L. No. 106-102, as amended; and*
 - b. *The Federal Trade Commission's Safeguards Rule, set forth in 16 C.F.R. Part 314;*
 2. *Any employee that engages in the mortgage lending process at an alternate work location accesses the company's secure systems, including a cloud-based system, directly from any out-of-office device via a virtual private network (VPN) or a comparable system that ensures secure connectivity and requires passwords or other forms of authentication to access;*
 3. *Appropriate security updates, patches, or other alterations to the security of all devices used at an alternate work location are installed and maintained;*
 4. *Any employee that engages in the mortgage lending process at an alternate work location agrees to comply with the licensee's processes established under paragraph (d) of this subsection; and*
 5. *The Nationwide Multistate Licensing System and Registry record of a mortgage loan originator that works from an alternate work location designates a properly licensed location as the mortgage loan originator's official work station;*
 - (f) *Have the ability to:*
 1. *Remotely lock or erase company-related contents of any device; or*
 2. *Otherwise remotely limit all access to the company's secure systems; and*
 - (g) *At least annually:*
 1. *Certify that all employees engaged in the mortgage lending process at alternate work locations meet the appropriate standards and safeguards to continue engaging in the mortgage lending process from the alternate work locations; and*
 2. *Review each alternate work location and provide proof of the documented review to the department upon request.*
- (4) Notwithstanding any provision to the contrary, nothing in this section shall prohibit mortgage loan companies from utilizing the services of a mortgage loan broker and its employees.

➔Section 5. KRS 286.8-160 is amended to read as follows:

- (1) Every mortgage loan company and mortgage loan broker shall make and keep such accounts, correspondence, memoranda, papers, books, data, and other records used in the mortgage lending process:
 - (a) As the commissioner prescribes; ~~and~~ or
 - (b) That are required by federal law.
- (2) (a) *Except as provided in paragraph (b) of this subsection, the records governed ~~under this~~ subtitle shall be preserved for such time as the commissioner may by ~~regulation~~ ~~rule~~ or order require, not to*

exceed a period of five (5) years after a mortgage loan application is completed, whether approved or rejected, or on mortgage loans paid in full, whichever is longer.

- (b) Records shall be held for longer than five (5) years where federal law prescribes or supersedes this section.
- (3) Records required to be preserved under this subtitle:
 - (a) May be kept in an electronic retrievable format, or other similar form of medium, that is readily accessible to examination, investigation, and inspection by the commissioner; **and**
 - (b) ***Shall not be maintained at any alternate work location.***
- (4) Every mortgage loan company and mortgage loan broker shall file financial reports as the commissioner prescribes.
- (5) If the information contained in any document filed with the commissioner is or becomes inaccurate or incomplete in any material respect, the person who filed the document shall promptly file a correcting amendment.
- (6) Any person who ceases operating as a mortgage loan company or mortgage loan broker under the provisions of this subtitle shall, prior to the discontinuance of business in the residential mortgage lending process, notify the commissioner of the physical location where the records required to be kept under this subtitle will be preserved. The records shall be made accessible to the commissioner upon five (5) business days' written notice.
- (7) (a) Any person who ceases operating as a mortgage loan company or mortgage loan broker under the provisions of this subtitle shall designate a custodian of records and notify the commissioner of the name, physical address, electronic mail address, and telephone number of the custodian of records.
 - (b) The custodian of records shall preserve all records required under this subtitle and allow the commissioner access to the records for examination and investigation upon demand.
- (8) Records may be maintained by a mortgage loan company or mortgage loan broker at a location other than within this Commonwealth, so long as they are made accessible to the commissioner upon five (5) business days' written notice.
- (9) The commissioner may approve a written request for the destruction of records required to be preserved under this subtitle prior to the minimum retention period described in subsection (2) of this section.

➔Section 6. KRS 286.8-170 is amended to read as follows:

- (1) ***As used in this section, "control records" means all records relating to the operation of a branch that are necessary to exercise control and supervision over the branch.***
- (2) (a) Every mortgage loan company and mortgage loan broker shall keep at its principal office correct and complete records of its business transactions, books of accounts, and minutes of proceedings of its directors, principals, or partners.
 - (b) Complete records of all business transactions at the principal office shall be maintained at the principal office.
 - (c) Each branch ~~office~~ shall:
 - 1. Keep detailed records of all transactions at ***the*** ~~such~~ branch; ~~office~~ and ~~shall~~
 - 2. Furnish full control records to the principal office.
 - (d) 1. ***Any record of a mortgage loan company's or mortgage loan broker's business transactions, book of accounts, or minutes of proceedings of its directors, principals, or partners generated prior to the company's or broker's previous examination may be stored at a third-party secure storage facility.***
 - 2. ***The mortgage loan company or mortgage loan broker, as applicable, shall:***
 - a. ***Notify the commissioner, in writing, thirty (30) days prior to engaging with any third-party secure storage facility; and***
 - b. ***Receive approval from the commissioner for use of the third-party secure storage facility.***

- (3)~~(2)~~ No mortgage loan company or mortgage loan broker by any system of accounting or any device of bookkeeping shall, either directly or indirectly, enter any of its assets upon its books in the name of any person, partnership, association, or corporation~~;~~ or under any title, designation, or value that is not thoroughly descriptive of any assets.
- (4)~~(3)~~ The affairs of every mortgage loan company, mortgage loan broker, and mortgage loan originator, and the records required to be maintained by KRS 286.8-160, *shall be*~~are~~ subject at any time or from time to time to such periodic, special, or other examinations by the *commissioner*~~executive director~~ or an examiner of the commissioner within or without this state and with or without notice to the person being examined, as the commissioner deems necessary or appropriate in the public interest. All records of the person being examined shall be subject to the commissioner's inspection.
- (5)~~(4)~~ The examiner shall:
- (a) Make a thorough examination into the condition, workings, and affairs of the person being examined; and
 - (b) Report, *as he or she may find, to the commissioner* any:
 1. Violation of law ~~;~~~~or any~~
 2. Unauthorized unsafe practices; ~~or~~~~any~~
 3. Failure to keep and have correct any required books and records~~as he or she may find to the commissioner~~.
- (6)~~(5)~~ ~~{A mortgage loan company or mortgage loan broker shall pay a fee for each such examination of its operations or employees based on fair compensation for time and actual expense.}~~For the purpose of avoiding unnecessary duplication of examinations, the commissioner, insofar as he or she deems it practicable in administering this section, may:
- (a) Cooperate and exchange information with:
 1. Any agency of the state or federal government;~~;~~
 2. Other states;~~;~~
 3. The Nationwide *Multistate*~~Mortgage~~ Licensing System and Registry;~~;~~ or
 4. The federal National Mortgage Association, Government National Mortgage Association, and Federal Home Loan Mortgage Corporation;~~;~~ and~~may~~
 - (b) Accept ~~such~~ examinations *from the entities described in paragraph (a) of this subsection*, in whole or in part, in lieu of an examination by the commissioner.
- (7)~~(6)~~ The commissioner or the commissioner's examiners or designated representative shall have access to all records of a mortgage loan company, mortgage loan broker, and mortgage loan originator which relate to their business, and records kept by any officers, agents, or employees, relating to or upon which any record of its business is kept.
- (8)~~(7)~~ (a) A mortgage loan originator shall make available and grant access to the commissioner, or an examiner of the commissioner, the records relating to its operations.
- (b) A mortgage loan company or mortgage loan broker shall make available and grant access to all records of its current and former employees and contractors relating to its operations.
- (9)~~(8)~~ Any person subject to this subtitle shall make or compile reports or prepare other information as directed by the commissioner or an examiner of the commissioner to include:
- (a) Accounting compilations;
 - (b) Information lists and data concerning loan transactions in a format prescribed by the commissioner or an examiner of the commissioner; and
 - (c) Such other information deemed necessary to carry out the purposes of this section.
- (10)~~(9)~~ No mortgage loan company, mortgage loan broker, or mortgage loan originator shall impede the commissioner or an examiner of the commissioner from interviewing its officers, principals, members, employees, independent contractors, agents, or customers.

- (11)(10) (a) In making any examination or investigation authorized by this subtitle, the commissioner may control access to any documents and records of the licensee or person under examination or investigation.
- (b) The commissioner may take possession of the documents and records, or place a person in exclusive charge of the documents and records in the place where they are usually kept.
- (c) During the period of control *under this subsection*, no individual or person shall remove or attempt to remove any of the documents and records except pursuant to a court order or with the consent of the commissioner.
- (d) Unless the commissioner has reasonable grounds to believe the documents or records of the licensee have been, or are at risk of being, altered or destroyed for purposes of concealing a violation of this subtitle, the licensee or owner of the documents and records shall have access to the documents or records as necessary to conduct its ordinary business affairs.
- (12)(11) ~~No [It shall be unlawful for any] person subject to investigation or examination under this subtitle shall [to] knowingly withhold, abstract, alter, remove, mutilate, destroy, or secrete any books, records, or other information.~~
- (13)(12) In order to carry out the purposes of this subtitle, the commissioner may:
- (a) Retain attorneys, accountants, or other professionals and specialists as examiners, auditors, or investigators to conduct or assist in the conduct of examinations or investigations;
- (b) Enter into agreements or relationships with other government officials or regulatory associations in order to improve efficiencies and reduce regulatory burden by sharing resources, standardized or uniform methods or procedures, and documents, records, information, or evidence obtained under this subtitle; and
- (c) Use, hire, contract, or employ public or privately available analytical systems, methods, or software to examine or investigate the persons subject to this subtitle.
- (14)(13) The authority of this section shall remain in effect~~[,]~~ whether a person acts, or claims to act, under any licensing or registration law of this subtitle, or *acts, or* claims to act, without such authority.
- ➔Section 7. KRS 286.8-100 is amended to read as follows:
- (1) No licensee shall establish or maintain a branch transacting business in Kentucky, either directly or indirectly, without:
- (a) Filing the application as described in KRS 286.8-032(5); and
- (b) Receiving prior written approval of the commissioner.
- (2) Each application for approval of the establishment and maintenance of a branch shall state:
- (a) The physical address of the proposed location;~~[,]~~
- (b) The functions to be performed;~~[,]~~ and
- (c) Other information the commissioner may require if different from that contained in the original application for a license or registration.
- (3) Each application under this section shall be sworn to *by the applicant*~~[and accompanied by the appropriate fee as set out in KRS 286.8-034(1)(b)].~~
- (4) Upon the receipt~~[by the commissioner]~~ of an application~~[and the required fee]~~, if *the commissioner*~~[he]~~ finds that the applicant is otherwise in compliance with the provisions of this subtitle, *the commissioner*~~[he]~~ shall approve the application.
- (5) The commissioner may deem an application abandoned and subject to KRS 286.8-090 when:
- (a) The application is received incomplete; and
- (b) The applicant fails to:
1. Provide any required information~~[or fee]~~ under this subtitle; or ~~[fails to]~~
 2. Respond to a request by the commissioner for further information.

➔Section 8. KRS 286.8-140 is amended to read as follows:

- (1) The commissioner shall exercise general supervision and control over mortgage loan companies and mortgage loan brokers doing business in the Commonwealth of Kentucky.
- (2) In addition to the other duties imposed upon him *or her* by law, the powers and duties of the commissioner *shall be*~~are~~:
 - (a) ~~1. (1)~~ To *promulgate*~~prescribe~~ such ~~rules,~~ *administrative* regulations, ~~and~~ forms, and ~~to promulgate such~~ orders as are deemed to be necessary and appropriate to accomplish the basic purposes of and the provisions contained within this subtitle.
 2. The commissioner may from time to time make, amend, and rescind such *administrative regulations*~~rules~~, forms, and orders, including *regulations*~~rules~~ and forms governing applications, registration, reports, and loan disclosure statements~~,~~ and defining any terms, whether or not used in this subtitle, insofar as the definitions are not inconsistent with the provisions of this subtitle.
 3. For the purpose of *administrative regulations*~~rules~~ and forms, the commissioner may classify loans, persons, and matters within his *or her* jurisdiction~~,~~ and prescribe different requirements for different classes.
 4. *An administrative regulation*~~No rule~~, form, or order may *not* be made, amended, or rescinded unless the commissioner finds that the action is necessary or appropriate in the public interest and consistent with the purposes fairly intended by the policy and provisions of this subtitle.
 5. In *promulgating administrative regulations*~~prescribing rules~~ and forms, the commissioner may cooperate with other state and federal agencies with a view to achieving maximum uniformity in the form and content of applications, reports, and loan disclosure statements whenever practical;
 - ~~(b) (2)~~ To conduct such investigations as may be necessary to determine whether any person has engaged in or is about to engage in any act, practice, or course of conduct constituting a violation of any provision of this subtitle;
 - ~~(c) (3)~~ To conduct such examinations, investigations, and hearings, in addition to those specifically provided for by law, as may be necessary and proper for the efficient administration of this subtitle; and
 - ~~(d) 1. (4)~~ At the commissioner's discretion, to require filings and fees required under this subtitle to be electronically filed with:
 - a. The State Regulatory Registry, LLC, or its successor organization;~~,~~
 - b. *The State Regulatory Registry, LLC's*~~its~~ parent, affiliate, or operating subsidiary;~~,~~ ~~or~~
 - c. Other agencies or authorities that are part of the Nationwide *Multistate*~~mortgage~~ Licensing System *and Registry*~~,~~ ~~or~~
 - d. Other agencies or authorities consistent with the intent of KRS 286.8-285.
 2. The commissioner may accept uniform mortgage examinations or other procedures designed to implement a uniform national mortgage regulatory system or facilitate common practices and procedures among the states.

➔Section 9. KRS 286.8-150 is amended to read as follows:

- (1) (a) Except as otherwise provided by law, applications for registration or renewals *and*~~,~~ all papers, documents, reports, and other written instruments filed with the commissioner under this subtitle, or obtained pursuant to an examination by the *department, shall be*~~Department of Financial Institutions are~~ open to public inspection, except that the commissioner pursuant to the provisions of KRS Chapter 61 may classify as confidential or withhold from public inspection, for such time as he or she considers necessary, any information which, in his or her judgment, the public welfare or the welfare of any licensee or registrant or its customers requires to be so withheld.
- (b) All investigations and information contained therein shall not be public until such time as the commissioner makes all or part of the investigation public or the investigation is closed.

- (2) The commissioner may classify as confidential certain records and information obtained by the ~~department~~~~[Department of Financial Institutions]~~ when such matters are obtained from the Nationwide ~~Multistate~~~~[Mortgage]~~ Licensing System and Registry or from a governmental agency.
- (3) The commissioner may classify as confidential and prohibit the disclosure of any request for documents or records submitted pursuant to KRS 286.8-180, for such time as deemed necessary if, in the commissioner's judgment, the disclosure of said request for documents or records may:
- (a) Impede or interfere with an ongoing investigation conducted pursuant to KRS 286.8-140; or~~[may]~~
- (b) Cause the destruction or secretion of documents by the targeted party.
- (4) Notwithstanding any provision to the contrary in this subtitle or in KRS Chapter 61, any information, documents, or material provided to or obtained from the Nationwide ~~Multistate~~~~[Mortgage]~~ Licensing System and Registry shall be subject to the confidentiality requirements set forth in Section 1512 of the S.A.F.E. Mortgage Licensing Act, *12 U.S.C. sec. 5111*~~[Pub. L. No. 110-289]~~, and amendments thereto.

➔Section 10. KRS 286.8-220 is amended to read as follows:

- (1) **No person**~~[It]~~ shall ~~[be unlawful for any person to]~~ make or cause to be made, in any document filed with the commissioner, a governmental agency, the Nationwide ~~Multistate~~~~[Mortgage]~~ Licensing System and Registry, or in any proceeding under this subtitle, any statement that is, at the time and in light of the circumstances under which it is made, false or misleading in any material respect, including an omission of a material fact.
- (2) **No person**~~[It]~~ shall~~[be unlawful for any person]~~, in connection with a transaction involving the mortgage lending process, or in connection with the operation of a mortgage loan business or the management or servicing of mortgage loans, directly or indirectly:
- (a) ~~[To]~~Employ a device, scheme, or artifice to defraud;
- (b) ~~[To]~~Engage in any act, practice, or course of business that operates or would operate as a fraud or deceit upon any person;
- (c) ~~[To]~~Fail to disburse funds in accordance with a loan commitment;
- (d) ~~[To]~~Delay closing of any mortgage loan for the purpose of increasing interest, costs, fees, or charges payable by the borrower;
- (e) Upon receipt of a customer's written request, ~~[to]~~delay beyond five (5) business days the issuance of a written loan payoff amount or to delay beyond ten (10) business days the issuance of a payment history;
- (f) ~~[To]~~Charge a fee for the issuance of an initial written loan payoff amount or payment history for each calendar quarter as set out in paragraph (e) of this subsection;
- (g) ~~[To]~~Obtain property by fraud or misrepresentation;
- (h) ~~[To]~~Fail to make disclosures as required by this subtitle or any other applicable state or federal law, including regulations thereunder; or
- (i) ~~[To]~~Fail to comply with state or federal laws, including the rules and regulations thereunder, that are applicable to transacting business in Kentucky.
- (3) Unless exempted by KRS 286.8-020(1), **no person**~~[it]~~ shall ~~[be unlawful for any person to]~~ transact business in Kentucky unless it complies with the provisions of this subtitle.
- (4) **No person**~~[It]~~ shall ~~[be unlawful for any person to]~~ use prescreened trigger lead information derived from a consumer report to solicit a consumer who has applied for a mortgage loan with another mortgage loan company or mortgage loan broker, when the person:
- (a) Fails to state in the initial solicitation that the person is not affiliated with the mortgage loan company or mortgage loan broker with which the consumer initially applied;
- (b) Fails in the initial solicitation to conform to state and federal law relating to prescreened solicitations using consumer reports, including the requirement to make a firm offer of credit to the consumer;
- (c) Uses information regarding consumers who have opted out of the prescreened offers of credit or who have placed their contact information on the state or federal do-not-call registry; or
- (d) Solicits a consumer with an offer of certain rates, terms, and costs with the knowledge that the rates, terms, or costs will be subsequently changed to the detriment of the consumer.

➔Section 11. KRS 286.8-255 is amended to read as follows:

- (1) (a) No natural person shall transact business in Kentucky, either directly or indirectly, as a mortgage loan originator unless such mortgage loan originator:
 1. Is registered with the department;~~;~~
 2. Complies with all applicable requirements of this subtitle;~~;~~ and
 3. Maintains a valid unique identifier issued by the Nationwide *Multistate*~~[Mortgage]~~ Licensing System and Registry.

(b) The department shall maintain a database of all mortgage loan originators originating mortgage loans on residential real property in Kentucky.
- (2) The application for registration shall:
 - (a) Be on a form prescribed by the commissioner;
 - (b) Be accompanied by a registration fee in the amount of fifty dollars (\$50), which shall be used solely by the department to establish and maintain a database of all mortgage loan originators and any excess funds shall be retained by the department and shall not lapse to the general fund; and
 - (c) Contain such information as the commissioner deems necessary to carry out the purposes of this subtitle.
- (3) (a) Applications for initial registrations of mortgage loan originators shall be accompanied by satisfactory evidence that the applicant has successfully completed twenty (20) hours of prelicensing education courses related directly to the mortgage lending process, as approved and designated by the commissioner.

(b) For the purposes of paragraph (a) of this subsection:~~;~~

 1. The prelicensing education courses approved and designated by the commissioner shall:
 - a. Meet the minimum requirements set forth in Section 1505(c) of the S.A.F.E. Mortgage Licensing Act, *12 U.S.C. sec. 5104(c)*~~[Pub. L. No. 110-289]~~, and amendments thereto;~~;~~ and ~~shall~~
 - b. Be reviewed~~;~~ and approved by the Nationwide *Multistate*~~[Mortgage]~~ Licensing System and Registry; ~~and~~
 2. ~~[(c) For the purposes of paragraph (a) of this subsection,]~~The commissioner may accept as credit towards the completion of the prelicensing education requirements in this state, the completion of prelicensing education requirements in any other state so long as the education has met the requirements set forth in ~~paragraphs (a) and (b) of~~ this subsection.
- (4) (a) Applications for renewals of registration by registered mortgage loan originators shall be accompanied by satisfactory evidence that the individual has successfully met the continuing education requirements of KRS 286.8-260 and by payment of a renewal fee in the amount of fifty dollars (\$50).

(b) The renewal fee shall be used solely by the department to establish and maintain a database of all mortgage loan originators and any excess funds shall be retained by the department and shall not lapse to the general fund.
- (5) (a) A registration issued between January 1 and October 31 of the same calendar year shall expire on December 31 of the same calendar year.

(b) A registration issued between November 1 and December 31 of the same calendar year shall expire on December 31 of the following calendar year.

(c) Any registration that has expired may be reinstated by the commissioner upon payment of the annual *renewal*~~[registration]~~ fee, and a reinstatement fee of two hundred fifty dollars (\$250), within thirty (30) days of the expiration of the registration.
- (6) All mortgage loan originators subject to the registration requirements of this section shall also be subject to and comply with all applicable provisions of this subtitle.

- (7) (a) The commissioner shall require, *as part of an application or renewal application filed under this subtitle, including but not limited to applications or renewals for mortgage loan originators*, the submission of:
1. Background records checks, including but not limited to checks for state, federal, and international criminal histories, civil or administrative records, and any other information as deemed necessary to comply with the minimum requirements set forth in Section 1505 of the S.A.F.E. Mortgage Licensing Act, *12 U.S.C. sec. 5104*~~[Pub. L. No. 110-289]~~, and amendments thereto; ~~and, as well as the submission of~~
 2. An independent credit report obtained from a consumer reporting agency described in the Fair Credit Reporting Act, 15 U.S.C. sec. 1681a~~, as part of an application or renewal application filed under this subtitle, including but not limited to applications or renewals for mortgage loan originators~~.
- (b) The cost of the background ~~and~~ records checks ~~and~~ and credit report shall be borne by the applicant.
- (8) No mortgage loan originator shall be granted or shall be entitled to maintain a registration unless he or she satisfies the following minimum standards for registration:
- (a) The applicant has never had a loan originator's license or registration revoked in any governmental jurisdiction, except revocations that have been formally vacated or set aside shall not be deemed a revocation for the purposes of this section;
 - (b) The applicant has not been convicted of, pled guilty to, or pled nolo contendere to a felony in any domestic, foreign, or military court:
 1. During the seven (7) year period preceding the date of the application for registration or renewal of registration; or
 2. At any time preceding such date of application for registration or renewal of registration, if such felony involved an act of fraud or dishonesty, a breach of trust, or money laundering;
 - (c) The applicant has demonstrated financial responsibility, character, and general fitness such as to command the confidence of the community and to warrant a determination that the loan originator will operate honestly, fairly, lawfully, and efficiently within the purposes of the subtitle;
 - (d) The applicant has completed the preclicensing education requirement set forth in subsection (3) of this section;
 - (e) The applicant has passed a qualified written test which satisfies the minimum requirements set forth in Section 1505(d) of the S.A.F.E. Mortgage Licensing Act, *12 U.S.C. sec. 5104(d)*~~[Pub. L. No. 110-289]~~, and amendments thereto; and
 - (f) The applicant holds or is covered by a surety bond which satisfies the minimum requirements set forth in KRS 286.8-060.
- (9) (a) A mortgage loan processor shall not be required to maintain a registration, but the processor's supervising mortgage loan company or mortgage loan broker shall be required to:
1. Provide the mortgage loan processor with the continuing education required under KRS 286.8-260; ~~and, as well as~~
 2. *Prior to hiring an applicant as a processor*, perform an employee background check in accordance with uniform standards established by the commissioner. ~~[prior to hiring an applicant as a processor, and]~~
- (b) *A mortgage loan company or mortgage loan broker shall* provide proof of compliance with this ~~subsection~~~~section~~ to the commissioner upon demand, demonstrating that:
1. ~~(a)~~ The applicant has not been convicted of, pled guilty to, or pled nolo contendere to a felony in any domestic, foreign, or military court:
 - a. ~~[1]~~ During the seven (7) year period preceding the date of the application; or
 - b. ~~[2]~~ At any time preceding the date of application, if the felony involved an act of fraud or dishonesty, a breach of trust, or money laundering; and

- 2.~~(b)~~ The applicant has demonstrated financial responsibility, character, and general fitness sufficient to command the confidence of the community and to warrant a determination that the loan processor will operate honestly, fairly, lawfully, and efficiently within the purposes of this subtitle.
- (10) No mortgage loan originator shall be granted a **registration** renewal ~~of registration~~ unless he or she satisfies the following minimum standards for renewal ~~of registration~~:
- (a) The applicant has met and continues to meet the minimum standards set forth in subsection (8) of this section; and
 - (b) The applicant has satisfied the annual continuing education requirements set forth in KRS 286.8-260.
- (11) (a) The registration of any mortgage loan originator that fails to comply with the minimum standards for registration renewal set forth in this section shall expire and shall promptly be deemed surrendered to the commissioner without demand.
- (b) The commissioner may adopt procedures and requirements for the reinstatement of expired registrations consistent with the standards established by the Nationwide **Multistate**~~Mortgage~~ Licensing System and Registry.
- (12) Mortgage loan originators engaging in any of the activities set forth in KRS 286.8-010~~(18)(a)~~~~(21)(a)~~ shall provide loan origination services to not more than one (1) mortgage loan company or mortgage loan broker at a time.

➔Section 12. KRS 286.8-260 is amended to read as follows:

- (1) (a) Any person required to be registered under this subtitle shall complete at least eight (8) hours of continuing professional education on an annual basis that is approved and designated by the commissioner.
- (b) A minimum of one (1) hour of continuing professional education each year shall be instruction on the requirements of this subtitle, ~~or~~ KRS 360.100, or a combination of both.
- (2) For the purposes of subsection (1) of this section:~~;~~
- (a) The continuing professional education courses approved and designated by the commissioner shall:
 - 1. Meet the minimum requirements set forth in Section 1505(b) of the S.A.F.E. Mortgage Licensing Act, **12 U.S.C. sec. 5104(b)**~~Pub. L. No. 110-289~~, and amendments thereto; ~~and~~~~The education courses approved and designated by the commissioner shall also~~
 - 2. **Unless the Nationwide Multistate Licensing System and Registry provides otherwise**, be reviewed and approved by the Nationwide **Multistate**~~Mortgage~~ Licensing System and Registry; ~~and~~~~unless the Nationwide Mortgage Licensing System and Registry provides otherwise.~~
 - (b) ~~(3) For the purposes of subsection (1) of this section,~~ The commissioner may accept as credit towards the completion of the continuing professional education requirements in this state, the completion of continuing professional education requirements in any other state so long as the education has met the requirements set forth in **this subsection and subsection**~~subsections~~ (1) ~~and (2)~~ of this section.
- (3) (a)~~(4)~~ For good cause shown, the commissioner may grant an extension during which the continuing **professional** education **requirements**~~requirement~~ of this section may be completed, but the extension may not exceed thirty (30) days.
- (b) What constitutes good cause for the extension of time rests within the discretion of the commissioner.
- (4)~~(5)~~ The registration of any mortgage loan originator that fails to comply with the continuing professional education requirements of this section and who has not been granted an extension of time to comply in accordance with subsection (3)~~(4)~~ of this section shall:
- (a) Expire; and ~~shall~~
 - (b) Promptly be deemed surrendered to the commissioner without demand.

➔Section 13. KRS 286.8-285 is amended to read as follows:

- (1) (a) In addition to other duties imposed upon the commissioner in this subtitle, the commissioner shall be authorized to:
1. Participate in the ~~establishment and implementation of the~~ Nationwide **Multistate** ~~Mortgage~~ Licensing System and Registry; and ~~to~~
 2. Implement and comply with the minimum requirements set forth in the S.A.F.E. Mortgage Licensing Act, *12 U.S.C. sec. 5101 et seq., as amended* ~~Pub. L. No. 110-289, and amendments thereto~~.
- (b) For such purpose, the commissioner is authorized to waive or modify, in whole or in part, by **regulation**~~rule~~ or by order, any or all of the requirements of this subtitle and to establish new requirements as reasonably necessary to carry out the purpose of this section.
- (c) The commissioner shall have authority to establish relationships or contracts with other governmental agencies, the Nationwide **Multistate** ~~Mortgage~~ Licensing System and Registry, or entities affiliated with the system that are necessary to carry out the purpose of this section.
- ~~[(d) The commissioner may establish interim procedures to promote and establish an orderly and efficient transition for the registration, review, and acceptance of new applications. The commissioner may also establish interim procedures and expedited review and registration procedures for previously registered individuals.]~~
- ~~(d)~~~~(e)~~ The commissioner may use the Nationwide **Multistate** ~~Mortgage~~ Licensing System and Registry as an agent for receiving, requesting, and distributing information to and from any source so directed by the commissioner.
- (2) The commissioner shall establish a process whereby licensees may challenge information entered into the Nationwide **Multistate** ~~Mortgage~~ Licensing System and Registry by the commissioner.
- (3) The commissioner shall annually request audited financial reports, including inquiring as to the budget and fees collected, both proposed and actual, from the Nationwide **Multistate** ~~Mortgage~~ Licensing System and Registry.
- (4) The commissioner shall annually request any nonconfidential protocols or reports for the security and safeguarding of personal information maintained by the Nationwide **Multistate** ~~Mortgage~~ Licensing System and Registry, including the following:
- (a) Inquiring as to whether the system has implemented and complied with the data security guidelines set forth in the Gramm-Leach-Bliley Act, 15 U.S.C. sec. 6801;
 - (b) Inquiring as to the results of any nonconfidential periodic data protection audits that the system may conduct; and
 - (c) Inquiring as to whether any security breaches have occurred resulting in the substantial likelihood that personal information may be misused or stolen.
- (5) The commissioner shall annually request from the Nationwide **Multistate** ~~Mortgage~~ Licensing System and Registry the following statistical information, if available, relating to the examinations taken by applicants seeking registration as a loan originator in Kentucky during the preceding calendar year:
- (a) The total number of tested individuals, along with any relevant demographic information available such as race, ethnicity, or gender;
 - (b) The total number of individuals who received a passing score on the examination, along with any relevant demographic information available such as race, ethnicity, or gender;
 - (c) The total number of individuals who did not receive a passing score on the examination, along with any relevant demographic information available such as race, ethnicity, or gender; and
 - (d) All mean, average, or scaled scoring data.
- (6) When requested by the General Assembly, the commissioner shall review and report to the General Assembly the content of any information received from the Nationwide **Multistate** ~~Mortgage~~ Licensing System and Registry pursuant to subsection (3), (4), or (5) of this section.

- (7) Notwithstanding any provision to the contrary in this subtitle or in KRS Chapter 61, the commissioner shall regularly report violations of this subtitle, as well as enforcement actions and other relevant information, to the Nationwide ~~Multistate Mortgage~~ Licensing System and Registry.

➔Section 14. KRS 286.8-020 is amended to read as follows:

- (1) The following mortgage loan companies and mortgage loan brokers shall be subject to KRS 286.8-046, 286.8-180, 286.8-220(1), and subsections (12), (13), and (14) of this section, but shall be exempt from all other provisions of this subtitle:
- (a) Any person duly licensed, chartered, and otherwise subject to regular examination at least once every two (2) years by a state or federal financial institution regulatory agency under the laws of this state or any other state or the United States as a bank, bank holding company, trust company, credit union, savings and loan association, savings and loan association holding company, service corporation subsidiary of a savings and loan association, insurance company, real estate investment trust as defined in 26 U.S.C. sec. 856, an institution of the farm credit system organized under the Farm Credit Act of 1971 as amended, or any wholly owned subsidiary of any such person if the subsidiary is subject to regular examination at least once every two (2) years by a state or federal financial institution regulatory agency;
 - (b) Any natural person who makes a mortgage loan secured by a dwelling that served as the natural person's residence, unless the natural person is compensated in connection with that transaction by a mortgage loan company, mortgage loan broker, or other mortgage loan originator, or by an agent of such company, broker, or other originator;
 - (c) Any natural person who makes a mortgage loan to an immediate family member of the natural person unless the natural person is compensated in connection with that transaction by a mortgage loan company, mortgage loan broker, or other mortgage loan originator, or by an agent of such company, broker, or other originator;
 - (d) Any person other than a natural person, including any affiliate of that person, that makes in the aggregate no more than four (4) mortgage loans within a calendar year with its own funds and secured by residential real property owned by the person making the mortgage loan, provided that the mortgage loan is made without the intent to resell the mortgage loan, and provided that the person does not hold itself out to the public as being primarily in the mortgage loan business;
 - (e) The United States of America; the Commonwealth of Kentucky; any other state, district, territory, commonwealth, or possession of the United States of America; any city, county, or other political subdivision; and any agency, division, or corporate instrumentality of any of the foregoing;
 - (f) The Federal National Mortgage Association (FNMA), the Federal Home Loan Mortgage Corporation (FHLMC), and the Government National Mortgage Association (GNMA);
 - (g) Any mortgage loan company or mortgage loan broker making or brokering a mortgage loan involving housing initially transferred by certificate of title under KRS Chapter 186A;
 - (h) A consumer loan or finance company or an industrial loan company licensed under Subtitle 4 or 7 of this chapter whose primary business is originating consumer or industrial loans as provided under Subtitle 4 or 7 of this chapter or any wholly owned subsidiary of such a consumer loan or finance company or an industrial loan company, except that they shall be subject to the prohibited acts of KRS 286.8-220(2)(e) and (f) and 286.8-110(4); and
 - (i) A nonprofit organization that is recognized as tax-exempt under 26 U.S.C. sec. 501(c)(3) and authorized to do business in this Commonwealth, and that has affordable housing as a primary purpose in its operations.
- (2) The following shall be exempt from the licensing provisions of this subtitle and the examination provisions of KRS 286.8-170 and 286.8-180, unless it appears on grounds satisfactory to the commissioner that an examination is necessary, but shall otherwise be subject to all other provisions of this subtitle:
- (a) A mortgage loan company or mortgage loan broker approved and regulated by the United States Department of Housing and Urban Development to perform business in this Commonwealth; and
 - (b) Any branch of a mortgage loan company or mortgage loan broker listed in paragraph (a) of this subsection, provided the branch is approved and regulated by the United States Department of Housing and Urban Development to perform business in this Commonwealth.

- (3) Any nonprofit organization, mortgage loan company, mortgage loan broker, or branch thereof relying upon an exemption under subsection (1)(i) or (2)(a) or (b) of this section shall file with the commissioner a written application for a claim of exemption. The commissioner shall approve an application for an exemption that is timely filed and meets the requirements of this subtitle. The period of exemption shall be from January 1 through December 31, and the exemption shall expire on December 31 of the same calendar year. Every person granted an exemption under this section shall file a written application for a new exemption on an annual basis. The application shall be received by the commissioner on or before December 31 of the same calendar year. A written application for a partial-year exemption shall also expire on December 31 of the same calendar year that the written application for an exemption is granted.
- (4) Any mortgage loan company, mortgage loan broker, or branch thereof relying upon an exemption under subsection (2)(a) or (b) of this section shall fund or broker a minimum of twelve (12) Federal Housing Administration-insured loans on Kentucky residential real properties each year in order to maintain its exemption.
- (5) Any mortgage loan company, mortgage loan broker, or branch thereof relying upon an exemption under subsection (2)(a) or (b) of this section who ceases to be approved or regulated by the Department of Housing and Urban Development shall notify the commissioner, in writing, within ten (10) days after it ceases to be regulated by the United States Department of Housing and Urban Development.
- (6) Any person listed in subsection (1)(a), (b), (c), (d), (e), (f), (g), or (h) of this section shall not be required to file with the commissioner a claim of exemption.
- (7) (a) Any natural person making a loan under subsection (10) of this section shall make the following disclosure, on a separate sheet of paper in minimum eighteen (18) point type, to the borrower:
- DISCLOSURE
- (Name and address of lender) is not licensed or regulated by the Kentucky Department of Financial Institutions.
- (Name of lender) is making this mortgage loan with his or her own funds, for the person's own investment, without intent to resell the mortgage loan.
- (The phone number and address of the Kentucky Department of Financial Institutions.)
- (b) A copy of the disclosure, signed by the borrower, shall be maintained by the natural person for a period not to exceed three (3) years after the date the mortgage loan is paid in full.
- (8) Any mortgage loan company, mortgage loan broker, or branch thereof relying upon an exemption under subsection (2)(a) or (b) of this section shall provide a list of funded or brokered Federal Housing Administration-insured loans from December 1 of the previous calendar year to November 30 of the current calendar year to the commissioner by December 31 of each year on a form prescribed by the commissioner.
- (9) Any mortgage loan company, mortgage loan broker, or branch thereof applying for an exemption under subsection (2)(a) or (b) of this section shall not be approved for an exemption under subsection (2)(a) or (b) of this section unless the mortgage loan company, mortgage loan broker, or branch thereof has:
- (a) Held a mortgage loan company or mortgage loan broker license or registration for five (5) consecutive years prior to the filing of the application for an exemption under this section with the commissioner; or
- (b) Been approved and regulated by the United States Housing and Urban Development to conduct business in the mortgage lending process for five (5) consecutive years prior to the filing of the application for an exemption under this section with the commissioner.
- (10) Any natural person not exempted in subsection (1)(b) or (c) of this section who makes a mortgage loan with his or her own funds for the person's investment without the intent to resell the mortgage loan shall be exempt from the provisions of this subtitle except for the following:
- (a) Examination provisions of KRS 286.8-170 and 286.8-180 when it appears on grounds satisfactory to the commissioner that an examination is necessary;
- (b) Disclosure requirements of subsection (7) of this section;
- (c) Any investigation and enforcement provisions of this subtitle including KRS 286.8-170(7)~~(6)~~, and KRS 286.8-046, 286.8-090, 286.8-190, and 286.8-990;
- (d) Prohibited acts under KRS 286.8-125 and 286.8-220; and

- (e) Registration and regulatory requirements of KRS 286.8-255.
- (11) No person shall hold both a claim of exemption and a license granted under this subtitle.
- (12) Notwithstanding any provisions to the contrary set forth in this subtitle, every mortgage loan company and mortgage loan broker shall make available and grant access to the commissioner or an examiner of the commissioner the records in its possession or control that are subject to the provisions of this subtitle.
- (13) Notwithstanding any provisions to the contrary set forth in this subtitle, no mortgage loan company or mortgage loan broker shall impede the commissioner or an examiner of the commissioner from interviewing any person regarding any potential violations of this subtitle.
- (14) Notwithstanding any provisions to the contrary set forth in this subtitle, every mortgage loan company and mortgage loan broker that employs or utilizes the direct services of a mortgage loan originator subject to the registration and regulatory requirements of KRS 286.8-255 shall complete and timely submit to the Nationwide Mortgage Licensing System and Registry an annual report of condition, which shall be in such form and contain such information as the Nationwide Mortgage Licensing System and Registry may require, along with any other information which may be required by the commissioner.

➔Section 15. KRS 355.9-408 is amended to read as follows:

- (1) Except as otherwise provided in subsection (2) of this section, a term in a promissory note or in an agreement between an account debtor and a debtor which relates to a health-care-insurance receivable or a general intangible, including a contract, permit, license, or franchise, and which term prohibits, restricts, or requires the consent of the person obligated on the promissory note or the account debtor to, the assignment or transfer of, or creation, attachment, or perfection of a security interest in, the promissory note, health-care-insurance receivable, or general intangible, is ineffective to the extent that the term:
 - (a) Would impair the creation, attachment, or perfection of a security interest; or
 - (b) Provides that the assignment or transfer or the creation, attachment, or perfection of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the promissory note, health-care-insurance receivable, or general intangible.
- (2) Subsection (1) of this section applies to a security interest in a payment intangible or promissory note only if the security interest arises out of a sale of the payment intangible or promissory note, other than a sale pursuant to a disposition under KRS 355.9-610 or an acceptance of collateral under KRS 355.9-620.
- (3) A rule of law, statute, or regulation that prohibits, restricts, or requires the consent of a government, governmental body or official, person obligated on a promissory note, or account debtor to the assignment or transfer of, or creation of a security interest in, a promissory note, health-care-insurance receivable, or general intangible, including a contract, permit, license, or franchise between an account debtor and a debtor, is ineffective to the extent that the rule of law, statute, or regulation:
 - (a) Would impair the creation, attachment, or perfection of a security interest; or
 - (b) Provides that the assignment or transfer or the creation, attachment, or perfection of the security interest may give rise to a default, breach, right of recoupment, claim, defense, termination, right of termination, or remedy under the promissory note, health-care-insurance receivable, or general intangible.
- (4) To the extent that a term in a promissory note or in an agreement between an account debtor and a debtor which relates to a health-care-insurance receivable or general intangible or a rule of law, statute, or regulation described in subsection (3) of this section would be effective under law other than this article but is ineffective under subsection (1) or (3) of this section, the creation, attachment, or perfection of a security interest in the promissory note, health-care-insurance receivable, or general intangible:
 - (a) Is not enforceable against the person obligated on the promissory note or the account debtor;
 - (b) Does not impose a duty or obligation on the person obligated on the promissory note or the account debtor;
 - (c) Does not require the person obligated on the promissory note or the account debtor to recognize the security interest, pay or render performance to the secured party, or accept payment or performance from the secured party;
 - (d) Does not entitle the secured party to use or assign the debtor's rights under the promissory note, health-care-insurance receivable, or general intangible, including any related information or materials

furnished to the debtor in the transaction giving rise to the promissory note, health-care-insurance receivable, or general intangible;

- (e) Does not entitle the secured party to use, assign, possess, or have access to any trade secrets or confidential information of the person obligated on the promissory note or the account debtor; and
 - (f) Does not entitle the secured party to enforce the security interest in the promissory note, health-care-insurance receivable, or general intangible.
- (5) This section prevails over any inconsistent provisions of the following statutes and any administrative regulations based on those statutes: KRS 56.230(2), 138.320(3), 138.665(4), 138.720(5), 139.250, 154A.400(3), 190.047(1), 190.070(2)(c), 217B.535(2), 228.070(2), 230.300(11), 234.330(10), 243.630(2), 260.815, 286.4-460(2), 292.320(2)(b), 286.8-036(3)~~[(2)]~~, 304.3-410(2)(f), 304.3-520(5), 333.080, 350.135(1), 365.430(27), and 286.9-070(2).
- (6) Subsection (3) of this section does not apply to the following statutes and to administrative regulations promulgated under the authority of those statutes: KRS 304.2-260, KRS 304.24-420, Subtitle 33 of KRS Chapter 304, and Subtitle 37 of KRS Chapter 304.

Signed by Governor April 8, 2022.

CHAPTER 126

(HB 777)

AN ACT relating to emergency medical services.

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

➔Section 1. KRS 311A.015 is amended to read as follows:

- (1) ***There is hereby created an independent agency of the state government to be known as the Kentucky Board of Emergency Medical Services***~~[is created and shall be attached to the Kentucky Community and Technical College System].~~
- (2) The board shall consist of ~~thirteen (13) members who are residents of Kentucky appointed by the Governor in conjunction with recognized state emergency medical services related organizations. Membership shall be made up of~~ the following ***members, who shall be residents of Kentucky:***
 - (a) ***One (1) physician licensed in Kentucky who serves as the medical director for an ambulance provider and is board-certified in emergency medicine appointed by the Governor from a list of three (3) physicians submitted by the Kentucky Medical Association or the Kentucky Chapter of the American College of Emergency Physicians;***
 - (b) ***One (1) physician licensed in Kentucky who is routinely involved in the emergency care of ill or injured children appointed by the Governor from a list of three (3) physicians submitted by the Kentucky Medical Association or the Kentucky Chapter of the American College of Emergency Physicians;***
 - (c) ***One (1) local government representative appointed by the Governor from a list of three (3) individuals submitted by the Kentucky League of Cities;***
 - (d) ***One (1) local government representative appointed by the Governor from a list of three (3) individuals submitted by the Kentucky Association of Counties;***
 - (e) ***One (1) licensed or certified emergency medical services field provider who is primarily employed by a hospital-based health care facility appointed by the Governor from a list of three (3) individuals submitted by the Kentucky Hospital Association;***
 - (f) ***One (1) licensed or certified emergency medical services field provider appointed by the Governor from a list of three (3) individuals submitted by the Kentucky Ambulance Providers Association;***
 - (g) ***One (1) licensed or certified emergency medical services field provider appointed by the Governor from a list of three (3) individuals submitted by the Kentucky Professional Fire Fighters;***

- (h) *One (1) licensed or certified emergency medical services field provider appointed by the Governor from a list of three (3) individuals submitted by the Kentucky Association of Fire Chiefs;*
 - (i) *One (1) licensed or certified emergency medical services educator appointed by the Governor;*
 - (j) *One (1) licensed or certified emergency medical services field provider appointed by the Governor from a list of three (3) air medical transportation providers based in Kentucky submitted by the Kentucky Chapter of the Association of Air Medical Services;*
 - (k) *One (1) hospital administrator appointed by the Governor from a list of three (3) individuals submitted by the Kentucky Hospital Association;*
 - (l) *One (1) citizen at large appointed by the Governor who is not associated with or financially interested in the delivery of medical or emergency services; and*
 - (m) *The secretary of the Cabinet for Health and Family Services or his or her designee* ~~One (1) emergency medical technician who works for a government agency but is not serving in an educational, management, or supervisory capacity;~~
 - ~~(b) One (1) physician licensed in Kentucky serving as medical director of an advanced life support ambulance service selected from a list of three (3) physicians submitted by the Kentucky Medical Association;~~
 - ~~(c) One (1) physician licensed in Kentucky who is routinely involved in the emergency care of ill or injured children selected from a list of three (3) physicians submitted by the Kentucky Medical Association;~~
 - ~~(d) One (1) citizen having no involvement in the delivery of medical or emergency services;~~
 - ~~(e) One (1) certified emergency medical services educator;~~
 - ~~(f) One (1) fire service based, licensed Class I ground ambulance service administrator who is a certified emergency medical technician, an advanced emergency medical technician, or a licensed paramedic;~~
 - ~~(g) One (1) licensed air ambulance service administrator or paramedic for a licensed air ambulance service headquartered in Kentucky;~~
 - ~~(h) One (1) privately operated, licensed Class I ground ambulance service administrator who is a certified emergency medical technician, an advanced emergency medical technician, or a licensed paramedic;~~
 - ~~(i) One (1) hospital administrator selected from a list of three (3) nominees submitted by the Kentucky Hospital Association;~~
 - ~~(j) One (1) advanced life support ambulance provider who is an advanced emergency medical technician or a licensed paramedic, who works for a government agency but is not serving in an educational, management, or supervisory capacity;~~
 - ~~(k) One (1) publicly operated Class I ground ambulance service administrator who is a certified emergency medical technician, an advanced emergency medical technician, or a licensed paramedic;~~
 - ~~(l) One (1) mayor of a city that operates, either directly or through contract services, a licensed Class I ground ambulance service; and~~
 - ~~(m) One (1) county judge/executive from a county that operates, whether directly or through contract services, a licensed Class I ground ambulance service}.~~
- (3) ~~{(a) }Members shall serve for a term of four (4) years, may be reappointed, and shall serve no more than two (2) consecutive terms. A member appointed to a partial term vacancy exceeding two (2) years shall be deemed to have served a full term. A former member may be reappointed following an absence of at least one (1) term.~~
- ~~{(b) Any person serving on the board in a position eliminated on June 27, 2019, and whose term has not expired prior to the June 27, 2019, may continue to serve in a voting, ex-officio capacity until the expiration of his or her term.}~~
- (4) The board shall:
- (a) Meet at least six (6) times a year; and
 - (b) At the first meeting of the board after September 1 of each year, elect a chair and vice chair by majority vote of the members present and set a schedule of six (6) regular meetings for the next twelve (12) month period.

- (5) The board shall adopt a quorum and rules of procedure by administrative regulation.
- (6) (a) A member of the board who misses three (3) regular meetings in a twelve (12) month period shall be deemed to have resigned from the board and his or her position shall be deemed vacant.
- (b) The failure of a board member to attend a special or emergency meeting shall not result in any penalty.
- (c) The Governor shall appoint a person **with the same professional qualifications**~~[of the same class]~~ to fill the vacancy within ninety (90) days.
- (d) The person removed under this subsection shall not be reappointed to the board for at least ten (10) years.
- (7) Members of the board shall be entitled to reimbursement for actual and necessary expenses when carrying out official duties of the board in accordance with state administrative regulations relating to travel reimbursement.
- (8) **The board shall submit a report to the General Assembly by September 1 of each year. The report shall include but not be limited to:**
- (a) **A detailed list of income and expenses of the board;**
- (b) **A detailed summary of data collected on the number of complaints against individuals certified or licensed by the board and emergency medical services training institutions approved by the board, and the disposition of those complaints;**
- (c) **An accounting of all new administrative regulations and amendments to administrative regulations promulgated by the board; and**
- (d) **Recommendations for changes in administrative regulations, board policies, and statutes**~~[Annual reports and recommendations from the board shall be sent by September 1 each year to the Governor, the president of the Kentucky Community and Technical College System, and the General Assembly].~~

➔Section 2. KRS 311A.020 is amended to read as follows:

- (1) The board shall:
- (a) Exercise all of the administrative functions of the state not regulated by the Board of Medical Licensure or Cabinet for Health and Family Services in the regulation of the emergency medical services system and the practice of emergency medical services, and emergency medical services training institutions, with the exception of employment of personnel as described in subsections (5) and (6) of this section;
- (b) Issue any licenses or certifications authorized by this chapter;
- (c) Oversee the operations and establish the organizational structure of the Office of the Kentucky Board of Emergency Medical Services, which is created and shall be attached to the board for administrative purposes. The office shall be headed by the executive director appointed under paragraph (d) of this subsection and shall be responsible for:
1. Personnel and budget matters affecting the board;
 2. Fiscal activities of the board, including grant writing and disbursement of funds;
 3. Information technology, including the design and maintenance of databases;
 4. Certification and recertification of emergency medical responders;
 5. Certification and recertification of emergency medical technicians and advanced emergency medical technicians;
 6. Licensure and relicensure of ambulances, ambulance services, and mobile integrated healthcare programs;
 7. Licensure and relicensure of paramedics;
 8. Certification and recertification of advanced practice paramedics;
 9. Certification and recertification of EMS educators;
 10. Investigation of and resolution of ~~[quality]~~ complaints and ethics issues **pertaining to professional certifications and licenses**~~;~~~~and]~~

11. ***The resolution of complaints and ethics issues pertaining to ambulances, ambulance services, and mobile integrated healthcare programs; and***
12. Other responsibilities that may be assigned to the executive director by the board;
 - (d) Employ an executive director and deputy executive director and fix the compensation. The executive director and deputy executive director shall serve at the pleasure of the board, administer the day-to-day operations of the Office of the Kentucky Board of Emergency Medical Services, and supervise all directives of the board. The director and deputy executive director shall possess a baccalaureate degree and shall have no less than five (5) years of experience in public administration or in the administration of an emergency medical services program;
 - (e) Employ or contract with a physician licensed in Kentucky who is board certified in emergency medicine and fix the compensation. The physician shall serve at the pleasure of the board and as the medical advisor to the Kentucky Board of Emergency Medical Services and the staff of the board;
 - (f) Employ or contract with an attorney licensed to practice law in Kentucky and fix the compensation. The attorney shall serve at the pleasure of the board and have primary assignment to the board. ***The board and the attorney shall implement and oversee the regulatory process;***
 - (g) Employ personnel sufficient to carry out the statutory responsibilities of the board ***in accordance with the following:***~~{-}~~
 1. Personnel assigned to investigate an emergency medical responder program complaint or regulate the emergency medical responder programs shall be certified emergency medical responders, emergency medical technicians, advanced emergency medical technicians, or licensed paramedics;~~{-}~~
 2. Personnel assigned to investigate an emergency medical technician program complaint or regulate the emergency medical technician program shall be certified emergency medical technicians, advanced emergency medical technicians, or paramedics;~~{-}~~
 3. Personnel assigned to investigate an advanced emergency medical technician program complaint or regulate the advanced emergency medical technician program shall be certified advanced emergency medical technicians or paramedics;~~{-}~~
 4. Personnel assigned to investigate a paramedic program complaint or regulate the paramedic program shall be licensed paramedics;~~{-}~~
 5. A person who is employed by the board who is licensed or certified by the board shall retain his or her license or certification if he or she meets the in-service training requirements and pays the fees specified by administrative regulation;~~{-}~~
 6. A person who is employed by the board may instruct in emergency medical subjects in which he or she is qualified, with the permission of the board. All instruction shall be rendered without remuneration other than his or her state salary and the employee shall be considered as on state duty when teaching; ***and***~~{-}~~
 7. A person who is employed by the board may render services for which the person is qualified at a declared disaster or emergency or in a situation where trained personnel are not available until those personnel arrive to take over the patient, or where insufficient trained personnel are available to handle a specific emergency medical incident. All aid shall be rendered without remuneration other than the employee's state salary and the employee shall be considered as on state duty when rendering aid. In cases specified in this paragraph, the state medical advisor shall serve as the emergency medical services medical director for the employee;
 - (h) Establish committees and subcommittees and the membership thereof. Members of committees and subcommittees do not need to be members of the board ***but shall reflect the qualifications of the board members;***
 - (i) Enter into contracts, apply for grants and federal funds, and disburse funds to local units of government as approved by the General Assembly. All funds received by the board shall be placed in a trust and agency account in the State Treasury subject to expenditure by the board;
 - (j) Administer the Emergency Medical Services for Children Program; and
 - (k) Establish minimum curriculum and standards for emergency medical services training.

- (2) The board may utilize materials, services, or facilities as may be made available to it by other state agencies or may contract for materials, services, or facilities.
- (3) The board may delegate to the executive director, by written order, any function *specified in this chapter* other than promulgation of an administrative regulation~~[specified in this chapter]~~.
- (4) Except for securing funding for trauma centers, the board shall not serve as the lead agency relating to the development or regulation of trauma systems, but shall be a partner with other state agencies in the development, implementation, and oversight of such systems.
- (5) ~~{(a) The Kentucky Community and Technical College System shall employ personnel for the work of the board, and the personnel in the positions described in this section and all other persons in administrative and professional positions shall be transferred to the personnel system of the Kentucky Community and Technical College System on July 12, 2006, in the appropriate classification to carry out the mission of the board. All employees transferred under this paragraph shall have all employment records and months of service credit transferred to the Kentucky Community and Technical College System. Employees of the board transferred under this paragraph who subsequently return to state employment under KRS Chapter 18A shall have their employment records and months of service credit under the Kentucky Community and Technical College System transferred back to the KRS Chapter 18A personnel system, and the employment records and months of service credit shall be used in calculations for all benefits under KRS Chapter 18A.~~
 - ~~(b) New employees hired or contracted after July 12, 2006, shall be employed or contracted by the Kentucky Community and Technical College System.~~
- ~~{(6) The *chair of the* board shall appoint a personnel committee consisting of the chair of the board, one (1) physician member of the board, one (1) ambulance service provider member of the board, one (1) additional member of the board selected by the chair of the board, and one (1) representative of the Kentucky Community and Technical College System administration}. The personnel committee shall conduct an annual job performance review of the executive director, the medical advisor, and the board attorney that conforms with the *state* personnel standards [of the Kentucky Community and Technical College System] and includes a recommendation for or against continued employment to be presented to the *board*[personnel office of the Kentucky Community and Technical College System].~~
- ~~{(7) All state general fund moneys appropriated to the board, all federal funds, all moneys collected by the board, and all equipment owned by the board shall be transferred to the Kentucky Community and Technical College System on July 1, 2006.~~
- ~~{(8)}~~**(6)** The board shall develop a proposed biennial budget for all administrative and operational functions and duties ~~in conjunction with the Kentucky Community and Technical College System budget submission process. The Kentucky Community and Technical College System shall not make changes to the budget proposal submitted by the board, but may submit written comments on the board's budget proposal to the board and other agencies in the budget submission process.~~

➔Section 3. KRS 311A.025 is amended to read as follows:

- (1) The board shall, subject to the provisions of this chapter, create levels of certification or licensure, as appropriate for ~~individuals~~ providing services under this chapter. These may consist of but not be limited to:
 - (a) Emergency medical services educator, Level I, II, and III;
 - (b) Emergency medical responder;
 - (c) Emergency medical technician and advanced emergency medical technician;
 - (d) Paramedic, advanced practice paramedic, and paramedic preceptor;
 - (e) Emergency medical services medical director who supervises a person or organization licensed or certified by the board;
 - (f) Mobile integrated healthcare program medical director who supervises an MIH program licensed by the board;
 - (g) Emergency medical *services*~~{service}~~ training institution;
 - (h) Emergency medical *services*~~{service}~~ testing agency;
 - (i) Ground ambulance service, including categories thereof;

- (j) Air ambulance service;
 - (k) Medical first response provider;
 - (l) Emergency medical dispatcher, emergency medical dispatch instructor, and emergency medical dispatch instructor trainer;
 - (m) Emergency medical dispatch center or public safety answering point; and
 - (n) Any other entity authorized by this chapter.
- (2) The board shall promulgate administrative regulations *in accordance with KRS Chapter 13A* for any certification or license the board may create. The administrative regulations shall, at a minimum, address:
- (a) Requirements for students, if appropriate;
 - (b) Requirements for training;
 - (c) Eligibility for certification or licensure; and
 - (d) Renewal, recertification, and relicensure requirements.
- (3) The board may authorize a physician licensed to practice in Kentucky to serve as an emergency medical services medical director if that physician meets the requirements specified by the board by administrative regulation.
- (4) *A hospital that owns an ambulance service that is exempt from certificate of need pursuant to subsection (7) of Section 9 of this Act may provide transport services from another health facility to its hospital if authorized by the ambulance service provider with jurisdiction in the territory in which the other health facility is located.*

➔Section 4. KRS 311A.030 is amended to read as follows:

- (1) The board shall promulgate administrative regulations in accordance with KRS Chapter 13A to carry out the functions of this chapter, including but not limited to:
- (a)~~(1)~~ Licensing, inspecting, and regulating of ambulance services, mobile integrated healthcare programs, and medical first ~~[-]~~response providers. The administrative regulations shall address specific requirements for:
- 1.~~(a)~~ Class I Ground ambulance providers, which provide basic life support or advanced life support services to all patients for emergencies or scheduled ambulance transportation *that~~[-]~~which* is medically necessary;
 - 2.~~(b)~~ Class II Ground ambulance providers, which provide only basic life support services but do not provide initial response to the general population with medical emergencies and which are limited to providing scheduled ambulance transportation *that~~[-]~~which* is medically necessary;
 - 3.~~(c)~~ Class III Ground ambulance providers, which provide mobile intensive care services at or above the level of advanced life support to patients with critical illnesses or injuries who must be transported between hospitals in vehicles with specialized equipment as an extension of hospital-level care;
 - 4.~~(d)~~ Class IV Ground ambulance providers, which provide basic life support or advanced life support services and transportation for restricted locations such as industrial sites and other sites that do not provide services outside a designated site;
 - 5.~~(e)~~ Class V Mobile integrated healthcare programs, which do not transport patients as a function of the program and which must be operated by or in affiliation with a Class I ambulance provider that provides emergency medical response in the geographic area;
 - 6.~~(f)~~ Class VI medical first response providers, which provide basic or advanced life support services, but do not transport patients;
 - 7.~~(g)~~ Class VII air ambulance providers, which provide basic or advanced life support services; and
 - 8.~~(h)~~ Class VIII event medicine providers, which provide basic or advanced life support services, but do not transport patients; and
- (b)~~(2)~~ Licensing, inspecting, and regulating of emergency medical services training institutions.

- (2) *The licensure standards for Class I ground ambulance providers shall distinguish between an ambulance service that provides only emergency transportation, only scheduled ambulance transportation, or both types of transportation* ~~[Nothing in this section shall be construed to change or alter the issuance of certificates of need for emergency medical services providers].~~

➔Section 5. KRS 311A.035 is amended to read as follows:

The board ~~shall~~~~may~~ carry out the functions of this chapter, including but not limited to:

- (1) Establishing minimum data reporting requirements, including requirements specifically related to emergency medical services and trauma care of children, for ambulance providers and collection and analysis of data related to the provision of emergency medical services;
- (2) Maintaining the Emergency Medical Services for Children Program with federal funds so designated plus any additional funds that may be appropriated by the General Assembly, or any other funds that may become available to the board, including gifts, grants, or other sources;
- (3) Developing a statewide plan for the implementation of emergency medical services systems ~~and trauma care systems~~ within the Commonwealth of Kentucky that specifically addresses the unique needs of rural areas;
- (4) Applying for, receiving, and disposing of federal, state, or private funds by grant, appropriation, donation, or otherwise for emergency medical services programs, personnel, and equipment; and
- (5) Developing, monitoring, and encouraging other projects and programs that may be of benefit to emergency medical services in the Commonwealth.

~~[Nothing in this section shall be construed to change or alter the issuance of certificates of need for emergency medical services providers.]~~

➔Section 6. KRS 311A.055 is amended to read as follows:

- (1) In accordance with the provisions of KRS Chapter 13B, all discipline for which the board is authorized to conduct investigations, hold hearings, and impose punishments is delegated to the executive director, state medical advisor, board attorney, and hearing panels as provided herein, ***except that investigations and hearings for ambulance services licensed under Section 4 of this Act shall be conducted by the Cabinet for Health and Family Services in accordance with Section 8 of this Act. The board shall immediately transfer all complaints submitted regarding ambulance services licensed under Section 4 of this Act to the cabinet and the cabinet shall submit findings and recommendations to the board for all complaints submitted by the board.***
- (2) Any person may make a complaint to the executive director that an entity licensed or certified by the board, emergency medical services personnel, or any other person licensed or certified by the board has violated a provision of this chapter, an administrative regulation promulgated pursuant to this chapter, protocol, practice standard, or order of the board.
- (3) Each complaint shall:
 - (a) Be ***made by telephone or*** in writing ***and may be submitted electronically, by facsimile, or by mail;***
 - (b) Identify specifically the person or organization against whom the complaint is made;
 - (c) Set forth the facts relating to the violation alleged and any other supporting information ~~that~~~~which~~ may have a bearing on the matter; ***and***
 - (d) Contain the name, address ***and zip code, day and work*** telephone ~~numbers~~~~number~~, facsimile number ***if appropriate,*** ~~and~~ e-mail address, if available, ***and the nature of the complainant's relationship to the licensee***~~complainant;~~
 - ~~(e) Be subscribed and sworn to as to the truth of the statements contained in the complaint by the complainant; and~~
 - ~~(f) Be notarized.~~
- (4) ~~[A complaint which is unsigned shall not be acted upon by the executive director. A complaint which is not subscribed and sworn in the manner specified in subsection (3) of this section shall be returned to the complainant for completion.]~~

- ~~(5)~~ The executive director of the board may, on behalf of the board, based on knowledge available to the office of the board, make a complaint against any person or organization regulated by the board in the same manner as provided in subsection (3) of this section.
- (5) ~~(a)~~~~(6)~~ **Except as provided by paragraph (b) of this subsection**, upon receipt of a ~~properly completed~~ complaint, the executive director shall assign the complaint to a staff investigator who shall investigate the complaint and shall make findings of fact and recommendations to the executive director who shall then convene a preliminary inquiry board.
- (b) **If the complaint is pertaining to ambulance services licensed under Section 4 of this Act, the executive director shall transfer the complaint to the Cabinet for Health and Family Services, in accordance with Section 8 of this Act.**
- ~~(6)~~~~(7)~~ When the executive director assigns a complaint to a staff investigator, he or she shall notify the person or organization against whom the complaint has been filed, the employer of the emergency services personnel against whom the complaint has been filed, the emergency medical services medical director or mobile integrated healthcare program medical director for the organization against whom the complaint has been filed or that employs the emergency medical services personnel against whom the complaint has been filed, and any other person or organization specified in this chapter.
- ~~(7)~~~~(8)~~ The notification shall name the person or organization complained against, ~~the complainant,~~ the violations alleged, and the facts presented in the complaint and shall notify the person or organization complained against, the employer, and the emergency medical services **or the mobile integrated healthcare program** medical director of:
- (a) The fact that the complaint shall be answered, the steps for answering the complaint, and the action to be taken if the complaint is not answered;
 - (b) The time frame and steps in the proceedings of a complaint;
 - (c) The rights of the parties, including the right to counsel; and
 - (d) The right to testify at any hearing.
- ~~(8)~~~~(9)~~ Upon the failure of a license or certificate holder to respond to a written accusation or to request a hearing within twenty (20) days after the sending of the accusation, the accused shall be considered to have admitted the truth of the facts and the circumstances in the allegation and appropriate discipline may be imposed.
- ~~(9)~~~~(10)~~ The preliminary inquiry board shall consist of one (1) member of the board selected by the chair, and two (2) persons representing the same category of certification or licensure as the defendant who are not members of the board appointed by the chairman of the board.
- ~~(10)~~~~(11)~~ After reviewing the complaint and results of any investigation conducted on behalf of the board, the preliminary inquiry board shall consider whether the accusation is sufficient to remand the matter for a hearing as provided in this section and KRS Chapter 13B. A majority vote of the members of the preliminary inquiry board shall be necessary for action to either remand the matter for hearing or dismiss the complaint without hearing.
- ~~(11)~~~~(12)~~ If the preliminary inquiry board dismisses the complaint, all parties notified previously shall be notified of the action. If the preliminary inquiry board remands the matter for a hearing, all parties notified previously shall be notified of the action.
- ~~(12)~~~~(13)~~ Each proceeding to consider the imposition of a penalty ~~that which~~ the board is authorized to impose pursuant to this chapter shall be conducted in accordance with KRS Chapter 13B.
- ~~(13)~~~~(14)~~ A hearing panel for purposes of making a decision in any disciplinary matter shall consist of one (1) physician who may be a member of the board or who meets the qualifications of an emergency medical services medical director; one (1) person from the category of persons or organizations of the same class as the defendant; and the hearing officer, who shall not be involved in emergency medical services.
- ~~(14)~~~~(15)~~ The hearing officer may issue subpoenas to compel the attendance of witnesses and the production of documents in the conduct of an investigation. The subpoenas may be enforced by any Circuit Court for contempt. Any order or subpoena of the court requiring the attendance and testimony of witnesses and the production of documentary evidence may be enforced and shall be valid anywhere in this state.

- (15)~~(16)~~ At all hearings the board attorney or, on request of the board, the Attorney General of this state or one (1) of the assistant attorneys general designated shall appear and represent the board.
- (16)~~(17)~~ The emergency medical services provider or related employer of a person licensed or certified by the board and the emergency medical services medical director of such a person who is the defendant in a hearing shall be parties to the action and may appear and testify in the matter at any deposition or hearing on the matter and may propose conclusions of law, findings of fact, and penalties to the hearing panel.
- (17)~~(18)~~ To make a finding or recommend discipline, the two (2) members of the hearing panel who are not the hearing officer shall agree on the finding or discipline. In the event of a tie vote, the hearing officer shall cast the deciding vote.
- (18)~~(19)~~ The final order in any disciplinary proceeding shall be prepared by the executive director and sent to all parties in the manner prescribed by law.
- (19)~~(20)~~ Any person or entity aggrieved by a final order of the board may appeal to the Franklin Circuit Court in accordance with the provisions of KRS Chapter 13B.
- (20)~~(21)~~ The only discipline that the board may impose against an emergency medical services medical director is denial, suspension or withdrawal of the board's approval for that person to serve as an emergency medical services medical director.
- (21)~~(22)~~ If the executive director substantiates that sexual contact occurred between a licensee or certificate holder and a patient while the patient was under the care of or in a professional relationship with the licensee or certificate holder, the license or certification may be revoked or suspended with mandatory treatment of the person as prescribed by the executive director. The executive director may require the licensee or certificate holder to pay a specified amount for mental health services for the patient which are needed as a result of the sexual contact.
- (22) *Except as specified in this section, all board proceedings, including the complaint, answer, and other records relating to a disciplinary proceeding, shall be confidential until a final determination is made by the board, except:*
- (a) *The board may turn over to the Attorney General, the United States Attorney, Commonwealth's attorney, or county attorney of the jurisdiction in which the offense allegedly occurred, evidence that may be used in criminal proceedings; and*
 - (b) *If the complainant or alleged violator publicly discloses the existence of a preliminary inquiry, the board may publicly confirm the existence of the inquiry and, in its discretion, make public any documents that were issued to either party.*

➔Section 7. KRS 311A.190 is amended to read as follows:

- (1) Each licensed ambulance provider, mobile integrated healthcare program, and medical first response provider as defined in this chapter shall collect and provide to the board patient care record data and information required by the board by this chapter and administrative regulation.
- (2) The board shall develop a patient care record form for the use of each class of ambulance provider, mobile integrated healthcare program, and medical first response provider containing the data required in subsection (1) of this section. An ambulance provider, mobile integrated healthcare program, or medical first response provider may utilize any patient care record form it chooses in lieu of or in addition to the board developed patient care record form. However, the data captured on the patient care record form utilized by the ambulance service ~~provider~~, mobile integrated healthcare program, or medical first response provider shall include at least ~~the~~ ~~that~~ data ~~that~~ ~~which~~ is required by the administrative regulations promulgated pursuant to subsection (1) of this section.
- (3) An ambulance provider, mobile integrated healthcare program, or medical first response provider shall report the required patient care record data as prescribed through administrative regulations promulgated by the board by transmitting the required data and information to the board in an electronic format. If the board requires the use of a specific electronic format, it shall provide a copy of the file layout requirements, in either written or electronic format, to the licensed ambulance provider or medical first response provider at no charge.
- (4) The board ~~shall~~ ~~may~~ publish a comprehensive annual report reflecting the data collected, injury and illness data, treatment utilized, and other information deemed important by the board. The annual report shall not include patient identifying information or any other information identifying a natural person. A copy of the comprehensive annual report, if issued, shall be forwarded to the Governor and the General Assembly.

- (5) Ambulance provider, mobile integrated healthcare program and medical first response provider patient care records and the information transmitted electronically to the board shall be confidential ***and in compliance with HIPAA privacy rules referenced in 45 C.F.R. pt. 164***. No person shall make an unauthorized release of information on an ambulance provider, mobile integrated healthcare program, or medical first response provider patient care record. Only the patient or the patient's parent or legal guardian if the patient is a minor, or the patient's legal guardian or person with proper power of attorney if the patient is under legal disability as being incompetent or mentally ill, or a court of competent jurisdiction may authorize the release of information on a patient's care record or the inspection or copying of the patient care record. Any authorization for the release of information or for inspection or copying of a patient care record shall be in writing.
- (6) An ambulance provider or medical first response provider that collects patient data through electronic means shall have the means of providing a patient care record or summary report that includes all required data elements to the medical care facility. A copy of the medical first response patient care record or summary report of the patient care record and patient information shall be made available to the ambulance service that transports the patient. A copy of the ambulance ***transportation and medical***~~form~~ report ***forms***~~form~~ shall be made available to any medical care facility to which a patient is transported and shall be included in the patient's medical record by that facility. If a patient is not transported to a medical facility, the copy of the patient care record that is to be given to the transporting ambulance provider or medical care facility shall be given to the patient or to the patient's parent or legal guardian upon request. If the ambulance provider, medical facility, patient, or patient's legal guardian refuses delivery of their patient care record or is unavailable to receive the form, that copy of the patient care record shall be returned to the medical first response provider or ambulance provider and destroyed.
- (7) All ambulance services and mobile integrated healthcare programs shall be required to keep adequate reports and records to be maintained at the ambulance base headquarters and to be available for periodic review as deemed necessary by the board. Required records and reports are as follows:
- Employee records, including a resume of each employee's training and experience and evidence of current certification or licensure; and
 - Health records of all personnel including records of all illnesses or accidents occurring while on duty.
- (8) Data and records generated and kept by the board or its contractors regarding the evaluation of emergency medical care, mobile integrated healthcare programs, and trauma care in the Commonwealth, including the identities of patients, emergency medical services personnel, ambulance providers, medical first-response providers, and emergency medical facilities, shall be confidential, shall not be subject to disclosure under KRS 61.805 to 61.850 or KRS 61.870 to 61.884, shall not be admissible in court for any purpose, and shall not be subject to discovery. However, nothing in this section shall limit the discoverability or admissibility of patient medical records regularly and ordinarily kept in the course of a patient's treatment that otherwise would be admissible or discoverable.
- (9) ***The Cabinet for Health and Family Services shall have complete and immediate access to all data and records maintained by the board or its contractors and may use information contained in the data and records to fulfill its responsibilities and requirements for health facilities and services, including but not limited to those duties assigned to the cabinet by KRS 194A.101, 216.2920 to 216.2929, and 216B.042.***

➔SECTION 8. A NEW SECTION OF KRS CHAPTER 216B IS CREATED TO READ AS FOLLOWS:

- The cabinet shall investigate and hold hearings on complaints pertaining to ambulance services licensed under Section 4 of this Act that are transferred to the cabinet by the Kentucky Board of Emergency Medical Services as required by Section 5 of this Act if the cabinet determines a hearing is needed.***
- The hearing shall be before a person designated to serve as hearing officer by the secretary.***
- Within thirty (30) days from the conclusion of the hearing, the findings and recommendations of the hearing officer shall be transmitted to the cabinet, with a synopsis of the evidence contained in the record and a statement of the basis of the hearing officer's findings. The applicant or licensee shall be entitled to be represented at the hearing in person or by counsel, or both, and shall be entitled to introduce testimony by witnesses or, if the cabinet so permits, by depositions. A full and complete record shall be kept of all hearings, and all testimony shall be reported but need not be transcribed unless the decision is appealed pursuant to this chapter. The cabinet shall immediately submit the hearing officer's findings and recommendations or the prepared written findings of fact and statement of the basis for its decision, which shall become part of the record of the proceedings, to the Kentucky Board of Emergency Medical Services.***

- (4) *The Kentucky Board of Emergency Medical Services may deny, revoke, modify, or suspend a license in any case in which the cabinet finds that there has been a substantial failure to comply with the provisions of Section 4 of this Act or the administrative regulations promulgated hereunder. The denial, revocation, modification, or suspension shall be effected by mailing to the applicant or licensee, by certified mail or other method of delivery which may include electronic service, a notice setting forth the particular reasons for the action. The board shall notify the cabinet within five (5) days of its action in response to the cabinet's findings and recommendations in writing.*
- (5) *The denial, revocation, modification, or suspension shall become final and conclusive thirty (30) days after notice is given, unless the applicant or licensee, within the thirty (30) day period, files a request in writing for a hearing with the cabinet. The cabinet shall notify the board of its actions within five (5) days of receiving a hearing request. All decisions revoking, suspending, modifying, or denying licenses shall be made by the board in writing. The board shall notify the applicant or licensee of the decision.*
- (6) *The decision of the board shall be final for purposes of judicial appeal upon notice of the board's decision.*

➔Section 9. KRS 216B.020 is amended to read as follows:

- (1) The provisions of this chapter that relate to the issuance of a certificate of need shall not apply to abortion facilities as defined in KRS 216B.015; any hospital which does not charge its patients for hospital services and does not seek or accept Medicare, Medicaid, or other financial support from the federal government or any state government; assisted living residences; family care homes; state veterans' nursing homes; services provided on a contractual basis in a rural primary-care hospital as provided under KRS 216.380; community mental health centers for services as defined in KRS Chapter 210; primary care centers; rural health clinics; private duty nursing services operating as nursing pools; group homes; licensed residential crisis stabilization units; licensed free-standing residential substance use disorder treatment programs with sixteen (16) or fewer beds, but not including Levels I and II psychiatric residential treatment facilities or licensed psychiatric inpatient beds; outpatient behavioral health treatment, but not including partial hospitalization programs; end stage renal disease dialysis facilities, freestanding or hospital based; swing beds; special clinics, including but not limited to wellness, weight loss, family planning, disability determination, speech and hearing, counseling, pulmonary care, and other clinics which only provide diagnostic services with equipment not exceeding the major medical equipment cost threshold and for which there are no review criteria in the state health plan; nonclinically related expenditures; nursing home beds that shall be exclusively limited to on-campus residents of a certified continuing care retirement community; home health services provided by a continuing care retirement community to its on-campus residents; the relocation of hospital administrative or outpatient services into medical office buildings which are on or contiguous to the premises of the hospital; the relocation of acute care beds which occur among acute care hospitals under common ownership and which are located in the same area development district so long as there is no substantial change in services and the relocation does not result in the establishment of a new service at the receiving hospital for which a certificate of need is required; the redistribution of beds by licensure classification within an acute care hospital so long as the redistribution does not increase the total licensed bed capacity of the hospital; residential hospice facilities established by licensed hospice programs; ~~for~~ the following health services provided on site in an existing health facility when the cost is less than six hundred thousand dollars (\$600,000) and the services are in place by December 30, 1991: psychiatric care where chemical dependency services are provided, level one (1) and level two (2) of neonatal care, cardiac catheterization, and open heart surgery where cardiac catheterization services are in place as of July 15, 1990; **or ambulance services operating in accordance with subsections (6), (7), or (8) of this section.** ~~The provisions of this section shall not apply to nursing homes, personal care homes, intermediate care facilities, and family care homes; or nonconforming ambulance services as defined by administrative regulation.~~ These listed facilities or services shall be subject to licensure, when applicable.
- (2) Nothing in this chapter shall be construed to authorize the licensure, supervision, regulation, or control in any manner of:
- Private offices and clinics of physicians, dentists, and other practitioners of the healing arts, except any physician's office that meets the criteria set forth in KRS 216B.015(5) or that meets the definition of an ambulatory surgical center as set out in KRS 216B.015;
 - Office buildings built by or on behalf of a health facility for the exclusive use of physicians, dentists, and other practitioners of the healing arts; unless the physician's office meets the criteria set forth in KRS 216B.015(5), or unless the physician's office is also an abortion facility as defined in KRS 216B.015, except no capital expenditure or expenses relating to any such building shall be chargeable to or reimbursable as a cost for providing inpatient services offered by a health facility;

- (c) Outpatient health facilities or health services that:
 - 1. Do not provide services or hold patients in the facility after midnight; and
 - 2. Are exempt from certificate of need and licensure under subsection (3) of this section;
 - (d) Dispensaries and first-aid stations located within business or industrial establishments maintained solely for the use of employees, if the facility does not contain inpatient or resident beds for patients or employees who generally remain in the facility for more than twenty-four (24) hours;
 - (e) Establishments, such as motels, hotels, and boarding houses, which provide domiciliary and auxiliary commercial services, but do not provide any health related services and boarding houses which are operated by persons contracting with the United States Department of Veterans Affairs for boarding services;
 - (f) The remedial care or treatment of residents or patients in any home or institution conducted only for those who rely solely upon treatment by prayer or spiritual means in accordance with the creed or tenets of any recognized church or religious denomination and recognized by that church or denomination; and
 - (g) On-duty police and fire department personnel assisting in emergency situations by providing first aid or transportation when regular emergency units licensed to provide first aid or transportation are unable to arrive at the scene of an emergency situation within a reasonable time.
- (3) The following outpatient categories of care shall be exempt from certificate of need and licensure on July 14, 2018:
- (a) Primary care centers;
 - (b) Special health clinics, unless the clinic provides pain management services and is located off the campus of the hospital that has majority ownership interest;
 - (c) Specialized medical technology services, unless providing a State Health Plan service;
 - (d) Retail-based health clinics and ambulatory care clinics that provide nonemergency, noninvasive treatment of patients;
 - (e) Ambulatory care clinics treating minor illnesses and injuries;
 - (f) Mobile health services, unless providing a service in the State Health Plan;
 - (g) Rehabilitation agencies;
 - (h) Rural health clinics; and
 - (i) Off-campus, hospital-acquired physician practices.
- (4) The exemptions established by subsections (2) and (3) of this section shall not apply to the following categories of care:
- (a) An ambulatory surgical center as defined by KRS 216B.015(4);
 - (b) A health facility or health service that provides one (1) of the following types of services:
 - 1. Cardiac catheterization;
 - 2. Megavoltage radiation therapy;
 - 3. Adult day health care;
 - 4. Behavioral health services;
 - 5. Chronic renal dialysis;
 - 6. Birthing services; or
 - 7. Emergency services above the level of treatment for minor illnesses or injuries;
 - (c) A pain management facility as defined by KRS 218A.175(1);
 - (d) An abortion facility that requires licensure pursuant to KRS 216B.0431; or

- (e) A health facility or health service that requests an expenditure that exceeds the major medical expenditure minimum.
- (5) An existing facility licensed as an intermediate care or nursing home shall notify the cabinet of its intent to change to a nursing facility as defined in Public Law 100-203. A certificate of need shall not be required for conversion of an intermediate care or nursing home to the nursing facility licensure category.
- (6) Ambulance services owned and operated by a city government, which propose to provide services in coterminous cities outside of the ambulance service's designated geographic service area, shall not be required to obtain a certificate of need if the governing body of the city in which the ambulance services are to be provided enters into an agreement with the ambulance service to provide services in the city.
- (7) *Ambulance services owned by a hospital shall not be required to obtain a certificate of need for the sole purpose of providing non-emergency and emergency transport services originating from its hospital.*
- (8) (a) *As used in this subsection, "emergency ambulance transport services" means the transportation of an individual that has an emergency medical condition with acute symptoms of sufficient severity that the absence of immediate medical attention could reasonably be expected to place the individual's health in serious jeopardy or result in the serious impairment or dysfunction of the individual's bodily organs.*
 - (b) *A city or county government that has conducted a public hearing for the purposes of demonstrating that an imperative need exists in the city or county to provide emergency ambulance transport services within its jurisdictional boundaries shall not be required to obtain a certificate of need for the city or county to:*
 - 1. *Directly provide emergency ambulance transport services as defined in this subsection within the city's or county's jurisdictional boundaries; or*
 - 2. *Enter into a contract with a hospital or hospitals within its jurisdiction, or within an adjoining county if there are no hospitals located within the county, for the provision of emergency ambulance transport services as defined in this subsection within the city's or county's jurisdictional boundaries.*
 - (c) *Any license obtained under KRS Chapter 311A by a city or county for the provision of ambulance services operating under a certificate of need exclusion pursuant to this subsection shall be held exclusively by the city or county government and shall not be transferrable to any other entity.*
 - (d) *Prior to obtaining the written agreement of a city, an ambulance service operating under a county government certificate of need exclusion pursuant to this subsection shall not provide emergency ambulance transport services within the boundaries of any city that:*
 - 1. *Possesses a certificate of need to provide emergency ambulance services;*
 - 2. *Has an agency or department thereof that holds a certificate of need to provide emergency ambulance services; or*
 - 3. *Is providing emergency ambulance transport services within its jurisdictional boundaries pursuant to this subsection.*
- (9) (a) *Except where a certificate of need is not required pursuant to subsections (6), (7), or (8) of this subsection, the cabinet shall grant nonsubstantive review for a certificate of need proposal to establish an ambulance service that is owned by a:*
 - 1. *City government;*
 - 2. *County government; or*
 - 3. *Hospital, in accordance with paragraph (b) of this subsection.*
- (b) *A notice shall be sent by the cabinet to all cities and counties that a certificate of need proposal to establish an ambulance service has been submitted by a hospital. The legislative bodies of the cities and counties affected by the hospital's certificate of need proposal shall provide a response to the cabinet within thirty (30) days of receiving the notice. The failure of a city or county legislative body to respond to the notice shall be deemed to be support for the proposal.*

- (c) *An ambulance service established under this subsection shall not be transferred to another entity that does not meet the requirements of paragraph (a) of this subsection without first obtaining a substantive certificate of need.*
- (10) Notwithstanding any other provision of law, a continuing care retirement community's nursing home beds shall not be certified as Medicaid eligible unless a certificate of need has been issued authorizing applications for Medicaid certification. The provisions of subsection (5) of this section notwithstanding, a continuing care retirement community shall not change the level of care licensure status of its beds without first obtaining a certificate of need.
- (11) *An ambulance service established under subsection (9) of this section shall not be transferred to an entity that does not qualify under subsection (9) of this section without first obtaining a substantive certificate of need.*
- (12) (a) *The provisions of subsections (7), (8), and (9) of this section shall expire on July 1, 2026.*
- (b) *All actions taken by cities, counties, and hospitals, exemptions from obtaining a certificate of need, and any certificate of need granted under subsections (7), (8), and (9) of this section prior to July 1, 2026, shall remain in effect on and after July 1, 2026.*

➔Section 10. KRS 216B.095 is amended to read as follows:

- (1) An applicant may waive the procedures for formal review of an application for a certificate of need and request a nonsubstantive review as provided below. The cabinet may grant or deny nonsubstantive review status within ten (10) days of the date the application is deemed completed and shall give notice to all affected persons of the decision to conduct a nonsubstantive review. Any affected person other than the applicant may request a hearing by filing a request with the cabinet within ten (10) days of the notice to conduct a nonsubstantive review. As applicable, hearings shall be conducted as provided in KRS 216B.085. Based solely upon the record established with regard to the matter, the cabinet shall approve or deny a certificate of need on all projects assigned nonsubstantive review status within thirty-five (35) days of the determination of nonsubstantive review status. If the application is denied nonsubstantive review status, it shall automatically be placed in the formal review process.
- (2) If a certificate of need is denied following a nonsubstantive review, the applicant may request that the application be placed in the next cycle of the formal review process. Nothing in this subsection shall require an applicant to pursue a formal review before obtaining judicial review pursuant to KRS 216B.115.
- (3) The cabinet may grant nonsubstantive review status to an application for a certificate of need which is required:
- To change the location of a proposed health facility;
 - To replace or relocate a licensed health facility, if there is no substantial change in health services or substantial change in bed capacity;
 - To replace or repair worn equipment if the worn equipment has been used by the applicant in a health facility for five (5) years or more;
 - For cost escalations; *or*
 - ~~To establish an industrial ambulance service; or~~
- ~~(f)~~ In other circumstances the cabinet by administrative regulation may prescribe.
- (4) Notwithstanding any other provision to the contrary in this chapter, the cabinet may approve a certificate of need for a project required for the purposes set out in paragraphs (a) to ~~(e)~~~~(f)~~ of subsection (3) of this section, unless it finds the facility or service with respect to which the capital expenditure is proposed to be made is not required; or to the extent the facility or services contemplated by the proposed capital expenditure is addressed in the state health plan, the cabinet finds that the capital expenditure is not consistent with the state health plan.
- (5) The decision of the cabinet approving or denying a certificate of need pursuant to this section shall be final for purposes of judicial appeal, unless the applicant requests the application be placed in the formal review process. An approved certificate shall be issued thirty (30) days after notice of the cabinet's decision, unless a judicial appeal is taken and issuance is enjoined by the court.
- (6) Notwithstanding any other provision of law, the cabinet shall not grant nonsubstantive review status to a certificate of need application that indicates an intent to apply for Medicaid certification of nursing home beds

within a continuing care retirement community established under KRS 216B.015, 216B.020, 216B.330, and 216B.332.

- (7) Notwithstanding any provision of state law or the state health plan promulgated by administrative regulation in accordance with KRS 216B.040, the cabinet shall grant nonsubstantive review for a certificate of need proposal to establish an ambulatory surgical center if the applicant complies with the following:
- (a) The applicant is an ambulatory surgical center that was organized and in operation as the private office of a physician or physician group prior to October 1, 2006;
 - (b)
 1. The cabinet's general counsel has submitted a letter to the Accreditation Association for Ambulatory Health Care advising that the cabinet does not object to the applicant's parent company applying for and obtaining Medicare certification; or
 2. The applicant is an ambulatory surgical center that has received from the cabinet a favorable advisory opinion dated June 14, 2005, confirming that the applicant would be exempt from the certificate of need or licensure requirement;
 - (c) The applicant's ambulatory surgical center has been inspected and accredited by the Accreditation Association for Ambulatory Health Care since December 31, 2006, and has maintained accreditation with that organization consistently since that time; and
 - (d) The applicant was a party to litigation concerning the ambulatory surgical center and physician office issue and, prior to July 12, 2012, obtained a Court of Appeals ruling in its favor.

➔Section 11. KRS 189.910 is amended to read as follows:

- (1) As used in KRS 189.920 to 189.950, "emergency vehicle" means any vehicle used for emergency purposes by:
- (a) The Department of Kentucky State Police;
 - (b) A public police department;
 - (c) The Department of Corrections;
 - (d) A sheriff's office;
 - (e) A rescue squad;
 - (f) An emergency management agency if it is a publicly owned vehicle;
 - (g) ***A licensed***~~an~~ ambulance service, mobile integrated healthcare program, or medical first response provider licensed by the Kentucky Board of Emergency Medical Services, for any vehicle used to respond to emergencies or to transport a patient with a critical medical condition;
 - (h) Any vehicle commandeered by a police officer;
 - (i) Any vehicle with the emergency lights required under KRS 189.920 used by a paid or volunteer fireman or paid or volunteer ambulance personnel, or a paid or local emergency management director while responding to an emergency or to a location where an emergency vehicle is on emergency call;
 - (j) An elected coroner granted permission to equip a publicly or privately owned motor vehicle with lights and siren pursuant to KRS 189.920;
 - (k) A deputy coroner granted permission to equip a publicly or privately owned motor vehicle with lights and siren pursuant to KRS 189.920;~~or~~
 - (l) ***Any vehicle used by an organ procurement organization while transporting a human organ or tissue for the purpose of organ recovery or transplantation in an emergency situation involving an imminent health risk; or***
 - (m) A conservation officer of the Kentucky Department of Fish and Wildlife Resources.
- (2) As used in KRS 189.920 to 189.950, "public safety vehicle" means public utility repair vehicle; wreckers; state, county, or municipal service vehicles and equipment; highway equipment which performs work that requires stopping and standing or moving at slow speeds within the traveled portions of highways; and vehicles which are escorting wide-load or slow-moving trailers or trucks.

➔Section 12. KRS 189.940 is amended to read as follows:

- (1) Except as provided in KRS 189.920, the speed limitations set forth in the Kentucky Revised Statutes do not apply to ~~emergency vehicles~~:
- (a) **1. *Emergency vehicles*** when responding to emergency calls; ~~or~~
 2. ~~(b) [To]~~ Police vehicles when in pursuit of an actual or suspected violator of the law; ~~or~~
 3. ~~(c) [To]~~ Ambulances when transporting a patient to medical care facilities; **or**
 4. ***Any vehicle used by an organ procurement organization while transporting a human organ or tissue for the purpose of organ recovery or transplantation in an emergency situation involving an imminent health risk; and***
 - ~~(b) (d)~~ ***Emergency vehicles when*** the driver thereof is giving the warning required by subsection (5)(a) and (b) of this section.

No portion of this subsection shall be construed to relieve the driver of the duty to operate the vehicle with due regard for the safety of all persons using the street or highway.

- (2) The driver of an emergency vehicle, when responding to an emergency call, or of a police vehicle in pursuit of an actual or suspected violator of the law, or of an ambulance transporting a patient to a medical care facility and giving the warning required by subsection (5) of this section, upon approaching any red light or stop signal or any stop sign shall slow down as necessary for safety to traffic, but may proceed past such red or stop light or stop sign with due regard for the safety of persons using the street or highway.
- (3) The driver of an emergency vehicle, when responding to an emergency call, or of a police vehicle in pursuit of an actual or suspected violator of the law, or of an ambulance transporting a patient to a medical care facility, ***or a vehicle used by an organ procurement organization transporting a human organ or tissue***, and giving warning required by subsection (5) of this section, may drive on the left side of any highway or in the opposite direction of a one-way street provided the normal lanes of traffic are blocked and he does so with due regard for the safety of all persons using the street or highway.
- (4) The driver of an emergency or public safety vehicle may stop or park his vehicle upon any street or highway without regard to the provisions of KRS 189.390 and 189.450, provided that, during the time the vehicle is parked at the scene of an emergency, at least one (1) warning light is in operation at all times.
- (5) The driver of an emergency vehicle desiring the use of any option granted by subsections (1) through (3) of this section shall give warning in the following manner:
 - (a) By illuminating the vehicle's warning lights continuously during the period of the emergency; and
 - (b) By continuous sounding of the vehicle's siren, bell, or exhaust whistle; unless
 - (c) The vehicle is an ambulance and the driver is of the opinion that sounding of the siren, bell, or exhaust whistle would be detrimental to the victim's health. In the event the driver of an ambulance elects not to use the siren, bell, or exhaust whistle he shall not proceed past red lights or drive in the opposite direction on a one-way street or in oncoming lanes of traffic unless no other vehicles are within five hundred (500) feet of the front of the ambulance. The driver shall not extinguish the warning lights during the period of the emergency.
- (6) No driver or operator of any emergency or public safety or other vehicle shall use the warning lights or siren, bell, or exhaust whistle of his vehicle for any purposes or under any circumstances other than those permitted by KRS 189.910 to 189.950.
- (7) KRS 189.910 to 189.950 does not relieve the driver of any emergency or public safety vehicle from the duty to drive with due regard for the safety of all persons and property upon the highway.

➔Section 13. KRS 324B.030 is amended to read as follows:

- (1) The Department of Professional Licensing in the Public Protection Cabinet shall provide administrative services, technical assistance, and advice to the following boards and commissions at the request of the individual boards or commissions, all of which maintain their identity and their full authority for making policy decisions in the fields that they regulate: the State Board of Accountancy, the Kentucky Board of Architects, the Kentucky Board of Barbering, the Kentucky Board of Cosmetology, the State Board of Podiatry, the Kentucky State Board of Chiropractic Examiners, the Kentucky Board of Dentistry, the State Board of Embalmers and Funeral Directors, the State Board of Registration for Professional Engineers and Land Surveyors, the Kentucky Board of Nursing, the Kentucky Board of Ophthalmic Dispensers, the

Kentucky Board of Optometric Examiners, the Kentucky Board of Pharmacy, the State Board of Physical Therapy, the State Board of Examiners of Psychologists, the Kentucky Real Estate Commission, the Kentucky Board of Veterinary Examiners, the Board of Auctioneers, the Kentucky Board of Landscape Architects, the State Board of Medical Licensure, the Board of Speech-Language Pathology and Audiology, the Kentucky Board of Licensure for Nursing Home Administrators, the Kentucky Licensing Board for Specialists in Hearing Instruments, the Kentucky Board of Social Work, *the Kentucky Board of Emergency Medical Services*, and any other boards and commissions that are created to license, certify, register, or otherwise regulate any occupational or professional category.

- (2) The department may also provide administrative services to a board or commission that is created to license, certify, register, or otherwise regulate any occupational or professional category if these administrative services are deemed to be preferable or required after the review process conducted under KRS 324B.040.
- (3) To the extent that the department provides administrative services, the respective boards and commissions are relieved of the power and duty to provide the services for themselves. The department shall charge each board or commission a reasonable amount for administrative services provided pursuant to subsection (1) of this section. The department may employ persons previously employed by boards or commissions.
- (4) The department may receive complaints against the conduct of licensees granted licensure by the boards and commissions assigned to the department for administrative purposes. The department shall cause these complaints to be reduced to writing and forwarded to the appropriate board or commission for investigation and a determination of the validity of the complaint. The department shall keep a record of all complaints received by it and forwarded to a board or commission.
- (5) Any board or commission listed in subsection (1) of this section, shall accept personal checks in payment of license renewal fees.

➔SECTION 14. A NEW SECTION OF KRS CHAPTER 311A IS CREATED TO READ AS FOLLOWS:

- (1) *Except for personnel under subsection (2) of this section, personnel employed by the Kentucky Board of Emergency Medical Services under the Kentucky Community and Technical College System shall be transferred to the Kentucky Board of Emergency Medical Services in the KRS Chapter 18A personnel system along with the funding associated with those employees.*
- (2)
 - (a) *Personnel employed by the Kentucky Board of Emergency Medical Services under the Kentucky Community and Technical College System who participate in a defined contribution plan that meets the requirements of 26 U.S.C. sec. 403(b) for employees of the Kentucky Community and Technical College System may choose to remain in their present employment and be assigned to the board to continue providing these services or become an employee of the board under the KRS Chapter 18A personnel system.*
 - (b) *An employee shall make his or her choice under paragraph (a) of this subsection within thirty (30) days following the effective date of this Act and shall have access to counseling by representatives of the KRS Chapter 18A personnel system, the Kentucky Community and Technical College System, and applicable retirement systems concerning the effect the choice of employment would have on the employee. If an employee does not make a choice within thirty (30) days following the effective date of this Act, that employee shall be deemed to have chosen to exercise the option to become an employee of the board under the KRS Chapter 18A personnel system.*
- (3) *Employees transferred pursuant to subsections (1) and (2) of this section shall retain:*
 - (a) *Their salaries and leave time balances accumulated as of the transfer date;*
 - (b) *For purposes of determining leave time accumulation, the date of initial employment with a state agency or a postsecondary educational institution, whichever is earlier; and*
 - (c) *For purposes of calculating retirement and retiree health benefits and contributions, the earlier of the date of initial participation or membership date, in:*
 1. *A state-administered retirement system if the employee has participated or is participating in the Kentucky Employees Retirement System; or*
 2. *A defined contribution plan that meets requirements of 26 U.S.C. sec. 403(b) for employees of the Kentucky Community and Technical College System.*

Nothing in this paragraph shall be construed to provide additional service credit for the employee prior to the transfer date other than what has been credited to the appropriate retirement system.

- (4) *All existing state general fund moneys appropriated to the board, all federal funds, all moneys collected by the board, all equipment owned by the board, and instructional supplies, equipment, funds, and records of the Kentucky Community and Technical College System associated with the Kentucky Board of Emergency Medical Services shall be transferred to the Kentucky Board of Emergency Medical Services in the KRS Chapter 18A personnel system along with all financial and management oversight responsibility and liability.*

➔Section 15. KRS 61.510 is amended to read as follows:

As used in KRS 61.510 to 61.705, unless the context otherwise requires:

- (1) "System" means the Kentucky Employees Retirement System created by KRS 61.510 to 61.705;
- (2) "Board" means the board of trustees of the system as provided in KRS 61.645;
- (3) "Department" means any state department or board or agency participating in the system in accordance with appropriate executive order, as provided in KRS 61.520. For purposes of KRS 61.510 to 61.705, the members, officers, and employees of the General Assembly and any other body, entity, or instrumentality designated by executive order by the Governor, shall be deemed to be a department, notwithstanding whether said body, entity, or instrumentality is an integral part of state government;
- (4) "Examiner" means the medical examiners as provided in KRS 61.665;
- (5) "Employee" means the members, officers, and employees of the General Assembly and every regular full-time, appointed or elective officer or employee of a participating department, including the Department of Military Affairs. The term does not include persons engaged as independent contractors, seasonal, emergency, temporary, interim, and part-time workers. In case of any doubt, the board shall determine if a person is an employee within the meaning of KRS 61.510 to 61.705;
- (6) "Employer" means a department or any authority of a department having the power to appoint or select an employee in the department, including the Senate and the House of Representatives, or any other entity, the employees of which are eligible for membership in the system pursuant to KRS 61.525;
- (7) "State" means the Commonwealth of Kentucky;
- (8) "Member" means any employee who is included in the membership of the system or any former employee whose membership has not been terminated under KRS 61.535;
- (9) "Service" means the total of current service and prior service as defined in this section;
- (10) "Current service" means the number of years and months of employment as an employee, on and after July 1, 1956, except that for members, officers, and employees of the General Assembly this date shall be January 1, 1960, for which creditable compensation is paid and employee contributions deducted, except as otherwise provided, and each member, officer, and employee of the General Assembly shall be credited with a month of current service for each month he serves in the position;
- (11) "Prior service" means the number of years and completed months, expressed as a fraction of a year, of employment as an employee, prior to July 1, 1956, for which creditable compensation was paid; except that for members, officers, and employees of the General Assembly, this date shall be January 1, 1960. An employee shall be credited with one (1) month of prior service only in those months he received compensation for at least one hundred (100) hours of work; provided, however, that each member, officer, and employee of the General Assembly shall be credited with a month of prior service for each month he served in the position prior to January 1, 1960. Twelve (12) months of current service in the system are required to validate prior service;
- (12) "Accumulated contributions" at any time means the sum of all amounts deducted from the compensation of a member and credited to his individual account in the members' account, including employee contributions picked up after August 1, 1982, pursuant to KRS 61.560(4), together with interest credited, on such amounts and any other amounts the member shall have contributed thereto, including interest credited thereon. For members who begin participating on or after September 1, 2008, "accumulated contributions" shall not include employee contributions that are deposited into accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS 16.510 and 61.515, as prescribed by KRS 61.702(3)(b);
- (13) "Creditable compensation":

- (a) Means all salary, wages, tips to the extent the tips are reported for income tax purposes, and fees, including payments for compensatory time, paid to the employee as a result of services performed for the employer or for time during which the member is on paid leave, which are includable on the member's federal form W-2 wage and tax statement under the heading "wages, tips, other compensation," including employee contributions picked up after August 1, 1982, pursuant to KRS 61.560(4). For members of the General Assembly, it shall mean all amounts which are includable on the member's federal form W-2 wage and tax statement under the heading "wages, tips, other compensation," including employee contributions picked up after August 1, 1982, pursuant to KRS 6.505(4) or 61.560(4);
- (b) Includes:
1. Lump-sum bonuses, severance pay, or employer-provided payments for purchase of service credit, which shall be averaged over the employee's total service with the system in which it is recorded if it is equal to or greater than one thousand dollars (\$1,000);
 2. Cases where compensation includes maintenance and other perquisites, but the board shall fix the value of that part of the compensation not paid in money;
 3. Lump-sum payments for creditable compensation paid as a result of an order of a court of competent jurisdiction, the Personnel Board, or the Commission on Human Rights, or for any creditable compensation paid in anticipation of settlement of an action before a court of competent jurisdiction, the Personnel Board, or the Commission on Human Rights, including notices of violations of state or federal wage and hour statutes or violations of state or federal discrimination statutes, which shall be credited to the fiscal year during which the wages were earned or should have been paid by the employer. This subparagraph shall also include lump-sum payments for reinstated wages pursuant to KRS 61.569, which shall be credited to the period during which the wages were earned or should have been paid by the employer;
 4. Amounts which are not includable in the member's gross income by virtue of the member having taken a voluntary salary reduction provided for under applicable provisions of the Internal Revenue Code; and
 5. Elective amounts for qualified transportation fringes paid or made available on or after January 1, 2001, for calendar years on or after January 1, 2001, that are not includable in the gross income of the employee by reason of 26 U.S.C. sec. 132(f)(4); and
- (c) Excludes:
1. Living allowances, expense reimbursements, lump-sum payments for accrued vacation leave, and other items determined by the board;
 2. For employees who begin participating on or after September 1, 2008, lump-sum payments for compensatory time;
 3. For employees who begin participating on or after August 1, 2016, nominal fees paid for services as a volunteer; and
 4. Any salary or wages paid to an employee for services as a Kentucky State Police school resource officer as defined by KRS 158.441;
- (14) "Final compensation" of a member means:
- (a) For a member who begins participating before September 1, 2008, who is employed in a nonhazardous position, the creditable compensation of the member during the five (5) fiscal years he or she was paid at the highest average monthly rate divided by the number of months of service credit during that five (5) year period multiplied by twelve (12). The five (5) years may be fractional and need not be consecutive. If the number of months of service credit during the five (5) year period is less than forty-eight (48), one (1) or more additional fiscal years shall be used;
 - (b) For a member who is employed in a nonhazardous position, whose effective retirement date is between August 1, 2001, and January 1, 2009, and whose total service credit is at least twenty-seven (27) years and whose age and years of service total at least seventy-five (75), final compensation means the creditable compensation of the member during the three (3) fiscal years the member was paid at the highest average monthly rate divided by the number of months of service credit during that three (3) years period multiplied by twelve (12). The three (3) years may be fractional and need not be

- consecutive. If the number of months of service credit during the three (3) year period is less than twenty-four (24), one (1) or more additional fiscal years shall be used. Notwithstanding the provision of KRS 61.565, the funding for this paragraph shall be provided from existing funds of the retirement allowance;
- (c) For a member who begins participating before September 1, 2008, who is employed in a hazardous position, as provided in KRS 61.592, the creditable compensation of the member during the three (3) fiscal years he or she was paid at the highest average monthly rate divided by the number of months of service credit during that three (3) year period multiplied by twelve (12). The three (3) years may be fractional and need not be consecutive. If the number of months of service credit during the three (3) year period is less than twenty-four (24), one (1) or more additional fiscal years shall be used;
 - (d) For a member who begins participating on or after September 1, 2008, but prior to January 1, 2014, who is employed in a nonhazardous position, the creditable compensation of the member during the five (5) complete fiscal years immediately preceding retirement divided by five (5). Each fiscal year used to determine final compensation must contain twelve (12) months of service credit. If the member does not have five (5) complete fiscal years that each contain twelve (12) months of service credit, then one (1) or more additional fiscal years, which may contain less than twelve (12) months of service credit, shall be added until the number of months in the final compensation calculation is at least sixty (60) months; or
 - (e) For a member who begins participating on or after September 1, 2008, but prior to January 1, 2014, who is employed in a hazardous position as provided in KRS 61.592, the creditable compensation of the member during the three (3) complete fiscal years he or she was paid at the highest average monthly rate divided by three (3). Each fiscal year used to determine final compensation must contain twelve (12) months of service credit. If the member does not have three (3) complete fiscal years that each contain twelve (12) months of service credit, then one (1) or more additional fiscal years, which may contain less than twelve (12) months of service credit, shall be added until the number of months in the final compensation calculation is at least thirty-six (36) months;
- (15) "Final rate of pay" means the actual rate upon which earnings of an employee were calculated during the twelve (12) month period immediately preceding the member's effective retirement date, including employee contributions picked up after August 1, 1982, pursuant to KRS 61.560(4). The rate shall be certified to the system by the employer and the following equivalents shall be used to convert the rate to an annual rate: two thousand eighty (2,080) hours for eight (8) hour workdays, nineteen hundred fifty (1,950) hours for seven and one-half (7-1/2) hour workdays, two hundred sixty (260) days, fifty-two (52) weeks, twelve (12) months, one (1) year;
 - (16) "Retirement allowance" means the retirement payments to which a member is entitled;
 - (17) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of the actuarial tables that are adopted by the board. In cases of disability retirement, the options authorized by KRS 61.635 shall be computed by adding ten (10) years to the age of the member, unless the member has chosen the Social Security adjustment option as provided for in KRS 61.635(8), in which case the member's actual age shall be used. For members who began participating in the system prior to January 1, 2014, no disability retirement option shall be less than the same option computed under early retirement;
 - (18) "Normal retirement date" means the sixty-fifth birthday of a member, unless otherwise provided in KRS 61.510 to 61.705;
 - (19) "Fiscal year" of the system means the twelve (12) months from July 1 through the following June 30, which shall also be the plan year. The "fiscal year" shall be the limitation year used to determine contribution and benefit limits as established by 26 U.S.C. sec. 415;
 - (20) "Officers and employees of the General Assembly" means the occupants of those positions enumerated in KRS 6.150. The term shall also apply to assistants who were employed by the General Assembly for at least one (1) regular legislative session prior to July 13, 2004, who elect to participate in the retirement system, and who serve for at least six (6) regular legislative sessions. Assistants hired after July 13, 2004, shall be designated as interim employees;
 - (21) "Regular full-time positions," as used in subsection (5) of this section, shall mean all positions that average one hundred (100) or more hours per month determined by using the number of months actually worked within a calendar or fiscal year, including all positions except:

- (a) Seasonal positions, which although temporary in duration, are positions which coincide in duration with a particular season or seasons of the year and which may recur regularly from year to year, the period of time shall not exceed nine (9) months;
 - (b) Emergency positions which are positions which do not exceed thirty (30) working days and are nonrenewable;
 - (c) Temporary positions which are positions of employment with a participating department for a period of time not to exceed nine (9) months and are nonrenewable;
 - (d) Part-time positions which are positions which may be permanent in duration, but which require less than a calendar or fiscal year average of one hundred (100) hours of work per month, determined by using the number of months actually worked within a calendar or fiscal year, in the performance of duty; and
 - (e) Interim positions which are positions established for a one-time or recurring need not to exceed nine (9) months;
- (22) "Vested" for purposes of determining eligibility for purchasing service credit under KRS 61.552 means the employee has at least forty-eight (48) months of service if age sixty-five (65) or older or at least sixty (60) months of service if under the age of sixty-five (65). For purposes of this subsection, "service" means service in the systems administered by the Kentucky Retirement Systems and County Employees Retirement System;
- (23) "Parted employer" means a department, portion of a department, board, or agency, such as Outwood Hospital and School, which previously participated in the system, but due to lease or other contractual arrangement is now operated by a publicly held corporation or other similar organization, and therefore is no longer participating in the system. The term "parted employer" shall not include a department, board, or agency that ceased participation in the system pursuant to KRS 61.522;
- (24) "Retired member" means any former member receiving a retirement allowance or any former member who has filed the necessary documents for retirement benefits and is no longer contributing to the retirement system;
- (25) "Current rate of pay" means the member's actual hourly, daily, weekly, biweekly, monthly, or yearly rate of pay converted to an annual rate as defined in final rate of pay. The rate shall be certified by the employer;
- (26) "Beneficiary" means the person or persons or estate or trust or trustee designated by the member in accordance with KRS 61.542 or 61.705 to receive any available benefits in the event of the member's death. As used in KRS 61.702, "beneficiary" does not mean an estate, trust, or trustee;
- (27) "Recipient" means the retired member or the person or persons designated as beneficiary by the member and drawing a retirement allowance as a result of the member's death or a dependent child drawing a retirement allowance. An alternate payee of a qualified domestic relations order shall not be considered a recipient, except for purposes of KRS 61.623;
- (28) "Level percentage of payroll amortization method" means a method of determining the annual amortization payment on the unfunded actuarial accrued liability as expressed as a percentage of payroll over a set period of years but that may be converted to a dollar value for purposes of KRS 61.565(1)(d). Under this method, the percentage of payroll shall be projected to remain constant for all years remaining in the set period of time and the unfunded actuarially accrued liability shall be projected to be fully amortized at the conclusion of the set period of years;
- (29) "Increment" means twelve (12) months of service credit which are purchased. The twelve (12) months need not be consecutive. The final increment may be less than twelve (12) months;
- (30) "Person" means a natural person;
- (31) "Retirement office" means the Kentucky Public Pensions Authority's office building in Frankfort, unless otherwise designated by the Kentucky Public Pensions Authority;
- (32) "Last day of paid employment" means the last date employer and employee contributions are required to be reported in accordance with KRS 16.543, 61.543, or 78.615 to the retirement office in order for the employee to receive current service credit for the month. Last day of paid employment does not mean a date the employee receives payment for accrued leave, whether by lump sum or otherwise, if that date occurs twenty-four (24) or more months after previous contributions;
- (33) "Objective medical evidence" means reports of examinations or treatments; medical signs which are anatomical, physiological, or psychological abnormalities that can be observed; psychiatric signs which are

medically demonstrable phenomena indicating specific abnormalities of behavior, affect, thought, memory, orientation, or contact with reality; or laboratory findings which are anatomical, physiological, or psychological phenomena that can be shown by medically acceptable laboratory diagnostic techniques, including but not limited to chemical tests, electrocardiograms, electroencephalograms, X-rays, and psychological tests;

- (34) "Participating" means an employee is currently earning service credit in the system as provided in KRS 61.543;
- (35) "Month" means a calendar month;
- (36) "Membership date" means:
- (a) The date upon which the member began participating in the system as provided in KRS 61.543; or
 - (b) For a member electing to participate in the system pursuant to KRS 196.167(4) *or subsection (2) of Section 14 of this Act* who has not previously participated in the system or the Kentucky Teachers' Retirement System, the date the member began participating in a defined contribution plan that meets the requirements of 26 U.S.C. sec. 403(b);
- (37) "Participant" means a member, as defined by subsection (8) of this section, or a retired member, as defined by subsection (24) of this section;
- (38) "Qualified domestic relations order" means any judgment, decree, or order, including approval of a property settlement agreement, that:
- (a) Is issued by a court or administrative agency; and
 - (b) Relates to the provision of child support, alimony payments, or marital property rights to an alternate payee;
- (39) "Alternate payee" means a spouse, former spouse, child, or other dependent of a participant, who is designated to be paid retirement benefits in a qualified domestic relations order;
- (40) "Accumulated employer credit" mean the employer pay credit deposited to the member's account and interest credited on such amounts as provided by KRS 16.583 and 61.597;
- (41) "Accumulated account balance" means:
- (a) For members who began participating in the system prior to January 1, 2014, the member's accumulated contributions; or
 - (b) For members who began participating in the system on or after January 1, 2014, in the hybrid cash balance plan as provided by KRS 16.583 and 61.597, the combined sum of the member's accumulated contributions and the member's accumulated employer credit;
- (42) "Volunteer" means an individual who:
- (a) Freely and without pressure or coercion performs hours of service for an employer participating in one (1) of the systems administered by Kentucky Retirement Systems without receipt of compensation for services rendered, except for reimbursement of actual expenses, payment of a nominal fee to offset the costs of performing the voluntary services, or both; and
 - (b) If a retired member, does not become an employee, leased employee, or independent contractor of the employer for which he or she is performing volunteer services for a period of at least twelve (12) months following the retired member's most recent retirement date;
- (43) "Nominal fee" means compensation earned for services as a volunteer that does not exceed five hundred dollars (\$500) per month. Compensation earned for services as a volunteer from more than one (1) participating employer during a month shall be aggregated to determine whether the compensation exceeds the five hundred dollars (\$500) per month maximum provided by this subsection;
- (44) "Nonhazardous position" means a position that does not meet the requirements of KRS 61.592 or has not been approved by the board as a hazardous position;
- (45) "Monthly average pay" means:
- (a) In the case of a member who dies as a direct result of an act in line of duty as defined in KRS 16.505 or who dies as a result of a duty-related injury as defined in KRS 61.621, the higher of the member's

monthly final rate of pay or the average monthly creditable compensation earned by the deceased member during his or her last twelve (12) months of employment; or

- (b) In the case where a member becomes totally and permanently disabled as a direct result of an act in line of duty as defined in KRS 16.505 or becomes disabled as a result of a duty-related injury as defined in KRS 61.621 and is eligible for the benefits provided by KRS 61.621(5)(a), the higher of the member's monthly final rate of pay or the average monthly creditable compensation earned by the disabled member during his or her last twelve (12) months of employment prior to the date the act in line of duty or duty-related injury occurred;

(46) "Authority" means the Kentucky Public Pensions Authority as provided by KRS 61.505; and

(47) "Executive director" means the executive director of the Kentucky Public Pensions Authority.

➔Section 16. KRS 205.590 is amended to read as follows:

(1) The following technical advisory committees shall be established for the purpose of acting in an advisory capacity to the Advisory Council for Medical Assistance with respect to the administration of the medical assistance program and in performing the function of peer review:

- (a) A Technical Advisory Committee on Physician Services consisting of five (5) physicians appointed by the council of the Kentucky State Medical Association;
- (b) A Technical Advisory Committee on Hospital Care consisting of five (5) hospital administrators appointed by the board of trustees of the Kentucky Hospital Association;
- (c) A Technical Advisory Committee on Dental Care consisting of five (5) dentists appointed by the Kentucky Dental Association;
- (d) A Technical Advisory Committee on Nursing Service consisting of five (5) nurses appointed by the board of directors of the Kentucky State Association of Registered Nurses;
- (e) A Technical Advisory Committee on Nursing Home Care consisting of six (6) members of which five (5) members shall be appointed by the Kentucky Association of Health Care Facilities, and one (1) member shall be appointed by the Kentucky Association of Nonprofit Homes and Services for the Aging, Inc.;
- (f) A Technical Advisory Committee on Optometric Care consisting of five (5) members appointed by the Kentucky Optometric Association;
- (g) A Technical Advisory Committee on Podiatric Care consisting of five (5) podiatrists appointed by the Kentucky Podiatry Association;
- (h) A Technical Advisory Committee on Primary Care consisting of five (5) primary care providers, two (2) of whom shall represent licensed health maintenance organizations, appointed by the Governor, until such time as an association of primary care providers is established, whereafter the association shall appoint the members;
- (i) A Technical Advisory Committee on Home Health Care consisting of five (5) members appointed by the board of directors of the Kentucky Home Health Association;
- (j) A Technical Advisory Committee on Consumer Rights and Client Needs consisting of seven (7) members, with one (1) member to be appointed by each of the following organizations: the American Association of Retired Persons Kentucky, the Family Resource Youth Services Coalition of Kentucky, the Kentucky Association of Community Health Workers, the Kentucky Legal Services Corporation, the Arc of Kentucky, the Department of Public Advocacy, and the National Association of Social Workers-Kentucky Chapter;
- (k) A Technical Advisory Committee on Behavioral Health consisting of seven (7) members, with one (1) member to be appointed by each of the following organizations: the Kentucky Mental Health Coalition, the Kentucky Association of Regional Programs, the National Alliance on Mental Illness (NAMI) Kentucky, a statewide mental health consumer organization, the People Advocating Recovery (PAR), the Brain Injury Association of America-Kentucky Chapter, and the Kentucky Brain Injury Alliance;
- (l) A Technical Advisory Committee on Children's Health consisting of ten (10) members, with one (1) member to be appointed by each of the following organizations: the Kentucky Chapter of the American Academy of Pediatrics, the Kentucky PTA, the Kentucky Psychological Association, the Kentucky

School Nurses Association, the Kentucky Association for Early Childhood Education, the Family Resource and Youth Services Coalition of Kentucky, the Kentucky Youth Advocates, the Kentucky Association of Hospice and Palliative Care, a parent of a child enrolled in Medicaid or the Kentucky Children's Health Insurance Program appointed by the Kentucky Head Start Association, and a pediatric dentist appointed by the Kentucky Dental Association;

- (m) A Technical Advisory Committee on Intellectual and Developmental Disabilities consisting of nine (9) members, one (1) of whom shall be a consumer who participates in a nonresidential community Medicaid waiver program, one (1) of whom shall be a consumer who participates in a residential community Medicaid waiver program, one (1) of whom shall be a consumer representative of a family member who participates in a community Medicaid waiver program, and one (1) of whom shall be a consumer representative of a family member who resides in an ICF/ID facility that accepts Medicaid payments, all of whom shall be appointed by the Governor; one (1) member shall be appointed by the Arc of Kentucky; one (1) member shall be appointed by the Commonwealth Council on Developmental Disabilities; one (1) member shall be appointed by the Kentucky Association of Homes and Services for the Aging; and two (2) members shall be appointed by the Kentucky Association of Private Providers, one (1) of whom shall be a nonprofit provider and one (1) of whom shall be a for-profit provider;
- (n) A Technical Advisory Committee on Therapy Services consisting of six (6) members, two (2) of whom shall be occupational therapists and shall be appointed by the Kentucky Occupational Therapists Association, two (2) of whom shall be physical therapists and shall be appointed by the Kentucky Physical Therapy Association, and two (2) of whom shall be speech therapists and shall be appointed by the Kentucky Speech-Language-Hearing Association;
- (o) A Technical Advisory Committee on Pharmacy consisting of seven (7) members, two (2) of whom shall be Kentucky licensed pharmacists who own fewer than ten (10) pharmacies in the Commonwealth and shall be appointed by the Kentucky Independent Pharmacy Alliance, two (2) of whom shall be Kentucky licensed pharmacists and shall be appointed by the Kentucky Pharmacy Association, and one (1) member to be appointed by each of the following organizations: the Kentucky Hospital Association, the Kentucky Primary Care Association, and the National Association of Chain Drug Stores; ~~and~~
- (p) A Technical Advisory Committee on Persons Returning to Society from Incarceration consisting of twelve (12) members of whom:
 1. One (1) shall be appointed by each of the following organizations: the Kentucky Jailers Association, the Kentucky Medical Association, the Kentucky Association of Nurse Practitioners and Nurse-Midwives, Community Action of Kentucky, the Homeless and Housing Coalition of Kentucky, the Kentucky Office of Drug Control Policy, a Kentucky civil legal aid program, the Kentucky Department of Corrections, the Kentucky Department of Public Advocacy, the Kentucky Association of Regional Programs, and the Kentucky Administrative Office of the Courts; and
 2. One (1) formerly incarcerated individual who is a current or former Medicaid recipient shall be appointed by Mental Health America of Kentucky; *and*
- (q) *A Technical Advisory Committee on Emergency Medical Services consisting of seven (7) members, one (1) of whom shall represent the air medical industry and shall be appointed by the Kentucky Chapter of the Association of Air Medical Services; one (1) of whom shall be appointed by the Kentucky Board of Emergency Medical Services; two (2) of whom shall represent the emergency medical services billing industry and shall be members of and appointed by the Kentucky Ambulance Providers Association; two (2) of whom shall represent ground ambulance providers and shall be appointed by the Kentucky Ambulance Providers Association; and one (1) of whom shall represent a fire-based emergency medical service and shall be appointed by the Kentucky Association of Fire Chiefs. All members appointed to this committee shall represent emergency medical services providers that operate in Kentucky and shall have experience in interpreting, implementing, or ensuring compliance with Medicaid regulations.*
- (2) The members of the technical advisory committees shall serve until their successors are appointed and qualified.
- (3) Each appointive member of a committee shall serve without compensation but shall be entitled to reimbursement for actual and necessary expenses in carrying out their duties with reimbursement for expenses being made in accordance with state regulations relating to travel reimbursement.

➔Section 17. Each appointed member of the Kentucky Board of Emergency Medical Services established in Section 1 of this Act shall hold office for a term of four years and until their successors are appointed, except that the members appointed to fill the first vacancy occurring for a term beginning on the effective date of this Act shall be as follows: Two members shall be appointed for one year, two for two years, four for three years, and four for four years, and the respective terms of the first members shall be designated by the Governor at the time of their appointments. Upon the expiration of the respective terms of the members first appointed, the term of each successor shall be for four years and until his or her successor is appointed.

➔Section 18. The transfer of the Kentucky Board of Emergency Medical Services under the Kentucky Community and Technical College System to the Kentucky Board of Emergency Medical Services in the KRS Chapter 18A system as required in Section 14 of this Act shall begin on the effective date of this Act and be completed by September 1, 2022.

➔Section 19. Any person serving on the Kentucky Board of Emergency Medical Services in a position eliminated on the effective date of this Act whose term has not expired prior to the effective date of this Act may continue to serve in a nonvoting ex officio capacity until the expiration of his or her term.

➔Section 20. The Kentucky Board of Emergency Medical Services shall establish a special committee to:

- (1) Identify core problems affecting emergency medical services and medical transportation;
- (2) Review the response times of ambulances and other medical transportation providers;
- (3) Identify specific recommendations to improve services to patients in need of physical or behavioral health services;
- (4) Review and recommend changes to current licensing processes to improve existing operating systems;
- (5) Identify core problems affecting the education and training programs for emergency medical services providers including but not limited to emergency medical technicians and paramedics;
- (6) Review the existing administrative regulations related to the licensing of ambulances and ambulance providers and data collection;
- (7) Make recommendations to the board for amending, promulgating, or repealing administrative regulations; and
- (8) Submit findings and recommendations for action by the General Assembly by December 1, 2022, to the General Assembly and the Interim Joint Committee on Health, Welfare, and Family Services.

➔Section 21. The Kentucky Board of Emergency Medical Services is authorized to promulgate any administrative regulations needed to implement this Act as emergency administrative regulations, accompanied by ordinary administrative regulations.

➔Section 22. The Cabinet for Health and Family Services is authorized to promulgate any administrative regulations needed to implement this Act as emergency administrative regulations, accompanied by ordinary administrative regulations.

➔Section 23. The Legislative Research Commission shall establish the Emergency Medical Services Task Force to study the provision of emergency medical services in Kentucky.

- (1) The duties of the task force shall include but are not limited to a thorough review of:
 - (a) The need, or lack thereof, for the certificate of need process for ambulance services;
 - (b) All statutes and administrative regulations governing emergency medical services, including ambulance providers and emergency medical services personnel, to ensure there is quality service delivery;
 - (c) Emergency medical services vehicle specifications for adequacy and safety to facilitate good patient care;
 - (d) Guidelines and standards to assist emergency medical services personnel, ambulance providers, and physicians with medical oversight;
 - (e) Administrative regulations affecting the training of pre-hospital care providers including guidelines for each level of certification and licensure, standardized education and testing curricula, continuing education requirements, and monitoring of emergency medical services training programs for quality assurance;
 - (f) Strategies for recruitment and retention of the emergency medical services workforce;

(g) Improvements for the delivery of services to patients in need of physical or behavioral health services; and

(h) Other issues relating to emergency medical services and medical transportation as deemed necessary by the task force.

(2) The Emergency Medical Services Task Force shall be composed of the following members with final membership of the task force being subject to the consideration and approval of the Legislative Research Commission:

(a) Two members of the House of Representatives appointed by the Speaker of the House of Representatives, one of whom shall be designated by the Speaker of the House of Representatives as a co-chair of the task force;

(b) One member of the House of Representatives appointed by the Minority Floor Leader of the House of Representatives;

(c) Two members of the Senate appointed by the President of the Senate, one of whom shall be designated by the President of the Senate as a co-chair of the task force;

(d) One member of the Senate appointed by the Minority Floor Leader of the Senate;

(e) The secretary of the Cabinet for Health and Family Services, or his or her designee;

(f) The inspector general of the Cabinet for Health and Family Services, or his or her designee;

(g) The chair of the Kentucky Board of Emergency Medical Services or his or her designee;

(h) The medical advisor for the Kentucky Board of Emergency Medical Services or his or her designee;

(i) One representative recommended by the Kentucky Ambulance Providers Association and approved by the Legislative Research Commission;

(j) One mayor of a city that operates, either directly or through contract services, a licensed Class I ground ambulance provider, recommended by the Kentucky League of Cities and approved by the Legislative Research Commission;

(k) One county judge/executive from a county that operates, whether directly or through contract services, a licensed Class I ground ambulance provider, recommended by the Kentucky Association of Counties and approved by the Legislative Research Commission;

(l) One representative recommended by the Kentucky Association of Fire Chiefs and approved by the Legislative Research Commission;

(m) Two representatives recommended by the Kentucky Hospital Association, with one representing an urban hospital and one representing a rural hospital and approved by the Legislative Research Commission;

(n) One licensed long-term care facility administrator recommended by the Kentucky Association of Health Care Facilities/Kentucky Center for Assisted Living or LeadingAge Kentucky and approved by the Legislative Research Commission;

(o) One licensed or certified behavioral health provider recommended by the Kentucky Mental Health Coalition and approved by the Legislative Research Commission;

(p) One representative recommended by the Kentucky Professional Fire Fighters and approved by the Legislative Research Commission; and

(q) One representative recommended by the Kentucky Emergency Medical Services Association and approved by the Legislative Research Commission.

(3) Final membership of the task force is subject to the consideration and approval of the Legislative Research Commission. The co-chairs of the task force may, by mutual agreement and the approval of the Legislative Research Commission, add members to the task force as they deem necessary.

(4) The task force shall meet monthly during the 2022 Interim of the General Assembly. The task force shall submit findings and recommendations to the Legislative Research Commission for referral to the appropriate committee or committees by December 1, 2022.

(5) Provisions of this Act to the contrary notwithstanding, the Legislative Research Commission shall have the authority to alternatively assign the issues identified herein to an interim joint committee or subcommittee thereof, and to designate a study completion date.

Signed by Governor April 8, 2022.

CHAPTER 127

(HB 65)

AN ACT relating to the Licensed Professional Counseling Compact.

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

➔SECTION 1. A NEW SECTION OF KRS 335.500 TO 335.599 IS CREATED TO READ AS FOLLOWS:

SECTION 1. PURPOSE

The purpose of this Compact is to facilitate interstate practice of Licensed Professional Counselors with the goal of improving public access to Professional Counseling services. The practice of Professional Counseling occurs in the State where the client is located at the time of the counseling services. The Compact preserves the regulatory authority of States to protect public health and safety through the current system of State licensure.

This Compact is designed to achieve the following objectives:

- A. Increase public access to Professional Counseling services by providing for the mutual recognition of other Member State licenses;*
- B. Enhance the States' ability to protect the public's health and safety;*
- C. Encourage the cooperation of Member States in regulating multistate practice for Licensed Professional Counselors;*
- D. Support spouses of relocating Active Duty Military personnel;*
- E. Enhance the exchange of licensure, investigative, and disciplinary information among Member States;*
- F. Allow for the use of Telehealth technology to facilitate increased access to Professional Counseling services;*
- G. Support the uniformity of Professional Counseling licensure requirements throughout the States to promote public safety and public health benefits;*
- H. Invest all Member States with the authority to hold a Licensed Professional Counselor accountable for meeting all State practice laws in the State in which the client is located at the time care is rendered through the mutual recognition of Member State licenses;*
- I. Eliminate the necessity for licenses in multiple States; and*
- J. Provide opportunities for interstate practice by Licensed Professional Counselors who meet uniform licensure requirements.*

SECTION 2. DEFINITIONS

As used in this Compact, and except as otherwise provided, the following definitions shall apply:

- A. "Active Duty Military" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Chapters 1209 and 1211;*
- B. "Adverse Action" means any administrative, civil, equitable, or criminal action permitted by a State's laws which is imposed by a licensing board or other authority against a Licensed Professional Counselor, including actions against an individual's license or Privilege to Practice such as revocation, suspension, probation, monitoring of the licensee, limitation on the licensee's practice, or any other Encumbrance on licensure affecting a Licensed Professional Counselor's authorization to practice, including issuance of a cease and desist action;*

- C. *"Alternative Program" means a non-disciplinary monitoring or practice remediation process approved by a Professional Counseling Licensing Board to address Impaired Practitioners;*
- D. *"Continuing Competence/Education" means a requirement, as a condition of license renewal, to provide evidence of participation in, and/or completion of, educational and professional activities relevant to practice or area of work;*
- E. *"Counseling Compact Commission" or "Commission" means the national administrative body whose membership consists of all States that have enacted the Compact;*
- F. *"Current Significant Investigative Information" means:*
1. *Investigative Information that a Licensing Board, after a preliminary inquiry that includes notification and an opportunity for the Licensed Professional Counselor to respond, if required by State law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction; or*
 2. *Investigative Information that indicates that the Licensed Professional Counselor represents an immediate threat to public health and safety regardless of whether the Licensed Professional Counselor has been notified and had an opportunity to respond;*
- G. *"Data System" means a repository of information about licensees, including but not limited to continuing education, examination, licensure, investigative, Privilege to Practice, and Adverse Action information;*
- H. *"Encumbered License" means a license in which an Adverse Action restricts the practice of licensed Professional Counseling by the Licensee and said Adverse Action has been reported to the National Practitioners Data Bank (NPDB);*
- I. *"Encumbrance" means a revocation or suspension of, or any limitation on, the full and unrestricted practice of Licensed Professional Counseling by a Licensing Board;*
- J. *"Executive Committee" means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the Commission;*
- K. *"Home State" means the Member State that is the Licensee's primary State of residence;*
- L. *"Impaired Practitioner" means an individual who has a condition(s) that may impair their ability to practice as a Licensed Professional Counselor without some type of intervention and may include, but are not limited to, alcohol and drug dependence, mental health impairment, and neurological or physical impairments;*
- M. *"Investigative Information" means information, records, and documents received or generated by a Professional Counseling Licensing Board pursuant to an investigation;*
- N. *"Jurisprudence Requirement" if required by a Member State, means the assessment of an individual's knowledge of the laws and Rules governing the practice of Professional Counseling in a State;*
- O. *"Licensed Professional Counselor" means a counselor licensed by a Member State regardless of the title used by that State, to independently assess, diagnose, and treat behavioral health conditions;*
- P. *"Licensee" means an individual who currently holds an authorization from the State to practice as a Licensed Professional Counselor;*
- Q. *"Licensing Board" means the agency of a State, or equivalent, that is responsible for the licensing and regulation of Licensed Professional Counselors;*
- R. *"Member State" means a State that has enacted the Compact;*
- S. *"Privilege to Practice" means a legal authorization, which is equivalent to a license, permitting the practice of Professional Counseling in a Remote State;*
- T. *"Professional Counseling" means the assessment, diagnosis, and treatment of behavioral health conditions by a Licensed Professional Counselor;*
- U. *"Remote State" means a Member State other than the Home State, where a Licensee is exercising or seeking to exercise the Privilege to Practice;*
- V. *"Rule" means a regulation promulgated by the Commission that has the force of law;*

- W. *"Single State License" means a Licensed Professional Counselor license issued by a Member State that authorizes practice only within the issuing State and does not include a Privilege to Practice in any other Member State;*
- X. *"State" means any state, commonwealth, district, or territory of the United States of America that regulates the practice of Professional Counseling;*
- Y. *"Telehealth" means the application of telecommunication technology to deliver Professional Counseling services remotely to assess, diagnose, and treat behavioral health conditions;*
- Z. *"Unencumbered License" means a license that authorizes a Licensed Professional Counselor to engage in the full and unrestricted practice of Professional Counseling.*

SECTION 3. STATE PARTICIPATION IN THE COMPACT

- A. *To Participate in the Compact, a State must currently:*
 - 1. *License and regulate Licensed Professional Counselors;*
 - 2. *Require Licensees to pass a nationally recognized exam approved by the Commission;*
 - 3. *Require Licensees to have a sixty (60) semester-hour (or ninety (90) quarter-hour) master's degree in counseling or sixty (60) semester-hours (or ninety (90) quarter-hours) of graduate course work including the following topic areas:*
 - a. *Professional Counseling Orientation and Ethical Practice;*
 - b. *Social and Cultural Diversity;*
 - c. *Human Growth and Development;*
 - d. *Career Development;*
 - e. *Counseling and Helping Relationships;*
 - f. *Group Counseling and Group Work;*
 - g. *Diagnosis and Treatment;*
 - h. *Assessment and Testing;*
 - i. *Research and Program Evaluation; and*
 - j. *Other areas as determined by the Commission;*
 - 4. *Require Licensees to complete a supervised postgraduate professional experience as defined by the Commission;*
 - 5. *Have a mechanism in place for receiving and investigating complaints about Licensees.*
- B. *A Member State shall:*
 - 1. *Participate fully in the Commission's Data System, including using the Commission's unique identifier as defined in Rules;*
 - 2. *Notify the Commission, in compliance with the terms of the Compact and Rules, of any Adverse Action or the availability of Investigative Information regarding a Licensee;*
 - 3. *Implement or utilize procedures for considering the criminal history records of applicants for an initial Privilege to Practice. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that State's criminal records;*
 - a. *A Member State must fully implement a criminal background check requirement, within a time frame established by rule, by receiving the results of the Federal Bureau of Investigation record search and shall use the results in making licensure decisions.*
 - b. *Communication between a Member State, the Commission, and among Member States regarding the verification of eligibility for licensure through the Compact shall not include any information received from the Federal Bureau of Investigation relating to a federal criminal records check performed by a Member State under Pub. L. No. 92-544;*

4. *Comply with the Rules of the Commission;*
 5. *Require an applicant to obtain or retain a license in the Home State and meet the Home State's qualifications for licensure or renewal of licensure, as well as all other applicable State laws;*
 6. *Grant the Privilege to Practice to a Licensee holding a valid Unencumbered License in another Member State in accordance with the terms of the Compact and Rules; and*
 7. *Provide for the attendance of the State's commissioner to the Counseling Compact Commission meetings.*
- C. *Member States may charge a fee for granting the Privilege to Practice.*
- D. *Individuals not residing in a Member State shall continue to be able to apply for a Member State's Single State License as provided under the laws of each Member State. However, the Single State License granted to these individuals shall not be recognized as granting a Privilege to Practice Professional Counseling in any other Member State.*
- E. *Nothing in this Compact shall affect the requirements established by a Member State for the issuance of a Single State License.*
- F. *A license issued to a Licensed Professional Counselor by a Home State to a resident in that State shall be recognized by each Member State as authorizing a Licensed Professional Counselor to practice Professional Counseling, under a Privilege to Practice, in each Member State.*

SECTION 4. PRIVILEGE TO PRACTICE

- A. *To exercise the Privilege to Practice under the terms and provisions of the Compact, the Licensee shall:*
1. *Hold a license in the Home State;*
 2. *Have a valid United States Social Security Number or National Practitioner Identifier;*
 3. *Be eligible for a Privilege to Practice in any Member State in accordance with Section 4(D), (G) and (H);*
 4. *Have not had any Encumbrance or restriction against any license or Privilege to Practice within the previous two (2) years;*
 5. *Notify the Commission that the Licensee is seeking the Privilege to Practice within a Remote State(s);*
 6. *Pay any applicable fees, including any State fee, for the Privilege to Practice;*
 7. *Meet any Continuing Competence/Education requirements established by the Home State;*
 8. *Meet any Jurisprudence Requirements established by the Remote State(s) in which the Licensee is seeking a Privilege to Practice; and*
 9. *Report to the Commission any Adverse Action, Encumbrance, or restriction on license taken by any non-Member State within thirty (30) days from the date the action is taken.*
- B. *The Privilege to Practice is valid until the expiration date of the Home State license. The Licensee must comply with the requirements of Section 4(A) to maintain the Privilege to Practice in the Remote State.*
- C. *A Licensee providing Professional Counseling in a Remote State under the Privilege to Practice shall adhere to the laws and regulations of the Remote State.*
- D. *A Licensee providing Professional Counseling services in a Remote State is subject to that State's regulatory authority. A Remote State may, in accordance with due process and that State's laws, remove a Licensee's Privilege to Practice in the Remote State for a specific period of time, impose fines, and/or take any other necessary actions to protect the health and safety of its citizens. The Licensee may be ineligible for a Privilege to Practice in any Member State until the specific time for removal has passed and all fines are paid.*
- E. *If a Home State license is encumbered, the Licensee shall lose the Privilege to Practice in any Remote State until the following occur:*
1. *The Home State license is no longer encumbered; and*
 2. *The Licensee has not had any Encumbrance or restriction against any license or Privilege to Practice within the previous two (2) years.*

- F. *Once an Encumbered License in the Home State is restored to good standing, the Licensee must meet the requirements of Section 4(A) to obtain a Privilege to Practice in any Remote State.*
- G. *If a Licensee's Privilege to Practice in any Remote State is removed, the individual may lose the Privilege to Practice in all other Remote States until the following occur:*
 - 1. *The specific period of time for which the Privilege to Practice was removed has ended;*
 - 2. *All fines have been paid; and*
 - 3. *Have not had any Encumbrance or restriction against any license or Privilege to Practice within the previous two (2) years.*
- H. *Once the requirements of Section 4(G) have been met, the Licensee must meet the requirements in Section 4(A) to obtain a Privilege to Practice in a Remote State.*

SECTION 5. OBTAINING A NEW HOME STATE LICENSE BASED ON A PRIVILEGE TO PRACTICE

- A. *A Licensed Professional Counselor may hold a Home State license, which allows for a Privilege to Practice in other Member States, in only one (1) Member State at a time.*
- B. *If a Licensed Professional Counselor changes primary State of residence by moving between two (2) Member States:*
 - 1. *The Licensed Professional Counselor shall file an application for obtaining a new Home State license based on a Privilege to Practice, pay all applicable fees, and notify the current and new Home State in accordance with applicable Rules adopted by the Commission.*
 - 2. *Upon receipt of an application for obtaining a new Home State license by virtue of a Privilege to Practice, the new Home State shall verify that the Licensed Professional Counselor meets the pertinent criteria outlined in Section 4 via the Data System without need for primary source verification except for:*
 - a. *A Federal Bureau of Investigation fingerprint based criminal background check if not previously performed or updated pursuant to applicable rules adopted by the Commission in accordance with Public Law 92-544;*
 - b. *Other criminal background check as required by the new Home State; and*
 - c. *Completion of any requisite Jurisprudence Requirements of the new Home State.*
 - 3. *The former Home State shall convert the former Home State license into a Privilege to Practice once the new Home State has activated the new Home State license in accordance with applicable Rules adopted by the Commission.*
 - 4. *Notwithstanding any other provision of this Compact, if the Licensed Professional Counselor cannot meet the criteria in Section 4, the new Home State may apply its requirements for issuing a new Single State License.*
 - 5. *The Licensed Professional Counselor shall pay all applicable fees to the new Home State in order to be issued a new Home State license.*
- C. *If a Licensed Professional Counselor changes Primary State of Residence by moving from a Member State to a non-Member State, or from a non-Member State to a Member State, the State criteria shall apply for issuance of a Single State License in the new State.*
- D. *Nothing in this Compact shall interfere with a Licensee's ability to hold a Single State License in multiple States. However, for the purposes of this Compact, a Licensee shall have only one (1) Home State license.*
- E. *Nothing in this Compact shall affect the requirements established by a Member State for the issuance of a Single State License.*

SECTION 6. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

Active Duty Military personnel, or their spouse, shall designate a Home State where the individual has a current license in good standing. The individual may retain the Home State designation during the period the service member is on active duty. Subsequent to designating a Home State, the individual shall only change their Home State through application for licensure in the new State, or through the process outlined in Section 5.

SECTION 7. COMPACT PRIVILEGE TO PRACTICE TELEHEALTH

- A. *Member States shall recognize the right of a Licensed Professional Counselor, licensed by a Home State in accordance with Section 3 and under Rules promulgated by the Commission, to practice Professional Counseling in any Member State via Telehealth under a Privilege to Practice as provided in the Compact and Rules promulgated by the Commission.*
- B. *A Licensee providing Professional Counseling services in a Remote State under the Privilege to Practice shall adhere to the laws and regulations of the Remote State.*

SECTION 8. ADVERSE ACTIONS

- A. *In addition to the other powers conferred by State law, a Remote State shall have the authority, in accordance with existing State due process law, to:

 - 1. *Take Adverse Action against a Licensed Professional Counselor's Privilege to Practice within that Member State; and*
 - 2. *Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a Licensing Board in a Member State for the attendance and testimony of witnesses or the production of evidence from another Member State shall be enforced in the latter State by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the State in which the witnesses or evidence are located.*

*Only the Home State shall have the power to take Adverse Action against a Licensed Professional Counselor's license issued by the Home State.**
- B. *For purposes of taking Adverse Action, the Home State shall give the same priority and effect to reported conduct received from a Member State as it would if the conduct had occurred within the Home State. In so doing, the Home State shall apply its own State laws to determine appropriate action.*
- C. *The Home State shall complete any pending investigations of a Licensed Professional Counselor who changes primary State of residence during the course of the investigations. The Home State shall also have the authority to take appropriate action(s) and shall promptly report the conclusions of the investigations to the administrator of the Data System. The administrator of the coordinated licensure information system shall promptly notify the new Home State of any Adverse Actions.*
- D. *A Member State, if otherwise permitted by State law, may recover from the affected Licensed Professional Counselor the costs of investigations and dispositions of cases resulting from any Adverse Action taken against that Licensed Professional Counselor.*
- E. *A Member State may take Adverse Action based on the factual findings of the Remote State, provided that the Member State follows its own procedures for taking the Adverse Action.*
- F. *Joint Investigations:*
 - 1. *In addition to the authority granted to a Member State by its respective Professional Counseling practice act or other applicable State law, any Member State may participate with other Member States in joint investigations of Licensees.*
 - 2. *Member States shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.*
- G. *If Adverse Action is taken by the Home State against the license of a Licensed Professional Counselor, the Licensed Professional Counselor's Privilege to Practice in all other Member States shall be deactivated until all Encumbrances have been removed from the State license. All Home State disciplinary orders that impose Adverse Action against the license of a Licensed Professional Counselor shall include a Statement that the Licensed Professional Counselor's Privilege to Practice is deactivated in all Member States during the pendency of the order.*
- H. *If a Member State takes Adverse Action, it shall promptly notify the administrator of the Data System. The administrator of the Data System shall promptly notify the Home State of any Adverse Actions by Remote States.*
- I. *Nothing in this Compact shall override a Member State's decision that participation in an Alternative Program may be used in lieu of Adverse Action.*

SECTION 9. ESTABLISHMENT OF COUNSELING COMPACT COMMISSION

- A. The Compact Member States hereby create and establish a joint public agency known as the Counseling Compact Commission:**
- 1. The Commission is an instrumentality of the Compact States.**
 - 2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.**
 - 3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.**
- B. Membership, Voting, and Meetings**
- 1. Each Member State shall have and be limited to one (1) delegate selected by that Member State's Licensing Board.**
 - 2. The delegate shall be either:**
 - a. A current member of the Licensing Board at the time of appointment, who is a Licensed Professional Counselor or public member; or**
 - b. An administrator of the Licensing Board.**
 - 3. Any delegate may be removed or suspended from office as provided by the law of the State from which the delegate is appointed.**
 - 4. The Member State Licensing Board shall fill any vacancy occurring on the Commission within sixty (60) days.**
 - 5. Each delegate shall be entitled to one (1) vote with regard to the promulgation of Rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the Commission.**
 - 6. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.**
 - 7. The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.**
 - 8. The Commission shall by Rule establish a term of office for delegates and may by Rule establish term limits.**
- C. The Commission shall have the following powers and duties:**
- 1. Establish the fiscal year of the Commission;**
 - 2. Establish bylaws;**
 - 3. Maintain its financial records in accordance with the bylaws;**
 - 4. Meet and take such actions as are consistent with the provisions of this Compact and the bylaws;**
 - 5. Promulgate Rules which shall be binding to the extent and in the manner provided for in the Compact;**
 - 6. Bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any State Licensing Board to sue or be sued under applicable law shall not be affected;**
 - 7. Purchase and maintain insurance and bonds;**
 - 8. Borrow, accept, or contract for services of personnel, including but not limited to employees of a Member State;**
 - 9. Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact, and establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;**

10. *Accept any and all appropriate donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of the same; provided that at all times the Commission shall avoid any appearance of impropriety and/or conflict of interest;*
11. *Lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve, or use any property, real, personal, or mixed; provided that at all times the Commission shall avoid any appearance of impropriety;*
12. *Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;*
13. *Establish a budget and make expenditures;*
14. *Borrow money;*
15. *Appoint committees, including standing committees composed of members, State regulators, State legislators or their representatives, consumer representatives, and such other interested persons as may be designated in this Compact and the bylaws;*
16. *Provide and receive information from, and cooperate with, law enforcement agencies;*
17. *Establish and elect an Executive Committee; and*
18. *Perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the State regulation of Professional Counseling licensure and practice.*

D. *The Executive Committee*

1. *The Executive Committee shall have the power to act on behalf of the Commission according to the terms of this Compact.*
2. *The Executive Committee shall be composed of up to eleven (11) members:*
 - a. *Seven (7) voting members who are elected by the Commission from the current membership of the Commission; and*
 - b. *Up to four (4) ex-officio, nonvoting members from four (4) recognized national professional counselor organizations. The ex-officio members shall be selected by their respective organizations.*
3. *The Commission may remove any member of the Executive Committee as provided in bylaws.*
4. *The Executive Committee shall meet at least annually.*
5. *The Executive Committee shall have the following duties and responsibilities:*
 - a. *Recommend to the entire Commission changes to the Rules or bylaws, changes to this Compact legislation, fees paid by Compact Member States such as annual dues, and any Commission Compact fee charged to Licensees for the Privilege to Practice;*
 - b. *Ensure Compact administration services are appropriately provided, contractual or otherwise;*
 - c. *Prepare and recommend the budget;*
 - d. *Maintain financial records on behalf of the Commission;*
 - e. *Monitor Compact compliance of Member States and provide compliance reports to the Commission;*
 - f. *Establish additional committees as necessary; and*
 - g. *Other duties as provided in Rules or bylaws.*

E. *Meetings of the Commission*

1. *All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the Rulemaking provisions in Section 11.*
2. *The Commission or the Executive Committee or other committees of the Commission may convene in a closed, non-public meeting if the Commission or Executive Committee or other committees of the Commission must discuss:*

- a. *Non-compliance of a Member State with its obligations under the Compact;*
 - b. *The employment, compensation, discipline, or other matters, practices, or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;*
 - c. *Current, threatened, or reasonably anticipated litigation;*
 - d. *Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;*
 - e. *Accusing any person of a crime or formally censuring any person;*
 - f. *Disclosure of trade secrets or commercial or financial information that is privileged or confidential;*
 - g. *Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;*
 - h. *Disclosure of investigative records compiled for law enforcement purposes;*
 - i. *Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact; or*
 - j. *Matters specifically exempted from disclosure by federal or Member State statute.*
3. *If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.*
 4. *The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefor, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Commission or order of a court of competent jurisdiction.*

F. *Financing of the Commission*

1. *The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.*
2. *The Commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.*
3. *The Commission may levy on and collect an annual assessment from each Member State or impose fees on other parties to cover the cost of the operations and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Commission, which shall promulgate a Rule binding upon all Member States.*
4. *The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any of the Member States, except by and with the authority of the Member State. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the Commission.*

G. *Qualified Immunity, Defense, and Indemnification*

1. *The members, officers, executive director, employees, and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided that nothing in this paragraph shall be construed to protect any*

such person from suit and/or liability for any damage, loss, injury, or liability caused by the intentional, willful, or wanton misconduct of that person.

2. *The Commission shall defend any member, officer, executive director, employee, or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional, willful, or wanton misconduct.*
3. *The Commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional, willful, or wanton misconduct of that person.*

SECTION 10. DATA SYSTEM

- A. *The Commission shall provide for the development, maintenance, operation, and utilization of a coordinated database and reporting system containing licensure, Adverse Action, and Investigative Information on all licensed individuals in Member States.*
- B. *Notwithstanding any other provision of State law to the contrary, a Member State shall submit a uniform data set to the Data System on all individuals to whom this Compact is applicable as required by the Rules of the Commission, including:*
 1. *Identifying information;*
 2. *Licensure data;*
 3. *Adverse Actions against a license or Privilege to Practice;*
 4. *Non-confidential information related to Alternative Program participation;*
 5. *Any denial of application for licensure, and the reason(s) for such denial;*
 6. *Current Significant Investigative Information; and*
 7. *Other information that may facilitate the administration of this Compact, as determined by the Rules of the Commission.*
- C. *Investigative Information pertaining to a Licensee in any Member State shall only be available to other Member States.*
- D. *The Commission shall promptly notify all Member States of any Adverse Action taken against a Licensee or an individual applying for a license. Adverse Action information pertaining to a Licensee in any Member State will be available to any other Member State.*
- E. *Member States contributing information to the Data System may designate information that may not be shared with the public without the express permission of the contributing State.*
- F. *Any information submitted to the Data System that is subsequently required to be expunged by the laws of the Member State contributing the information shall be removed from the Data System.*

SECTION 11. RULEMAKING

- A. *The Commission shall promulgate reasonable Rules in order to effectively and efficiently achieve the purpose of the Compact. Notwithstanding the foregoing, in the event the Commission exercises its Rulemaking authority in a manner that is beyond the scope of the purposes of the Compact, or the powers granted hereunder, then such an action by the Commission shall be invalid and have no force or effect.*
- B. *The Commission shall exercise its Rulemaking powers pursuant to the criteria set forth in this Section and the Rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each Rule or amendment.*

- C. *If a majority of the legislatures of the Member States rejects a Rule, by enactment of a statute or resolution in the same manner used to adopt the Compact within four (4) years of the date of adoption of the Rule, then such Rule shall have no further force and effect in any Member State.*
- D. *Rules or amendments to the Rules shall be adopted at a regular or special meeting of the Commission.*
- E. *Prior to promulgation and adoption of a final Rule or Rules by the Commission, and at least thirty (30) days in advance of the meeting at which the Rule will be considered and voted upon, the Commission shall file a Notice of Proposed Rulemaking:*
1. *On the website of the Commission or other publicly accessible platform; and*
 2. *On the website of each Member State Professional Counseling Licensing Board or other publicly accessible platform or the publication in which each State would otherwise publish proposed Rules.*
- F. *The Notice of Proposed Rulemaking shall include:*
1. *The proposed time, date, and location of the meeting in which the Rule shall be considered and voted upon;*
 2. *The text of the proposed Rule or amendment and the reason for the proposed Rule;*
 3. *A request for comments on the proposed Rule from any interested person; and*
 4. *The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments.*
- G. *Prior to adoption of a proposed Rule, the Commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.*
- H. *The Commission shall grant an opportunity for a public hearing before it adopts a Rule or amendment if a hearing is requested by:*
1. *At least twenty-five (25) persons;*
 2. *A State or federal governmental subdivision or agency; or*
 3. *An association having at least twenty-five (25) members.*
- I. *If a hearing is held on the proposed Rule or amendment, the Commission shall publish the place, time, and date of the scheduled public hearing. If the hearing is held via electronic means, the Commission shall publish the mechanism for access to the electronic hearing.*
1. *All persons wishing to be heard at the hearing shall notify the executive director of the Commission or other designated member in writing of their desire to appear and testify at the hearing not less than five (5) business days before the scheduled date of the hearing.*
 2. *Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.*
 3. *All hearings shall be recorded. A copy of the recording shall be made available on request.*
 4. *Nothing in this section shall be construed as requiring a separate hearing on each Rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.*
- J. *Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Commission shall consider all written and oral comments received.*
- K. *If no written notice of intent to attend the public hearing by interested parties is received, the Commission may proceed with promulgation of the proposed Rule without a public hearing.*
- L. *The Commission shall, by majority vote of all members, take final action on the proposed Rule and shall determine the effective date of the Rule, if any, based on the Rulemaking record and the full text of the Rule.*
- M. *Upon determination that an emergency exists, the Commission may consider and adopt an emergency Rule without prior notice, opportunity for comment, or hearing, provided that the usual Rulemaking procedures provided in the Compact and in this section shall be retroactively applied to the Rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the Rule. For the purposes of this provision, an emergency Rule is one that must be adopted immediately in order to:*

1. *Meet an imminent threat to public health, safety, or welfare;*
 2. *Prevent a loss of Commission or Member State funds;*
 3. *Meet a deadline for the promulgation of an administrative Rule that is established by federal law or Rule; or*
 4. *Protect public health and safety.*
- N. *The Commission or an authorized committee of the Commission may direct revisions to a previously adopted Rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a Rule. A challenge shall be made in writing and delivered to the chair of the Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.*

SECTION 12. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

A. Oversight

1. *The executive, legislative, and judicial branches of State government in each Member State shall enforce this Compact and take all actions necessary and appropriate to effectuate the Compact's purposes and intent. The provisions of this Compact and the Rules promulgated hereunder shall have standing as statutory law.*
2. *All courts shall take judicial notice of the Compact and the Rules in any judicial or administrative proceeding in a Member State pertaining to the subject matter of this Compact which may affect the powers, responsibilities, or actions of the Commission.*
3. *The Commission shall be entitled to receive service of process in any such proceeding and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the Commission shall render a judgment or order void as to the Commission, this Compact, or promulgated Rules.*

B. Default, Technical Assistance, and Termination

1. *If the Commission determines that a Member State has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated Rules, the Commission shall:*
 - a. *Provide written notice to the defaulting State and other Member States of the nature of the default, the proposed means of curing the default and/or any other action to be taken by the Commission; and*
 - b. *Provide remedial training and specific technical assistance regarding the default.*

C. *If a State in default fails to cure the default, the defaulting State may be terminated from the Compact upon an affirmative vote of a majority of the Member States, and all rights, privileges, and benefits conferred by this Compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending State of obligations or liabilities incurred during the period of default.*

D. *Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the governor, the majority and minority leaders of the defaulting State's legislature, and each of the Member States.*

E. *A State that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.*

F. *The Commission shall not bear any costs related to a State that is found to be in default or that has been terminated from the Compact, unless agreed upon in writing between the Commission and the defaulting State.*

G. *The defaulting State may appeal the action of the Commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.*

H. Dispute Resolution

1. *Upon request by a Member State, the Commission shall attempt to resolve disputes related to the Compact that arise among Member States and between member and non-Member States.*
2. *The Commission shall promulgate a Rule providing for both mediation and binding dispute resolution for disputes as appropriate.*

I. Enforcement

1. *The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and Rules of this Compact.*
2. *By majority vote, the Commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices against a Member State in default to enforce compliance with the provisions of the Compact and its promulgated Rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.*
3. *The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or State law.*

SECTION 13. DATE OF IMPLEMENTATION OF THE COUNSELING COMPACT**COMMISSION AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT**

- A. *The Compact shall come into effect on the date on which the Compact statute is enacted into law in the tenth Member State. The provisions, which become effective at that time, shall be limited to the powers granted to the Commission relating to assembly and the promulgation of Rules. Thereafter, the Commission shall meet and exercise Rulemaking powers necessary to the implementation and administration of the Compact.*
- B. *Any State that joins the Compact subsequent to the Commission's initial adoption of the Rules shall be subject to the Rules as they exist on the date on which the Compact becomes law in that State. Any Rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the Compact becomes law in that State.*
- C. *Any Member State may withdraw from this Compact by enacting a statute repealing the same.*
 1. *A Member State's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.*
 2. *Withdrawal shall not affect the continuing requirement of the withdrawing State's Professional Counseling Licensing Board to comply with the investigative and Adverse Action reporting requirements of this Act prior to the effective date of withdrawal.*
- D. *Nothing contained in this Compact shall be construed to invalidate or prevent any Professional Counseling licensure agreement or other cooperative arrangement between a Member State and a non-Member State that does not conflict with the provisions of this Compact.*
- E. *This Compact may be amended by the Member States. No amendment to this Compact shall become effective and binding upon any Member State until it is enacted into the laws of all Member States.*

SECTION 14. CONSTRUCTION AND SEVERABILITY

This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Compact shall be severable and if any phrase, clause, sentence, or provision of this Compact is declared to be contrary to the constitution of any Member State or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this Compact shall be held contrary to the constitution of any Member State, the Compact shall remain in full force and effect as to the remaining Member States and in full force and effect as to the Member State affected as to all severable matters.

SECTION 15. BINDING EFFECT OF COMPACT AND OTHER LAWS

- A. *A Licensee providing Professional Counseling services in a Remote State under the Privilege to Practice shall adhere to the laws and regulations, including scope of practice, of the Remote State.*

- B. Nothing herein prevents the enforcement of any other law of a Member State that is not inconsistent with the Compact.*
- C. Any laws in a Member State in conflict with the Compact are superseded to the extent of the conflict.*
- D. Any lawful actions of the Commission, including all Rules and bylaws properly promulgated by the Commission, are binding upon the Member States.*
- E. All permissible agreements between the Commission and the Member States are binding in accordance with their terms.*
- F. In the event any provision of the Compact exceeds the constitutional limits imposed on the legislature of any Member State, the provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that Member State.*

SECTION 16: APPLICABILITY OF KENTUCKY STATE GOVERNMENT

In order to clarify the effect of certain provisions of this Compact and to ensure that the rights and responsibilities of the various branches of government are maintained, the following shall be in effect in this state:

- A. By entering into this Compact, this State authorizes the Licensing Board as defined in Section 2(Q) of this Compact and as created by KRS Chapter 335 to implement the provisions of this Compact.*
- B. Notwithstanding any provision of this Compact to the contrary:

 - 1. When a rule is adopted pursuant to Section 11 of this Compact, the Licensing Board of this State as defined by Section 2(Q) of this Compact shall have sixty (60) days to review the rule for the purpose of filing the rule as an emergency administrative regulation pursuant to KRS 13A.190 and for filing the rule as an accompanying ordinary administrative regulation, following the requirements of KRS Chapter 13A. Failure by the Licensing Board of this State as defined by Section 2(Q) of this Compact to promulgate a rule adopted by the Counseling Compact Commission as an administrative regulation pursuant to KRS Chapter 13A shall result in withdrawal as set forth in Section 13 of this Compact. Nothing in these provisions shall negate the applicability of a Commission rule or Section 11 of this Compact to this state.*
 - 2. If the proposed administrative regulation is found deficient and the deficiency is not resolved pursuant to KRS 13A.330 or 13A.335, the provisions of Section 12 of this Compact shall apply. If the deficiency is resolved in a manner determined by the Commission to be inconsistent with this Compact or its rules, or if the procedures under Section 12 of this Compact fail to resolve an issue, the withdrawal provisions of Section 13 of this Compact shall apply.*
 - 3. If a court of competent jurisdiction determines that the Counseling Compact Commission created by Section 9 of this Compact exercises its Rulemaking authority in a manner that is beyond the scope of the purposes of this Compact, or the powers granted under this Compact, then such an action by the Commission shall be invalid and have no force or effect.**
- C. Section 9(F) of this Compact pertaining to the financing of the Commission shall not be interpreted to obligate the general fund of this State. Any funds used to finance this Compact shall be from money collected pursuant to KRS 335.520.*
- D. This Compact shall apply only to those Licensed Professional Counselors who practice or work under a Compact privilege.*

Signed by Governor April 8, 2022.

CHAPTER 128

(HB 79)

AN ACT relating to mental health.

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

➔Section 1. KRS 15.518 is amended to read as follows:

- (1) As used in this section, unless the context requires otherwise:
 - (a) "Commissioner" means the commissioner of the department;
 - (b) "Department" means the Department of Criminal Justice Training of the Justice and Public Safety Cabinet;
 - (c) "Fund" means the Law Enforcement Professional Development and Wellness Program fund established in subsection (8) of this section; and
 - (d) "Program" means the Law Enforcement Professional Development and Wellness Program established in this section.
- (2) The department shall develop a Law Enforcement Professional Development and Wellness Program.
- (3) The program shall use seminar-based peer support and counseling services designed to reduce negative mental and behavioral health outcomes.
- (4) The program shall be offered to Kentucky law enforcement officers *and telecommunicators* at least two (2) times each calendar year.
- (5) On a limited basis, the program may be offered to law enforcement officers from states other than Kentucky upon application to and approval by the commissioner. However, no Kentucky law enforcement *officer or telecommunicator* ~~officers~~ may be denied admission to the program if law enforcement officers from another state are admitted to the program.
- (6) The department shall promulgate administrative regulations in accordance with KRS Chapter 13A to implement this section. The administrative regulations shall address, at a minimum:
 - (a) The required qualifications and duties of any person used by the department to implement or administer the program;
 - (b) The curriculum, programming, seminar type, and treatment modalities used in the program;
 - (c) The extent to which a *participant's* ~~participating officers~~ relatives or friends may participate in seminars;
 - (d) The standards by which law enforcement officers from other states may be accepted into the program by the commissioner; and
 - (e) A protocol for establishing reciprocity for interagency assistance with other state, federal, and tribal law enforcement agencies and officers in administering the program.
- (7)
 - (a) Except as provided in paragraphs (b) and (c) of this subsection, communications, identifying data, and any reports made in the application for or in the course of an officer's *or telecommunicator's* participation in the program shall be confidential and privileged from disclosure in any civil or criminal proceeding and shall not be subject to discovery, disclosure, or production upon the order or subpoena of a court or other agency with subpoena power, regardless of who possesses them. The participating officer *or telecommunicator* is the holder of the privilege.
 - (b) The department may use anonymous data for research, statistical analysis, and educational purposes.
 - (c) Any communication making an actual threat of physical violence against a clearly identified or reasonably identifiable victim or an actual threat of some specific violent act may be revealed by the program in order to prevent the commission of any physical violence or violent act using the protocol established in KRS 202A.400.
- (8)
 - (a) There is hereby established in the State Treasury a restricted fund to be known as the Law Enforcement Professional Development and Wellness Program fund.
 - (b) The fund shall consist of moneys received from the Kentucky Law Enforcement Foundation Program fund established in KRS 15.430, grants, gifts, state appropriations, and federal funds.
 - (c) The fund shall be administered by the department.
 - (d) Amounts deposited in the fund shall be used only for administration of the program.
 - (e) Notwithstanding KRS 45.229, fund amounts not expended at the close of a fiscal year shall not lapse but shall be carried forward to the next fiscal year.

- (f) Any interest earnings of the fund shall become a part of the fund and shall not lapse.
- (g) Moneys deposited in the fund are hereby appropriated for the purposes set forth in this section and shall not be appropriated or transferred by the General Assembly for any other purposes.

➔Section 2. KRS 15.550 is amended to read as follows:

- (1) The basic course offered by the training program shall consist of *no less than* forty (40) hours of instruction or training and shall consist of subjects appropriate for the basic training of law enforcement telecommunicators in the technique of emergency services communications. The Kentucky Law Enforcement Council shall approve all training curriculum and instructions.
- (2) As a portion of the basic course offered, all telecommunicators who receive or dispatch emergency medical service calls shall be trained in:
 - (a) Telephone cardiopulmonary resuscitation (T-CPR) utilizing nationally recognized emergency cardiovascular care guidelines. At a minimum this training shall incorporate recognition protocols for out-of-hospital cardiac arrest, compression-only CPR instructions for callers, and continuing education as appropriate; *and*
 - (b) *Recognizing the symptoms of post-traumatic stress disorder (PTSD). At a minimum, this training shall include guidelines for identifying the symptoms of PTSD and provide a resource guide of available services for treatment.*
- (3) Online training modules based on nationally recognized guidelines that at a minimum incorporate recognition protocols for out of hospital cardiac arrest and compression-only CPR shall be acceptable for telecommunicators who have not been through the training academies or who are not otherwise certified in these protocols.
- (4) *The Kentucky Law Enforcement Council shall incorporate mental health training, with a primary focus on PTSD, into the telecommunicators training program and maintain a current resource list for all telecommunicators and their supervisors about the management and treatment of PTSD and work-induced stress.*

➔Section 3. KRS 15.560 is amended to read as follows:

- (1) No person shall receive an official appointment on a permanent basis as a law enforcement telecommunicator unless the person has previously been awarded a certificate by the Kentucky Law Enforcement Council attesting to such person's satisfactory completion of a non-CJIS telecommunications academy. Every person who is employed after June 24, 2003, as a law enforcement telecommunicator by any law enforcement agency in this state, regardless of prior experience as a non-CJIS telecommunicator, shall forfeit his or her position as such unless, within twelve (12) months from the date of his or her employment, he or she satisfactorily completes the non-CJIS telecommunications academy and is awarded a certificate attesting thereto. The council shall waive the training requirements listed in this section for all law enforcement telecommunicators who are serving on July 15, 2006, and possess a certificate of completion of an approved law enforcement telecommunicator basic training program.
- (2) All non-CJIS telecommunicators, whether originally employed before or after July 15, 2006, shall successfully complete each calendar year an in-service training course, appropriate to their job assignment and responsibility, of eight (8) hours' duration at a school certified or recognized by the Kentucky Law Enforcement Council. *Each in-service training course shall include a mental health component which highlights post-traumatic stress disorder and work-induced stress, including symptom recognition, treatment, and available resources.*
- (3) In the event of extenuating circumstances beyond the control of a non-CJIS telecommunicator that prevent completion of training within the time specified, the commissioner or the commissioner's designee may grant the non-CJIS telecommunicator an extension of time, not to exceed one hundred eighty (180) days, in which to complete the training.
- (4) A non-CJIS telecommunicator who fails to complete the training within a period of twelve (12) months and any extension of time granted under this section shall be terminated by the employing agency and shall not be permitted to serve as a telecommunicator with any governmental agency in the Commonwealth for a period of one (1) year.

➔Section 4. KRS 15.565 is amended to read as follows:

- (1) No person shall receive an official appointment on a permanent basis as a CJIS telecommunicator unless that person has previously been awarded a certificate by the Kentucky Law Enforcement Council attesting to that person's satisfactory completion of the CJIS telecommunications academy. Every person who is employed after July 15, 2006, as a CJIS telecommunicator shall forfeit his or her position as such unless, within six (6) months from the date of employment, that person satisfactorily completes the CJIS telecommunications academy and is awarded a certificate attesting thereto. The council shall waive the training requirements listed in this section and award a CJIS telecommunicator certificate for all CJIS telecommunicators who are serving on July 15, 2006, and have successfully completed the CJIS-full access course.
- (2) A non-CJIS telecommunicator who gains employment as a CJIS telecommunicator shall successfully complete the CJIS-full access course within six (6) months from the date of his or her employment. A non-CJIS telecommunicator whose employing agency initiates the use of CJIS shall successfully complete the CJIS-full access course within six (6) months from the date that the agency initiates the use of CJIS.
- (3) All CJIS telecommunicators, whether originally employed before or after July 15, 2006, shall successfully complete each calendar year an in-service training course, appropriate to their job assignment and responsibility, of eight (8) hours' duration, of which the number of hours shall not be changed by the Kentucky Law Enforcement Council, at a school certified or recognized by the council. ***Each in-service training course shall include a mental health component which highlights post-traumatic stress disorder and work-induced stress, including symptom recognition, treatment, and available resources.***
- (4) All CJIS telecommunicators, whether originally employed before or after July 15, 2006, shall successfully complete eight (8) hours of CJIS in-service training every two (2) years at a school certified or recognized by the Kentucky Law Enforcement Council.
- (5) Extensions of time in which to complete the training specified in this section may be granted by the commissioner of the Department of Kentucky State Police or the commissioner's designee.
- (6) A CJIS telecommunicator who fails to complete the training within a period of six (6) months and any extension of time granted under this section shall be terminated by the employing agency and shall not be permitted to serve as a telecommunicator with any governmental agency in the Commonwealth for a period of one (1) year.

➔Section 5. KRS 15.590 is amended to read as follows:

- (1) KRS 15.530 to 15.590 shall be administered by the Kentucky Law Enforcement Council, which shall promulgate administrative regulations as necessary regarding training, in-service training, and telecommunications practices.
- (2) The Kentucky Law Enforcement Council may, by administrative regulations promulgated in accordance with KRS Chapter 13A, explicitly set the exact number at a different number of hours from that established in KRS 15.530 required for completion of the:
 - (a) Non-CJIS telecommunicators academy; and
 - (b) Telecommunications academy.

If the council sets an exact number of hours at a different number from that established in KRS 15.530 in an administrative regulation as set out in this subsection, it shall not further change the number of hours without promulgating administrative regulations in accordance with the provisions of KRS Chapter 13A to set the exact number of hours required for each of the academies.

- (3) Nothing in KRS 15.530 to 15.590 shall be interpreted to permit the Kentucky Law Enforcement Council to increase or decrease the eight (8) hours required to be completed by telecommunicators for in-service training as established in KRS 15.560(2) and 15.565(3) and (4).
- (4) ***The Kentucky Law Enforcement Council shall include mental health training and resources for post-traumatic stress disorder (PTSD) and work-induced stress during each in-service training for all telecommunicators.***
- (5) ***At the conclusion of each in-service training, a guideline for recognizing the symptoms of and available treatment resources for PTSD or work-induced stress shall be provided to all supervisors of telecommunicators.***
- (6) ***All telecommunicators shall have access to the Law Enforcement Professional Development and Wellness Program established in Section 1 of this Act.***

➔Section 6. This Act may be cited as the Lifeline's Act.

Signed by Governor April 8, 2022.

CHAPTER 129

(HB 214)

AN ACT relating to judicial districts and circuits and declaring an emergency.

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

➔Section 1. KRS 23A.020 is amended to read as follows:

The state is divided into judicial circuits, each to be composed of the following counties:

- (1) First Judicial Circuit. Ballard, Carlisle, Fulton, and Hickman.
- (2) Second Judicial Circuit. McCracken.
- (3) Third Judicial Circuit. Christian.
- (4) Fourth Judicial Circuit. Hopkins.
- (5) Fifth Judicial Circuit. Crittenden, Union, and Webster.
- (6) Sixth Judicial Circuit. Daviess.
- (7) Seventh Judicial Circuit. Logan and Todd.
- (8) Eighth Judicial Circuit. *Edmonson and* Warren.
- (9) Ninth Judicial Circuit. Hardin.
- (10) Tenth Judicial Circuit. Hart, Larue, and Nelson.
- (11) Eleventh Judicial Circuit. Green, Marion, Taylor, and Washington.
- (12) Twelfth Judicial Circuit. Henry, Oldham, and Trimble.
- (13) Thirteenth Judicial Circuit. Garrard and Jessamine.
- (14) Fourteenth Judicial Circuit. Bourbon, Scott, and Woodford.
- (15) Fifteenth Judicial Circuit. Carroll, Grant, and Owen.
- (16) Sixteenth Judicial Circuit. Kenton.
- (17) Seventeenth Judicial Circuit. Campbell.
- (18) Eighteenth Judicial Circuit. Harrison, Nicholas, Pendleton, and Robertson.
- (19) Nineteenth Judicial Circuit. Bracken, Fleming, and Mason.
- (20) Twentieth Judicial Circuit. Greenup and Lewis.
- (21) Twenty-first Judicial Circuit. Bath, Menifee, Montgomery, and Rowan.
- (22) Twenty-second Judicial Circuit. Fayette.
- (23) Twenty-third Judicial Circuit. Estill, Lee, and Owsley.
- (24) Twenty-fourth Judicial Circuit. Lawrence, Johnson, and Martin.
- (25) Twenty-fifth Judicial Circuit. Clark and Madison.
- (26) Twenty-sixth Judicial Circuit. Harlan.
- (27) Twenty-seventh Judicial Circuit. Knox and Laurel.
- (28) Twenty-eighth Judicial Circuit. Lincoln, Pulaski, and Rockcastle.

- (29) Twenty-ninth Judicial Circuit. Adair and Casey.
- (30) Thirtieth Judicial Circuit. Jefferson.
- (31) Thirty-first Judicial Circuit. Floyd.
- (32) Thirty-second Judicial Circuit. Boyd.
- (33) Thirty-third Judicial Circuit. Perry.
- (34) Thirty-fourth Judicial Circuit. Whitley and McCreary.
- (35) Thirty-fifth Judicial Circuit. Pike.
- (36) Thirty-sixth Judicial Circuit. Magoffin and Knott.
- (37) Thirty-seventh Judicial Circuit. Carter, Elliott, and Morgan.
- (38) Thirty-eighth Judicial Circuit. Butler, ~~Edmonson~~, Ohio, and Hancock.
- (39) Thirty-ninth Judicial Circuit. Breathitt, Wolfe, and Powell.
- (40) Fortieth Judicial Circuit. Clinton, Cumberland, and Monroe.
- (41) Forty-first Judicial Circuit. Clay, Jackson, and Leslie.
- (42) Forty-second Judicial Circuit. Calloway and Marshall.
- (43) Forty-third Judicial Circuit. Barren and Metcalfe.
- (44) Forty-fourth Judicial Circuit. Bell.
- (45) Forty-fifth Judicial Circuit. Muhlenberg and McLean.
- (46) Forty-sixth Judicial Circuit. Breckinridge, Grayson, and Meade.
- (47) Forty-seventh Judicial Circuit. Letcher.
- (48) Forty-eighth Judicial Circuit. Franklin.
- (49) Forty-ninth Judicial Circuit. Allen and Simpson.
- (50) Fiftieth Judicial Circuit. Boyle and Mercer.
- (51) Fifty-first Judicial Circuit. Henderson.
- (52) Fifty-second Judicial Circuit. Graves.
- (53) Fifty-third Judicial Circuit. Shelby, Anderson, and Spencer.
- (54) Fifty-fourth Judicial Circuit. Boone and Gallatin.
- (55) Fifty-fifth Judicial Circuit. Bullitt.
- (56) Fifty-sixth Judicial Circuit. Caldwell, Livingston, Lyon, and Trigg.
- (57) Fifty-seventh Judicial Circuit. Russell and Wayne.

➔Section 2. KRS 23A.040 (Effective January 2, 2023) is amended to read as follows:

The following judicial circuits are entitled to two (2) judges and shall have two (2) numbered divisions of the Circuit Court:

- (1) Fourth Judicial Circuit.
- (2) Fifth Judicial Circuit.
- (3) Tenth Judicial Circuit.
- (4) Eleventh Judicial Circuit.
- (5) Twelfth Judicial Circuit.
- (6) Thirteenth Judicial Circuit.
- (7) ***Fifteenth Judicial Circuit.***

- (8) Eighteenth Judicial Circuit.
- ~~(9)~~~~(8)~~ Twentieth Judicial Circuit.
- ~~(10)~~~~(9)~~ Twenty-first Judicial Circuit.
- ~~(11)~~~~(10)~~ Twenty-fourth Judicial Circuit.
- ~~(12)~~~~(11)~~ Thirty-first Judicial Circuit.
- ~~(13)~~~~(12)~~ Thirty-second Judicial Circuit.
- ~~(14)~~~~(13)~~ Thirty-fourth Judicial Circuit.
- ~~(15)~~~~(14)~~ Thirty-seventh Judicial Circuit.
- ~~(16)~~~~(15)~~ Thirty-eighth Judicial Circuit.
- ~~(17)~~~~(16)~~ Thirty-ninth Judicial Circuit.
- ~~(18)~~~~(17)~~ Forty-first Judicial Circuit.
- ~~(19)~~~~(18)~~ Forty-second Judicial Circuit.
- ~~(20)~~~~(19)~~ Forty-third Judicial Circuit.
- ~~(21)~~~~(20)~~ Forty-sixth Judicial Circuit.
- ~~(22)~~~~(21)~~ Forty-ninth Judicial Circuit.
- ~~(23)~~~~(22)~~ Fiftieth Judicial Circuit.
- ~~(24)~~~~(23)~~ Fifty-first Judicial Circuit.
- ~~(25)~~~~(24)~~ Fifty-third Judicial Circuit.
- (26) *Fifty-sixth Judicial Circuit.***
- ~~(27)~~~~(25)~~ Fifty-seventh Judicial Circuit.

➔Section 3. KRS 23A.045 (Effective January 2, 2023) is amended to read as follows:

The following judicial circuits are entitled to three (3) Circuit Judges and shall have three (3) numbered divisions of the Circuit Court:

- (1) Second Judicial Circuit.
- ~~(2) Third Judicial Circuit.~~
- ~~(3) Sixth Judicial Circuit.~~
- ~~(4) Fourteenth Judicial Circuit.~~
- ~~(5)~~ Seventeenth Judicial Circuit.
- ~~(3)~~~~(6)~~ Twenty-seventh Judicial Circuit.
- ~~(7)~~ Thirty-fifth Judicial Circuit.
- ~~(4)~~~~(8)~~ Forty-eighth Judicial Circuit.
- ~~(5)~~~~(9)~~ Fifty-fifth Judicial Circuit.

➔Section 4. KRS 23A.050 is amended to read as follows:

The following judicial circuits are entitled to four (4) judges and shall have four (4) numbered divisions of the Circuit Court:

- (1) ***Third***~~(Eight)~~ Judicial Circuit.
- (2) ***Sixth Judicial Circuit.***
- (3) Ninth Judicial Circuit.
- (4) ***Fourteenth Judicial Circuit.***
- (5)~~(3)~~ Twenty-~~seventh~~~~(fifth)~~ Judicial Circuit.

~~(6)(4)~~ Twenty-eighth Judicial Circuit.

~~(7)(5)~~ Fifty-fourth Judicial Circuit.

➔SECTION 5. A NEW SECTION OF KRS CHAPTER 23A IS CREATED TO BE NUMBERED AS KRS 23A.052 AND TO READ AS FOLLOWS:

The following judicial circuits are entitled to five (5) judges and shall have five (5) numbered divisions of the Circuit Court:

(1) *Eighth Judicial Circuit.*

(2) *Twenty-fifth Judicial Circuit.*

➔Section 6. KRS 23A.055 is amended to read as follows:

The Sixteenth Judicial Circuit is entitled to *six (6)*~~(five (5))~~ judges and shall have *six (6)*~~(five (5))~~ numbered divisions of the Circuit Court.

➔Section 7. KRS 24A.030 (Effective January 2, 2023) is amended to read as follows:

The state is divided into judicial districts, each to be composed of the following counties:

- (1) First Judicial District. Ballard, Carlisle, Fulton, and Hickman.
- (2) Second Judicial District. McCracken.
- (3) Third Judicial District. Christian.
- (4) Fourth Judicial District. Hopkins.
- (5) Fifth Judicial District. Crittenden, Union, and Webster.
- (6) Sixth Judicial District. Daviess.
- (7) Seventh Judicial District. Logan and Todd.
- (8) Eighth Judicial District. *Edmonson and* Warren.
- (9) Ninth Judicial District. Hardin.
- (10) Tenth Judicial District. Hart and Larue.
- (11) Eleventh Judicial District. Green, Marion, Taylor, and Washington.
- (12) Twelfth Judicial District. Henry, Oldham, and Trimble.
- (13) Thirteenth Judicial District. Garrard, Jessamine, and Lincoln.
- (14) Fourteenth Judicial District. Bourbon, Scott, and Woodford.
- (15) Fifteenth Judicial District. Carroll, Grant, and Owen.
- (16) Sixteenth Judicial District. Kenton.
- (17) Seventeenth Judicial District. Campbell.
- (18) Eighteenth Judicial District. Harrison, Nicholas, Pendleton, and Robertson.
- (19) Nineteenth Judicial District. Bracken, Fleming, and Mason.
- (20) Twentieth Judicial District. Greenup and Lewis.
- (21) Twenty-first Judicial District. Bath, Menifee, Montgomery, and Rowan.
- (22) Twenty-second Judicial District. Fayette.
- (23) Twenty-third Judicial District. Estill, Lee, and Owsley.
- (24) Twenty-fourth Judicial District. Lawrence, Johnson, and Martin.
- (25) Twenty-fifth Judicial District. Clark and Madison.
- (26) Twenty-sixth Judicial District. Harlan.
- (27) Twenty-seventh Judicial District. Knox and Laurel.

- (28) Twenty-eighth Judicial District. Pulaski and Rockcastle.
- (29) Twenty-ninth Judicial District. Adair and Casey.
- (30) Thirtieth Judicial District. Jefferson.
- (31) Thirty-first Judicial District. Floyd.
- (32) Thirty-second Judicial District. Boyd.
- (33) Thirty-third Judicial District. Perry.
- (34) Thirty-fourth Judicial District. Whitley and McCreary.
- (35) Thirty-fifth Judicial District. Pike.
- (36) Thirty-sixth Judicial District. Magoffin and Knott.
- (37) Thirty-seventh Judicial District. Carter, Elliott, and Morgan.
- (38) Thirty-eighth Judicial District. Butler, ~~Edmonson~~, Ohio, and Hancock.
- (39) Thirty-ninth Judicial District. Breathitt, Wolfe, and Powell.
- (40) Fortieth Judicial District. Clinton, Russell, and Wayne.
- (41) Forty-first Judicial District. Clay, Jackson, and Leslie.
- (42) Forty-second Judicial District. Calloway *and Marshall*.
- (43) Forty-third Judicial District. Barren and Metcalfe.
- (44) Forty-fourth Judicial District. Bell.
- (45) Forty-fifth Judicial District. Muhlenberg and McLean.
- (46) Forty-sixth Judicial District. Breckinridge, Grayson, and Meade.
- (47) Forty-seventh Judicial District. Letcher.
- (48) Forty-eighth Judicial District. Franklin.
- (49) Forty-ninth Judicial District. Allen and Simpson.
- (50) Fiftieth Judicial District. Boyle and Mercer.
- (51) Fifty-first Judicial District. Henderson.
- (52) Fifty-second Judicial District. Graves.
- (53) Fifty-third Judicial District. Shelby, Anderson, and Spencer.
- (54) Fifty-fourth Judicial District. Boone and Gallatin.
- (55) Fifty-fifth Judicial District. Bullitt.
- (56) Fifty-sixth Judicial District. Caldwell, Livingston, Lyon, and Trigg.
- (57) Fifty-seventh Judicial District. Nelson.
- (58) Fifty-eighth Judicial District. *Cumberland and Monroe* ~~Marshall~~.
- ~~(59) Fifty-ninth Judicial District. Cumberland and Monroe.~~

➔Section 8. KRS 24A.050 is amended to read as follows:

The following judicial districts are entitled to two (2) District Judges and shall have two (2) numbered divisions of the District Court:

- (1) Second Judicial District.
- (2) Third Judicial District.
- ~~(3) Fourth Judicial District.~~
- ~~(4) Ninth Judicial District.~~

- (4)~~(5)~~ Eleventh Judicial District.
 (5)~~(6)~~ Twelfth Judicial District.
 (6)~~(7)~~ Thirteenth Judicial District.
 (7)~~(8)~~ Fourteenth Judicial District.
~~(9) — Fifteenth Judicial District.~~
 (8)~~(10)~~ Seventeenth Judicial District.
 (9)~~(11)~~ Twenty-first Judicial District.
 (10)~~(12)~~ Twenty-fourth Judicial District.
 (11)~~(13)~~ Twenty-seventh Judicial District.
 (12)~~(14)~~ Twenty-eighth Judicial District.
 (13)~~(15) — Thirty-first Judicial District.~~
~~(16)~~ Thirty-second Judicial District.
 (14)~~(17)~~ Thirty-fourth Judicial District.
 (15)~~(18)~~ Thirty-fifth Judicial District.
~~(19) — Thirty-eighth Judicial District.~~
~~(20) — Fortieth Judicial District.~~
~~(21) — Forty-first Judicial District.~~
 (16)~~(22)~~ Forty-sixth Judicial District.
 (17)~~(23)~~ Forty-eighth Judicial District.
~~(24) — Fifty-first Judicial District.~~
 (18)~~(25)~~ Fifty-third Judicial District.
 (19)~~(26)~~ Fifty-fourth Judicial District.
 (20)~~(27)~~ Fifty-sixth Judicial District.

➔Section 9. KRS 24A.090 is amended to read as follows:

The Thirtieth Judicial District is entitled to *sixteen* (16)~~(seventeen (17))~~ District Judges and shall have *sixteen* (16)~~(seventeen (17))~~ numbered divisions of the District Court.

➔Section 10. The terms of the new judgeships created by Sections 2, 4, 5, and 6 of this Act shall begin January 2, 2023, and elections to fill the judgeships shall be placed on the ballot for the regular election held in November 2022.

➔Section 11. Notwithstanding KRS 118A.060(2), a candidate for a judgeship created by Section 2, 4, 5, or 6 of this Act may file a petition for nomination not later than the first Tuesday after the first Monday in June preceding the day fixed by law for holding the regular election in November 2022. The petition shall be filed no later than 4 p.m. local time at the place of filing when filed on the last date on which the papers are permitted to be filed. The petition for nomination shall be sworn to by the candidate and by not less than two registered voters from the circuit from which he or she seeks nomination, before an officer authorized to administer an oath. The petition for nomination shall further comply with the provisions of KRS 118A.100(4), and the procedures established under KRS 118A.100(5) to (12) shall apply. All candidates for the judgeships created by Sections 2, 4, 5, and 6 of this Act who file a valid petition for nomination shall be placed on the ballot for the regular election held in November 2022.

➔Section 12. The General Assembly requests that the additional Circuit Court judgeships added in the Third, Sixth, Fourteenth, Fifteenth, Sixteenth, and Twenty-seventh Judicial Circuits be designated by the Supreme Court as family court divisions as provided in Amended Order 2022-09 of the Supreme Court dated February 22, 2022, relating to the Certification of Necessity, and that the certification be delivered to the Secretary of State prior to June 7, 2022, provisions of KRS 118A.045(2) to the contrary notwithstanding.

➔Section 13. (1) The General Assembly requests that the District Court divisions eliminated in the Fourth, Fifteenth, Thirtieth, Thirty-first, Fortieth, Forty-first, and Fifty-first Judicial Districts, and the District Court division

eliminated in the newly constituted Thirty-eighth Judicial District and in the newly constituted Forty-second Judicial District be eliminated effective January 1, 2027, except under the circumstances described in subsection (2) of this section.

(2) (a) Should a vacancy occur on or after January 2, 2023, in the Fourth, Fifteenth, Thirty-first, Thirty-eighth, Fortieth, Forty-first, or Fifty-first Judicial District, the numbered division in which the vacancy occurs shall be eliminated immediately upon the occurrence of the vacancy and, notwithstanding any provision of law to the contrary, the vacancy shall not be filled by appointment or otherwise, and the division or divisions eliminated shall not appear on the ballot for the November 2026 regular election. If more than one vacancy occurs in any Judicial District listed in this paragraph, only the initial vacancy shall result in the elimination of a division and shall not be filled. Any additional vacancy shall be filled in accordance with KRS 118A.100.

(b) Should a vacancy occur on or after January 2, 2023, in the Thirtieth Judicial District, the numbered division in which the vacancy occurs shall be eliminated immediately upon the occurrence of the vacancy and, notwithstanding any provision of law to the contrary, the vacancy shall not be filled by appointment or otherwise, and the division eliminated shall not appear on the ballot for the November 2026 regular election. If more than one vacancy occurs on or after January 2, 2023, in the Thirtieth Judicial District, only the initial vacancy shall result in the elimination of a division and shall not be filled. Any additional vacancy shall be filled in accordance with KRS 118A.100.

➔Section 14. Unless a District Court division has been eliminated by the occurrence of a vacancy in accordance with Section 13 of this Act, the General Assembly requests that when the two District Court divisions of the Fourth, Fifteenth, Thirty-first, Thirty-eighth, Fortieth, Forty-first, and Fifty-first Judicial District are reduced to one District Court division under Section 8 of this Act, the division eliminated shall be the higher-numbered division, and that when the 17 District Court divisions are reduced to 16 District Court divisions in Section 9 of this Act, the division eliminated shall be the highest-numbered division. The divisions that are eliminated shall not appear on the ballot for the November 2026 regular election.

➔Section 15. Sections 1, 2, 3, 4, 5, and 6 of this Act take effect January 2, 2023.

➔Section 16. Sections 7, 8, and 9 of this Act take effect January 1, 2031.

➔Section 17. As portions of this Act will impact judicial elections scheduled for November 2022, an emergency is declared to exist, and Sections 11 and 12 of this Act take effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 8, 2022.

CHAPTER 130

(HB 215)

AN ACT relating to crimes and punishments.

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

➔Section 1. KRS 218A.1410 is amended to read as follows:

- (1) A person is guilty of importing heroin, carfentanil, fentanyl, or fentanyl derivatives when he or she knowingly and unlawfully transports any quantity of heroin, carfentanil, fentanyl, or fentanyl derivatives into the Commonwealth by any means with the intent to sell or distribute the heroin, carfentanil, fentanyl, or fentanyl derivatives.
- (2) The provisions of this section are intended to be a separate offense from others in this chapter, and shall be punished in addition to violations of this chapter occurring during the same course of conduct.
- (3) (a) Importing heroin, ~~carfentanil, fentanyl, or fentanyl derivatives~~ is a Class C felony, and the defendant shall not be released on probation, shock probation, conditional discharge, or parole until he or she has served at least fifty percent (50%) of the sentence imposed.
 - (b) *Importing carfentanil, fentanyl, or fentanyl derivatives is a Class C felony, and the defendant:*
 1. *Shall not be eligible for pretrial diversion; and*

2. *Shall not be released on probation, shock probation, conditional discharge, or parole until he or she has served at least eighty-five percent (85%) of the sentence imposed.*

➔Section 2. KRS 218A.142 is amended to read as follows:

- (1) A person is guilty of aggravated trafficking in a controlled substance in the first degree when he or she knowingly and unlawfully traffics in:
 - (a) One hundred (100) grams or more of heroin;
 - (b) Twenty-eight (28) grams or more of fentanyl; or
 - (c) Ten (10) grams or more of carfentanil or fentanyl derivatives.
- (2) Aggravated trafficking in a controlled substance in the first degree is a Class B felony, and:
 - (a) The defendant shall not be released on probation, shock probation, conditional discharge, or parole until he or she has served at least fifty percent (50%) of the sentence imposed *where the trafficked substance was heroin; or*
 - (b) *The defendant shall not be eligible for pretrial diversion, and shall not be released on probation, shock probation, conditional discharge, or parole until he or she has served at least eighty-five percent (85%) of the sentence imposed where the trafficked substance was fentanyl, carfentanil, or fentanyl derivatives.*

➔Section 3. This Act shall be known as Dalton's Law.

Signed by Governor April 8, 2022.

CHAPTER 131

(HB 306)

AN ACT relating to pest and weed control.

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

➔Section 1. KRS 217B.110 is amended to read as follows:

- (1) If the application for renewal of any license or registration provided for in this chapter is not filed prior to *the renewal date established by the department* ~~March 1 in any year~~, a penalty of twenty-five percent (25%) shall be assessed and added to the original fee and shall be paid by the applicant before the renewal is issued.
- (2) Any person holding a current valid license may renew the license for the next year without taking another examination unless the department determines that new knowledge related to classifications for which the applicant has applied makes a new examination necessary. ~~However, if the license is not renewed by June 1 of each year, then the licensee shall be required to take another examination.~~
- (3) No license will be issued or renewed unless certification is valid for the calendar year or the applicant has met training requirements that will allow for a renewal of certification within the calendar year for the license.

➔Section 2. KRS 249.420 is amended to read as follows:

In addition to its other duties, the division shall promote and sponsor programs to control pests and noxious weeds, *shall* enforce related regulatory and service measures assigned to the department, and *may* conduct a *pest and noxious weed* ~~Johnson grass~~ control ~~and eradication~~ program.

➔Section 3. KRS 249.430 is amended to read as follows:

In order to perform the duties listed in KRS 249.420, the division may:

- (1) ~~Utilize the services of a state advisory committee on Johnson grass control to be composed of persons interested in Johnson grass control appointed by the commissioner;~~
- ~~(2) Issue and enforce regulations for the eradication and control of noxious weeds, including Johnson grass, and pests;~~

- ~~(2)(3)~~ Cooperate with county agricultural agents, vocational agricultural teachers, University of Kentucky extension specialists, civic groups, or any federal, state or county agency in promoting county programs and organizations to control ~~and eradicate~~ noxious weeds and pests;
- ~~(4)~~ ~~Conduct or assist any governmental agency in conducting local or county wide surveys to determine the degree of Johnson grass infestation;~~
- ~~(3)(5)~~ Cooperate with federal or state agencies in research and educational work in the field of pest and noxious weed control;
- ~~(4)(6)~~ Assist counties in qualifying for cost-sharing programs to control ~~Johnson grass or other~~ noxious weeds;
- ~~(5)(7)~~ Publicize the threat of noxious weeds and pests and methods of combating them;
- ~~(6)(8)~~ Cooperate with the Department of Highways, county fiscal courts, transportation and industrial organizations in controlling ~~Johnson grass and other~~ noxious weeds on their premises and rights-of-way; **and**
- ~~(7)(9)~~ Accept funds or contributions to carry out the purposes of KRS 249.400 to 249.430.

➔Section 4. KRS 249.990 is amended to read as follows:

- (1) Any person who violates any of the provisions of KRS 249.020 to 249.100 or hinders the carrying out of any of the provisions of those sections shall be fined not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500).
 - (2) Any fine imposed for a violation of subsection (4) of KRS 249.070 may be recovered in the county in which the nursery is situated or the county to which the nursery stock is shipped.
- ~~(3) Any person who knowingly neglects or refuses to comply with the provisions of KRS 249.180 or 249.190 shall be fined not less than fifty dollars (\$50) nor more than two hundred dollars (\$200). Each day of violation after the notice provided in KRS 249.190 shall be a separate offense.~~

➔Section 5. The following KRS sections are repealed:

- 249.180 Landholder to cut Canada thistles.
- 249.183 Canada and nodding thistle eradication areas, establishment, duties of agriculture department.
- 249.187 Thistles a public nuisance in eradication area, abatement.
- 249.190 Entry and cutting of thistles on failure of landholder -- Exemption.
- 249.195 Thistle eradication on highway and utility rights-of-way.
- 249.991 Penalties.

Signed by Governor April 8, 2022.

CHAPTER 132

(HB 310)

AN ACT relating to home incarceration.

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

➔Section 1. KRS 532.245 is amended to read as follows:

- (1) Time spent in pretrial home incarceration pursuant to KRS 431.517 shall be credited against the maximum term of imprisonment assessed to the defendant upon conviction. ***Notwithstanding KRS 532.200, a defendant who spent time in pretrial home incarceration pursuant to KRS 431.517 shall not be required to have participated in a global positioning monitoring system program to receive credit.*** Time credited under this section shall be calculated in accordance with KRS 532.120.
- (2) Violation of the terms of pretrial home incarceration shall be deemed an interruption of the defendant's home incarceration. The interruption shall begin at the time of the violation and shall continue until a court revokes

home incarceration or otherwise acts on the violation. Time spent in pretrial home incarceration prior to the violation shall be credited against the maximum term of imprisonment assessed to the defendant upon conviction for the original charge.

- (3) This section shall apply to defendants sentenced on or after July 12, 2012.

Signed by Governor April 8, 2022.

CHAPTER 133

(HB 350)

AN ACT relating to insurance regulatory requirements.

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

➔Section 1. KRS 304.2-205 is amended to read as follows:

- (1) The provisions of this section apply to all domestic, foreign, and alien insurers, fraternal benefit societies, health maintenance organizations, and nonprofit hospital, medical-surgical, dental, and health service corporations authorized to transact business pursuant to this chapter.
 - (2) (a) *I.* Each domestic, foreign, and alien insurer, ~~and~~ fraternal benefit society, health maintenance organization, and nonprofit hospital, medical-surgical, dental, and health service corporation authorized to transact business pursuant to this chapter shall annually on or before March 1 of each year file with the National Association of Insurance Commissioners a copy of its annual statement convention blank, along with additional filings as prescribed by the commissioner, for the preceding year.
 2. The information filed with the National Association of Insurance Commissioners shall:
 - a.* Be *submitted electronically*;
 - b.* Be in the same format and scope as that required by the commissioner; and ~~shall~~
 - c.* Include the:
 - i.* Signed jurat page; and ~~the~~
 - ii.* Life and health actuarial certification.
 3. Any amendments or additions to the annual statement filing subsequently filed with the commissioner shall also be filed *electronically* with the National Association of Insurance Commissioners.
 - (b) Foreign insurers, health maintenance organizations, and fraternal benefit societies that are domiciled in states which have laws substantially similar to paragraph (a) of this subsection shall be deemed in compliance with this section.
 - (c) Nothing contained in this section shall be deemed to require anyone filing documents with the National Association of Insurance Commissioners to pay any filing fee for a filing.
- (3) Members of the National Association of Insurance Commissioners, their duly authorized committees, subcommittees, and task forces, their delegates, National Association of Insurance Commissioners employees, and all others charged with the responsibility of collecting, reviewing, analyzing, or disseminating the information developed from the filing of the annual statement convention blanks shall not be subject to civil liability for defamation or any other cause of action by virtue of their collection, review, analysis, or dissemination of the data and information collected from the filings required by this section while acting in good faith.

➔Section 2. KRS 304.2-230 is amended to read as follows:

- (1) Whenever the commissioner determines to examine the affairs of any person, he *or she* shall designate one (*I*) or more examiners, *which may include analysts*, and instruct them as to the scope of the examination. The examiner *or analyst* shall, upon demand, exhibit his *or her* official credentials to the person under

examination. In conducting the examination, the examiner *or analyst* shall observe those guidelines and procedures set forth in the Examiners' Handbook adopted by the National Association of Insurance Commissioners. The commissioner may also employ other guidelines or procedures as the commissioner deems appropriate.

- (2) (a) *1.* An examiner *or analyst* may not be appointed by the commissioner if the examiner *or analyst*, either directly or indirectly, has a conflict of interest or is affiliated with the management of, or owns a pecuniary interest in, any person subject to examination.
 - 2.* This subsection shall not be construed to automatically preclude an examiner *or analyst* from being:
 - a.*~~{1-}~~ A policyholder or claimant under an insurance policy;
 - b.*~~{2-}~~ A grantor of a mortgage or similar instrument on the examiner's *or analyst's* residence to a regulated entity if done under customary terms and in the ordinary course of business;
 - c.*~~{3-}~~ An investment owner in shares of regulated diversified investment companies; or
 - d.*~~{4-}~~ A settler or beneficiary of a "blind trust" into which any otherwise impermissible holdings have been placed.
 - (b) Notwithstanding the requirements of paragraph (a) of this subsection, the commissioner may retain from time to time, on an individual basis, qualified actuaries, certified public accountants, or other similar individuals who are independently practicing their professions even though these persons may from time to time be similarly employed or retained by persons subject to examination.
- (3) (a) *Except as provided in paragraph (b) of this subsection*, any *examiner or analyst*~~{person}~~ performing an examination of an insurer on behalf of, and as called by, the commissioner, *including any analyst engaged in review, verification, and analysis of an insurer*, shall have official immunity and shall be immune from suit and liability, both personally and in their official capacities, for any claim for damage to, or loss of property, or personal injury, or other civil liability caused by or resulting from any alleged act, error, or omission of the examiner *or analyst*, or any assistant or contractor, arising out of, or by reason of, their duties or employment.
 - (b) Nothing in this subsection shall be construed to hold the examiner *or analyst*, or any assistant or contractor, immune from suit and liability for any damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of the examiner *or analyst*~~{}~~ *or* any assistant~~{}~~ *or* contractor.
- (4) The commissioner shall conduct *the*~~{such}~~ examination in an expeditious, fair, and impartial manner.
- (5) Upon~~{any such}~~ examination, the commissioner, or the examiner *or analyst* if specifically so authorized in writing by the commissioner, shall have power to issue subpoenas, administer oaths, and to examine under oath any individual as to any matter relevant to the affairs under examination or relevant to the examination.
- (6) Every person being examined, *and* its officers, attorneys, employees, agents, and representatives, shall:
 - (a) Make freely available to the commissioner, or his *or her* examiners *or analysts*, the accounts, records, documents, files, information, assets, and matters of *the*~~{such}~~ person in *its*~~{his}~~ possession or control relating to the subject of the examination; and~~{shall}~~
 - (b) Facilitate the examination.
- (7) (a) Neither the commissioner nor any examiner *or analyst* shall remove any record, account, document, file, or other property of the person being examined from the offices or place of *that*~~{such}~~ person except with the *person's* written consent~~{of such person}~~ in advance of *the*~~{such}~~ removal or pursuant to an order of court duly obtained.
 - (b) This *subsection*~~{provision}~~ shall not be deemed to affect the making and removal of copies or abstracts of any~~{such}~~ record, account, document, or file.
- (8) Any individual who refuses without just cause to be examined under oath or who willfully obstructs or interferes with the examiners *or analysts* in the exercise of their authority pursuant to this section is guilty of a violation of this code.
- (9) (a) The commissioner may terminate or suspend an examination in order to pursue other legal or regulatory action pursuant to the insurance laws of this state.

- (b) Findings of fact and conclusions made pursuant to an examination shall be prima facie evidence in any legal or regulatory action.
- (c) The commissioner may use, and ~~if~~ if appropriate, may make public, any final or preliminary examination report, any examiner's *or analyst's* workpapers or other documents, or any other information discovered or developed during the course of the examination in the furtherance of any legal or regulatory action that the commissioner may, in his *or her* sole discretion, deem appropriate.
- (d) Nothing in this subsection shall be binding upon the court in making determinations about relevancy and admissibility in any civil action pertaining to any *examination* ~~such~~ documents.

➔Section 3. KRS 304.3-240 is amended to read as follows:

- (1) (a) Each authorized insurer shall annually file with the commissioner a true statement of its financial condition, transactions, and affairs as of December 31 preceding.
 - (b) The statement shall be:
 - 1. *Filed electronically* on forms prescribed by the National Association of Insurance Commissioners; ~~and shall be~~
 - 2. Completed according to the instructions of the National Association of Insurance Commissioners; ~~and shall be~~
 - 3. Verified by the oaths of at least two (2) of the insurer's principal officers. The annual statement of a reciprocal insurer shall be made and verified by its attorney-in-fact.
 - (c) The annual statement shall be filed by March 1 of each year ~~, or, if filed by mail, postmarked no later than March 1~~.
 - (d) The annual statement of a foreign or alien insurer may be executed or verified by facsimile or reproduced signature; however, the annual statement of a domestic insurer shall contain original signatures.
- (2) The statement forms shall be in general form and context as approved by the National Association of Insurance Commissioners for the kinds of insurance to be reported upon, and as supplemented for additional information required by the commissioner.
- (3) The annual statement of an alien insurer shall:
 - (a) Relate only to its assets, transactions, and affairs in the United States unless the commissioner requires otherwise; ~~and the statement shall~~
 - (b) Be verified by the insurer's United States manager or by its officers duly authorized.
- (4) The commissioner may suspend or revoke the authority of any insurer failing to file its annual and quarterly statement when due or failing so to file during any extension of time therefor, which the commissioner, for good cause, may grant.
- (5) Notwithstanding the provisions of this section or any other law of this Commonwealth: ~~and~~
 - (a) An authorized insurer may, subject to the requirements of *administrative* regulations adopted by the commissioner, publish financial statements or information based on financial statements prepared on a basis which:
 - 1. Is in accordance with requirements of a competent authority; and ~~which~~
 - 2. Differs from the basis of the statements which have been filed with the commissioner in compliance with this section; ~~and~~
 - (b) ~~The~~ ~~Such~~ differing financial statements, or information based on the financial statements, shall not be made the basis for the application of any provision of this chapter not relating solely to the publication of financial information unless the provision specifically so requires.

➔Section 4. KRS 304.5-140 is amended to read as follows:

- (1) (a) For the purposes of subsection (4)(c) of this section, a "qualified United States financial institution" means an institution that:

1. Is organized or, in the case of a United States office of a foreign banking organization, licensed under the laws of the United States or any state thereof;
 2. Is regulated, supervised, and examined by the United States federal or state authorities having regulatory authority over banks and trust companies; and
 3. Has been determined by the commissioner, or the Securities Valuation Office of the NAIC, to meet the standards of financial condition and standing considered necessary and appropriate to regulate the quality of financial institutions whose letters of credit will be acceptable to the commissioner.
- (b) A "qualified United States financial institution" means, for purposes of those provisions of this section specifying those institutions that are eligible to act as a fiduciary of a trust, an institution that:
1. Is organized or, in the case of a United States branch or agency office of a foreign banking organization, licensed under the laws of the United States or any state thereof and has been granted authority to operate with fiduciary powers; and
 2. Is regulated, supervised, and examined by federal or state authorities having regulatory authority over banks and trust companies.
- (c) For purposes of subsection (3)(f)1. of this section, "reciprocal jurisdiction" means a jurisdiction that meets one (1) of the following:
1. A non-United States jurisdiction that is subject to an in-force covered agreement with the United States, each within its legal authority, or, in the case of a covered agreement between the United States and the European Union, is a member state of the European Union;
 2. A United States jurisdiction that meets the requirements for accreditation under the NAIC's financial standards and accreditation program;
 3. A qualified jurisdiction, as determined by the commissioner pursuant to subsection (3)(e)4. of this section, which is not otherwise described in this paragraph, and which meets certain additional requirements, consistent with the terms and conditions of in-force covered agreements, as specified by the commissioner in administrative regulation; or
 4. Any other jurisdiction contained on the list of reciprocal jurisdictions published by the commissioner in accordance with subsection (3)(g) of this section.
- (d) As used in this section:
1. "Covered agreement" means an agreement entered into pursuant to the Dodd-Frank Wall Street Reform and Consumer Protection Act, 31 U.S.C. secs. 313 and 314, and that is currently in effect or in a period of provisional application and addresses the elimination, under specified conditions, of collateral requirements as a condition for entering into any reinsurance agreement with the ceding insurer domiciled in this state or for allowing the ceding insurer to recognize credit for reinsurance; and
 2. "NAIC" means National Association of Insurance Commissioners.
- (2) (a) Credit for reinsurance shall be allowed a ceding insurer as either an asset or a deduction from liability on account of reinsurance ceded only when the reinsurer meets the requirements of:
1. Subsection (3)(a), (b), (c), (d), (e), (f), or (h) of this section; and
 2. Paragraphs (b), (c), (d), and (e) of this subsection.
- (b) The commissioner may promulgate administrative regulations pursuant to subsection (8)(a)2. of this section that establish specific additional requirements relating to or setting forth:
1. The valuation of assets or reserve credits;
 2. The amount and forms of security supporting reinsurance arrangements described in that subsection; and
 3. The circumstances pursuant to which credit will be reduced or eliminated.
- (c) For reinsurers meeting the requirements of subsection (3)(c) of this section, the requirements of paragraph (i) of that subsection shall also be met.

- (d) For reinsurers meeting the requirements of subsection (3)(d) of this section, the requirements of paragraphs (i) and (j) of that subsection shall also be met.
 - (e) For reinsurers meeting the requirements of subsection (3)(e) of this section, the requirements of paragraph (j) of that subsection shall also be met.
- (3) (a) Credit shall be allowed when the reinsurance is ceded to an assuming insurer that is authorized to transact insurance or reinsurance in Kentucky.
- (b) 1. Credit shall be allowed when the reinsurance is ceded to an assuming insurer that is accredited as a reinsurer in Kentucky. An accredited reinsurer is one which:
- a. Files with the commissioner evidence of its submission to Kentucky's jurisdiction;
 - b. Submits to Kentucky's authority to examine its books and records;
 - c. Is licensed to transact insurance or reinsurance in at least one (1) state, or in the case of a United States branch of an alien assuming insurer, is entered through and licensed to transact insurance or reinsurance in at least one (1) state;
 - d. Files annually with the commissioner a copy of its annual statement filed with the insurance regulatory official of its state of domicile and a copy of its most recent audited financial statement; and
 - e. Demonstrates to the satisfaction of the commissioner that it has adequate financial capacity to meet its reinsurance obligations and is otherwise qualified to assume reinsurance from domestic insurers. An assuming insurer meets the requirements of this subdivision at the time of its application if:
 - i. It maintains a surplus as regards policyholders in an amount that is not less than twenty million dollars (\$20,000,000); and
 - ii. Its accreditation has not been denied by the commissioner within ninety (90) days after submission of its accreditation application.
2. Credit shall not be allowed a ceding insurer under this paragraph if the assuming insurer's accreditation has been revoked by the commissioner after notice and hearing.
- (c) Credit shall be allowed when the reinsurance is ceded to an assuming insurer that is domiciled and licensed in or, in the case of a United States branch of an alien assuming insurer, is entered through a state which employs standards regarding credit for reinsurance substantially similar to those applicable under this section and the assuming insurer or United States branch of an alien insurer:
- 1. Maintains a surplus as regards policyholders in an amount not less than twenty million dollars (\$20,000,000); and
 - 2. Submits to the authority of the commissioner to examine its books and records.
- However, subparagraph 1. of this paragraph shall not apply to reinsurance ceded and assumed pursuant to pooling arrangements among insurers in the same holding company system.
- (d) 1. Credit shall be allowed when the reinsurance is ceded to an assuming insurer that maintains a trust in a qualified United States financial institution for the payment of valid claims of its United States policyholders and ceding insurers, their assigns, and successors in interest. The assuming insurer shall report annually to the commissioner information substantially the same as that required to be reported on the NAIC annual statement form by authorized insurers to enable the commissioner to determine the sufficiency of the trust.
- 2. a. In the case of a single assuming insurer, the trust shall consist of a trustee account representing the assuming insurer's liabilities attributable to business written in the United States and, in addition, except as provided in subdivision b. of this subparagraph, the assuming insurer shall maintain a trustee surplus of not less than twenty million dollars (\$20,000,000).
 - b. At any time after the assuming insurer has permanently discontinued underwriting new business secured by the trust for at least three (3) years, the commissioner may authorize a reduction in the trustee surplus required by subdivision a. of this subparagraph, but only after a finding, based on an assessment of the risk, that the new required surplus level is

adequate for the protection of United States ceding insurers, policyholders, and claimants in light of a reasonably foreseeable adverse loss development. The risk assessment may involve an actuarial review, including an independent analysis of reserves and cash flows, and shall consider all material risk factors, including, when applicable, the lines of business involved, the stability of the incurred loss estimates, and the effect of the surplus requirements on the assuming insurer's liquidity or solvency. The minimum required trusteed surplus may not be reduced to an amount less than thirty percent (30%) of the assuming insurer's liabilities attributable to reinsurance ceded by United States ceding insurers covered by the trust.

3. In the case of a group including incorporated and individual unincorporated underwriters:
 - a. The trust shall consist of a trusteed account representing the respective underwriter's liabilities attributable to business written in the United States;
 - b. The group shall maintain a trusteed surplus of which one hundred million dollars (\$100,000,000) shall be held jointly for the benefit of United States ceding insurers of any member of the group;
 - c. The incorporated members of which group shall not be engaged in any business other than underwriting as a member of the group and shall be subject to the same level of solvency regulation and control by the group's domiciliary regulator as are the unincorporated members; and
 - d. The group shall make available to the commissioner an annual certification of the solvency of each underwriter by the group's domiciliary insurance regulatory official and its independent public accountants.
 4. In the case of a group of incorporated underwriters under common administration, the group shall:
 - a. Comply with the reporting requirements contained in subparagraph 1. of this paragraph;
 - b. Have continuously transacted insurance business outside the United States for at least three (3) years immediately prior to making an application for accreditation;
 - c. Maintain a trust in an amount not less than the group's several liabilities attributable to business ceded by United States ceding insurers to any member of the group pursuant to reinsurance contracts issued in the name of the group;
 - d. Maintain an aggregate policyholders' surplus of at least ten billion dollars (\$10,000,000,000);
 - e. Maintain a joint trusteed surplus of which one hundred million dollars (\$100,000,000) shall be held jointly for the benefit of United States ceding insurers of any member of the group; and
 - f. Each member of the group shall make available to the commissioner an annual certification of the member's solvency by the member's domiciliary insurance regulatory official and its independent public accountant.
 5. The trust shall be established in a form approved by the commissioner. The trust instrument shall provide that contested claims shall be valid and enforceable upon the final order of any court of competent jurisdiction in the United States. The trust shall vest legal title to its assets in the trustees of the trust for its United States policyholders and ceding insurers, their assigns, and successors in interest. The trust and the assuming insurer shall be subject to examination as determined by the commissioner. The trust shall remain in effect for as long as the assuming insurer shall have outstanding obligations due under the reinsurance agreements subject to the trust.
 6. No later than February 28 of each year, the trustees of the trust shall report to the commissioner in writing setting forth the balance of the trust and listing the trust's investments at the preceding year end and shall certify the date of termination of the trust, if so planned, or certify that the trust shall not expire prior to the next following December 31.
- (e) 1. Credit shall be allowed when the reinsurance is ceded to an assuming insurer that:

- a. Has been certified by the commissioner as a reinsurer in this state; and
 - b. Secures its obligations in accordance with the requirements of this paragraph.
2. In order to be eligible for certification, the assuming insurer shall:
- a. Be domiciled and licensed to transact insurance or reinsurance in a qualified jurisdiction, as determined by subparagraph 4. of this paragraph;
 - b. Maintain minimum capital and surplus, or its equivalent, in an amount to be determined by the commissioner by administrative regulation;
 - c. Maintain financial strength ratings from two (2) or more rating agencies deemed acceptable by the commissioner by administrative regulation;
 - d. Agree to submit to the jurisdiction of this state, appoint the commissioner as its agent for service of process in this state, and agree to provide security for one hundred percent (100%) of the assuming insurer's liabilities attributable to reinsurance ceded by United States ceding insurers if the assuming insurer resists enforcement of a final United States judgment;
 - e. Agree to meet applicable information filing requirements as determined by the commissioner, both with respect to an initial application for certification and on an ongoing basis; and
 - f. Satisfy any other relevant requirements for certification as determined by the commissioner.
3. An association, including incorporated and individual unincorporated underwriters, may be certified as a reinsurer in this state if the association satisfies the requirements of subparagraph 2. of this paragraph and:
- a. The association satisfies its minimum capital and surplus requirements through the capital and surplus equivalents (net of liabilities) of the association and its members, which shall include a joint central fund that may be applied to any unsatisfied obligation of the association or any of its members, in an amount determined by the commissioner to provide adequate protection;
 - b. The incorporated members of the association are not engaged in any business other than underwriting as a member of the association and are subject to the same level of regulation and solvency control by the association's domiciliary regulator as are the unincorporated members; and
 - c. The association provides the commissioner an annual certification by the association's domiciliary regulator of the solvency of each underwriter member within ninety (90) days after its financial statements are due to be filed with the association's domiciliary regulator, or if a certification is unavailable, financial statements, prepared by independent public accountants, of each underwriter member of the association.
- 4.
- a. The commissioner shall create and publish a list of qualified jurisdictions under which an assuming insurer licensed and domiciled in the qualified jurisdiction is eligible to be considered for certification by the commissioner as a certified reinsurer.
 - b. In order to determine whether the domiciliary jurisdiction of an assuming insurer from a jurisdiction outside of the United States is eligible to be recognized as a qualified jurisdiction, the commissioner shall evaluate the appropriateness and effectiveness of the reinsurance supervisory system of the jurisdiction outside of the United States, both initially and on an ongoing basis, and consider the rights, benefits, and the extent of reciprocal recognition afforded by the jurisdiction outside of the United States to reinsurers licensed and domiciled in the United States. A qualified jurisdiction shall agree to share information and cooperate with the commissioner with respect to all certified reinsurers domiciled within that jurisdiction. A jurisdiction may not be recognized as a qualified jurisdiction if the commissioner has determined that the jurisdiction does not adequately and promptly enforce final United States judgments and arbitration awards. Additional factors may be considered in the discretion of the commissioner.

- c. The commissioner shall consider the list of qualified jurisdictions published through the NAIC's committee process when determining qualified jurisdictions. If the commissioner approves a jurisdiction as qualified that does not appear on the list, the commissioner shall provide justification in accordance with criteria to be developed by the commissioner by administrative regulation.
 - d. Jurisdictions within the United States that meet the requirements for accreditation under the NAIC's financial standards and accreditation program shall be recognized as qualified.
 - e. If a certified reinsurer's domiciliary jurisdiction ceases to be a qualified jurisdiction, the commissioner may revoke or suspend the reinsurer's certification indefinitely, in lieu of revocation.
5. The commissioner shall assign a rating to each certified reinsurer, giving due consideration to the financial strength ratings that have been assigned by rating agencies deemed acceptable to the commissioner by administrative regulation. The commissioner shall publish a list of all certified reinsurers and their ratings.
6. a. A certified reinsurer shall secure obligations assumed from United States ceding insurers pursuant to this paragraph at a level consistent with its rating as specified by administrative regulation promulgated by the commissioner.
- b. In order for a domestic ceding insurer to qualify for full financial statement credit for reinsurance ceded to a certified reinsurer, the certified reinsurer shall maintain security in a form acceptable to the commissioner and consistent with subsection (4) of this section, or in a **multi-beneficiary**~~[multi-beneficiary]~~ trust in accordance with paragraph (d) of this subsection, except as otherwise provided in this paragraph.
- c. If a certified reinsurer maintains a trust to fully secure its obligations subject to paragraph (d) of this subsection, and chooses to secure its obligations incurred as a certified reinsurer in the form of a **multi-beneficiary**~~[multi-beneficiary]~~ trust, the certified reinsurer shall maintain separate trust accounts for:
- i. Its obligations incurred under reinsurance agreements issued or renewed as a certified reinsurer with reduced security as permitted by this paragraph or comparable laws of other United States jurisdictions; and
 - ii. Its obligation subject to paragraph (d) of this subsection.
- d. The commissioner shall not grant a certification pursuant to this paragraph unless the certified reinsurer agrees to bind itself, by language of the trust and agreement with the commissioner with principal regulatory oversight of each trust account, to fund, upon termination of any applicable trust account, out of the remaining surplus of the trust any deficiency of any other trust account.
- e. The minimum trustee surplus requirements provided in paragraph (d) of this subsection are not applicable to a **multi-beneficiary**~~[multi-beneficiary]~~ trust maintained by a certified reinsurer for the purpose of securing obligations incurred pursuant to this paragraph, except that the **multi-beneficiary**~~[multi-beneficiary]~~ trust shall maintain a minimum trustee surplus of ten million dollars (\$10,000,000).
- f. With respect to obligations incurred by a certified reinsurer pursuant to this paragraph, if the security is insufficient, the commissioner shall reduce the allowable credit by an amount proportionate to the deficiency, and the commissioner may impose further reductions in allowable credit upon finding that there is a material risk that the certified reinsurer's obligations will not be paid in full when due.
- g. i. For purposes of this paragraph, a certified reinsurer whose certification has been terminated for any reason shall be treated as a certified reinsurer required to secure one hundred percent (100%) of its obligations.
- ii. As used in this subdivision, "terminated" includes revocation, suspension, voluntary surrender, and inactive status, except if the commissioner continues to assign a higher rating as permitted by this subsection, a certified reinsurer in inactive status or reinsurer whose certification has been suspended shall not be

considered "terminated."

7. If an applicant for certification has been certified as a reinsurer in an NAIC-accredited jurisdiction, the commissioner may defer to that jurisdiction's certification and the rating assigned by that jurisdiction, and the reinsurer shall be considered a certified reinsurer in this state.
 8. A certified reinsurer that ceases to assume new business in this state may request to maintain its certification in inactive status in order to continue to qualify for a reduction in security for its in-force business. An inactive certified reinsurer shall continue to comply with all applicable requirements of this subsection, and the commissioner shall assign a rating that takes into account, if relevant, the reasons why the reinsurer is not assuming new business.
- (f) Credit shall be allowed when the reinsurance is ceded to an assuming insurer if:
1. The assuming insurer has its head office in, or is domiciled in, as applicable, and is licensed in, a reciprocal jurisdiction;
 2. The assuming insurer has and maintains, on an ongoing basis:
 - a. For assuming insurers that are not associations:
 - i. Minimum capital and surplus, or its equivalent, calculated according to the methodology of its domiciliary jurisdiction, in an amount to be set forth in administrative regulation; and
 - ii. A minimum solvency or capital ratio, as applicable, as set forth in administrative regulation; or
 - b. For assuming insurers that are associations, including incorporated and individual unincorporated underwriters:
 - i. Minimum capital and surplus equivalents, net of liabilities, calculated according to the methodology applicable in its domiciliary jurisdiction, and a central fund containing a balance in amounts to be set forth by the commissioner in administrative regulation; and
 - ii. A minimum solvency or capital ratio in the reciprocal jurisdiction where the assuming insurer has its head office or is domiciled, as applicable, and is also licensed;
 3. The assuming insurer agrees, and provides adequate assurance, in a form prescribed by the commissioner, to the following:
 - a. To provide prompt written notice and explanation to the commissioner if the assuming insurer falls below the minimum requirements set forth in subparagraph 2. of this paragraph, or if any regulatory action is taken against the assuming insurer for serious noncompliance with applicable law;
 - b. To submit the assuming insurer's consent, in writing, to the jurisdiction of the courts of this state and to the appointment of the commissioner as an agent for service of process. The commissioner may require that consent for service of process be provided to the commissioner and included in each reinsurance agreement. Nothing in this subdivision shall be construed to limit, or in any way alter, the capacity for the parties to a reinsurance agreement to agree to alternative dispute resolution mechanisms, except to the extent such agreements are unenforceable under applicable insolvency or delinquency laws;
 - c. To submit the assuming insurer's consent, in writing, to pay all final judgments, wherever enforcement is sought, obtained by a ceding insurer or its legal successor, that have been declared enforceable in the jurisdiction where the judgment was obtained;
 - d. To include in each reinsurance agreement, a provision requiring the assuming insurer to provide security in an amount equal to one hundred percent (100%) of the assuming insurer's liabilities attributable to reinsurance ceded pursuant to that agreement if the assuming insurer resists enforcement of a final judgment that is enforceable under the law of the jurisdiction in which it was obtained or a properly enforceable arbitration award,

whether obtained by the ceding insurer or by its legal successor on behalf of its resolution estate; and

- e.
 - i. To confirm that the assuming insurer is not presently participating in any solvent scheme of arrangement which involves this state's ceding insurers; and
 - ii. To notify the ceding insurer and the commissioner, and to provide security in the amount of one hundred percent (100%) of the assuming insurer's liabilities to the ceding insurer, should the assuming insurer enter into a solvent scheme of arrangement referenced in subpart i. of this subdivision. The security required under this subdivision shall be in a form consistent with the provisions of paragraph (e) of this subsection and subsection (4) of this section, as specified by the commissioner in administrative regulation;
4. The assuming insurer or its legal successor provides, upon request of the commissioner, on behalf of itself and any legal predecessors, any documentation prescribed by the commissioner in administrative regulation;
5. The assuming insurer maintains a practice of prompt payment of claims under reinsurance agreements, pursuant to criteria set forth by the commissioner in administrative regulation; and
6. The assuming insurer's supervisory authority confirms to the commissioner on an annual basis, as of the preceding December 31 or at the annual date otherwise statutorily reported to the reciprocal jurisdiction, that the assuming insurer complies with the requirements of subparagraph 2. of this paragraph.

Nothing in this paragraph precludes an assuming insurer from providing the commissioner with information on a voluntary basis.

(g) For purposes of paragraph (f) of this subsection:

1.
 - a. The commissioner shall timely create and publish a list of reciprocal jurisdictions which shall include reciprocal jurisdictions as defined in subsection (1) of this section.
 - b. The commissioner shall consider, and may approve, any other reciprocal jurisdiction:
 - i. On the list of reciprocal jurisdictions published by the NAIC, through the NAIC committee process; and
 - ii. That meets the criteria established by the commissioner by administrative regulation.
 - c. The commissioner may remove a jurisdiction from the list of reciprocal jurisdictions upon a determination that the jurisdiction no longer meets the requirements of a reciprocal jurisdiction, in accordance with a process established by the commissioner by administrative regulation, except the commissioner shall not remove a reciprocal jurisdiction, as defined in subsection (1) of this section. Upon removal of a reciprocal jurisdiction from the commissioner's list, credit for reinsurance ceded to an assuming insurer that has its home office or is domiciled in that jurisdiction shall be allowed if otherwise allowed under this section;
2.
 - a. The commissioner shall timely create and publish a list of assuming insurers that have satisfied the conditions *set forth in paragraph (f) of this subsection*~~[,]~~ and to which cessions shall be granted *credit in accordance with*~~[, as set forth in]~~ paragraph (f) of this subsection.
 - b. The commissioner may add an assuming insurer to the~~[commissioner's]~~ list *described in subdivision a.* of~~[assuming insurers under]~~ this subparagraph if an *NAIC-accredited*~~[NAIC accredited]~~ jurisdiction has added *the*~~[such]~~ assuming insurer to *a*~~[its]~~ list of such assuming insurers, or if upon initial eligibility, the assuming insurer submits information to the commissioner as required under paragraph (f)~~4.~~ of this subsection and complies with any additional requirements that the commissioner may impose by administrative regulation, except to the extent that *they*~~[there is a]~~ conflict with an applicable covered agreement.
 - c. *For purposes of carrying out the provisions of this subparagraph:*

- i. If an NAIC-accredited jurisdiction has determined that the conditions set forth in paragraph (f) of this subsection have been met, the commissioner may defer to that jurisdiction's determination;*
 - ii. The commissioner may accept financial documentation filed with another NAIC-accredited jurisdiction or with the NAIC;*
 - iii. If an assuming insurer requests the commissioner to defer to another NAIC-accredited jurisdiction's determination, the insurer shall submit the request on forms prescribed by the commissioner, and any additional information as the commissioner may require, by administrative regulation; and*
 - iv. Upon receiving a request described in subpart iii. of this subdivision, the commissioner shall notify other states through the NAIC committee process and provide relevant information with respect to the determination of eligibility;*
 - 3.
 - a. If the commissioner determines that an assuming insurer no longer meets one (1) or more of the requirements of paragraph (f) of this subsection, the commissioner may revoke or suspend the eligibility of the assuming insurer for recognition under paragraph (f) of this subsection, in accordance with procedures set forth in administrative regulation.
 - b. While an assuming insurer's eligibility is suspended, no reinsurance agreement issued, amended, or renewed after the effective date of the suspension qualifies for credit, except to the extent that the assuming insurer's obligations under the contract are secured in accordance with subsection (4) of this section.
 - c. If an assuming insurer's eligibility is revoked, no credit for reinsurance may be granted after the effective date of the revocation with respect to any reinsurance agreements entered into by the assuming insurer, including reinsurance agreements entered into prior to the date of revocation, except to the extent that the assuming insurer's obligations under the contract are secured in a form acceptable to the commissioner and consistent with the provisions of subsection (4) of this section;
 - 4. If subject to legal process of rehabilitation, liquidation, or conservation, as applicable, the ceding insurer, or its representative, may seek and, if determined appropriate by the court in which the proceedings are pending, may obtain an order requiring that the assuming insurer post security for all outstanding ceded liabilities;
 - 5.
 - a. Credit may be taken under paragraph (f) of this subsection for reinsurance agreements entered into, amended, or renewed, on or after July 15, 2020, and only with respect to losses incurred and reserves reported after the later of:
 - i. The date on which the assuming insurer has met all eligibility requirements pursuant to paragraph (f) of this subsection; or*
 - ii. The effective date of the new reinsurance agreement, amendment, or renewal.*
 - b. Nothing in this paragraph shall be construed to alter or impair a ceding insurer's right to take credit for reinsurance, to the extent that credit is not available under paragraph (f) of this subsection, as long as the reinsurance qualifies for credit under any other provision of this section; and
 - 6. Nothing in this paragraph or paragraph (f) of this subsection shall be construed to:
 - a. Limit or in any way alter the capacity of the parties to a reinsurance agreement to:
 - i. Agree on requirements for security or other terms in the reinsurance agreement, except as expressly prohibited by this section or other applicable law; or*
 - ii. Renegotiate the agreement; or*
 - b. Authorize an assuming insurer to withdraw or reduce the security provided under any reinsurance agreement, except as permitted by the terms of the agreement.
- (h) Credit shall be allowed when the reinsurance is ceded to an assuming insurer not meeting the requirements of paragraph (a), (b), (c), (d), (e), or (f) of this subsection, but only with respect to the insurance of risks located in jurisdictions where such reinsurance is required by applicable law or

regulation of that jurisdiction or reinsurance ceded to a residual market mechanism reinsurance association, or the members thereof, created pursuant to law or which has been voluntarily created as such by its members with the approval of the commissioner.

- (i) If the assuming insurer is not authorized, certified, or accredited to transact insurance or reinsurance in Kentucky, the credit permitted by paragraphs (c) and (d) of this subsection shall not be allowed unless the assuming insurer agrees in the reinsurance agreements:
1. That in the event of the failure of the assuming insurer to perform its obligations under the terms of the reinsurance agreement, the assuming insurer, at the request of the ceding insurer, shall submit to the jurisdiction of any court of competent jurisdiction in any state of the United States, shall comply with all requirements necessary to give the court jurisdiction, and shall abide by the final decision of the court or of any appellate court in the event of an appeal; and
 2. To designate the Secretary of State or a designated attorney as its true and lawful attorney upon whom may be served any lawful process in any action, suit, or proceeding instituted by or on behalf of the ceding insurer.

This paragraph is not intended to conflict with or override the obligation of the parties to a reinsurance agreement to arbitrate their disputes, if this obligation is created in the agreement.

- (j) If the assuming insurer does not satisfy the requirements of paragraph (a), (b), (c), or (f) of this subsection, the credit permitted by paragraph (d) or (e) of this subsection shall not be allowed unless the assuming insurer agrees in the trust agreements to the following conditions:
1. Notwithstanding any other provisions in the trust instrument, if the trust is inadequate because it contains an amount less than the amount required by paragraph (d)2. of this subsection, or if the grantor of the trust has been declared insolvent or placed into receivership, rehabilitation, liquidation, or similar proceedings under the laws of its state or country of domicile, the trustee shall comply with an order of the commissioner with regulatory oversight over the trust or with an order of a court of competent jurisdiction directing the trustee to transfer to the commissioner with regulatory oversight all of the assets of the trust;
 2. The assets shall be distributed by and claims shall be filed with and valued by the commissioner with regulatory oversight in accordance with the laws of the state in which the trust is domiciled that are applicable to the liquidation of domestic insurance companies;
 3. If the commissioner with regulatory oversight determines that the assets of the trust fund or any part thereof are not necessary to satisfy the claims of the United States ceding insurers of the grantor of the trust, the assets or part thereof shall be returned by the commissioner with regulatory oversight to the trustee for distribution in accordance with the trust agreement; and
 4. The grantor shall waive any right otherwise available to it under United States law that is inconsistent with this paragraph.
- (k)
1. If an accredited or certified reinsurer ceases to meet the requirements for accreditation or certification, the commissioner may suspend or revoke the reinsurer's accreditation or certification.
 2. The commissioner shall provide the reinsurer notice and an opportunity for hearing prior to the entry of a suspension or revocation order.
 3. A suspension or revocation order shall not take effect until after a hearing is conducted, unless:
 - a. The reinsurer waives its right to hearing;
 - b. The commissioner's order is based on regulatory action by the reinsurer's domiciliary jurisdiction or the voluntary surrender or termination of the reinsurer's eligibility to transact insurance or reinsurance business in its domiciliary jurisdiction or in the primary certifying state of the reinsurer under paragraph (e)7. of this subsection; or
 - c. The commissioner finds that an emergency requires immediate action and a court of competent jurisdiction has not stayed the commissioner's action.
 4. While a reinsurer's accreditation or certification is suspended, no reinsurance contract issued or renewed after the effective date of the suspension qualifies for credit except to the extent that the reinsurer's obligations under the contract are secured in accordance with subsection (4) of this

section. If a reinsurer's accreditation or certification is revoked, no credit for reinsurance may be granted after the effective date of the revocation except to the extent that the reinsurer's obligations under the contract are secured in accordance with paragraph (e)6. of this subsection or subsection (4) of this section.

- (l) 1. A ceding insurer shall manage its reinsurance recoverables proportionate to its own book of business and diversify its reinsurance program.
 - 2. a. A domestic ceding insurer shall notify the commissioner within thirty (30) days after:
 - i. Reinsurance recoverables from any single assuming insurer, or group of affiliated assuming insurers, exceeds fifty percent (50%) of the domestic ceding insurer's last reported surplus to policyholders; or
 - ii. It is determined that reinsurance recoverables from any single assuming insurer, or group of affiliated assuming insurers, is likely to exceed the limit set forth in subpart i. of this subdivision.
 - b. A domestic ceding insurer shall notify the commissioner within thirty (30) days after:
 - i. Ceding to any single assuming insurer, or group of affiliated assuming insurers, more than twenty percent (20%) of the ceding insurer's gross written premium in the prior calendar year; or
 - ii. It has determined that the reinsurance ceded to any single assuming insurer, or group of affiliated assuming insurers, is likely to exceed the limit set forth in subpart i. of this subdivision.
 - c. The notification required by this subparagraph shall demonstrate that the exposure is safely managed by the domestic ceding insurer.
- (m) 1. In order to facilitate the prompt payment of claims, the commissioner may permit a certified reinsurer to defer posting the security for catastrophic recoverables for a period of up to one (1) year from the date of the first instance of a liability reserve entry by the ceding insurer as a result of a loss from a catastrophic occurrence.
 - 2. Upon notice by the ceding insurer to the commissioner that the certified reinsurer has failed to pay claims owed under a reinsurance agreement in a timely manner, the commissioner shall notify the certified reinsurer that it is no longer permitted to defer the posting of security for catastrophic recoverables.
 - 3. Reinsurance recoverables for only the following lines of business, as reported on the NAIC's annual financial statement related specifically to the catastrophic occurrence, shall be included in the deferral:
 - a. Fire;
 - b. Allied lines;
 - c. Farmowner's multiple peril;
 - d. Homeowner's multiple peril;
 - e. Commercial multiple peril;
 - f. Inland marine;
 - g. Earthquake; and
 - h. Auto physical damage.
 - 4. The commissioner may promulgate administrative regulations to establish the process for a certified reinsurer to seek a deferral of posting of security for catastrophic recoverables.
- (4) An asset or a reduction from liability for the reinsurance ceded by an insurer to an assuming insurer not meeting the requirements of subsections (2) and (3) of this section shall be allowed in an amount not exceeding the liabilities carried by the ceding insurer and the reduction shall be in the amount of funds held by or on behalf of the ceding insurer, including funds held in trust for the ceding insurer, under a reinsurance contract with the assuming insurer as security for the payment of obligations thereunder, if the security is held

in the United States subject to withdrawal solely by, and under the exclusive control of, the ceding insurer, or, in the case of a trust, held in a qualified United States financial institution. This security may be in the form of:

- (a) Cash;
 - (b) Securities listed by the Securities Valuation Office of the NAIC and qualifying as admitted assets, including those deemed exempt from filing, as defined by the Purposes and Procedures Manual of the Securities Valuation Office, and qualifying as admitted assets;
 - (c) Clean, irrevocable, unconditional letters of credit issued or confirmed by a qualified United States financial institution no later than December 31 in respect of the year for which filing is being made, and in the possession of the ceding insurer on or before the filing date of its annual statement. Letters of credit meeting applicable standards of issuer acceptability as of the dates of their issuance, or confirmation, shall, notwithstanding the issuing, or confirming, institution's subsequent failure to meet applicable standards of issuer acceptability, continue to be acceptable as security until their expiration, extension, renewal, modification, or amendment, whichever first occurs; or
 - (d) Any other form of security acceptable to the commissioner.
- (5) Cession of bulk reinsurance by a domestic insurer is subject to KRS 304.24-420.
- (6) (a) Credit shall be allowed as an asset or as a deduction from liability, to any ceding insurer for reinsurance ceded to an assuming insurer qualified therefor under subsection (2), (3), (4), or (5) of this section, except that no such credit shall be allowed unless the reinsurance contract provides, in substance, that in the event of the insolvency of the ceding insurer, the reinsurance shall be payable under a contract reinsured by the assuming insurer on the basis of reported claims allowed by the liquidation court, without diminution because of the insolvency of the ceding insurer. Such payments shall be made directly to the ceding insurer or to its domiciliary liquidator except:
- 1. Where the contract or other written agreement specifically provides another payee of such reinsurance in the event of the insolvency of the ceding insurer; or
 - 2. Where the assuming insurer, with the consent of the direct insured, has assumed such policy obligations of the ceding insurer as direct obligations of the assuming insurer to the payees under such policies and in substitution for the obligations of the ceding insurer to such payees.
- (b) The reinsurance agreement may provide that the domiciliary liquidator of an insolvent ceding insurer shall give written notice to the assuming insurer of the pendency of a claim against such ceding insurer on the contract reinsured within a reasonable time after such claim is filed in the liquidation proceeding. During the pendency of such claim, any assuming insurer may investigate such claim and interpose, at its own expense, in the proceeding where such claim is to be adjudicated, any defenses which it deems available to the ceding insurer or its liquidator. Such expense may be filed as a claim against the insolvent ceding insurer to the extent of a proportionate share of the benefit which may accrue to the ceding insurer solely as a result of the defense undertaken by the assuming insurer. Where two (2) or more assuming insurers are involved in the same claim and a majority in interest elect to interpose a defense to such claim, the expense shall be apportioned in accordance with the terms of the reinsurance agreement as though such expense had been incurred by the ceding insurer.
- (7) Upon request of the commissioner an insurer shall promptly inform the commissioner in writing of the cancellation or any other material change of any of its reinsurance treaties or arrangements.
- (8) (a) The commissioner may promulgate administrative regulations to:
- 1. Implement the provisions of this section; and
 - 2. Regulate any of the following reinsurance arrangements:
 - a. Life insurance policies with guaranteed nonlevel gross premium or guaranteed nonlevel benefits;
 - b. Universal life insurance policies with provisions resulting in the ability of a policyholder to keep a policy in force over a secondary guarantee period;
 - c. Variable annuities with guaranteed death or living benefits;
 - d. Long-term care insurance policies; or

- e. Such other life and health insurance and annuity products as to which the NAIC adopts model regulatory requirements with respect to credit for reinsurance.
- (b) An administrative regulation adopted pursuant to paragraph (a)2.a. or b. of this subsection may apply to any treaty containing policies issued:
 - 1. On or after January 1, 2015; or
 - 2. Prior to January 1, 2015, if risk pertaining to these policies is ceded in connection with the treaty in whole or in part, on or after January 1, 2015.
- (c) An administrative regulation adopted pursuant to paragraph (a)2. of this subsection:
 - 1. May require the ceding insurer, in calculating the amounts or forms of security required to be held by the insurer pursuant to this section, to use the Valuation Manual adopted by the NAIC under Section 11B(1) of the NAIC Standard Valuation Law, including all amendments adopted by the NAIC and in effect on the date as of which the calculation is made, to the extent applicable; and
 - 2. Shall not apply to cessions to an assuming insurer that:
 - a. Meets the requirements set forth in subsection (3)(f) of this section;
 - b. Is certified in this state; or
 - c. Maintains at least two hundred fifty million dollars (\$250,000,000) in capital and surplus when determined in accordance with the NAIC Accounting Practices and Procedures Manual, including all amendments thereto adopted by the NAIC, excluding the impact of any permitted or prescribed practices, and is:
 - i. Licensed in at least twenty-six (26) states; or
 - ii. Licensed in at least ten (10) states, and licensed or accredited in a total of at least thirty-five (35) states.
- (d) The authority to promulgate administrative regulations pursuant to paragraph (a)2. of this subsection shall not limit the commissioner's general authority to promulgate administrative regulations pursuant to paragraph (a)1. of this subsection.
- (9) Subsections (1) to (4) of this section shall apply to all cessions after July 14, 1992, under reinsurance agreements which have had an inception, anniversary, or renewal date not less than six (6) months after July 14, 1992.

➔Section 5. KRS 304.6-134 is amended to read as follows:

- (1) The commissioner may exempt specific product forms or product lines of a domestic company, that is licensed and doing business only in Kentucky, from the requirements of KRS 304.6-143 if:
 - (a) The commissioner has issued an exemption in writing to the company and has not subsequently revoked the exemption in writing; and
 - (b) The company computes reserves using assumptions and methods used prior to the operative date of the valuation manual and any requirements established by the commissioner and promulgated by administrative regulation.
- (2) A domestic company that has less than three hundred million dollars (\$300,000,000) of ordinary life premiums or a company that is a member of a group of life insurers that has combined ordinary life premiums of less than six hundred million dollars (\$600,000,000) and that is licensed and doing business in Kentucky is exempt from the requirements of KRS 304.6-143 and 304.6-151 if:
 - (a) ~~The company reported total adjusted capital of at least four hundred fifty percent (450%) of authorized control level risk based capital in the risk based capital report for the prior calendar year;~~
 - ~~(b) The appointed actuary has provided an unqualified opinion on the reserves in accordance with KRS 304.6-171 for the prior calendar year; and~~
 - ~~(b)(c) The company has provided a certification by a qualified actuary that any universal life policy with a secondary guarantee, issued or assumed by the company after the operative date of the valuation~~

manual, meets the definition of a nonmaterial secondary guarantee universal life product as defined in the valuation manual.

- (3) For purposes of subsection (2) of this section, ordinary life premiums are measured as direct, plus reinsurance assumed from an unaffiliated company, from the prior calendar year annual statement.
- (4) A domestic company that meets the requirements of subsection (2) of this section shall file a statement with the commissioner certifying that these requirements have been met for the current calendar year based on premiums and other values from the prior calendar year's financial statements prior to July 1 of the current calendar year.
- (5) For a domestic company that files a statement under subsection (4) of this section, KRS 304.6-130, 304.6-132, 304.6-133, 304.6-140, 304.6-141, 304.6-145, 304.6-150, 304.6-155, 304.6-160, 304.6-170, 304.6-171, 304.6-180, and 304.15-410 shall be applicable; however, any references to KRS 304.6-143 and 304.6-151 shall not apply.

➔Section 6. KRS 304.17A-300 is amended to read as follows:

- (1)
 - (a) A provider-sponsored integrated health delivery network may be created *before the effective date of this Act* by health care providers for the purpose of providing health care services.
 - (b) *No person shall be eligible to obtain a certificate of filing under subsection (2) of this section on or after the effective date of this Act.*
- (2) No person shall in this Commonwealth be, act as, or hold itself out as a provider-sponsored integrated health delivery network unless it holds a certificate of filing from the commissioner. Each provider-sponsored integrated health delivery network that seeks to offer services shall first be certified by the department.
- (3) To qualify as a provider-sponsored integrated health delivery network, an applicant shall submit information acceptable to the department to satisfactorily demonstrate that the provider-sponsored integrated health delivery network:
 - (a) Is licensed and in good standing with the licensure boards for participating providers;
 - (b) Has demonstrated the capacity to administer the health plans it is offering;
 - (c) Has the ability, experience, and structure to arrange for the appropriate level and type of health care services;
 - (d) Has the ability, policies, and procedures to conduct utilization management activities;
 - (e) Has the ability to achieve, monitor, and evaluate the quality and cost effectiveness of care provided by its provider network;
 - (f) Is financially solvent;
 - (g) Has the ability to assure enrollees adequate access to providers, including geographic availability and adequate numbers and types;
 - (h) Has the ability and procedures to monitor access to its provider network;
 - (i) Has a satisfactory grievance procedure and the ability to respond to enrollees' inquiries and complaints;
 - (j) Does not limit the participation of any health care provider in its provider network in another provider network;
 - (k) Has the ability and policies that allow patients to receive care in the most appropriate, least restrictive setting;
 - (l) Does not discriminate in enrolling members;
 - (m) Participates in coordination of benefits;
 - (n) Uses standardized electronic claims and billing processes and formats; and
 - (o) Discloses to the cooperative reimbursement arrangements with providers.
- (4) Fees for the following services shall be paid to the commissioner by every provider-sponsored integrated health delivery network, and the fees shall be the same as those for insurers as specified in Subtitle 4 of this chapter:

- (a) For filing an application for a certificate of filing or amendment thereto;
 - (b) For filing an annual statement; and
 - (c) For other services deemed necessary by the commissioner.
- (5) Provider-sponsored integrated health delivery networks shall be subject to the provisions of this subtitle, and to the following provisions of this chapter, to the extent applicable and not in conflict with the expressed provisions of this subtitle:
- (a) Subtitle 1 -- Scope -- *General Definitions and Provisions*~~{of Code}~~;
 - (b) Subtitle 2 --~~{Commissioner of the Department of}~~ Insurance *Commissioner*;
 - (c) Subtitle 3 -- Authorization of Insurers and General Requirements;
 - (d) Subtitle 4 -- Fees and Taxes;
 - (e) Subtitle 5 -- Kinds of Insurance--Limits of Risk--Reinsurance;
 - (f) Subtitle 6 -- Assets and Liabilities;
 - (g) Subtitle 7 -- Investments;
 - (h) Subtitle 8 -- Administration of Deposits;
 - (i) Subtitle 9 -- Agents, Consultants, Solicitors, and Adjusters;
 - (j) Subtitle 12 -- Trade Practices and Frauds;
 - (k) Subtitle 14 -- KRS 304.14-120 to 304.14-130 and 304.14-500 to 304.14-560;
 - (l) Subtitle 25 -- Continuity of Management;
 - (m) Subtitle 33 -- Insurers Rehabilitation and Liquidation;
 - (n) Subtitle 37 -- Insurance Holding Company Systems; and
 - (o) Subtitle 99 -- Penalties.

➔Section 7. KRS 304.37-010 is amended to read as follows:

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

- (1) "Affiliate" or person "affiliated" with a specific person means a person that directly, or indirectly through one (1) or more intermediaries, controls, or is controlled by, or is under common control with, the person specified;
- (2) "Commissioner" means:
 - (a) The commissioner of insurance *of this state*; or~~{the Department of Insurance, as appropriate}~~
 - (b) *When the context requires, the commissioner of insurance, or an equivalent official, of another state*;
- (3) (a) "Control," "controlling," "controlled by," and "under common control with" mean the possession, direct or indirect, of the power to direct or cause the direction of the management and policies of a person, whether through the ownership of voting securities, by contract other than a loan contract or commercial contract for goods or nonmanagement services, or otherwise, unless the power is the result of an official position with or corporate office held by the person.
 - (b) Control shall be presumed to exist if any person, directly or indirectly, owns, controls, holds with the power to vote, or holds proxies representing ten percent (10%) or more of the voting securities of any other person. This presumption may be rebutted by a showing, made in the manner provided by KRS 304.37-020(~~13~~),~~{(12)}~~ that control does not exist in fact. The commissioner may determine, after forwarding all persons in interest notice and opportunity to be heard and making specific findings of fact to support the determination, that control exists in fact, notwithstanding the absence of a presumption to that effect;
- (4) "Enterprise risk" means any activity, circumstance, event, or series of events involving one (1) or more affiliates of an insurer that, if not remedied promptly:~~{}~~
 - (a) Is likely to have a material adverse effect upon the financial condition or liquidity of the insurer or its insurance holding company system as a whole, including but not limited to anything that would cause

- the insurer's risk-based capital to fall into company action level as set forth in KRS 304.3-125 and administrative regulations promulgated thereunder; or
- (b) Would cause the insurer to be in hazardous financial condition in accordance with KRS 304.2-065;
- (5) "Groupwide supervisor" means the regulatory official authorized to engage in conducting and coordinating groupwide supervision activities in accordance with KRS 304.37-160;
- (6) "Insurance holding company system" means two (2) or more affiliated persons, one (1) or more of which is an insurer;
- (7) "Insurer" *has the same meaning as in KRS 304.1-040*~~[includes every person engaged as principal and as indemnitor, surety, or contractor in the business of entering into contracts of insurance]~~, except it shall not include agencies, authorities, or instrumentalities of the United States, its possessions and territories, the Commonwealth of Puerto Rico, the District of Columbia, or a state or political subdivision of a state;
- (8) "Internationally active insurance group" means an insurance holding company system that:
- (a) Includes an insurer registered under KRS 304.37-020; and
 - (b) Meets the following criteria:
 1. Has premiums written in at least three (3) countries;
 2. Has gross premiums written outside of the United States that are at least ten percent (10%) of the system's total gross written premiums; and
 3. Based on a three (3) year rolling average:
 - a. Has total assets that are at least fifty billion dollars (\$50,000,000,000); or
 - b. Has total gross written premiums that are at least ten billion dollars (\$10,000,000,000);~~[-]~~
- (9) *"NAIC" means the National Association of Insurance Commissioners;*
- (10) "Person":
- (a) Means an individual, a corporation, a partnership, an association, a joint stock company, an unincorporated organization, any similar entity, or any combination of the foregoing acting in concert; ~~and~~~~[- but -]~~
 - (b) Shall not include any:
 1. Bank in its fiduciary capacity; or
 2. Securities broker performing no more than the usual and customary broker's function;
- ~~(11)~~~~(10)~~ "Subsidiary" of a specified person means an affiliate controlled by the person directly or indirectly through one (1) or more intermediaries;
- ~~(12)~~~~(11)~~ "Supervisory college" means a forum for cooperation and communication between the involved supervisors established for the fundamental purpose of facilitating the effectiveness of supervision of entities which belong to an insurance group and facilitating both the supervision of the group as a whole on a groupwide basis and improving the legal entity supervision of the entities within the insurance group; and
- ~~(13)~~~~(12)~~ "Voting security" includes any security convertible into or evidencing a right to acquire a voting security.
- ➔Section 8. KRS 304.37-020 is amended to read as follows:
- (1) *As used in this section:*
- (a) *"Group capital calculation instructions" means the group capital calculation instructions adopted or amended by the NAIC in accordance with procedures adopted by the NAIC; and*
 - (b) 1. *"NAIC Liquidity Stress Test Framework" means a separate NAIC publication that includes:*
 - a. *A history of the NAIC's development of regulatory liquidity stress testing; and*
 - b. *The following, as adopted or amended by the NAIC in accordance with procedures adopted by the NAIC:*
 - i. *The scope criteria applicable for a specific data year, and*

ii. *The liquidity stress test instructions and reporting templates for a specific data year.*

2. *As used in this paragraph, "scope criteria" means the designated exposure bases, along with minimum magnitudes thereof for the specified data year, used to establish a preliminary list of insurers considered scoped into the NAIC Liquidity Stress Test Framework for that data year.*

- (2) (a) Every insurer ~~that~~~~which~~ is authorized to do business in this state and ~~which~~ is a member of an insurance holding company system shall register with the commissioner, except a foreign or alien insurer subject to disclosure requirements and standards adopted by statute or regulation in the jurisdiction of its domicile ~~that~~~~which~~ are substantially similar to those contained in this section.
- (b) For an alien insurer, the domiciliary state shall be deemed to be its state of entry.
- (c) Any insurer ~~that~~~~which~~ is subject to registration under this section shall register ~~within sixty (60) days after June 16, 1972, or~~ fifteen (15) days after it becomes subject to registration ~~, whichever is later,~~ and annually thereafter by April 1 of each year for the previous calendar year, unless the commissioner for good cause shown extends the time for registration ~~;~~ and then, within the extended time.
- (d) The commissioner may require any authorized insurer ~~that~~~~which~~ is a member of a holding company system ~~but~~~~which~~ is not subject to registration under this section to furnish a copy of the registration statement or other information filed by the insurer with the insurance regulatory authority of its domiciliary jurisdiction.
- ~~(3)~~~~(2)~~ Every insurer subject to registration shall file a registration statement on a form provided by the commissioner, which shall contain current information about:
- (a) The capital structure, general financial condition, ownership, and management of the insurer and any person controlling the insurer;
- (b) The identity of every member of the insurance holding company system;
- (c) The following agreements in force, relationships subsisting, and transactions currently outstanding between ~~the~~~~such~~ insurer and its affiliates:
1. Loans to, other investments in, or purchases, sales, or exchanges of securities of the affiliates by the insurer or of the insurer by its affiliates;
 2. Purchases, sales, or exchanges of assets;
 3. Transactions not in the ordinary course of business;
 4. Guarantees or undertakings for the benefit of an affiliate which result in an actual contingent exposure of the insurer's assets to liability, other than insurance contracts entered in the ordinary course of the insurer's business;
 5. All management and service contracts and all cost-sharing arrangements;
 6. All reinsurance agreements;
 7. Dividend and other distributions to shareholders; and
 8. Consolidated tax allocation agreements;
- (d) Any pledge of the insurer's stock, including stock of any subsidiary or controlling affiliate for a loan made to any member of the insurance holding company system;
- (e) *1.* If requested by the commissioner, financial statements of, or within, an insurance holding company system, including all affiliates.
- 2.* Financial statements may include but are not limited to annual audited financial statements filed with the United States Securities and Exchange Commission, pursuant to the Securities Act of 1933, as amended, or the Securities Exchange Act of 1932, as amended.
- 3.* An insurer required to file financial statements pursuant to this paragraph may satisfy the request by providing the commissioner with the most recently filed parent corporation financial statements that have been filed with the United States Securities and Exchange Commission;
- (f) Other matters concerning transactions between registered insurers and any affiliates as may be included from time to time in any registration forms adopted or approved by the commissioner;

- (g) Statements that the insurer's:
 1. Board of directors oversees corporate governance and internal controls; and ~~that the insurer's~~
 2. Officers or senior management have approved, implemented, and continue to maintain and monitor corporate governance and internal control procedures; and
- (h) Any other information required by the commissioner through administrative regulations.
- ~~(4)~~~~(3)~~ (a) It shall not be necessary to disclose information on the registration statement filed pursuant to subsection ~~(3)~~~~(2)~~ of this section if the information is not material for the purposes of this section.
- (b) Unless the commissioner by administrative regulation or order provides otherwise, sales, purchases, exchanges, loans, or extensions of credit, or investments, involving one-half of one percent (0.5%) or less of an insurer's admitted assets as of the thirty-first day of December next preceding shall not be deemed material for purposes of this section.
- (c) ***The materiality guidelines provided in this subsection shall not apply for purposes of the information required under subsections (15) and (16) of this section.***
- ~~(5)~~~~(4)~~ Each registered insurer shall keep current the information required to be disclosed in its registration statement by reporting all material changes or additions on amendment forms provided by the commissioner within thirty (30) days after the end of the month in which ***the insurer*** ~~it~~ learns of each change or addition.
- ~~(6)~~~~(5)~~ All registration statements shall contain a summary outlining all items in the current registration statement representing changes from the prior registration statement.
- ~~(7)~~~~(6)~~ Subject to KRS 304.37-030(5), each registered insurer shall report to the commissioner all dividends and other distributions to shareholders within fifteen (15) business days following the dividend or distribution declaration.
- ~~(8)~~~~(7)~~ Any person within an insurance holding company system subject to registration shall be required to provide complete and accurate information to an insurer, if the information is reasonably necessary to enable the insurer to comply with the provisions of this subtitle.
- ~~(9)~~~~(8)~~ The commissioner shall terminate the registration of any insurer which demonstrates that it no longer is a member of an insurance holding company system.
- ~~(10)~~~~(9)~~ The commissioner may require or allow two (2) or more affiliated insurers subject to registration to file a consolidated registration statement or consolidated reports amending their consolidated registration statement or their individual registration statements.
- ~~(11)~~~~(10)~~ The commissioner may allow an insurer ***that*** ~~which~~ is authorized to do business in this state and which is part of an insurance holding company system to:
 - (a) Register on behalf of any affiliated insurer ***that*** ~~which~~ is required to register under subsection ***(2) of this section;*** ~~(1)~~ and ~~to~~
 - (b) File all information and material required to be filed under this section.
- ~~(12)~~~~(11)~~ The provisions of this section shall not apply to any insurer, information, or transaction if and to the extent that the commissioner by administrative regulation or order ***exempts*** ~~shall exempt~~ it from the provisions of this section.
- ~~(13)~~~~(12)~~ (a) Any person may file with the commissioner a disclaimer of affiliation with any authorized insurer or a disclaimer may be filed by the insurer or any member of an insurance holding company system.
 - (b) The disclaimer shall fully disclose all material relationships and bases for affiliation between the persons and the insurer as well as the basis for disclaiming the affiliation.
 - (c) A disclaimer of affiliation shall be deemed to have been granted unless the commissioner, within thirty (30) days following receipt of a complete disclaimer, notifies the filing party the disclaimer is disallowed.
 - (d) In the event of disallowance, the disclaiming party may request an administrative hearing, which shall be granted.
 - (e) The disclaiming party shall be relieved of its duty to register under this section if:

1. Approval of the disclaimer has been granted by the commissioner;~~;~~ or ~~if~~
 2. The disclaimer is deemed to have been approved.
- (14)~~(13)~~ (a) ~~{On and after July 15, 2014, }~~The ultimate controlling person of every insurer subject to registration shall also file an annual enterprise risk report.
- (b) The report shall:~~;~~
1. To the best of the ultimate controlling person's knowledge and belief, identify the material risks within the insurance holding company system that could pose enterprise risk to the insurer; ~~and~~~~;~~ ~~The report shall~~
 2. Be filed with the lead state commissioner of the insurance holding company system, as determined by the procedures within the Financial Analysis Handbook adopted by the NAIC~~{National Association of Insurance Commissioners}~~.
- (15) (a) *Except as provided in this subsection, the ultimate controlling person of every insurer subject to registration shall concurrently file with the registration an annual group capital calculation as directed by the lead state commissioner.*
- (b) *The report shall be:*
1. *Completed in accordance with the group capital calculation instructions, which may permit the lead state commissioner to allow a controlling person that is not the ultimate controlling person to file the group capital calculation; and*
 2. *Filed with the lead state commissioner of the insurance holding company system as determined by the commissioner in accordance with the procedures within the Financial Analysis Handbook adopted by the NAIC.*
- (c) *An insurance holding company system shall be exempt from filing the group capital calculation if:*
1. *The system:*
 - a. *Has only one (1) insurer within its holding company structure;*
 - b. *Only writes business in its domestic state; and*
 - c. *Assumes no business from any other insurer;*
 2. *a. The system is required to perform a group capital calculation specified by the United States Federal Reserve Board.*
 - b. *The lead state commissioner shall request the calculation from the Federal Reserve Board under the terms of information sharing agreements in effect. If the Federal Reserve Board cannot share the calculation with the lead state commissioner, the insurance holding company system is not exempt from the group capital calculation filing;*
 3. *The system's non-United States groupwide supervisor is located within a reciprocal jurisdiction, as defined in Section 4 of this Act, that recognizes the United States state regulatory approach to group supervision and group capital; or*
 4. *The system:*
 - a. *Provides information to the lead state that meets the requirements for accreditation under the NAIC Financial Regulation Standards and Accreditation Program, either directly or indirectly, through the groupwide supervisor, who has determined the information is satisfactory to allow the lead state to comply with the NAIC group supervision approach, as detailed in the NAIC Financial Analysis Handbook; and*
 - b. *Has a non-United States groupwide supervisor, which is not in a reciprocal jurisdiction as defined in Section 4 of this Act, that recognizes and accepts, as specified by the commissioner in administrative regulation, the group capital calculation as the worldwide group capital assessment for United States insurance groups who operate in that jurisdiction.*

- (d) *Notwithstanding the provisions of paragraphs (c)3. and (c)4. of this subsection, a lead state commissioner shall require the group capital calculation for the United States operations of any insurance holding company system not based in the United States where, after any necessary consultation with other supervisors or officials, it is deemed appropriate by the lead state commissioner for:*
1. *Prudential oversight and solvency monitoring purposes; or*
 2. *Ensuring the competitiveness of the insurance marketplace.*
- (e) *In addition to the exemptions established in paragraph (c) of this subsection, the lead state commissioner may exempt the ultimate controlling person from filing the annual group capital calculation or accept a limited group capital filing or report in accordance with criteria specified by the commissioner in administrative regulation.*
- (f) *If the lead state commissioner determines that an insurance holding company system no longer meets one (1) or more of the requirements for an exemption from filing the group capital calculation under this subsection, the system shall file the group capital calculation at the next annual filing date unless given an extension by the lead state commissioner based on reasonable grounds shown.*
- (16) (a) *The ultimate controlling person of every insurer subject to registration and also scoped into the NAIC Liquidity Stress Test Framework shall file the results of a specific year's liquidity stress test.*
- (b) *The filing shall be made to the lead state commissioner of the insurance holding company system, as determined by the procedures within the Financial Analysis Handbook adopted by the NAIC.*
- (c) 1. *The NAIC Liquidity Stress Test Framework shall include scope criteria:*
- a. *Applicable to a specific data year; and*
 - b. *Reviewed at least annually by the NAIC's Financial Stability Task Force or its successor.*
2. *Any change to the NAIC Liquidity Stress Test Framework or to the data year for which the scope criteria are to be measured shall be effective on January 1 of the year following the calendar year when the changes are adopted.*
3. a. *Insurers meeting at least one (1) threshold of the scope criteria shall be considered scoped into the NAIC Liquidity Stress Test Framework for the specified data year unless the lead state commissioner, in consultation with the NAIC Financial Stability Task Force or its successor, determines the insurer should not be scoped into the framework for that data year.*
- b. *Insurers that do not trigger at least one (1) threshold of the scope criteria shall be considered scoped out of the NAIC Liquidity Stress Test Framework for the specified data year, unless the lead state commissioner, in consultation with the NAIC Financial Stability Task Force or its successor, determines the insurer should be scoped into the framework for that data year.*
4. *The lead state commissioner, in consultation with the NAIC Financial Stability Task Force or its successor, shall assess concerns related to insurers being scoped in and out of the NAIC Liquidity Stress Test Framework on a frequent basis as part of the scope criteria determination for an insurer.*
- (d) *The performance of, and the filing of the results from, a specified year's liquidity stress test shall comply with:*
1. *The NAIC Liquidity Stress Test Framework's instructions and reporting templates for that year; and*
 2. *Any lead state commissioner determinations, made in consultation with the NAIC Financial Stability Task Force or its successor, provided within the NAIC Liquidity Stress Test Framework.*
- (17)~~(14)~~ *The failure to file a registration statement or any amendment thereto, a summary of the registration statement, ~~or~~ an enterprise risk filing, or any other filing or report required by this section within the time specified for the filing or report shall be a violation of this subtitle.*

➔Section 9. KRS 304.37-050 is amended to read as follows:

- (1) (a) Subject to paragraph (b) of this subsection **and subsection (3) of this section**, all documents, materials, or other information in the possession or control of the department that are obtained by or disclosed to the commissioner or any other person in the course of an examination, analysis, or investigation made under KRS 304.37-040 and all information reported or provided to the department under KRS 304.37-020, 304.37-030, and 304.37-160~~;~~ shall:
1. Be confidential by law and privileged;~~and~~
 2. Not be subject to:
 - a. The Kentucky Open Records Act, KRS 61.872 to 61.884;
 - b. Subpoena; or
 - c. Discovery or admission into evidence in any private civil action; **and**
 3. **Be recognized as being proprietary and containing trade secrets.**
- (b) The commissioner may use the documents, materials, or other information in the furtherance of any regulatory or legal action brought as a part of the commissioner's official duties.
- (c) The commissioner shall not otherwise make the documents, materials, or other information public without the prior written consent of the insurer to which it pertains unless the commissioner, after giving the insurer and its affiliates who would be affected thereby notice and opportunity to be heard, determines that the interests of policyholders, shareholders, or the public will be served by the publication thereof, in which event the commissioner may publish all or any part thereof in such manner as the commissioner may deem appropriate.
- (d) **For purposes of the information reported and provided to the department pursuant to Section 8 of this Act, KRS 304.37-030, 304.37-040, and 304.37-160, the commissioner shall maintain the confidentiality of the:**
1. **Group capital calculation and the group capital ratio produced within the calculation and any group capital information received from an insurance holding company supervised by the Federal Reserve Board or any United States groupwide supervisor; and**
 2. **Liquidity stress test results and supporting disclosures and any liquidity stress test information received from an insurance holding company supervised by the Federal Reserve Board and non-United States groupwide supervisors.**
- (2) Neither the commissioner nor any person who received documents, materials, or other information while acting under the authority of the commissioner or with whom ~~the~~~~such~~ documents, materials, or other information are shared, pursuant to this subtitle, shall be permitted or required to testify in any private civil action concerning any confidential documents, materials, or other information subject to subsection (1) of this section.
- (3) The commissioner:
- (a) May share documents, materials, or other information, including confidential and privileged documents, materials, or other information subject to subsection (1) of this section, **including documents and materials containing trade secrets or proprietary information**, with:
 1. Other state, federal, and international regulatory agencies;~~;~~
 2. The NAIC;~~[National Association of Insurance Commissioners and its affiliates and subsidiaries,]~~
 3. **Any third-party consultants designated by the commissioner;** ~~and~~~~with~~
 4. State, federal, and international law enforcement authorities, including members of any supervisory college described in KRS 304.37-055;~~;~~

if the recipient agrees in writing to maintain the confidentiality and privileged status of the documents, materials, or other information, and has verified in writing the legal authority to maintain confidentiality;
 - (b) May only share confidential and privileged documents, materials, or other information reported pursuant to KRS 304.37-020~~(14)~~~~(13)~~, notwithstanding paragraph (a) of this subsection, with

commissioners of states having statutes or regulations substantially similar to subsection (1) of this section, and who have agreed in writing not to disclose ~~the~~~~[such]~~ information;

- (c) 1. May receive documents, materials, or other information, including confidential and privileged documents, materials, or other information, **including proprietary information or trade secrets**, from the ~~NAIC~~~~[National Association of Insurance Commissioners]~~ and its affiliates and subsidiaries and from regulatory and law enforcement officials of other foreign or domestic ~~jurisdictions~~~~[jurisdiction]~~; and
2. Shall maintain as confidential or privileged any documents, materials, or other information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the documents, materials, or other information; and
- (d) Shall enter into written agreements with the ~~NAIC and any third-party consultant designated by the commissioner~~~~[National Association of Insurance Commissioners]~~ governing sharing and use of information provided pursuant to this subtitle~~[,]~~ **and** consistent with this subsection that:
1. Specify procedures and protocols regarding the confidentiality and security of information shared with the ~~NAIC or a designated third-party consultant~~~~[National Association of Insurance Commissioners and its affiliates and subsidiaries,]~~ pursuant to this subtitle, including procedures and protocols for sharing **by the NAIC**~~[National Association of Insurance Commissioners]~~ with other state, federal, or international regulators. **The agreement shall provide that the recipient agrees in writing to maintain the confidentiality and privileged status of the documents, materials, or other information and has verified in writing the legal authority to maintain such confidentiality;**
2. Specify that ownership of information shared with the ~~NAIC or a third-party consultant~~~~[National Association of Insurance Commissioners and its affiliates and subsidiaries,]~~ pursuant to this ~~sub~~~~title~~~~[subsection,]~~ remains with the commissioner, and the ~~NAIC's or a designated third-party consultant's~~~~[National Association of Insurance Commissioners']~~ use of the information is subject to the direction of the commissioner;
3. **Except for documents, material, or information reported pursuant to subsection (16) of Section 8 of this Act, prohibit the NAIC or designated third-party consultant from storing the information shared pursuant to this subtitle in a permanent database after the underlying analysis is completed;**
4. Require prompt notice be given to an insurer whose confidential information~~[,]~~ in the possession of the ~~NAIC or a designated third-party consultant~~~~[National Association of Insurance Commissioners,]~~ pursuant to this subtitle~~[,]~~ is subject to a request or subpoena to the ~~NAIC or a designated third-party consultant~~~~[National Association of Insurance Commissioners,]~~ pursuant to this subtitle~~[,]~~ for disclosure or production;~~[and]~~
- 5.~~[4,]~~ Require the ~~NAIC or a designated third-party consultant~~~~[National Association of Insurance Commissioners and its affiliates and subsidiaries]~~ to consent to intervention by an insurer in any judicial or administrative action in which the ~~NAIC or a designated third-party consultant~~~~[National Association of Insurance Commissioners and its affiliates and subsidiaries]~~ may be required to disclose confidential information about the insurer shared with the ~~NAIC or a designated third-party consultant pursuant to this subtitle; and~~~~[National Association of Insurance Commissioners and its affiliates and subsidiaries]~~
6. **For documents, material, or information reporting pursuant to subsection (16) of Section 8 of this Act, in the case of an agreement involving a third-party consultant, provide for notification of the identity of the consultant to the applicable insurers.**
- (4) The sharing of information by the commissioner shall not constitute a delegation of regulatory authority or rulemaking, and the commissioner is solely responsible for administration, execution, and enforcement of this subtitle.
- (5) A waiver of any applicable privilege or claim of confidentiality in the documents, materials, or information shall not occur as a result of disclosure to the commissioner under this section or as a result of sharing as authorized in subsection (3) of this section.

- (6) Documents, materials, or information in the possession or control of the *NAIC or a third-party consultant designated by the commissioner* ~~[National Association of Insurance Commissioners and its affiliates and subsidiaries,]~~ pursuant to this subtitle ~~[,]~~ shall:
- (a) Be confidential by law and privileged; and
 - (b) Not be subject to:
 1. The Kentucky Open Records Act, KRS 61.872 to 61.884;
 2. Subpoena; or
 3. Discovery or admission into evidence in any private civil action.
- (7) (a) *The group capital calculation and resulting group capital ratio, and the liquidity stress test along with its results and supporting disclosures, required under Section 8 of this Act are regulatory tools for assessing group risks and capital adequacy and group liquidity risks, respectively, and are not intended as a means to rank insurers or insurance holding company systems generally.*
- (b) *Except as permitted under paragraph (c) of this subsection or as may otherwise be required under the provisions of this subtitle, no person shall make, publish, disseminate, circulate, or place before the public, or cause directly or indirectly to be made, published, disseminated, circulated, or placed before the public:*
1. *In a newspaper, magazine, or other publication;*
 2. *In the form of a notice, circular, pamphlet, letter, or poster;*
 3. *Over any radio or television station or any electronic means of communication available to the public; or*
 4. *In any other way as an advertisement, announcement, or statement;*
- containing a representation or statement with regard to the group capital calculation, group capital ratio, the liquidity stress test results, or supporting disclosures for the liquidity stress test of any insurer or insurer group or of any component derived in the calculation by any insurer, broker, or other person engaged in any manner in the insurance business.*
- (c) *If any materially false statement with respect to the:*
1. *Group capital calculation, resulting group capital ratio, an inappropriate comparison of any amount to an insurer's or insurance group's group capital calculation or resulting group capital ratio; or*
 2. *Liquidity stress test result, supporting disclosures for the liquidity stress test, or an inappropriate comparison of any amount to an insurer's or insurance group's liquidity stress test result or supporting disclosures;*
- is published in any written publication and the insurer is able to demonstrate to the commissioner with substantial proof the falsity of such statement or the inappropriateness, as the case may be, then the insurer may publish announcements in a written publication if the sole purpose of the announcement is to rebut the materially false statement.*

➔Section 10. KRS 304.38-070 is amended to read as follows:

- (1) *Except as provided in subsection (5) of this section, the following* ~~[This subsection]~~ applies to a corporation or limited liability company applying for and holding a certificate of authority as a health maintenance organization:
- (a) Except as provided in paragraph (b) of this subsection, to qualify for authority to act as a health maintenance organization, a corporation or limited liability company shall possess and thereafter maintain unimpaired paid-in capital stock of one million dollars (\$1,000,000), and, when first so authorized, shall possess initial free surplus of not less than two million dollars (\$2,000,000);
 - (b) A corporation holding a valid certificate of authority to transact business as a health maintenance organization in Kentucky immediately prior to July 15, 1986, may, if otherwise qualified therefor, continue to be so authorized while meeting the requirements for protection against insolvency required for *that* ~~[such]~~ authority immediately prior to July 15, 1986. ~~[Notwithstanding the other provisions hereof,]~~ The exception provided in this paragraph shall cease to apply to any ~~[such]~~ health maintenance

organization from and after the date it has accumulated capital and surplus equal to or in excess of the capital and surplus required by paragraph (a) of this subsection; and

- (c) **1.** Each corporation authorized as a health maintenance organization shall at all times:
- a.** Maintain bona fide additional surplus in the amount of two hundred fifty thousand dollars (\$250,000); and ~~shall at all times~~
 - b.** Comply with the risk-based capital requirements as established in administrative regulations promulgated by the commissioner.
- 2.** A corporation holding a valid certificate of authority to transact business as a health maintenance organization in Kentucky immediately prior to July 15, 1986, may, if otherwise qualified therefor, continue to be so authorized while meeting the requirements for protection against insolvency as required for ~~that~~~~such~~ authority immediately prior to July 15, 1986. The exception provided in this paragraph shall cease to apply to any ~~such~~ health maintenance organization from and after the date upon which it has accumulated additional surplus equal to or in excess of the additional surplus required by this subsection.
- (2) ~~The following~~~~This subsection~~ applies to a partnership applying for or holding a certificate of authority as a health maintenance organization:
- (a) Except as provided in paragraph (b) of this subsection:~~;~~
- 1.** To qualify for authority to act as a health maintenance organization, a partnership shall possess, when first so authorized, a total of at least three million dollars (\$3,000,000) in its capital accounts; ~~and~~~~;~~
 - 2.** Thereafter, a partnership authorized as a health maintenance organization shall:
 - a.** Possess and maintain a total of at least one million two hundred fifty thousand dollars (\$1,250,000) in its capital accounts; and ~~shall~~
 - b.** Comply at all times with the risk-based capital requirement established in administrative regulations promulgated by the commissioner; **and**
- (b) A partnership holding a valid certificate of authority to transact business as a health maintenance organization in Kentucky immediately prior to July 15, 1986, may, if otherwise qualified therefor, continue to be so authorized while meeting the requirements for protection against insolvency required for ~~that~~~~such~~ authority immediately prior to July 15, 1986. The exception provided for in this paragraph shall cease to apply to any such health maintenance organization from and after the date upon which the total of the funds which it has accumulated in its capital accounts equal or exceed the total of the funds in its capital accounts required by this subsection.
- (3) A corporation, partnership, or limited liability company applying for and holding a certificate of authority as a health maintenance organization which by contract manages care and processes health care claims solely for Medicaid-eligible enrollees and the Kentucky Children's Health Insurance Program shall comply with risk-based capital (RBC) requirements as follows:
- (a) **1.** For purposes of this subsection, risk-based capital shall be determined in accordance with the risk-based capital requirements for health maintenance organizations established under this subtitle and any administrative regulation promulgated pursuant to KRS Chapter 13A, except as otherwise provided in this subsection.
- 2.** ~~The~~~~A~~ corporation, partnership, or limited liability company ~~applying for and holding a certificate of authority as a health maintenance organization which by contract manages care and processes health care claims solely for Medicaid-eligible enrollees and the Kentucky Children's Health Insurance Program~~ shall comply with the same risk-based capital requirements as other health maintenance organizations, except that no additional phase-in or risk-based capital reports shall be required for 2000 or 2001, and the risk-based capital levels shall be established in accordance with paragraph (b) of this subsection;
- (b) For the risk-based capital reports required to be filed by health maintenance organizations which manage care and process health care claims solely for Medicaid-eligible enrollees and the Kentucky Children's Health Insurance Program, the risk-based capital levels shall be defined as follows:

1. "Company Action Level RBC" means the product of two (2.0) and its Authorized Control Level RBC;
 2. "Regulatory Action Level RBC" means the product of one and five-tenths (1.5) and its Authorized Control Level RBC;
 3. "Authorized Control Level RBC" means the product of four-tenths (.40) and the risk-based capital after covariance determined under the risk-based capital formula in accordance with the RBC instruction; and
 4. "Mandatory Control Level RBC" means the product of seven-tenths (.70) and the Authorized Control Level RBC; and
- (c) A corporation, partnership, or limited liability company applying for and holding a certificate of authority as a health maintenance organization managing care, processing health care claims, or providing health benefits to groups or individuals in addition to Medicaid-eligible and Kentucky Children's Health Insurance Program enrollees shall comply with the risk-based capital requirements of subsection (1) of this section and this subtitle, and shall not be eligible to calculate its risk-based capital according to this subsection.
- (4) *As used in subsection (5) of this section:*
- (a) *"MA organization" has the same meaning as in 42 C.F.R. sec. 422.2, as amended;*
 - (b)
 1. *"Net worth" means the excess of total admitted assets over total admitted liabilities, but the liabilities shall not include fully subordinated debt or surplus notes as approved by the commissioner.*
 2. *In determining net worth:*
 - a. *No debt shall be considered fully subordinated unless the debt is in a form approved by the commissioner;*
 - b. *Any interest obligation relating to the repayment of any subordinated debt shall be similarly subordinated; and*
 - c. *The interest expenses relating to the repayment of any fully subordinated debt shall be considered covered expenses.*
 3. *For purposes of calculating a health maintenance organization's net worth, "admitted assets" includes the following, as may be subsequently modified by the commissioner:*
 - a. *Receivables due from persons that are not more than ninety (90) days past due;*
 - b. *Amounts due under reinsurance arrangements from insurance companies authorized to do business in this state;*
 - c. *Undisputed tax refunds or other receivables due from the United States or this state;*
 - d. *Amounts on deposit under KRS 304.38-073; and*
 - e. *Investments determined as allowable by the commissioner under this chapter.*
 4. *When determining liabilities for purposes of calculating a health maintenance organization's net worth, the health maintenance organization shall include an amount estimated in the aggregate to provide for:*
 - a. *Any unearned premium;*
 - b. *The payment of all claims for health care expenditures:*
 - i. *That have been incurred, whether reported or unreported;*
 - ii. *That are unpaid; and*
 - iii. *For which the organization is or may be liable; and*
 - c. *The expense of adjustment or settlement of claims; and*
 - (c) *"Provider-sponsored integrated health delivery network" has the same meaning as in KRS 304.17A-005.*

- (5) *The following applies to a corporation or limited liability company applying for or holding, or a provider-sponsored integrated health delivery network that elects to convert to and hold, a certificate of authority as a health maintenance organization that solely operates as an MA organization that meets the requirements of 42 C.F.R. sec. 422.400, as amended:*
- (a) *The health maintenance organization shall possess, when first so authorized, an initial net worth of one million five hundred thousand dollars (\$1,500,000);*
 - (b) *Thereafter, the health maintenance organization shall possess and maintain a minimum net worth equal to the greater of:*
 1. *One million five hundred thousand dollars (\$1,500,000); or*
 2. *As reported on the most recent annual statement filed with the commissioner, an amount totaling:*
 - a. *Four percent (4%) of the first one hundred fifty million dollars (\$150,000,000) of annual premium revenue; and*
 - b. *One and one-half percent (1.5%) of the annual premium revenue in excess of one hundred fifty million dollars (\$150,000,000);*
 - (c) *To the extent permitted under federal law, the health maintenance organization shall:*
 1. *Comply with the same risk-based capital requirements as other health maintenance organizations under subsection (1) of this section; and*
 2. *Except as provided in paragraph (d) of this subsection, be subject to the provisions of this subtitle relating to licensing and solvency and to the following provisions of this chapter, to the extent applicable and not in conflict with the applicable provisions of this subtitle:*
 - a. *Subtitle 1 -- Scope -- General Definitions and Provisions;*
 - b. *Subtitle 2 -- Insurance Commissioner;*
 - c. *Subtitle 3 -- Authorization of Insurers and General Requirements;*
 - d. *Subtitle 4 -- Fees and Taxes;*
 - e. *Subtitle 5 -- Kinds of Insurance -- Limits of Risk – Reinsurance;*
 - f. *Subtitle 6 -- Assets and Liabilities;*
 - g. *Subtitle 7 -- Investments;*
 - h. *Subtitle 8 -- Administration of Deposits;*
 - i. *Subtitle 9 -- Agents, Consultants, Solicitors, and Adjusters;*
 - j. *Subtitle 12 -- Trade Practices and Frauds;*
 - k. *Subtitle 25 -- Continuity of Management;*
 - l. *Subtitle 33 -- Insurers Rehabilitation and Liquidation;*
 - m. *Subtitle 37 -- Insurance Holding Company Systems; and*
 - n. *Subtitle 99 -- Penalties; and*
 - (d) *For purposes of determining compliance with KRS 304.38-073, the commissioner shall:*
 1. *Take into account any and all deposits as may be held with other states; and*
 2. *Coordinate with the other states to not require the health maintenance organization to have total deposits in all states that are greater than the amount required in the state with the highest deposit requirement.*

➔SECTION 11. A NEW SECTION OF SUBTITLE 38 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section, "provided-sponsored integrated health delivery network" has the same meaning as in KRS 304.17A-005.*

- (2) *A provider-sponsored integrated health delivery network may elect to convert to a health maintenance organization under subsection (5) of Section 10 of this Act by filing an election to convert with the commissioner that contains a notification of the network's effective date of conversion.*
- (3) *Within thirty (30) days of the date of an election filing under subsection (2) of this section, the commissioner shall issue a certificate of authority as a health maintenance organization under subsection (5) of Section 10 of this Act to the provider-sponsored integrated health delivery network unless the commissioner:*
 - (a) *Finds that, at the time of the election, the provider-sponsored integrated health delivery network fails to meet the net worth requirements of subsection (5)(b) of Section 10 of this Act; and*
 - (b) *Provides the provider-sponsored integrated health delivery network with a written notice of the determination that contains a notice of the network's rights under KRS 304.2-310.*

➔Section 12. KRS 304.38-200 is amended to read as follows:

Except as provided in subsection (5) of Section 10 of this Act, health maintenance organizations shall be subject to the provisions of this subtitle, and to the following provisions of this chapter, to the extent applicable and not in conflict with the expressed provisions of this subtitle:

- (1) Subtitle 1 -- Scope -- General Definitions and Provisions;
- (2) Subtitle 2 -- ~~Commissioner of the Department of Insurance~~ *Commissioner*;
- (3) Subtitle 3 -- Authorization of Insurers and General Requirements;
- (4) Subtitle 4 -- Fees and Taxes;
- (5) Subtitle 5 -- Kinds of Insurance -- Limits of Risk -- Reinsurance;
- (6) Subtitle 6 -- Assets and Liabilities;
- (7) Subtitle 7 -- Investments;
- (8) Subtitle 8 -- Administration of Deposits;
- (9) Subtitle 9 -- Agents, Consultants, Solicitors, and Adjusters;
- (10) Subtitle 12 -- Trade Practices and Frauds;
- (11) Subtitle 14 -- The Insurance Contract;
- (12) Subtitle 17 -- Health Insurance Contracts;
- (13) Subtitle 17A -- Health Benefit Plans;
- (14) Subtitle 17B -- Kentucky Access;
- (15) Subtitle 17C -- Limited Health Service Benefit Plans;
- (16) Subtitle 18 -- Group and Blanket Health Insurance;
- (17) Subtitle 24 -- Domestic Stock and Mutual Insurers;
- (18) Subtitle 25 -- Continuity of Management;
- (19) Subtitle 26 -- Insider Trading of Equity Securities;
- (20) Subtitle 33 -- Insurers Rehabilitation and Liquidation;
- (21) Subtitle 37 -- Insurance Holding Company Systems;
- (22) Subtitle 47 -- Insurance Fraud; and
- (23) Subtitle 99 -- Penalties.

➔Section 13. KRS 304.99-152 is amended to read as follows:

- (1) Any insurer failing, without just cause, to file any registration statement as required by Subtitle 37 of this chapter, shall be required, after notice and hearing, to pay a civil penalty of ten thousand dollars (\$10,000) for each day's delay to the commissioner. The maximum civil penalty under this section shall be one hundred thousand dollars (\$100,000). The commissioner may reduce the civil penalty if the insurer demonstrates to the commissioner that the imposition of the penalty would constitute a financial hardship to the insurer.

- (2) Every director or officer of an insurance holding company system who knowingly violates, participates in, assents to, or who knowingly permits any of the officers or agents of the insurer to engage in transactions or make investments which have not been properly reported or submitted pursuant to KRS 304.37-020(2)~~(4)~~, 304.37-030(2), or 304.37-030(5), or which violate Subtitle 37 of this chapter, shall pay, in their individual capacities, a civil penalty of not more than five thousand dollars (\$5,000) per violation, after notice and hearing before the commissioner. In determining the amount of the civil penalty, the commissioner shall take into account the appropriateness of the civil penalty with respect to the gravity of the violation, the history of previous violations, and other matters justice may require.
- (3) If it appears that any insurer subject to Subtitle 37 of this chapter, or any director, officer, employee, or agent has engaged in any transaction or entered into any contract which is subject to KRS 304.37-030 and which would not have been approved had approval been requested, the commissioner may order the insurer to cease and desist immediately any further activity under that transaction or contract. After notice and hearing, the commissioner may also order the insurer to void the contracts and restore the status quo if the action is in the best interest of the policyholders, creditors, or the public.
- (4) If it appears that any insurer or any director, officer, employee, or agent has committed a willful violation of Subtitle 37 of this chapter, the commissioner may cause criminal proceedings to be instituted in the Circuit Court for the county in which the principal office of the insurer is located, or if the insurer has no office in Kentucky, in the Franklin Circuit Court against the insurer or the responsible director, officer, employee, or agent. Any insurer which willfully violates Subtitle 37 of this chapter, may be fined not more than one hundred thousand dollars (\$100,000). Any individual who willfully violates Subtitle 37 of this chapter, may be fined in his or her individual capacity not more than one thousand dollars (\$1,000), be imprisoned for not more than one (1) to three (3) years, or both.
- (5) Any officer, director, or employee of an insurance holding company system who willfully and knowingly subscribes to or makes or causes to be made any false statements or false reports or false filings with the intent to deceive the commissioner in the performance of his or her duties under Subtitle 37 of this chapter, upon conviction, shall be imprisoned for not more than one (1) year or more than five (5) years, or fined ten thousand dollars (\$10,000), or both. Any fines imposed shall be paid by the officer, director, or employee in his or her individual capacity.
- (6) If it appears to the commissioner that any person has committed a violation of KRS 304.37-120 which prevents the full understanding of the enterprise risk to the insurer by affiliates or by the insurance holding company system, the violation may serve as an independent basis for disapproving dividends or distributions and for placing the insurer under an order of supervision in accordance with Subtitle 33 of this chapter.

Signed by Governor April 8, 2022.

CHAPTER 134

(HB 364)

AN ACT relating to the rural hospital loan fund and declaring an emergency.

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

➔Section 1. KRS 154.20-190 is amended to read as follows:

- (1) As used in this section:
 - (a) "Authority" means the Kentucky Economic Development Finance Authority; ~~and~~
 - (b) "*Qualifying former hospital*" means a hospital facility:
 1. *At a location that closed within thirty-six (36) months prior to an application for a loan; and*
 2. *For which the former owner or new owner has obtained a certificate of need to open a new hospital or other health facility as defined in KRS 216B.015 that provides inpatient care at the closed location; and*

- (c) "Rural hospital" means any hospital *or qualifying former hospital* located within a county of the Commonwealth having a population of less than fifty thousand (50,000) according to the most recent annual estimates of the resident population issued by the United States Census Bureau.
- (2) (a) The rural hospital operations and facilities revolving loan fund is established. ~~for~~ The authority ~~shall~~ provide loans to a rural hospital *not to exceed one million dollars (\$1,000,000) for any project within a rural hospital and shall not exceed more than two million dollars (\$2,000,000) every five (5) years.*
- (b) Any loan issued by the authority shall not exceed a twenty (20) year term and shall be utilized by the Cabinet for Economic Development to assist a rural hospital in providing needed direct health care services for the citizens of the Commonwealth by:
1. Maintaining or upgrading the hospital's facilities;
 2. Maintaining or increasing the current staff of the rural hospital;~~or~~
 3. *Reopening a qualifying former hospital; or*
 - 4.~~or~~ Providing health care services that are not currently available to citizens.
- (c) *The authority shall consider a group with multiple locations eligible under this section as if each separate location is a separate entity for purposes of determining eligibility and applicable loan limits.*
- (3) The Cabinet for Economic Development shall:
- (a) Determine the terms and conditions of each loan, including the repayment to be deposited back in the revolving loan fund for issuance of future loans to other rural hospitals;
 - (b) Monitor the performance of the rural hospital; and
 - (c) By October 1, 2020, and by each October 1 thereafter, report to the Interim Joint Committee on Appropriations and Revenue information about each outstanding loan issued, including:
 1. The name and location of the rural hospital;
 2. The amount of principal originally loaned;
 3. The terms of the loan and whether the rural hospital is currently meeting those terms; and
 4. How the rural hospital used the loan related to facilities, staff, or additional services.
- (4) (a) The fund created in subsection (2) of this section shall be a trust and agency account.
- (b) The Cabinet for Economic Development shall administer the fund.
- (c) The fund shall consist of appropriations, contributions, donations, gifts, or federal funds.
- (d) Notwithstanding KRS 45.229, any moneys remaining in the fund at the close of the fiscal year shall not lapse but shall be carried forward into the succeeding fiscal year.
- (e) Any interest earnings of the fund shall become a part of the fund and shall not lapse.
- (f) Moneys deposited in the fund are hereby appropriated for the sole purpose of providing loans to rural hospitals.

➔Section 2. Whereas the General Assembly desires to ensure that the citizens of the Commonwealth have access to quality and reliable healthcare services, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 8, 2022.

AN ACT relating to reorganization.

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

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

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

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

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

II. Program cabinets headed by appointed officers:

- (1) Justice and Public Safety Cabinet:
 - (a) Department of Kentucky State Police.
 1. Office of Administrative Services.
 - a. Division of Operational Support.
 - b. Division of Management Services.
 2. Office of Operations.
 - a. Division of West Troops.
 - b. Division of East Troops.
 - c. Division of Special Enforcement.
 - d. Division of Commercial Vehicle Enforcement.
 3. Office of Technical Services.
 - a. Division of Forensic Sciences.
 - b. Division of Information Technology.

- (b) Department of Criminal Justice Training.
 - (c) Department of Corrections.
 - (d) Department of Juvenile Justice.
 - (e) Office of the Secretary.
 - (f) Office of Drug Control Policy.
 - (g) Office of Legal Services.
 - (h) Office of the Kentucky State Medical Examiner.
 - (i) Parole Board.
 - (j) Kentucky State Corrections Commission.
 - (k) Office of Legislative and Intergovernmental Services.
 - (l) Office of Human Resource Management.
 - 1. Division of Human Resource Administration.
 - 2. Division of Employee Management.
 - (m) Department of Public Advocacy.
 - (n) Office of Communications.
 - 1. Information Technology Services Division.
 - (o) Office of Financial Management Services.
 - 1. Division of Financial Management.
 - (p) Grants Management Division.
- (2) Education and Workforce Development Cabinet:
- (a) Office of the Secretary.
 - 1. Governor's Scholars Program.
 - 2. Governor's School for Entrepreneurs Program.
 - 3. Office of the Kentucky Workforce Innovation Board.
 - 4. Foundation for Adult Education.
 - 5. Early Childhood Advisory Council.
 - (b) Office of Legal and Legislative Services.
 - 1. Client Assistance Program.
 - (c) Office of Communication.
 - (d) Office of Administrative Services.
 - 1. Division of Human Resources.
 - 2. Division of Operations and Support Services.
 - 3. Division of Fiscal Management.
 - (e) Office of Technology Services.
 - (f) Office of Educational Programs.
 - (g) Office of the Kentucky Center for Statistics.
 - (h) Board of the Kentucky Center for Statistics.
 - (i) Board of Directors for the Center for School Safety.
 - (j) Department of Education.

1. Kentucky Board of Education.
 2. Kentucky Technical Education Personnel Board.
 3. Education Professional Standards Board.
- (k) Department for Libraries and Archives.
- (l) Department of Workforce Investment.
1. Office of Vocational Rehabilitation.
 - a. Division of Kentucky Business Enterprise.
 - b. Division of the Carl D. Perkins Vocational Training Center.
 - c. Division of Blind Services.
 - d. Division of Field Services.
 - e. Statewide Council for Vocational Rehabilitation.
 2. Office of Unemployment Insurance.
 3. Office of Employer and Apprenticeship Services.
 - a. Division of Apprenticeship.
 4. Career Development Office.
 5. Office of Adult Education.
 6. Unemployment Insurance Commission.
 7. Kentucky Apprenticeship Council.
 8. Division of Technical Assistance.
- (m) Foundation for Workforce Development.
- (n) Kentucky Workforce Investment Board.
- (o) Kentucky Commission on the Deaf and Hard of Hearing.
- (p) Kentucky Educational Television.
- (q) Kentucky Environmental Education Council.
- (3) Energy and Environment Cabinet:
- (a) Office of the Secretary.
 1. Office of Legislative and Intergovernmental Affairs.
 2. Office of Legal Services.
 - a. Legal Division I.
 - b. Legal Division II.
 3. Office of Administrative Hearings.
 4. Office of Communication.
 5. Mine Safety Review Commission.
 6. Office of Kentucky Nature Preserves.
 7. Kentucky Public Service Commission.
 - (b) Department for Environmental Protection.
 1. Office of the Commissioner.
 2. Division for Air Quality.
 3. Division of Water.

4. Division of Environmental Program Support.
 5. Division of Waste Management.
 6. Division of Enforcement.
 7. Division of Compliance Assistance.
- (c) Department for Natural Resources.
1. Office of the Commissioner.
 2. Division of Mine Permits.
 3. Division of Mine Reclamation and Enforcement.
 4. Division of Abandoned Mine Lands.
 5. Division of Oil and Gas.
 6. Division of Mine Safety.
 7. Division of Forestry.
 8. Division of Conservation.
 9. Office of the Reclamation Guaranty Fund.
- (d) Office of Energy Policy.
1. Division of Energy Assistance.
- (e) Office of Administrative Services.
1. Division of Human Resources Management.
 2. Division of Financial Management.
 3. Division of Information Services.
- (4) Public Protection Cabinet.
- (a) Office of the Secretary.
1. Office of Communications and Public Outreach.
 2. Office of Legal Services.
 - a. Insurance Legal Division.
 - b. Charitable Gaming Legal Division.
 - c. Alcoholic Beverage Control Legal Division.
 - d. Housing, Buildings and Construction Legal Division.
 - e. Financial Institutions Legal Division.
 - f. Professional Licensing Legal Division.
 3. Office of Administrative Hearings.
 4. Office of Administrative Services.
 - a. Division of Human Resources.
 - b. Division of Fiscal Responsibility.
- (b) Office of Claims and Appeals.
1. Board of Tax Appeals.
 2. Board of Claims.
 3. Crime Victims Compensation Board.
- (c) Kentucky Boxing and Wrestling Commission.

- (d) Kentucky Horse Racing Commission.
 - 1. Office of Executive Director.
 - a. Division of Pari-mutuel Wagering and Compliance.
 - b. Division of Stewards.
 - c. Division of Licensing.
 - d. Division of Enforcement.
 - e. Division of Incentives and Development.
 - f. Division of Veterinary Services.
 - (e) Department of Alcoholic Beverage Control.
 - 1. Division of Distilled Spirits.
 - 2. Division of Malt Beverages.
 - 3. Division of Enforcement.
 - (f) Department of Charitable Gaming.
 - 1. Division of Licensing and Compliance.
 - 2. Division of Enforcement.
 - (g) Department of Financial Institutions.
 - 1. Division of Depository Institutions.
 - 2. Division of Non-Depository Institutions.
 - 3. Division of Securities.
 - (h) Department of Housing, Buildings and Construction.
 - 1. Division of Fire Prevention.
 - 2. Division of Plumbing.
 - 3. Division of Heating, Ventilation, and Air Conditioning.
 - 4. Division of Building Code Enforcement.
 - (i) Department of Insurance.
 - 1. Division of Health and Life Insurance and Managed Care.
 - 2. Division of Property and Casualty Insurance.
 - 3. Division of Administrative Services.
 - 4. Division of Financial Standards and Examination.
 - 5. Division of Licensing.
 - 6. Division of Insurance Fraud Investigation.
 - 7. Division of Consumer Protection.
 - (j) Department of Professional Licensing.
 - 1. Real Estate Authority.
- (5) Labor Cabinet.
- (a) Office of the Secretary.
 - 1. Office of General Counsel.
 - a. Workplace Standards Legal Division.
 - b. Workers' Claims Legal Division.

2. Office of Administrative Services.
 - a. Division of Human Resources Management.
 - b. Division of Fiscal Management.
 - c. Division of Professional Development and Organizational Management.
 - d. Division of Information Technology and Support Services.
 3. Office of Inspector General.
- (b) Department of Workplace Standards.
1. Division of Occupational Safety and Health Compliance.
 2. Division of Occupational Safety and Health Education and Training.
 3. Division of Wages and Hours.
- (c) Department of Workers' Claims.
1. Division of Workers' Compensation Funds.
 2. Office of Administrative Law Judges.
 3. Division of Claims Processing.
 4. Division of Security and Compliance.
 5. Division of Information Services.
 6. Division of Specialist and Medical Services.
 7. Workers' Compensation Board.
- (d) Workers' Compensation Funding Commission.
- (e) Occupational Safety and Health Standards Board.
- (f) State Labor Relations Board.
- (g) Employers' Mutual Insurance Authority.
- (h) Kentucky Occupational Safety and Health Review Commission.
- (i) Workers' Compensation Nominating Committee.
- (6) Transportation Cabinet:
- (a) Department of Highways.
 1. Office of Project Development.
 2. Office of Project Delivery and Preservation.
 3. Office of Highway Safety.
 4. Highway District Offices One through Twelve.
 - (b) Department of Vehicle Regulation.
 - (c) Department of Aviation.
 - (d) Department of Rural and Municipal Aid.
 1. Office of Local Programs.
 2. Office of Rural and Secondary Roads.
 - (e) Office of the Secretary.
 1. Office of Public Affairs.
 2. Office for Civil Rights and Small Business Development.
 3. Office of Budget and Fiscal Management.

4. Office of Inspector General.
5. Secretary's Office of Safety.
- (f) Office of Support Services.
- (g) Office of Transportation Delivery.
- (h) Office of Audits.
- (i) Office of Human Resource Management.
- (j) Office of Information Technology.
- (k) Office of Legal Services.
- (7) Cabinet for Economic Development:
 - (a) Office of the Secretary.
 1. Office of Legal Services.
 2. Department for Business Development.
 3. Department for Financial Services.
 - a. Kentucky Economic Development Finance Authority.
 - b. Finance and Personnel Division.
 - c. IT and Resource Management Division.
 - d. Compliance Division.
 - e. Incentive Administration Division.
 - f. Bluegrass State Skills Corporation.
 4. Office of Marketing and Public Affairs.
 - a. Communications Division.
 - b. Graphics Design Division.
 5. Office of Workforce, Community Development, and Research.
 6. Office of Entrepreneurship and Small Business Innovation.
 - a. Commission on Small Business Innovation and Advocacy.
- (8) Cabinet for Health and Family Services:
 - (a) Office of the Secretary.
 1. Office of the Ombudsman and Administrative Review.
 2. Office of Public Affairs.
 3. Office of Legal Services.
 4. Office of Inspector General.
 5. Office of Human Resource Management.
 6. Office of Finance and Budget.
 7. Office of Legislative and Regulatory Affairs.
 8. Office of Administrative Services.
 9. Office of Application Technology Services.
 - (b) Department for Public Health.
 - (c) Department for Medicaid Services.
 - (d) Department for Behavioral Health, Developmental and Intellectual Disabilities.

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

ACTS OF THE GENERAL ASSEMBLY

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

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

- (6) Department of Veterans' Affairs.
- (7) Kentucky Commission on Military Affairs.
- (8) Office of Minority Empowerment.
- (9) Governor's Council on Wellness and Physical Activity.
- (10) Kentucky Communications Network Authority.

Signed by Governor April 8, 2022.

CHAPTER 136

(HB 458)

AN ACT relating to the Juvenile Justice Oversight Council and declaring an emergency.

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

➔Section 1. KRS 15A.063 is amended to read as follows:

- (1) The Juvenile Justice Oversight Council is created for the purpose of providing independent review of the state juvenile justice system and providing recommendations to the General Assembly. The council is to actively engage in the implementation of the juvenile justice reforms in 2014 Ky. Acts ch. 132, collect and review performance measurement data, and continue to review the juvenile justice system for changes that improve public safety, hold youth accountable, provide better outcomes for children and families, and control juvenile justice costs.
- (2) (a) The membership of the council shall include the following:
 - 1. The secretary of the Justice and Public Safety Cabinet, ex officio;
 - 2. The commissioner of the Department for Behavioral Health, Developmental and Intellectual Disabilities, ex officio;
 - 3. The commissioner of the Department for Community Based Services, ex officio;
 - 4. The commissioner of the Department of Juvenile Justice, ex officio;
 - 5. The commissioner of the Department of Education, ex officio;
 - 6. The director of the Administrative Office of the Courts, ex officio;
 - 7. The Public Advocate, ex officio;
 - 8. The Senate chair of the Committee on Judiciary, nonvoting ex officio;
 - 9. The House chair of the Committee on Judiciary, nonvoting ex officio; and
 - 10. Five (5) at-large members appointed by the Governor, as follows:
 - a. One (1) member representing public schools or an education group or organization;
 - b. One (1) District Judge nominated by the Chief Justice of the Kentucky Supreme Court;
 - c. One (1) member representing law enforcement;
 - d. One (1) member of the County Attorneys' Association nominated by the Attorney General; and
 - e. One (1) member representing community-based organizations, whether for-profit or nonprofit, with experience in programs for juveniles, including substance abuse prevention and treatment, case management, mental health, or counseling.
- (b) The chairs of the House and Senate Judiciary Committees shall serve as co-chairs.

- (c) At-large members shall be appointed by August 1, ~~2022~~~~[2014]~~, ~~and~~ shall serve a term of two (2) years, and may be reappointed.
 - (d) Each ex officio member, except for legislative members, may designate a proxy by written notice to the council prior to call of order of each meeting, and the proxy shall be entitled to participate as a full voting member.
 - (e) Except as otherwise provided by law, members shall not be compensated for being members of the council but shall be reimbursed for ordinary travel expenses, including meals and lodging, incurred while performing council business.
 - (f) The council shall meet at least quarterly. A quorum, consisting of a majority of the membership of the council, shall be required for the transaction of business. Meetings shall be held at the call of the chair, or upon the written request of two (2) members to the chair.
- (3) The council shall:
- (a) Oversee the implementation of the reforms contained in 2014 Ky. Acts ch. 132, including:
 - 1. Review of the performance measures to be adopted and recommend modifications;
 - 2. Ensure all policies are implemented in accordance with the time frames established;
 - 3. Ensure the fiscal incentive program established pursuant to KRS 15A.062 is implemented and continue to review the program; and
 - 4. Review the Department of Juvenile Justice facilities plan submitted following a reduction of population and make recommendations to the General Assembly as to the plan and any changes to the reinvestment of savings achieved from the closure of any facilities;
 - (b) Collect and review performance data and recommend any additional performance measures needed to identify outcomes in the juvenile justice system;
 - (c) Review the information received from the Department of Education pursuant to KRS 156.095, and determine whether any action is necessary, including additional performance measures, funding, or legislation;
 - (d) Continue review of juvenile justice areas determined appropriate by the council, including:
 - 1. Status offense reform;
 - 2. Necessary training for school resource officers as defined in KRS 158.441, in juvenile justice best practices, research, and impacts on recidivism and long-term outcomes;
 - 3. Graduated sanctions protocols in public schools, including their current use and their development statewide;
 - 4. A minimum age of criminal responsibility;
 - 5. Competency;
 - 6. Reforms to the family resource and youth service centers in the Cabinet for Health and Family Services;
 - 7. Population levels in Department of Juvenile Justice facilities, and the potential for closure of facilities while maintaining staffing ratios necessary to comply with applicable accreditation standards; and
 - 8. Whether juvenile court hearings should be open to the public; and
 - (e) Report by November 2014, and by November of each year thereafter, to the Interim Joint Committee on Judiciary and the Governor and make recommendations to the General Assembly for any additional legislative changes the council determines appropriate.
- (4) The council shall be attached to the Justice and Public Safety Cabinet for administrative purposes.
- (5) The council shall terminate on July 1, ~~2030~~~~[2022]~~, unless the General Assembly extends the term of the council.

➔Section 2. Whereas the Juvenile Justice Oversight Council is set to terminate on July 1, 2022, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 8, 2022.

CHAPTER 137

(SB 59)

AN ACT relating to the statewide education accountability system.

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

➔Section 1. KRS 158.6453 is amended to read as follows:

- (1) As used in this section:
 - (a) "Accelerated learning" means an organized way of helping students meet individual academic goals by providing direct instruction to eliminate student performance deficiencies or enable students to move more quickly through course requirements and pursue higher level skill development;
 - (b) "Constructed-response items" or "performance-based items" means individual test items that require the student to create an answer rather than select a response and may include fill-in-the-blank, short-answer, extended-answer, open-response, and writing-on-demand formats;
 - (c) "Criterion-referenced test" means a test that is aligned with defined academic content standards and measures an individual student's level of performance against the standards;
 - (d) "End-of-course examination" means the same as defined in KRS 158.860;
 - (e) "Formative assessment" means a process used by teachers and students during instruction to adjust ongoing teaching and learning to improve students' achievement of intended instructional outcomes. Formative assessments may include the use of commercial assessments, classroom observations, teacher-designed classroom tests and assessments, and other processes and assignments to gain information about individual student learning;
 - (f) "Interim assessments" means assessments that are given periodically throughout the year to provide diagnostic information and to show individual student performance against content standards;
 - (g) "Summative assessment" means an assessment given at the end of the school year, semester, or other period of time to evaluate students' performance against content standards within a unit of instruction or a course; and
 - (h) "Writing" means a purposeful act of thinking and expression that uses language to explore ideas and communicate meaning to others. Writing is a complex, multifaceted act of communication.
- (2)
 - (a) Beginning in fiscal year 2017-2018, and every six (6) years thereafter, the Kentucky Department of Education shall implement a process for reviewing Kentucky's academic standards and the alignment of corresponding assessments for possible revision or replacement to ensure alignment with transition readiness standards necessary for global competitiveness and with state career and technical education standards.
 - (b) The revisions to the content standards shall:
 1. Focus on critical knowledge, skills, and capacities needed for success in the global economy;
 2. Result in fewer but more in-depth standards to facilitate mastery learning;
 3. Communicate expectations more clearly and concisely to teachers, parents, students, and citizens;
 4. Be based on evidence-based research;
 5. Consider international benchmarks; and

6. Ensure that the standards are aligned from elementary to high school to postsecondary education so that students can be successful at each education level.
- (c)
1. The department shall establish four (4) standards and assessments review committees, with each committee composed of a minimum of six (6) Kentucky public school teachers and a minimum of two (2) representatives from Kentucky institutions of higher education, including at least one (1) representative from a public institution of higher education. Each committee member shall teach in the subject area that his or her committee is assigned to review and have no prior or current affiliation with a curriculum or assessment resources vendor.
 2. One (1) of the four (4) committees shall be assigned to focus on the review of language arts and writing academic standards and assessments, one (1) on the review of mathematics academic standards and assessments, one (1) on the review of science academic standards and assessments, and one (1) on the review of social studies academic standards and assessments.
- (d)
1. The department shall establish twelve (12) advisory panels to advise and assist each of the four (4) standards and assessments review committees.
 2. Three (3) advisory panels shall be assigned to each standards and assessments review committee. One (1) panel shall review the standards and assessments for kindergarten through grade five (5), one (1) shall review the standards and assessments for grades six (6) through eight (8), and one (1) shall review the standards and assessments for grades nine (9) through twelve (12).
 3. Each advisory panel shall be composed of at least one (1) representative from a Kentucky institution of higher education and a minimum of six (6) Kentucky public school teachers who teach in the grade level and subject reviewed by the advisory panel to which they are assigned and have no prior or current affiliation with a curriculum or assessment resources vendor.
- (e)
- The commissioner of education and the president of the Council on Postsecondary Education shall also provide consultants for the standards and assessments review committees and the advisory panels who are business and industry professionals actively engaged in career fields that depend on the various content areas.
- (f)
1. The standards and assessments process review committee is hereby established and shall be composed of the commissioner of education or designee as a nonvoting member and nine (9) voting representatives of public schools, of whom at least two (2) shall be parents of public school students, appointed by the Governor and confirmed by the Senate in accordance with KRS 11.160 as follows:
 - a. One (1) language arts teacher;
 - b. One (1) math teacher;
 - c. One (1) science teacher;
 - d. One (1) social studies teacher;
 - e. Two (2) school principals;
 - f. Two (2) school superintendents; and
 - g. One (1) school board member.
 2. On making appointments to the committee, the Governor shall ensure broad geographical urban and rural representation and representation of elementary, middle, and high school levels; ensure equal representation of the two (2) sexes, inasmuch as possible; and ensure that appointments reflect the minority racial composition of the Commonwealth.
 3. The review of the committee shall be limited to the procedural aspects of the review process undertaken prior to its consideration.
 4. Notwithstanding KRS 12.028, the committee shall not be subject to reorganization by the Governor.
- (g)
1. The review process implemented under this subsection shall be an open, transparent process that allows all Kentuckians an opportunity to participate. The department shall ensure the public's assistance in reviewing and suggesting changes to the standards and alignment adjustments to corresponding state assessments by establishing a Web site dedicated to collecting comments by

the public and educators. An independent third party, which has no prior or current affiliation with a curriculum or assessment resources vendor, shall be selected by the department to collect and transmit the comments to the department for dissemination to the appropriate advisory panel for review and consideration.

2. Each advisory panel shall review the standards and assessments for its assigned subject matter and grade level and the suggestions made by the public and educators. After completing its review, each advisory panel shall make recommendations for changes to the standards and alignment adjustments for assessments to the appropriate standards and assessments review committee.
 3. Each standards and assessments review committee shall review the findings and make recommendations to revise or replace existing standards and to adjust alignment of assessments.
 4. The recommendations shall be published on the Web site established in this subsection for the purpose of gathering additional feedback from the public. The commissioner shall subsequently present the recommendations and the public feedback to the Interim Joint Committee on Education.
 5. The commissioner shall subsequently provide a report to the standards and assessments process review committee summarizing the process conducted under this subsection and the resulting recommendations. The report shall include but not be limited to the timeline of the review process, public feedback, and responses from the Interim Joint Committee on Education.
 6. After receiving the commissioner's report, the standards and assessments process review committee shall either concur that stakeholders have had adequate opportunity to provide input on standards and the corresponding alignment of state assessments or find the input process deficient. If the process is found deficient, the recommendations may be returned to the appropriate standards and assessments review committee for review as described in subparagraph 3. of this paragraph. If the process is found sufficient, the recommendations shall be forwarded without amendment to the Kentucky Board of Education.
- (h) The Kentucky Board of Education shall promulgate administrative regulations in accordance with KRS Chapter 13A as may be needed for the administration of the review process, including staggering the timing and sequence of the review process by subject area and remuneration of the review committees and advisory panels described in paragraphs (c) and (d) of this subsection.
- (i)
1. The Kentucky Board of Education shall consider for approval the revisions to academic standards for a content area and the alignment of the corresponding state assessment once recommendations are received from the standards and assessments process review committee. Existing state academic standards shall remain in place until the board approves new standards.
 2. Any revision to, or replacement of, the academic standards and assessments as a result of the review process conducted under this subsection shall be implemented in Kentucky public schools no later than the second academic year following the review process. Existing academic standards shall be used until new standards are implemented.
 3. The Department of Education shall disseminate the academic content standards to the schools and teacher preparation programs.
- (j) The Department of Education shall provide or facilitate statewide training sessions for existing teachers and administrators on how to:
1. Integrate the revised content standards into classroom instruction;
 2. Better integrate performance assessment of students within their instructional practices; and
 3. Help all students use higher-order thinking and communication skills.
- (k) The Education Professional Standards Board in cooperation with the Kentucky Board of Education and the Council on Postsecondary Education shall coordinate information and training sessions for faculty and staff in all of the teacher preparation programs in the use of the revised academic content standards. The Education Professional Standards Board shall ensure that each teacher preparation program includes use of the academic standards in the pre-service education programs and that all teacher interns will have experience planning classroom instruction based on the revised standards.

- (1) The Council on Postsecondary Education in cooperation with the Kentucky Department of Education and the postsecondary education institutions in the state shall coordinate information sessions regarding the academic content standards for faculty who teach in the various content areas.
- (3)
 - (a) The Kentucky Board of Education shall be responsible for creating and implementing a balanced statewide assessment program that measures the students', schools', and districts' achievement of the goals set forth in KRS 158.645 and 158.6451, to ensure compliance with the federal Every Student Succeeds Act of 2015, Pub. L. No. 114-95, or its successor, and to ensure school accountability.
 - (b) The board shall revise the annual statewide assessment program as needed in accordance with revised academic standards and corresponding assessment alignment adjustments approved by the board under subsection (2) of this section.
 - (c) The statewide assessments shall not include any academic standards not approved by the board under subsection (2) of this section.
 - (d) The board shall seek the advice of the Office of Education Accountability; the School Curriculum, Assessment, and Accountability Council; the Education Assessment and Accountability Review Subcommittee, and the department's technical advisory committee in the development of the assessment program. The statewide assessment program shall not include measurement of a student's ability to become a self-sufficient individual or to become a responsible member of a family, work group, or community.
- (4)
 - (a) The academic components of the statewide assessment program shall be composed of annual student summative tests, which may include a combination of multiple competency-based assessment and performance measures approved by the Kentucky Board of Education.
 - (b) The annual student summative tests shall:
 1. Measure individual student achievement in language, reading, English, mathematics, science, and social studies at designated grades;
 2. Provide teachers and parents a valid and reliable comprehensive analysis of skills mastered by individual students;
 3. Provide diagnostic information that identifies strengths and academic deficiencies of individual students in the content areas;
 4. Provide information to teachers that can enable them to improve instruction for current and future students;
 5. Provide longitudinal profiles for students; and
 6. Ensure school and district accountability for student achievement of the goals set forth in KRS 158.645 and 158.6451, except the statewide assessment program shall not include measurement of a student's ability to become a self-sufficient individual or to become a responsible member of a family, work group, or community.
- (5) The state student assessments shall include the following components:
 - (a) Elementary and middle grades requirements are:
 1. A criterion-referenced test each in mathematics and reading in grades three (3) through eight (8) that is valid and reliable for an individual student and that measures the depth and breadth of Kentucky's academic content standards;
 2. A criterion-referenced test each in science and social studies that is valid and reliable for an individual student as necessary to measure the depth and breadth of Kentucky's academic content standards to be administered one (1) time within the elementary and middle grades, respectively;
 3. An on-demand assessment of student writing to be administered one (1) time within the elementary grades and one (1) time within the middle grades; and
 4. An editing and mechanics test relating to writing, using multiple choice and constructed response items, to be administered one (1) time within the elementary and the middle grades, respectively;
 - (b) High school requirements are:

1. A criterion-referenced test in mathematics, reading, and science that is valid and reliable for an individual student and that measures the depth and breadth of Kentucky's academic content standards to be administered one (1) time within the high school grades;
 2. A criterion-referenced test in social studies that is valid and reliable for an individual student as necessary to measure the depth and breadth of Kentucky's academic content standards to be administered one (1) time within the high school grades;
 3. An on-demand assessment of student writing to be administered one (1) time within the high school grades;
 4. An editing and mechanics test relating to writing, using multiple choice and constructed response items, to be administered one (1) time within the high school grades; and
 5. A college admissions examination to assess English, reading, mathematics, and science in the spring of grade~~ten (10) and the spring of grade~~ eleven (11);
- (c) The Kentucky Board of Education shall add any other component necessary to comply with the Every Student Succeeds Act of 2015, Pub. L. No. 114-95, or its successor, as determined by the United States Department of Education;
 - (d) The criterion-referenced components required in this subsection shall be composed of constructed response items and multiple choice items;
 - (e) The Kentucky Board of Education may incorporate end-of-course examinations into the assessment program to be used in lieu of requirements for criterion-referenced tests required under paragraph (b) of this subsection; and
 - (f) The results of the assessment program developed under this subsection shall be used by schools and districts to determine appropriate instructional modifications for all students in order for students to make continuous progress, including that needed by advanced learners.
- (6) Each school district shall administer the statewide student assessment during the last fourteen (14) days of school in the district's instructional calendar. The Kentucky Board of Education may change the testing window to allow for innovative assessment systems or other online test administration and shall promulgate administrative regulations that minimize the number of days of testing and outline the procedures to be used during the testing process to ensure test security, including procedures for testing makeup days, and to comply with federal assessment requirements.
 - (7) A student enrolled in a district-operated or district-contracted alternative program shall participate in the appropriate assessments required by this section.
 - (8) A local school district may select and use commercial interim or formative assessments or develop and use its own formative assessments to provide data on how well its students are growing toward mastery of Kentucky academic standards, so long as the district's local school board develops a policy minimizing the reduction in instructional time related to the administration of the interim assessments. Nothing in this section precludes teachers from using ongoing teacher-developed formative processes.
 - (9) Each school that enrolls primary students shall use diagnostic assessments and prompts that measure readiness in reading and mathematics for its primary students as determined by the school to be developmentally appropriate. The schools may use commercial products, use products and procedures developed by the district, or develop their own diagnostic procedures. The results shall be used to inform the teachers and parents or guardians of each student's skill level.
 - (10) The state board shall ensure that a technically sound longitudinal comparison of the assessment results for the same students shall be made available.
 - (11) The following provisions shall apply to the college admissions *examination*~~[examinations]~~ described in subsection (5)(b)5. of this section:
 - (a) The cost of ~~the~~~~both~~ college *admissions examination*~~[admissions—examinations]~~ administered to students in high school shall be paid for by the Kentucky Department of Education. The costs of additional college admissions examinations shall be the responsibility of the student;
 - (b) If funds are available, the Kentucky Department of Education shall provide a college admissions examination preparation program to all public high school juniors. The department may contract for necessary services; and

- (c) Accommodations provided to a student with a disability taking the college admissions ~~assessment~~~~assessments~~ under this subsection shall consist of:
1. Accommodations provided in a manner allowed by the college admissions assessment provider when results in test scores are reportable to a postsecondary institution for admissions and placement purposes, except as provided in subparagraph 2. of this paragraph; or
 2. Accommodations provided in a manner allowed by a student's individualized education program as defined in KRS 158.281 for a student whose disability precludes valid assessment of his or her academic abilities using the accommodations provided under subparagraph 1. of this paragraph when the student's scores are not reportable to a postsecondary institution for admissions and placement purposes.
- (12) Kentucky teachers shall have a significant role in providing feedback about the design of the assessments, except for the college admissions ~~exam~~~~exams~~ described in subsection (5)(b)5. of this section. The assessments shall be designed to:
- (a) Measure grade appropriate core academic content, basic skills, and higher-order thinking skills and their application;
 - (b) Provide valid and reliable scores for schools. If scores are reported for students individually, they shall be valid and reliable;
 - (c) Minimize the time spent by teachers and students on assessment; and
 - (d) Assess Kentucky academic standards only.
- (13) The results from assessment under subsections (3) and (5) of this section shall be reported to the school districts and schools no later than seventy-five (75) days following the last day the assessment can be administered. Assessment reports provided to the school districts and schools shall include an electronic copy of an operational subset of test items from each assessment administered to their students and the results for each of those test items by student and by school.
- (14) The Department of Education shall gather information to establish the validity of the assessment and accountability program. It shall develop a biennial plan for validation studies that shall include but not be limited to the consistency of student results across multiple measures, the congruence of school scores with documented improvements in instructional practice and the school learning environment, and the potential for all scores to yield fair, consistent, and accurate student performance level and school accountability decisions. Validation activities shall take place in a timely manner and shall include a review of the accuracy of scores assigned to students and schools, as well as of the testing materials. The plan shall be submitted to the Commission by July 1 of the first year of each biennium. A summary of the findings shall be submitted to the Legislative Research Commission by September 1 of the second year of the biennium.
- (15) The Department of Education and the state board shall offer optional assistance to local school districts and schools in developing and using continuous assessment strategies needed to assure student progress. The continuous assessment shall provide diagnostic information to improve instruction to meet the needs of individual students.
- (16) The Administration Code for Kentucky's Assessment Program shall include prohibitions of inappropriate test preparation activities by school district employees charged with test administration and oversight, including but not limited to the issue of teachers being required to do test practice in lieu of regular classroom instruction and test practice outside the normal work day. The code shall include disciplinary sanctions that may be taken toward a school or individuals.
- (17) The Kentucky Board of Education, after the Department of Education has received advice from the Office of Education Accountability; the School Curriculum, Assessment, and Accountability Council; and the department's technical advisory committee, shall promulgate an administrative regulation under KRS Chapter 13A to establish the components of a reporting structure for assessments administered under this section. The reporting structure shall include the following components:
- (a) A school report card that clearly communicates with parents and the public about school performance. The school report card shall be sent to the parents of the students of the districts, and information on electronic access to a summary of the results for the district shall be published in the newspaper with the largest circulation in the county. It shall include but not be limited to the following components reported by race, gender, and disability when appropriate:

1. Student academic achievement, including the results from each of the assessments administered under this section;
 2. For Advanced Placement, Cambridge Advanced International, and International Baccalaureate, the courses offered, the number of students enrolled, completing, and taking the examination for each course, and the percentage of examinees receiving a score of three (3) or better on AP examinations, a score of "e" or better on Cambridge Advanced International examinations, or a score of four (4) or better on IB examinations. The data shall be disaggregated by gender, race, students with disabilities, and economic status;
 3. Nonacademic achievement, including the school's attendance, retention, graduation rates, and student transition to postsecondary;
 4. School learning environment, including measures of parental involvement; and
 5. Any other school performance data required by the Every Student Succeeds Act of 2015, Pub. L. No. 114-95, or its successor;
- (b) An individual student report to parents for each student in grades three (3) through eight (8) summarizing the student's skills in reading, science, social studies, and mathematics. The school's staff shall develop a plan for accelerated learning for any student with identified deficiencies or strengths; and
- (c) A student's ~~score~~~~[highest scores]~~ on the college admissions ~~assessment~~~~[assessments]~~ administered under subsection (5)(b)5. of this section.
- (18) (a) Beginning in fiscal year 2017-2018, and every six (6) years thereafter, the Kentucky Department of Education shall implement a comprehensive process for reviewing and revising the academic standards in visual and performing arts and practical living skills and career studies for all levels and in foreign language for middle and high schools. The department shall develop review committees for the standards for each of the content areas that include representation from certified specialist public school teachers and postsecondary teachers in those subject areas.
- (b) The academic standards in practical living skills for elementary, middle, and high school levels shall include a focus on drug abuse prevention, with an emphasis on the prescription drug epidemic and the connection between prescription opioid abuse and addiction to other drugs, such as heroin and synthetic drugs.
- (c) The department shall provide to all schools guidelines for programs that incorporate the adopted academic standards in visual and performing arts and practical living and career studies. The department shall provide to middle and high schools guidelines for including a foreign language program. The guidelines shall address program length and time, courses offered, staffing, resources, and facilities.
- (d) The Kentucky Department of Education, in consultation with certified public school teachers of visual and performing arts, may develop program standards for the visual and performing arts.
- (19) The Kentucky Department of Education shall provide to all schools guidelines for including an effective writing program within the curriculum. Each school-based decision making council or, if there is no school council, a committee appointed by the principal, shall adopt policies that determine the writing program for its school and submit it to the Department of Education for review and comment. The writing program shall incorporate a variety of language resources, technological tools, and multiple opportunities for students to develop complex communication skills for a variety of purposes.
- (20) (a) The Kentucky Department of Education, in consultation with the review committees described in subsection (18) of this section, shall develop a school profile report to be used by all schools to document how they will address the adopted academic standards in their implementation of the programs as described in subsection (18) of this section, which may include student opportunities and experiences in extracurricular activities. The department shall include the essential workplace ethics program on the school profile report.
- (b) By October 1 of each year, each school principal shall complete the school profile report, which shall be signed by the members of the school council, or the principal if no school council exists, and the superintendent. The report shall be electronically transmitted to the Kentucky Department of Education,

and the original shall be maintained on file at the local board office and made available to the public upon request. The department shall include a link to each school's profile report on its Web site.

- (c) If a school staff member, student, or a student's parent has concerns regarding deficiencies in a school's implementation of the programs described in subsection (18) of this section, he or she may submit a written inquiry to the school council.

➔Section 2. KRS 158.6455 is amended to read as follows:

It is the intent of the General Assembly that schools succeed with all students and receive the appropriate consequences in proportion to that success.

- (1) (a) The Kentucky Board of Education shall create an accountability system to classify districts and schools in accordance with the academic standards and student assessment program developed pursuant to KRS 158.6453.
- (b) The accountability system shall include an annual meaningful differentiation of all public schools in the state using multiple measures that describe the overall performance of each district, school, and student subgroup. Performance shall be based on a combination of academic and school quality indicators and measures, hereinafter called "state indicators." The state indicators shall exclusively include:
1. Student assessment results;
 2. Progress toward achieving English proficiency by limited English proficiency students;
 3. Quality of school climate and safety;
 4. High school graduation rates;
 5. Postsecondary readiness for each high school student, which shall be included as an academic indicator, and shall be measured by *one (1) of the following*:
 - a. Meeting or exceeding a college readiness benchmark score on the college admissions examination used as the statewide assessment in KRS 158.6453(5)(b)5. or a college placement examination approved by the Council on Postsecondary Education. The college readiness benchmark score shall be established by the Council on Postsecondary Education;~~{or}~~
 - b. *Achieving three (3) hours of college credit or postsecondary articulated credit by completing a course approved by the Kentucky Board of Education;*
 - c. *Achieving a benchmark score on an Advanced Placement, International Baccalaureate, Cambridge Advanced International, or other nationally recognized exam approved by the Kentucky Board of Education that generally qualifies the student for three (3) or more hours of college credit;*
 - d. *Completing a required number of hours or achieving a benchmark within an apprenticeship, cooperative, or internship that is aligned with a credential or associate degree and approved by the Kentucky Board of Education after receiving input from the Local Superintendents Advisory Council; or*
 - e. *Achieving*~~{Achievement of college credit, postsecondary articulated credit, apprenticeship time toward a credential or associate degree, or}~~ any industry-recognized certifications, licensures, or credentials, with more weight in accountability for industry-recognized certifications, licensures, or credentials identified as high demand in accordance with the process described in paragraph (e) of this subsection. Eligible industry-recognized certifications, licensures, or credentials shall not be limited to those earned in conjunction with a minimum sequence of courses. Each high school shall publicly report the credits, hours, and credentials on an annual basis; and
 6. Any other factor mandated by the federal Every Student Succeeds Act of 2015, Pub. L. No. 114-95, or its successor.
- (c) 1. Beginning with data from the 2020-2021 and 2021-2022 school years, the accountability system performance for each district, school, and student subgroup determined by the state indicators shall be based on a combination of annual performance, hereinafter called "status," and improvement over time, hereinafter called "change."

2. Status and change shall receive equal weight in determining overall performance. For all students as a group and separately for individual subgroups, status shall be determined, beginning with the data from the 2020-2021 academic year, by using the current year performance and change shall be determined, beginning with the data from the 2021-2022 academic year, by using the difference in performance from the prior to current year, except change shall be based on the difference in performance for the prior three (3) years for the purpose of determining the lowest-performing five percent (5%) of schools under KRS 160.346(2) and (3).
 3. For each state indicator, there shall be five (5) status levels ranging from very high to very low and five (5) change levels ranging from increased significantly to declined significantly.
 4. The percentile cut scores for status and change levels shall be based on distribution and shall be approved by the Kentucky Department of Education and the Local Superintendents Advisory Council. The cut scores shall remain in place for at least six (6) years unless existing cut scores no longer support meaningful differentiation of schools as required by the federal Every Student Succeeds Act of 2015, Pub. L. No. 114-95, or its successor.
- (d) Beginning in the fall of 2022, the Kentucky Department of Education shall develop an online display of the accountability system results hereinafter called a "dashboard." A color-coded performance level for each state indicator shall be displayed in a straightforward manner on the dashboard for overall performance, status, and change by district, school, and individual subgroups. Overall performance shall aggregate all available data for the state indicators.
 - (e) Based on data from the Kentucky Center for Education and Workforce Statistics, each local workforce investment board, in conjunction with local economic development organizations from its state regional sector, shall annually compile a list of industry-recognized certifications, licensures, and credentials specific to the state and regional workforce area, rank them by demand for the state and regional area, and provide the list to the Kentucky Workforce Innovation Board. The Kentucky Workforce Innovation Board, in conjunction with the Kentucky Department of Education, may revise the lists before the Kentucky Department of Education disseminates the lists to all school districts to be used as postsecondary readiness indicators.
 - (f)
 1. The Kentucky Department of Education shall pay for the cost of an assessment taken by a high school student for attaining an industry-recognized certification, credential, or licensure if the student consecutively completes at least two (2) related career pathway courses approved by the department prior to taking the assessment.
 2. If a high school student has not completed the two (2) course requirement described in subparagraph 1. of this paragraph but meets performance-based experience eligibility and passes an assessment, the department shall provide a weighted reimbursement amount to the school district for the cost of the assessment based on the level of demand of the certificate, credential, or license earned. The Kentucky Board of Education shall promulgate regulations establishing the performance-based experience eligibility requirements and weighted reimbursement amounts.
 - (g) Prior to promulgating administrative regulations to revise the accountability system, the board shall seek advice from the School Curriculum, Assessment, and Accountability Council; the Office of Education Accountability; the Education Assessment and Accountability Review Subcommittee; and the department's technical advisory committee.
- (2) A student's test scores shall be counted in the accountability measure of:
 - (a)
 1. The school in which the student is currently enrolled if the student has been enrolled in that school for at least a full academic year as defined by the Kentucky Board of Education; or
 2. The school in which the student was previously enrolled if the student was enrolled in that school for at least a full academic year as defined by the Kentucky Board of Education; and
 - (b) The school district if the student is enrolled in the district for at least a full academic year as defined by the Kentucky Board of Education; and
 - (c) The state if the student is enrolled in a Kentucky public school prior to the beginning of the statewide testing period.

- (3) After receiving the advice of the Office of Education Accountability; the School Curriculum, Assessment, and Accountability Council; and the department's technical advisory committee, the Kentucky Board of Education shall promulgate an administrative regulation in conformity with KRS 158.6471 and 158.6472 and KRS Chapter 13A to establish more rigorous action, intervention, and appropriate consequences for schools that fail to exit comprehensive support and improvement status described in KRS 160.346. The consequences shall be designed to improve the academic performance and learning environment of identified schools and may include but not be limited to:
- (a) A review and audit process to determine the appropriateness of a school's or district's classification and to recommend needed assistance;
 - (b) School and district improvement plans;
 - (c) Eligibility to receive Commonwealth school improvement funds under KRS 158.805;
 - (d) Education assistance from highly skilled certified staff; and
 - (e) Observation of school personnel.
- (4) All students who drop out of school during a school year shall be included in a school's annual average school graduation rate calculation.
- (5) After receiving the advice of the Education Assessment and Accountability Review Subcommittee, the Office of Education Accountability; the School Curriculum, Assessment, and Accountability Council; and the department's technical advisory committee, the Kentucky Board of Education may promulgate by administrative regulation, in conformity with KRS 158.6471 and 158.6472 and KRS Chapter 13A, a system of district accountability that includes establishing a formula for accountability, goals for improvement over a three (3) year period, rewards for leadership in improving teaching and learning in the district, and consequences that address the problems and provide assistance when one (1) or more schools in the district fail to exit comprehensive support and improvement status after three (3) consecutive years of implementing the turnaround intervention process described in KRS 160.346.
- (6) After receiving the advice of the Office of Education Accountability; the School Curriculum, Assessment, and Accountability Council; and the department's technical advisory committee, the Kentucky Board of Education shall promulgate administrative regulations in conformity with KRS 158.6471 and 158.6472 and KRS Chapter 13A to establish a process whereby a school or school district shall be allowed to appeal any performance judgment made by the department under this section or KRS 160.346 of a principal, superintendent, school, or school district which it considers grossly unfair. Upon appeal, an administrative hearing shall be conducted in accordance with KRS Chapter 13B. The state board may adjust a performance judgment on appeal when evidence of unusual circumstances warrants the conclusion that the performance judgment is based on fraud or a mistake in computations, is arbitrary, is lacking any reasonable basis, or when there are significant new circumstances occurring during the three (3) year assessment period which are beyond the control of the appellant school or school district.
- (7) Advice and recommendations provided by the department's technical advisory committee shall be summarized and reported by the department by July 1 and December 1 of each year to the Office of Education Accountability. The report shall include:
- (a) Advice and recommendations provided by panel members relating to:
 1. Development and modification to the assessment and accountability system;
 2. The development of administrative regulations governing the assessment and accountability system;
 3. The setting of standards used in the assessment and accountability system; and
 4. KRS 158.6453, 158.6455, 158.782, or 158.860; and
 - (b) Any documentation used by the panel in support of the panel's advice and recommendations.

Upon receipt of the report, the Office of Education Accountability shall forward the report to the Education Assessment and Accountability Review Subcommittee and the co-chairs of the Interim Joint Committee on Education.

Signed by Governor April 8, 2022.

CHAPTER 138

(SB 66)

AN ACT relating to coroners.

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

➔Section 1. KRS 64.185 is amended to read as follows:

- (1) (a) Coroners shall receive out of the county, consolidated local government, charter county government, urban-county government, or unified local government treasury, whichever is appropriate, the monthly compensation the fiscal court of each county shall fix, subject to the following minimums:

County	Monthly Minimum
Population	Compensation
1. 10,000 or less	\$200
2. 10,001 to 20,000	300
3. 20,001 to 40,000	350
4. 40,001 to 60,000	400
5. 60,001 to 100,000	450
6. 100,001 to 150,000	800
7. 150,001 or more	1,000

- (b) Coroners who hold a current certificate of continuing education, issued jointly by the Department of Criminal Justice Training, Justice and Public Safety Cabinet, and the Office of the Kentucky State Medical Examiner, Justice and Public Safety Cabinet, **and who have completed the course described in subsection (4)(b) of this section**, shall be paid the following minimum monthly compensation set forth in this subsection in recognition of the training:

County	Monthly Minimum
Population	Compensation
1. 10,000 or less	\$400
2. 10,001 to 20,000	500
3. 20,001 to 40,000	650
4. 40,001 to 60,000	750
5. 60,001 to 100,000	850
6. 100,001 to 150,000	1,100
7. 150,001 or more	1,300

- (2) Deputy coroners who hold a current certificate of continuing education, as described in subsection (1)(b) of this section, **and have completed the course described in subsection (4)(b) of this section**, shall receive out of the county, consolidated local government, charter county government, urban-county government, or unified local government treasury, whichever is appropriate, the monthly compensation the fiscal court of each county shall fix, subject to the following minimums:

County	Monthly Minimum
Population	Compensation
(a) 10,000 or less	\$200
(b) 10,001 to 20,000	250

- | | | |
|-----|--------------------|-------|
| (c) | 20,001 to 40,000 | 275 |
| (d) | 40,001 to 60,000 | 300 |
| (e) | 60,001 to 100,000 | 400 |
| (f) | 100,001 to 150,000 | 900 |
| (g) | 150,001 or more | 1,100 |
- (3) The fiscal court of any county, or the legislative body of a consolidated local government, charter county government, urban-county government, or unified local government may compensate coroners and deputy coroners an additional amount of up to three hundred dollars (\$300) per month as an expense allowance.
- (4) (a) The initial course of continuing education required under subsection (1)(b) of this section shall consist of a forty (40) hour basic training course prescribed by the Justice and Public Safety Cabinet. Annually thereafter the coroner shall attend and successfully complete at least eighteen (18) hours of approved training in order to be compensated in accordance with subsection (1)(b) of this section.
- (b) *Within three (3) years of initially assuming office, in order to be compensated in accordance with subsections (1)(b) and (2) of this section, a coroner or deputy coroner shall attend and complete a course of at least four (4) hours provided by the Department of Criminal Justice Training that shall include instruction on the grieving process and best practices for providing a notice of death to a spouse or next of kin and may include instruction on other similar topics. A coroner or deputy coroner that has completed the course shall not be required to retake the course.*
- (5) If a deputy coroner assumes the office of coroner after receiving the training stipulated in this section, the deputy coroner shall be compensated in accordance with the compensation schedule set forth in subsection (1)(b) of this section.
- (6) The number of deputy coroners in a county shall not exceed one (1) for each twenty-five thousand (25,000) inhabitants, or fraction thereof, according to the most recent federal census, but every coroner may, subject to the approval of the legislative body of the county, consolidated local government, charter county government, urban-county government, or unified local government, appoint additional deputy coroners, regardless of population.

➔Section 2. KRS 72.415 is amended to read as follows:

- (1) For the purpose of enforcing the provisions of KRS 72.410 to 72.470, coroners and deputy coroners shall have the full power and authority of peace officers in this state, including the power of arrest and the authority to bear arms, and shall have the power and authority to:
- (a) Administer oaths;
 - (b) Enter upon public or private premises for the purpose of making investigations;
 - (c) Seize evidence;
 - (d) Interrogate persons;
 - (e) Require the production of medical records, books, papers, documents, or other evidence;
 - (f) Impound vehicles involved in vehicular deaths;
 - (g) Employ special investigators and photographers; and
 - (h) Expend funds for the purpose of carrying out the provisions of KRS 72.410 to 72.470.

The fiscal court or urban-county government shall pay all reasonable expenses incurred by the coroner and his deputy in carrying out his responsibilities under the provisions of KRS 72.410 to 72.470.

- (2) (a) *I.* No person shall be eligible to hold the office of deputy coroner unless he holds a high school diploma or its recognized equivalent. Every deputy coroner, other than a licensed physician, shall be required as a condition of office to take during every calendar year he or she is in office the training course of at least eighteen (18) hours provided by the Department of Criminal Justice Training or other courses approved by the Justice and Public Safety Cabinet after having completed the basic training course the first year of employment. The training course shall include material developed by the cabinet and approved by the Cabinet for Health and Family Services on the human immunodeficiency virus infection and acquired immunodeficiency

syndrome. The material shall include information on known modes of transmission and methods of controlling and preventing these diseases with an emphasis on appropriate behavior and attitude change.

2. *Within three (3) years of initially assuming office, every deputy coroner shall be required as a condition of office to take a course of at least four (4) hours provided by the Department of Criminal Justice Training that shall include instruction on the grieving process and best practices for providing a notice of death to a spouse or next of kin and may include instruction on other similar topics, as set out in subsection (4)(b) of Section 1 of this Act. A deputy coroner that has completed the course shall not be required to retake the course.*
- (b)
1. Any deputy coroner subject to the training requirements of paragraph (a) of this subsection who fails to complete the mandated training shall be ineligible to perform the duties of deputy coroner, and may be terminated by the coroner. The coroner shall make written notification of the deputy coroner's ineligibility to perform his or her duties to the deputy coroner and to the fiscal court or the legislative body of the consolidated local government, charter county government, urban-county government, or unified local government.
 2. The deputy coroner shall regain his or her eligibility upon successful recompletion of the initial basic training course referenced in KRS 64.185(4), which shall be evidenced by written certification provided by the Department of Criminal Justice Training to the coroner. Upon receipt of the certification, the coroner shall make written notification of the reinstatement of eligibility to the deputy coroner and to the fiscal court or the legislative body of the consolidated local government, charter county government, urban-county government, or unified local government.
 3. The compensation of a deputy coroner who becomes ineligible to perform his or her duties under subparagraph 1. of this paragraph shall be modified as follows:
 - a. From the coroner's written notification of ineligibility until the deputy coroner begins the basic training course mandated by subparagraph 2. of this paragraph, the deputy coroner shall receive no compensation;
 - b. From the first day that the deputy coroner begins the basic training course mandated by subparagraph 2. of this paragraph until written notification of course outcome is received by the coroner, the deputy coroner shall be compensated at his or her previously established rate of compensation;
 - c. If the deputy coroner fails the basic training course mandated by subparagraph 2. of this paragraph, the deputy coroner shall receive no compensation from the date of receipt of notification of failure from Department of Criminal Justice Training to the coroner until the deputy coroner begins anew the basic training course mandated by subparagraph 2. of this paragraph, at which time the deputy coroner shall be compensated at his or her previously established rate of compensation; and
 - d. If the deputy coroner successfully completes the basic training course mandated by subparagraph 2. of this paragraph as evidenced by written certification provided by the Department of Criminal Justice Training to the coroner, the deputy coroner shall receive compensation as is normally determined for deputy coroners pursuant to statute.

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 72 IS CREATED TO READ AS FOLLOWS:

- (1) *A coroner shall follow the requirements of subsection (3) of this section relating to notification of a spouse, if any, or next of kin, when the coroner has reason to believe that the spouse, if any, or next of kin has not yet been notified of the decedent's death, and:*
 - (a) *A coroner is acting under KRS 72.450 and has reason to believe that the spouse, if any, or next of kin of the decedent resides in the coroner's jurisdiction; or*
 - (b) *A coroner has received notification from another official that a spouse, if any, or next of kin of a decedent resides in the coroner's jurisdiction.*
- (2) *A coroner is not required to follow subsection (3) of this section when the coroner is acting under KRS 72.450, but has reason to believe that the spouse, if any, or next of kin of the decedent resides outside of the*

coroner's jurisdiction. In that event, the coroner shall only be required to contact the coroner or other official responsible for providing notification in that jurisdiction regarding the decedent's death.

(3) *When providing notification to the spouse, if any, or next of kin of a decedent regarding the decedent's death, the coroner shall:*

(a) *Prior to the notification:*

1. *Contact, through nonemergency means and without disclosing any information identifying the decedent or spouse, if any, or next of kin of the decedent, an entity capable of providing emergency medical assistance;*
2. *Inform the entity that a notification is planned to take place; and*
3. *Confirm that the entity is capable of providing a prompt emergency response.*

Nothing in this paragraph shall be construed to prohibit a coroner from disclosing any information identifying the decedent or spouse, if any, or next of kin of a decedent to an entity capable of providing emergency assistance in the case of an emergency;

- (b) *Arrange for another member of the coroner's office or, if another member is not available, a law enforcement officer, member of the clergy, professional grief counselor, or other respected member of the community to assist, in person, in providing the notification;*
- (c) *Provide the notification orally, in person, and in a respectful manner;*
- (d) *Assist the recipient of the notification in contacting family or friends, and, in the event that the recipient is alone, remain with the recipient of the notification for as long as practicable or until a friend, family member, or other person is able to arrive and attend to the recipient;*
- (e) *Provide information to the recipient of the notification regarding the handling of the decedent's remains, contact information for the coroner's office, and information regarding organizations that provide grief counseling; and*
- (f) *Conduct a follow-up communication with the recipient of the notification within forty-eight (48) hours of providing the notification.*

➔Section 4. Sections 1 and 2 of this Act take effect January 1, 2023.

➔Section 5. A coroner or deputy coroner serving on January 1, 2023, may continue being compensated under Section 1 of this Act if he or she completes the course described in subsection (4)(b) of Section 1 of this Act by January 1, 2026. No deputy coroner shall have his or her employment status changed for failure to complete the course described in subsection (4)(b) of Section 1 of this Act prior to January 1, 2026.

➔Section 6. This Act may be cited as Nathan's Law.

Signed by Governor April 8, 2022.

CHAPTER 139

(SB 97)

AN ACT relating to child fatalities and near fatalities.

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

➔Section 1. KRS 620.040 is amended to read as follows:

- (1) (a) Upon receipt of a report alleging abuse or neglect by a parent, guardian, fictive kin, person in a position of authority, person in a position of special trust, or person exercising custodial control or supervision, pursuant to KRS 620.030(1) or (2), or a report alleging a child is a victim of human trafficking pursuant to KRS 620.030(3), the recipient of the report shall immediately notify the cabinet or its designated representative, the local law enforcement agency or the Department of Kentucky State Police, and the Commonwealth's or county attorney of the receipt of the report unless they are the reporting source.

- (b) Based upon the allegation in the report, the cabinet shall immediately make an initial determination as to the risk of harm and immediate safety of the child. Based upon the level of risk determined, the cabinet shall investigate the allegation or accept the report for an assessment of family needs and, if appropriate, may provide or make referral to any community-based services necessary to reduce risk to the child and to provide family support. A report of sexual abuse or human trafficking of a child shall be considered high risk and shall not be referred to any other community agency.
 - (c) The cabinet shall, within seventy-two (72) hours, exclusive of weekends and holidays, make a written report to the Commonwealth's or county attorney and the local enforcement agency or the Department of Kentucky State Police concerning the action that has been taken on the investigation.
 - (d) If the report alleges abuse or neglect by someone other than a parent, guardian, fictive kin, person in a position of authority, person in a position of special trust, or person exercising custodial control or supervision, or the human trafficking of a child, the cabinet shall immediately notify the Commonwealth's or county attorney and the local law enforcement agency or the Department of Kentucky State Police.
- (2)
- (a) Upon receipt of a report alleging dependency pursuant to KRS 620.030(1) and (2), the recipient shall immediately notify the cabinet or its designated representative.
 - (b) Based upon the allegation in the report, the cabinet shall immediately make an initial determination as to the risk of harm and immediate safety of the child. Based upon the level of risk, the cabinet shall investigate the allegation or accept the report for an assessment of family needs and, if appropriate, may provide or make referral to any community-based services necessary to reduce risk to the child and to provide family support. A report of sexual abuse or human trafficking of a child shall be considered high risk and shall not be referred to any other community agency.
 - (c) The cabinet need not notify the local law enforcement agency or the Department of Kentucky State Police or county attorney or Commonwealth's attorney of reports made under this subsection unless the report involves the human trafficking of a child, in which case the notification shall be required.
- (3) If the cabinet or its designated representative receives a report of abuse by a person other than a parent, guardian, fictive kin, person in a position of authority, person in a position of special trust, or other person exercising custodial control or supervision of a child, it shall immediately notify the local law enforcement agency or the Department of Kentucky State Police and the Commonwealth's or county attorney of the receipt of the report and its contents, and they shall investigate the matter. The cabinet or its designated representative shall participate in an investigation of noncustodial physical abuse or neglect at the request of the local law enforcement agency or the Department of Kentucky State Police. The cabinet shall participate in all investigations of reported or suspected sexual abuse or human trafficking of a child.
- (4) School personnel or other persons listed in KRS 620.030(2) do not have the authority to conduct internal investigations in lieu of the official investigations outlined in this section.
- (5)
- (a) If, after receiving the report, the law enforcement officer, the cabinet, or its designated representative cannot gain admission to the location of the child, a search warrant shall be requested from, and may be issued by, the judge to the appropriate law enforcement official upon probable cause that the child is dependent, neglected, or abused. If, pursuant to a search under a warrant, a child is discovered and appears to be in imminent danger, the child may be removed by the law enforcement officer.
 - (b) If a child who is in a hospital or under the immediate care of a physician appears to be in imminent danger if he or she is returned to the persons having custody of him or her, the physician or hospital administrator may hold the child without court order, provided that a request is made to the court for an emergency custody order at the earliest practicable time, not to exceed seventy-two (72) hours.
 - (c) Any appropriate law enforcement officer may take a child into protective custody and may hold that child in protective custody without the consent of the parent or other person exercising custodial control or supervision if there exist reasonable grounds for the officer to believe that the child is in danger of imminent death or serious physical injury, is being sexually abused, or is a victim of human trafficking and that the parents or other person exercising custodial control or supervision are unable or unwilling to protect the child. The officer or the person to whom the officer entrusts the child shall, within twelve (12) hours of taking the child into protective custody, request the court to issue an emergency custody order.

- (d) When a law enforcement officer, hospital administrator, or physician takes a child into custody without the consent of the parent or other person exercising custodial control or supervision, he or she shall provide written notice to the parent or other person stating the reasons for removal of the child. Failure of the parent or other person to receive notice shall not, by itself, be cause for civil or criminal liability.
- (e)
 - 1. *If a report includes a child fatality or near fatality, and the law enforcement officer has reasonable grounds to believe any parent or person exercising custodial control or supervision of the child was under the influence of alcohol or drugs at the time the fatality or near fatality occurred, the law enforcement officer shall request a test of blood, breath, or urine from that person.*
 - 2. *If, after making the request, consent is not given for the test of blood, breath, or urine, a search warrant shall be requested from and may be issued by the judge to the appropriate law enforcement official upon probable cause that a child fatality or near fatality has occurred and that the person exercising custodial control or supervision of the child at the time of the fatality or near fatality was under the influence.*
 - 3. *Any test requested under this section shall be conducted pursuant to the testing procedures and requirements in KRS 189A.103.*
- (6) To the extent practicable and when in the best interest of a child alleged to have been abused, interviews with the child shall be conducted at a children's advocacy center.
- (7)
 - (a) One (1) or more multidisciplinary teams may be established in every county or group of contiguous counties.
 - (b) Membership of the multidisciplinary team shall include but shall not be limited to social service workers employed by the Cabinet for Health and Family Services and law enforcement officers. Additional team members may include Commonwealth's and county attorneys, children's advocacy center staff, mental health professionals, medical professionals, victim advocates including advocates for victims of human trafficking, educators, and other related professionals, as deemed appropriate.
 - (c) The multidisciplinary team shall review child sexual abuse cases and child human trafficking cases involving commercial sexual activity referred by participating professionals, including those in which the alleged perpetrator does not have custodial control or supervision of the child or is not responsible for the child's welfare. The purpose of the multidisciplinary team shall be to review investigations, assess service delivery, and to facilitate efficient and appropriate disposition of cases through the criminal justice system.
 - (d) The team shall hold regularly scheduled meetings if new reports of sexual abuse or child human trafficking cases involving commercial sexual activity are received or if active cases exist. At each meeting, each active case shall be presented and the agencies' responses assessed.
 - (e) The multidisciplinary team shall provide an annual report to the public of nonidentifying case information to allow assessment of the processing and disposition of child sexual abuse cases and child human trafficking cases involving commercial sexual activity.
 - (f) Multidisciplinary team members and anyone invited by the multidisciplinary team to participate in a meeting shall not divulge case information, including information regarding the identity of the victim or source of the report. Team members and others attending meetings shall sign a confidentiality statement that is consistent with statutory prohibitions on disclosure of this information.
 - (g) The multidisciplinary team shall, pursuant to KRS 431.600 and 431.660, develop a local protocol consistent with the model protocol issued by the Kentucky Multidisciplinary Commission on Child Sexual Abuse. The local team shall submit the protocol to the commission for review and approval.
 - (h) The multidisciplinary team review of a case may include information from reports generated by agencies, organizations, or individuals that are responsible for investigation, prosecution, or treatment in the case, KRS 610.320 to KRS 610.340 notwithstanding.
 - (i) To the extent practicable, multidisciplinary teams shall be staffed by the local children's advocacy center.
- (8) Nothing in this section shall limit the cabinet's investigatory authority under KRS 620.050 or any other obligation imposed by law.

➔Section 2. KRS 620.055 is amended to read as follows:

- (1) An external child fatality and near fatality review panel is hereby created and established for the purpose of conducting comprehensive reviews of child fatalities and near fatalities, reported to the Cabinet for Health and Family Services, suspected to be a result of abuse or neglect. The panel shall be attached to the Justice and Public Safety Cabinet for staff and administrative purposes.
- (2) The external child fatality and near fatality review panel shall be composed of the following five (5) ex officio nonvoting members and *seventeen (17)*~~fifteen (15)~~ voting members:
 - (a) *Two (2) members*~~The chairperson of the House Health and Welfare Committee~~ of the Kentucky General Assembly, *one (1) appointed by the President of the Senate and one (1) appointed by the Speaker of the House of Representatives*, who shall be ~~an~~ ex officio nonvoting ~~members~~~~member~~;
 - (b) ~~The chairperson of the Senate Health and Welfare Committee of the Kentucky General Assembly, who shall be an ex officio nonvoting member;~~
 - ~~(c)~~ The commissioner of the Department for Community Based Services, who shall be an ex officio nonvoting member;
 - ~~(c)~~~~(d)~~ The commissioner of the Department for Public Health, who shall be an ex officio nonvoting member;
 - ~~(d)~~~~(e)~~ A family court judge selected by the Chief Justice of the Kentucky Supreme Court, who shall be an ex officio nonvoting member;
 - ~~(e)~~~~(f)~~ A pediatrician from the University of Kentucky's Department of Pediatrics who is licensed and experienced in forensic medicine relating to child abuse and neglect to be selected by the Attorney General from a list of three (3) names provided by the dean of the University of Kentucky School of Medicine;
 - ~~(f)~~~~(g)~~ A pediatrician from the University of Louisville's Department of Pediatrics who is licensed and experienced in forensic medicine relating to child abuse and neglect to be selected by the Attorney General from a list of three (3) names provided by the dean of the University of Louisville School of Medicine;
 - ~~(g)~~~~(h)~~ The state medical examiner or designee;
 - ~~(h)~~~~(i)~~ A court-appointed special advocate (CASA) program director to be selected by the Attorney General from a list of three (3) names provided by the Kentucky CASA Association;
 - ~~(i)~~~~(j)~~ A peace officer with experience investigating child abuse and neglect fatalities and near fatalities to be selected by the Attorney General from a list of three (3) names provided by the commissioner of the Kentucky State Police;
 - ~~(j)~~~~(k)~~ A representative from Prevent Child Abuse Kentucky, Inc. to be selected by the Attorney General from a list of three (3) names provided by the president of the Prevent Child Abuse Kentucky, Inc. board of directors;
 - ~~(k)~~~~(l)~~ A practicing local prosecutor to be selected by the Attorney General;
 - ~~(l)~~~~(m)~~ The executive director of the Kentucky Domestic Violence Association or the executive director's designee;
 - ~~(m)~~~~(n)~~ The chairperson of the State Child Fatality Review Team established in accordance with KRS 211.684 or the chairperson's designee;
 - ~~(n)~~~~(o)~~ A practicing social work clinician to be selected by the Attorney General from a list of three (3) names provided by the Board of Social Work;
 - ~~(o)~~~~(p)~~ A practicing addiction counselor to be selected by the Attorney General from a list of three (3) names provided by the Kentucky Association of Addiction Professionals;
 - ~~(p)~~~~(q)~~ A representative from the family resource and youth service centers to be selected by the Attorney General from a list of three (3) names submitted by the Cabinet for Health and Family Services;

- (g)~~(r)~~ A representative of a community mental health center to be selected by the Attorney General from a list of three (3) names provided by the Kentucky Association of Regional Mental Health and Mental Retardation Programs, Inc.;
- (r)~~(s)~~ A member of a citizen foster care review board selected by the Chief Justice of the Kentucky Supreme Court;~~and~~
- (s)~~(t)~~ An at-large representative who shall serve as chairperson to be selected by the Secretary of State;
- (t) ***The president of the Kentucky Coroners Association; and***
- (u) ***A practicing medication-assisted treatment provider to be selected by the Attorney General from a list of three (3) names provided by the Kentucky Board of Medical Licensure.***
- (3) (a) By August 1, 2013, the appointing authority or the appointing authorities, as the case may be, shall have appointed panel members. Initial terms of members, other than those serving ex officio, shall be staggered to provide continuity. Initial appointments shall be: five (5) members for terms of one (1) year, five (5) members for terms of two (2) years, and five (5) members for terms of three (3) years, these terms to expire, in each instance, on June 30 and thereafter until a successor is appointed and accepts appointment.
- (b) Upon the expiration of these initial staggered terms, successors shall be appointed by the respective appointing authorities, for terms of two (2) years, and until successors are appointed and accept their appointments. Members shall be eligible for reappointment. Vacancies in the membership of the panel shall be filled in the same manner as the original appointments.
- (c) At any time, a panel member shall recuse himself or herself from the review of a case if the panel member believes he or she has a personal or private conflict of interest.
- (d) If a voting panel member is absent from two (2) or more consecutive, regularly scheduled meetings, the member shall be considered to have resigned and shall be replaced with a new member in the same manner as the original appointment.
- (e) If a voting panel member is proven to have violated subsection (13) of this section, the member shall be removed from the panel, and the member shall be replaced with a new member in the same manner as the original appointment.
- (4) The panel shall meet at least quarterly and may meet upon the call of the chairperson of the panel.
- (5) Members of the panel shall receive no compensation for their duties related to the panel, but may be reimbursed for expenses incurred in accordance with state guidelines and administrative regulations.
- (6) Each panel member shall be provided copies of all information set out in this subsection, including but not limited to records and information, upon request, to be gathered, unredacted, and submitted to the panel within thirty (30) days by the Cabinet for Health and Family Services from the Department for Community Based Services or any agency, organization, or entity involved with a child subject to a fatality or near fatality:
- (a) Cabinet for Health and Family Services records and documentation regarding the deceased or injured child and his or her caregivers, residents of the home, and persons supervising the child at the time of the incident that include all records and documentation set out in this paragraph:
1. All prior and ongoing investigations, services, or contacts;
 2. Any and all records of services to the family provided by agencies or individuals contracted by the Cabinet for Health and Family Services; and
 3. All documentation of actions taken as a result of child fatality internal reviews conducted pursuant to KRS 620.050(12)(b);
- (b) Licensing reports from the Cabinet for Health and Family Services, Office of Inspector General, if an incident occurred in a licensed facility;
- (c) All available records regarding protective services provided out of state;
- (d) All records of services provided by the Department for Juvenile Justice regarding the deceased or injured child and his or her caregivers, residents of the home, and persons involved with the child at the time of the incident;
- (e) Autopsy reports;

- (f) Emergency medical service, fire department, law enforcement, coroner, and other first responder reports, including but not limited to photos and interviews with family members and witnesses;
- (g) Medical records regarding the deceased or injured child, including but not limited to all records and documentation set out in this paragraph:
 1. Primary care records, including progress notes; developmental milestones; growth charts that include head circumference; all laboratory and X-ray requests and results; and birth record that includes record of delivery type, complications, and initial physical exam of baby;
 2. In-home provider care notes about observations of the family, bonding, others in home, and concerns;
 3. Hospitalization and emergency department records;
 4. Dental records;
 5. Specialist records; and
 6. All photographs of injuries of the child that are available;
- (h) Educational records of the deceased or injured child, or other children residing in the home where the incident occurred, including but not limited to the records and documents set out in this paragraph:
 1. Attendance records;
 2. Special education services;
 3. School-based health records; and
 4. Documentation of any interaction and services provided to the children and family.

The release of educational records shall be in compliance with the Family Educational Rights and Privacy Act, 20 U.S.C. sec. 1232g and its implementing regulations;

- (i) Head Start records or records from any other child care or early child care provider;
 - (j) Records of any Family, Circuit, or District Court involvement with the deceased or injured child and his or her caregivers, residents of the home and persons involved with the child at the time of the incident that include but are not limited to the juvenile and family court records and orders set out in this paragraph, pursuant to KRS Chapters 199, 403, 405, 406, and 600 to 645:
 1. Petitions;
 2. Court reports by the Department for Community Based Services, guardian ad litem, court-appointed special advocate, and the Citizen Foster Care Review Board;
 3. All orders of the court, including temporary, dispositional, or adjudicatory; and
 4. Documentation of annual or any other review by the court;
 - (k) Home visit records from the Department for Public Health or other services;
 - (l) All information on prior allegations of abuse or neglect and deaths of children of adults residing in the household;
 - (m) All law enforcement records and documentation regarding the deceased or injured child and his or her caregivers, residents of the home, and persons involved with the child at the time of the incident; and
 - (n) Mental health records regarding the deceased or injured child and his or her caregivers, residents of the home, and persons involved with the child at the time of the incident.
- (7) The panel may seek the advice of experts, such as persons specializing in the fields of psychiatric and forensic medicine, nursing, psychology, social work, education, law enforcement, family law, or other related fields, if the facts of a case warrant additional expertise.
 - (8) The panel shall post updates after each meeting to the Web site of the Justice and Public Safety Cabinet regarding case reviews, findings, and recommendations.
 - (9) The panel chairperson, or other requested persons, shall report a summary of the panel's discussions and proposed or actual recommendations to the Interim Joint Committee on Health and Welfare of the Kentucky

General Assembly monthly or at the request of a committee co-chair. The goal of the committee shall be to ensure impartiality regarding the operations of the panel during its review process.

- (10) (a) The panel shall publish an annual report by ~~February~~~~December~~ 1 of each year consisting of case reviews, findings, and recommendations for system and process improvements to help prevent child fatalities and near fatalities that are due to abuse and neglect. The report shall be submitted to the Governor, the secretary of the Cabinet for Health and Family Services, the Chief Justice of the Supreme Court, the Attorney General, and the director of the Legislative Research Commission for distribution to the Child Welfare Oversight and Advisory Committee established in KRS 6.943 and the Judiciary Committee.
- (b) *The panel shall determine which agency is responsible for implementing each recommendation, and shall forward each recommendation in writing to the appropriate agency.*
- (c) *Any agency that receives a recommendation from the panel shall, within ninety (90) days of receipt:*
1. *Respond to the panel with a written notice of intent to implement the recommendation, an explanation of how the recommendation will be implemented, and an approximate time frame of implementation; or*
 2. *Respond to the panel with a written notice that the agency does not intend to implement the recommendation, and a detailed explanation of why the recommendation cannot be implemented.*
- (11) Information and record copies that are confidential under state or federal law and are provided to the external child fatality and near fatality review panel by the Cabinet for Health and Family Services, the Department for Community Based Services, or any agency, organization, or entity for review shall not become the information and records of the panel and shall not lose their confidentiality by virtue of the panel's access to the information and records. The original information and records used to generate information and record copies provided to the panel in accordance with subsection (6) of this section shall be maintained by the appropriate agency in accordance with state and federal law and shall be subject to the Kentucky Open Records Act, KRS 61.870 to 61.884. All open records requests shall be made to the appropriate agency, not to the external child fatality and near fatality review panel or any of the panel members. Information and record copies provided to the panel for review shall be exempt from the Kentucky Open Records Act, KRS 61.870 to 61.884. At the conclusion of the panel's examination, all copies of information and records provided to the panel involving an individual case shall be destroyed by the Justice and Public Safety Cabinet.
- (12) Notwithstanding any provision of law to the contrary, the portions of the external child fatality and near fatality review panel meetings during which an individual child fatality or near fatality case is reviewed or discussed by panel members may be a closed session and subject to the provisions of KRS 61.815(1) and shall only occur following the conclusion of an open session. At the conclusion of the closed session, the panel shall immediately convene an open session and give a summary of what occurred during the closed session.
- (13) Each member of the external child fatality and near fatality review panel, any person attending a closed panel session, and any person presenting information or records on an individual child fatality or near fatality shall not release information or records not available under the Kentucky Open Records Act, KRS 61.870 to 61.884 to the public.
- (14) A member of the external child fatality and near fatality review panel shall not be prohibited from making a good faith report to any state or federal agency of any information or issue that the panel member believes should be reported or disclosed in an effort to facilitate effectiveness and transparency in Kentucky's child protective services.
- (15) A member of the external child fatality and near fatality review panel shall not be held liable for any civil damages or criminal penalties pursuant to KRS 620.990 as a result of any action taken or omitted in the performance of the member's duties pursuant to this section and KRS 620.050, except for violations of subsection (11), (12), or (13) of this section.
- (16) *The proceedings, records, opinions, and deliberations of the external child fatality and near fatality review panel shall be privileged and shall not be subject to discovery, subpoena, or introduction into evidence in any civil or criminal actions in any manner that would directly or indirectly identify specific persons or cases reviewed by the panel. Nothing in this subsection shall be construed to restrict or limit the right to discover or use in any civil action any evidence that is discoverable independent of the proceedings of the panel.*

(17)(16) ~~Beginning in 2014~~ The Legislative Oversight and Investigations Committee of the Kentucky General Assembly shall conduct an annual evaluation of the external child fatality and near fatality review panel established pursuant to this section to monitor the operations, procedures, and recommendations of the panel and shall report its findings to the General Assembly.

➔Section 3. KRS 72.410 is amended to read as follows:

- (1) The coroner of each county shall investigate the cause and manner of all deaths that are defined by KRS 72.405 as a coroner's case.
- (2) The coroner may, in his sound discretion, when investigating a coroner's case, request the assistance of the district medical examiner and the Office of the Kentucky State Medical Examiner, order an autopsy, and hold an inquest.
- (3) (a) Upon notification of the death of a child under the age of eighteen (18) years which meets the criteria for a coroner's case as defined in KRS 72.405 and 72.025, the coroner shall ~~immediately~~ ~~as soon as practicable~~ contact the local office of the Department for Community Based Services, law enforcement agencies with local jurisdiction, and the local health department to determine the existence of relevant information concerning the case.
- (b) Any agency of the state or any other agency, institution, or facility providing services to the child or the child's family, shall provide to the coroner upon his or her request the cooperation, assistance, and information to enable the coroner to comply with the provisions of this chapter. This section shall not be deemed to abrogate the attorney-client nor the clergy-penitent privilege or the confidentiality of records provided by KRS 311.377(2). If other privileged or confidential records are disclosed to the coroner pursuant to this section, the records shall remain confidential or privileged and shall not be disclosed except as authorized by this section, to the state or local child fatality response team, or as otherwise required by law.

Signed by Governor April 8, 2022.

CHAPTER 140

(SB 224)

AN ACT relating to retirement funds of urban-county governments and declaring an emergency.

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

➔Section 1. KRS 67A.360 is amended to read as follows:

Words and phrases, wherever used in KRS 67A.360 to 67A.690, unless a different meaning is clearly indicated by the context, shall have the following meanings:

- (1) "Fund" shall mean the "**Police and Fire**~~[Policemen's and Firefighter's]~~ Retirement Fund of the ... Urban-County Government";
- (2) "Government" shall mean the governmental unit of any urban-county government in the Commonwealth of Kentucky, including the governmental unit of any former urban-county government which changes its form of government, class or other status;
- (3) "Department" shall mean the police department or the fire department of a government;
- (4) "Board" shall mean the board of trustees provided in KRS 67A.360 to 67A.690 as the agency responsible for the direction and operation of the affairs and business of the fund. The board shall hold title to all assets of the fund;
- (5) "Member" shall mean any member of the police or fire department who is included in the membership of the fund;
- (6) "Service" shall mean actual employment in a department of a government, or a city existing within the boundaries of the government immediately prior to the establishment of an urban-county government, for salary or compensation, or service otherwise creditable as herein provided;

- (7) "Prior service" shall mean service rendered prior to the date of establishment of the fund or the fund of a city existing within the boundaries of the government immediately prior to the establishment of an urban-county government;
- (8) "Membership service" shall mean service rendered on or after the date of establishment of the fund or the fund of a city existing within the boundaries of the government immediately prior to the establishment of an urban-county government;
- (9) "Total service" shall mean prior service, membership service, and service credit purchased by a member as provided in KRS 67A.402;
- (10) "Regular interest" shall mean such rate of interest as shall be fixed by the board, provided that for the first five (5) years of operation of the fund the rate shall be not less than three percent (3%) per annum, compounded annually;
- (11) "Occupational disability" shall mean disability due to occupational causes, including but not limited to injury or disease. The presumption of contracting disease "while on active duty as a result of strain or the inhalation of noxious fumes, poisons or gases" created by KRS 79.080 shall be a presumption of "occupational disability" hereunder;
- (12) "Occupational death" shall mean death due to occupational causes, including but not limited to injury or disease;
- (13) "Average salary" shall mean the highest average annual salary of the member for any three (3) consecutive years of service within the total service of the member, including employee contributions picked up after August 1, 1982 pursuant to KRS 67A.510(2);
- (14) The masculine pronoun, wherever used, shall include the feminine pronoun; and widow shall include widower;
- (15) The fiscal year of the fund shall date from July 1 of any year to June 30 of the next year following;
- (16) "Total disability" shall mean a disability which substantially precludes a person from performing with reasonable regularity the substantial and material parts of any gainful work or occupation in the service of the department that he would be competent to perform were it not for the fact that the impairment is founded upon conditions which render it reasonably certain that it will continue indefinitely;
- (17) "Minor child" includes, as applicable, a child under the age of twenty-three (23) still engaged in full-time education;
- (18) "Mayor," "commissioner of finance," "commissioner of public safety," and "director of human resources" shall mean the persons holding the office or job most closely resembling the ordinary meaning of such terms, in the event that a government does not have an office so described;
- (19) "Salary" means the member's actual base rate of pay and any other compensation that the government chooses to include. "Salary" shall include longevity pay, training incentive pay, ~~and~~ hazardous duty and special duty pay, **and salary credited as provided by subsection (1)(d) of Section 5 of this Act**, but shall exclude uniform and equipment allowances, uniform maintenance allowances, education incentive pay, annual payments for excess accumulated sick leave credit, compensation for overtime work, except for scheduled overtime of fire department members, and any other compensation excluded by the government;
- (20) "Participation date" means the date the member was hired by the government in a position eligible to participate in the fund; ~~and~~
- (21) "Actuarial funding level" means the actuarial value of assets divided by the actuarially accrued liability expressed as a percentage that is determined and reported by the actuary in the annual actuarial valuation of the fund; **and**
- (22) **"Surviving spouse" means a person legally married to an active or retired member of the fund on the date of the active or retired member's death and who satisfies any length of marriage requirements for entitlement to benefits under KRS 67A.360 to 67A.690.**

➔Section 2. KRS 67A.345 is amended to read as follows:

- (1) All members of the ~~[policemen's and firefighters' retirement] fund [of the urban-county government,]~~ operated pursuant to KRS 67A.360 to 67A.690, and all members of the urban-county government city employees pension fund who retired prior to July 1, 1999, and who did not terminate their participation in the group health insurance plan provided by the urban-county government before that date, and all members who retire

on or after July 1, 1999, or who withdrew from service on a certificate prior to September 18, 2002, or who withdraw on a certificate as provided by KRS 67A.410(3)(a) or (b), shall continue to be eligible to participate, at the member's cost, in a group health insurance plan approved by the urban-county council for such retirees.

- (2) The urban-county government shall provide, on behalf of all eligible members of the ~~police and firefighters' retirement~~ fund *operated pursuant to KRS 67A.360 to 67A.690* and city employees pension, the following benefits:
 - (a) A sum equal to the single premium for the plan coverage selected by the retiree, but not more than one hundred percent (100%) of the urban-county government's contribution to the health insurance component of the benefit pool for current urban-county government employees; and
 - (b) Upon the death of a member of the ~~police and firefighters' retirement~~ fund *operated pursuant to KRS 67A.360 to 67A.690 that is* due to occupational causes, the urban-county government shall pay to the approved provider of the group health insurance plan one hundred percent (100%) of the cost of the family medical coverage for the member's surviving spouse and dependent children as long as they remain eligible for a monthly retirement allowance from the retirement fund.
- (3) No benefits shall be available under this section to retired members who were not, immediately prior to July 1, 1999, participants in the group health insurance plan coverage provided to urban-county government employees and retirees or who retire on or after July 1, 1999, and, at the time of their retirement, do not elect to participate in the group health insurance plan coverage provided pursuant to subsection (1) of this section.
- (4) Benefits shall be available under this section to members of the ~~police and firefighters' retirement~~ fund *operated pursuant to KRS 67A.360 to 67A.690* who:
 - (a) Prior to September 18, 2002, withdrew from service on a certificate when they attain the age of forty-six (46) years if, at the time they withdrew from service, they elected to participate in the group health insurance plan coverage provided pursuant to subsection (1) of this section upon attaining age forty-six (46);
 - (b) Withdraw on a certificate entitling them to a pension benefit at the age of forty-one (41) as provided by KRS 67A.410(3)(a) if, at the time they withdraw from service, they elect to participate in the group health insurance plan coverage provided pursuant to subsection (1) of this section upon attaining age forty-one (41); or
 - (c) Withdraw on a certificate entitling them to a pension benefit at the age of fifty (50) as provided by KRS 67A.410(3)(b) if, at the time they withdraw from service, they elect to participate in the group health insurance plan coverage provided pursuant to subsection (1) of this section upon attaining age fifty (50).
- (5) All payments shall be made to the approved provider of the group health insurance plan, not to the retiree, and the retiree shall not be entitled to receive any portion of the government contribution remaining after payment is made to the approved provider.
- (6) Group rates under the group health insurance plan approved by the urban-county council under subsection (1) of this section shall be made available to the spouse, dependents, and disabled children, regardless of the disabled child's age, of a qualified and participating retiree, if the premium for the spouse, dependent, or disabled child is paid by the retired member, spouse, dependent, or disabled child, by payroll deduction or similar method.

➔Section 3. KRS 67A.370 is amended to read as follows:

There is hereby established in urban-county governments, a retirement and benefit fund for members of the police and fire departments, their dependents and beneficiaries. The fund shall be known as the "**Police and Fire**~~Police and Firefighters'~~ Retirement Fund of the Urban-County Government." In such name all of its business shall be transacted, all of its moneys invested and all of its accumulated reserves consisting of cash, securities, and other property shall be held.

➔Section 4. KRS 67A.655 is amended to read as follows:

The legislative body in an urban-county government may issue the appropriate order, pursuant to KRS 78.530(1), directing participation for policemen and firefighters in the County Employees Retirement System. All new employees who would have been granted membership in the ~~police and firefighter's retirement~~ fund ~~of the urban-county government~~ shall be members of the County Employees Retirement System. All active members of the ~~police and firefighter's retirement~~ fund ~~of the urban-county government~~ at the time of transition to the County Employees Retirement System may choose membership in the County Employees Retirement System or may

retain membership in the local retirement fund, but the legislative body may withdraw its order prior to the effective date if the number of active members choosing to transfer is not sufficient to fully fund the balance of the cost of transition after available local pension assets are included. The urban-county government shall elect the alternate participation plan, pursuant to KRS 78.530(3), for active members who transfer to the County Employees Retirement System. Notwithstanding the provisions of KRS 78.530(3)(b), the urban-county government may, at its option, extend the payment period for the cost of alternate participation to a maximum of thirty (30) years with the interest at the rate actuarially assumed by the County Employees Retirement System board. The urban-county government shall have the right to use assets in the local pension fund, other than those assets, as determined by actuarial valuation, necessary to pay benefits to the remaining active members of the local retirement fund and retirees and their survivors, to assist in the payment of the annual installment cost of alternate participation. The County Employees Retirement System employee contribution shall be made as a deduction from salary, and payment to the member of salary less this deduction shall constitute a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by the member during the period covered by the payment. All policemen and firefighters who become members of the County Employees Retirement System pursuant to this section shall be granted hazardous duty coverage.

➔Section 5. KRS 67A.430 is amended to read as follows:

- (1) (a) For a member whose participation date in the fund is prior to March 14, 2013, the rate of retirement annuity shall be two and one-half percent (2.5%) of average salary, as defined in KRS 67A.360(13), for each year of total service.
- (b) For a member whose participation date in the fund is on or after March 14, 2013, the rate of retirement annuity shall be two and one-quarter percent (2.25%) of average salary, as defined in KRS 67A.360(13), for each year of total service.
- (c) Fractional periods of service shall be considered in the calculation of such annuities according to the rate provided by paragraph (a) or (b) of this subsection, based upon the participation date of the member.
- (d)
 1. *Solely for purposes of calculating average salary under this subsection, a member who is receiving worker's compensation benefits from the government shall be credited with any salary the member would have otherwise been paid while receiving worker's compensation benefits if the member voluntarily elects to pay to the fund an amount equivalent to the employee contribution established by KRS 67A.510 on the salary the member did not receive during the period worker's compensation benefits were paid.*
 2. *If the member elects to make the employee contribution payment to the fund authorized by this paragraph, the government shall pay to the fund an amount equivalent to the employer contribution required by KRS 67A.520 on the salary the member did not receive during the period worker's compensation benefits were paid.*
 3. *The provisions of this paragraph shall be retroactive and shall apply to all active members of the fund who have not retired and to any member who retired on or after January 1, 2021.*
- (2) Any retiree or surviving spouse who, as of July 1, 2005, was receiving a monthly annuity of less than one thousand two hundred fifty dollars (\$1,250) shall have the pension increased to one thousand two hundred fifty dollars (\$1,250). Such increase shall be retroactive to July 1, 2005, and the retiree or surviving spouse shall receive a lump-sum payment equal to the difference between the amount of the monthly annuities received between July 1, 2005, and July 15, 2006, and the amount that would have been received had the monthly annuity been increased on July 1, 2005. The board shall increase this annuity at the same rate as annually provided by KRS 67A.690(1), and such increase shall be determined and granted annually thereafter by the board.

➔Section 6. KRS 67A.460 is amended to read as follows:

- (1) If a total and permanent occupational disability occurs, the member shall receive an annuity calculated pursuant to subsection (2) of this section. This benefit shall begin at the time the member's salary ceases, and shall be paid during his or her entire lifetime. At the member's death, his or her eligible surviving spouse, if any, shall receive the benefits as provided under KRS 67A.492, and his or her minor children, if any, shall receive benefits as provided under KRS 67A.440.
- (2) The minimum annuity rate for a total and permanent occupational disability shall be:

- (a) Fifty percent (50%) of the member's last rate of salary if the member's rate of disability is less than twenty percent (20%) and the disablement is the direct result of documented occupational injuries for service to the department that occurred on or after July 1, 2013;
 - (b) Sixty percent (60%) of the member's last rate of salary if the member's rate of disability is less than twenty percent (20%) and the disablement is the direct result of documented occupational injuries for service to the department that occurred prior to July 1, 2013; or
 - (c) Sixty percent (60%) of the member's last rate of salary if the member's rate of disability is equal to twenty percent (20%) or more. The minimum annuity rate provided by this paragraph shall be increased by one half (1/2) of the amount by which the member's percentage of disability exceeds twenty percent (20%), but this increase shall be not more than fifteen percent (15%) of the member's last rate of salary and the member's total annuity shall not be greater than seventy-five percent (75%) of his or her last rate of salary.
- (3) The member's percentage of disability shall be the average of the impairment rating determined by two (2) physicians selected by the board under KRS 67A.480, using the "Guides to the Evaluation of Permanent Impairment".
- (4) (a) If a member is eligible for a service retirement annuity under KRS 67A.410 and the amount of the member's service retirement annuity would exceed the amount of his or her total and permanent occupational disability annuity, as determined by the board under this section, then the member may elect to receive an additional service retirement annuity payment equal to the amount by which the member's service retirement annuity would have exceeded the amount of his or her total and permanent occupational disability annuity, in addition to the member's disability annuity, by filing with the board the application required by KRS 67A.410.
- (b) *Effective July 1, 2022, any member who is approved by the board to convert a service retirement to a disability retirement shall be precluded from requesting to revert back to a service retirement. The provisions of this paragraph shall apply to any member who begins receiving disability retirement on or after July 1, 2022, or any member who has been approved for a disability retirement prior to July 1, 2022, but has not yet reverted back to a service retirement.*

➔Section 7. KRS 67A.480 is amended to read as follows:

- (1) For the purpose of KRS 67A.360 to 67A.690, a member shall be considered totally and permanently disabled after the board has received written certification by at least two (2) licensed and practicing physicians selected by the board that the member is totally and likely to be permanently disabled for the further performance of the duties of any assigned position in the service of the department.
- (2) *For members who make an application for total and permanent occupational disability, at least two (2) licensed and practicing physicians selected by the board must also certify in writing that the member's disability is due to an occupational cause. If such physicians do not concur as to whether the member's disability is due to an occupational cause, the board may, with the consent of the member, grant the member a disability retirement due to a cause other than occupational disability under the provisions of KRS 67A.470.*
- (3) If upon consideration of the report of such physicians *as provided by subsections (1) and (2) of this section* and such other evidence as shall have been presented to it by the member or others interested therein, the board finds the member to be totally and permanently disabled, it shall grant him a disability retirement annuity upon written certification that the member has been separated from the service of the government because of total disability of such nature as to reasonably prevent further service for the employer, and as a consequence is not entitled to compensation from the government.
- (4) *Nothing contained in this section shall be construed to limit the ability of a member to seek a rehearing in accordance with KRS 67A.660 or judicial review in accordance with KRS 67A.670 of a disability determination or calculation of a disability retirement annuity by the board.*

➔Section 8. KRS 67A.320 is amended to read as follows:

- (1) Any urban-county government in which there existed a municipality which had in effect an employees' pension fund prior to its merger into the urban-county form of government shall provide by comprehensive plan or ordinance for the maintenance of the pension fund for those employees covered by the pension fund, and shall in each case provide for the payment to the pension fund in each month of the sum necessary to maintain the fund in accordance with the actuarial principles established by the actuarial studies described in

this section, and may assess monthly the amount or percent of the salary of the employees as determined on a fair actuarial basis, and in any case not in excess of nine percent (9%) of the monthly salary of each employee unless a higher rate was charged prior to the merger of governments, in which case the higher rate may be charged, the assessment to be deducted from the employees' salaries or picked up pursuant to subsection (2) of this section and paid in cash into the pension fund. Within six (6) months after the effective date of the urban-county form of government, or within six (6) months after June 21, 1974, whichever shall be later, the trustees of the board shall, at the expense of the pension fund, provide for the performance of an actuarial valuation, which shall be completed within six (6) months thereafter, and shall describe the amounts necessary to be contributed by the urban-county government or other sources to fund on an actuarially sound basis the benefits promised or described in the fund, including any payments required to bring the fund to an actuarially sound position if it was not so at the time of the performance of the valuation. The legislative body shall determine a reasonable period over which additional funding, if any, shall be made, which period shall not exceed thirty (30) years. A similar valuation shall be arranged by the board at the cost of the urban-county government at least once in every three (3) year to five (5) year period thereafter as prescribed by KRS 65.156. If the fund created by this section is extended to cover employees not described in the first sentence of this section, the actuarial valuation shall determine the required payments necessary to keep the expanded fund on an actuarially sound basis, and the urban-county government shall maintain the fund, and shall assess against the additional covered employees the same monthly contribution as required for other government employees.

- (2) The urban-county government shall, solely for the purpose of compliance with Section 414(h) of the United States Internal Revenue Code, pick up the employee contributions required by this section for all compensation earned after August 1, 1982, and the contributions picked up shall be treated as employer contributions in determining tax treatment under the United States Internal Revenue Code and KRS 141.010. However, the urban-county government shall continue to withhold federal and state income taxes based upon these contributions and hold them in a separate account until the Internal Revenue Service or the federal courts rule that, pursuant to Section 414(h) of the United States Internal Revenue Code, these contributions shall not be included as gross income of the employee until such time as the contributions are distributed or made available to the employee. The picked-up employee contribution shall satisfy all obligations to the retirement fund satisfied prior to August 1, 1982, by the employee contribution, and the picked-up employee contribution shall be in lieu of an employee contribution. The urban-county government shall pay these picked-up employee contributions from the same source of funds which is used to pay earnings to the employee. The employee shall have no option to receive the contributed amounts directly instead of having them paid by the urban-county government to the fund. Employee contributions picked up after August 1, 1982, shall be treated for all purposes of this section in the same manner and to the same extent as employee contributions made prior to August 1, 1982.
- (3) The pick up of employee contributions by the employer shall not be construed to reduce the final salary or the average salary upon which the employee retirement benefit is based.
- (4) There is hereby created a board for the existing employees' pension fund and trustees of that board. Trustees from the pension fund board shall consist of the mayor, four (4) members of the legislative body of the urban-county government selected by the legislative body, the secretary of the Finance and Administration Cabinet, the director of the Division of Personnel, and three (3) civil service employees or retirees to be elected to the board by those employees and retirees covered by the employees' pension fund. ***If no employee, retiree, or beneficiary is able or willing to serve on the board resulting in one (1) or more vacancies of the three (3) elected positions, any such vacancy shall be filled by appointment by the mayor subject to the approval of the legislative body.*** In the event that there is no position in the urban-county government denominated secretary of the Finance and Administration Cabinet and/or director of the Division of Personnel, the appointed office of the urban-county government exercising the functions most closely resembling such office shall serve as trustee.
- (5) Temporary employees appointed without examination shall not be compelled to contribute to any pension fund and shall not be eligible to benefits.
- (6) In no year shall the contribution by the urban-county government to the pension fund, in the manner provided in this section, be less than the total amount assessed upon and deducted from the salary of the employees.
- (7) The trustees of the pension fund shall, at least once every three (3) months, report in writing to the mayor the receipts, expenditures, and financial status of the pension fund, stating the places of deposit of funds, or the character of investments made, and the mayor shall cause copies of the report to be posted in at least three (3) places where urban-county employees frequent and report.

- (8) If the urban-county government issues the appropriate order allowing participation in the County Employees Retirement System alternate participation plan pursuant to KRS 78.530(3) and 78.531(2), the urban-county government shall have the right to use assets in the local pension fund, other than assets necessary to pay benefits to the remaining active members of the local pension fund and to retirees and their survivors as determined by actuarial valuation and other than assets payable to the County Employees Retirement System pursuant to KRS 78.531(2), to assist in the payment of both the employee's and employer's costs of alternate participation pursuant to KRS 78.530(3)(d).
- (9) If all liabilities to all individuals entitled to benefits from the employees' pension fund have been satisfied, any ordinances established for creation or maintenance of the fund may be repealed by the majority vote of the duly elected members of the entire legislative body of the urban-county government. If repealed, the fund's board of trustees shall, within sixty (60) days of repeal, proceed with the liquidation of any residual assets of the fund. All residual assets liquidated pursuant to this subsection shall be distributed by the board of trustees to the urban-county government's general fund which shall then contribute the entire distribution received into the policemen's and firefighters' retirement fund as a supplemental contribution, so long as the return of assets complies with federal and state law governing the distribution of assets. The supplemental contribution provided to the policemen's and firefighters' retirement fund under this subsection shall be in addition to the contributions required by KRS 67A.360 to 67A.690 and shall not be used to offset any other contributions required to be paid to the fund under the provisions of KRS 67A.360 to 67A.690. Within thirty (30) days following the distribution of residual assets, the board of trustees of the fund shall as its last act file a complete report with the legislative body of the urban-county government of the actions taken to terminate the fund and liquidate residual assets of the fund. Upon completion of the provisions specified by this subsection, the provisions of KRS 67A.320 to 67A.330 as it relates to the employees' pension fund shall be void.

➔Section 9. Whereas ensuring the timely receipt of benefits impacts members of the fund, an emergency is declared to exist and this Act takes effect on July 1, 2022.

Signed by Governor April 8, 2022.

CHAPTER 141

(SB 233)

AN ACT relating to reorganization.

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

➔Section 1. KRS 196.026 is amended to read as follows:

The Department of Corrections shall consist of the following organizational units:

- (1) ***Division of Compliance***~~Personnel Division~~;
- (2) ***Division of Public Affairs***;
- (3) Office of Adult Institutions, which shall have the following divisions:
 - (a) Division of Operations and Program Services;
 - (b) Division of Medical Services;
 - (c) Division of Mental Health Services;
 - (d) Division of ***Education***~~Substance Abuse Programming~~;
 - (e) Division of Correctional Industries;
 - (f) Division of Kentucky State Reformatory;
 - (g) Division of Luther Luckett Correctional Complex;
 - (h) Division of Roederer Correctional Complex;
 - (i) Division of Blackburn Correctional Complex;

- (j) Division of Kentucky Correctional Institution for Women;
- (k) Division of Northpoint Training Center Division;
- (l) Division of Eastern Kentucky Correctional Complex;
- (m) Division of Bell County Forestry Camp;
- (n) Division of Kentucky State Penitentiary;
- (o) Division of Western Kentucky Correctional Complex;
- (p) Division of Green River Correctional Complex;
- (q) Division of Little Sandy Correctional Complex; *and*
- (r) Division of Southeast State Correctional Complex~~;~~ *and*
- ~~(s) Division of Education.~~

Each division specified in paragraphs (f) to (r) of this subsection shall be headed by a warden pursuant to KRS 196.160;

~~(4)~~~~(3)~~ Office of Community Services and Facilities, which shall have the following divisions:

- (a) Division of Probation and Parole;
- (b) Division of Reentry; ~~and~~
- (c) Division of Local Facilities; and
- (d) Division of Addiction Services; and*

~~(5)~~~~(4)~~ Office of Support Services, which shall have the following divisions:

- (a) Division of Administrative Services;
- (b) Division of Corrections Training;
- (c) Division of Population Management;
- (d) Division of Offender Information Services; and*
- ~~(e)~~~~(d)~~ Division of Parole *Board Support*~~and Victim Services~~.

➔Section 2. KRS 196.070 is amended to read as follows:

(1) The commissioner of the Department of Corrections shall:

- (a) Supervise and administer~~the Kentucky State Reformatory, the Kentucky Correctional Institution for Women, the Kentucky State Penitentiary, Northpoint Training Center, the Luther Luckett Correctional Complex, the Eastern Kentucky Correctional Complex, the Green River Correctional Complex, the Western Kentucky Correctional Complex, the Roederer Correctional Complex, the Southeast State Correctional Complex, and any minimum security~~ correctional institutions established and operated by the department, or any divisions of those institutions, the private prisons as provided by KRS 197.500, and the prison industry program within those institutions.
- (b) Supervise the employment of prisoners who have not been paroled or conditionally released, either within or without the walls or enclosures of these institutions.
- (c) Have the authority to transfer, with the approval of the secretary of the Finance and Administration Cabinet, appropriated funds from the budget of one (1) penal institution to another.
- (d) Determine minimum, maximum, and conditional release dates of prisoners in accordance with KRS 197.045.
- (e) Authorize the transfer of prisoners between institutions.
- (f) Create those positions and employ those personnel necessary to perform the functions of the department.
- (g) Promulgate administrative regulations in accordance with KRS Chapter 13A to implement KRS 196.700 to 196.735.

- (2) The commissioner may organize and maintain a training division for employees of the department and others and in connection therewith promulgate administrative regulations covering the course and conduct of the training and the period of time for which any employee or applicant therefor shall attend the school.
- (a) The Division of Corrections Training shall establish, supervise, and coordinate training programs and schools for corrections personnel, jail personnel, and any other justice or nonlaw-enforcement related personnel as prescribed by the secretary and shall issue certification to those employees having successfully met the requirements of the training program.
- (b) The Division of Corrections Training shall make a continuing study of corrections training standards and design, develop, and deliver preservice and in-service training programs.
- (c) The Division of Corrections Training shall, by administrative regulations, prescribe minimum qualifications for its instructors and shall approve, issue, or revoke the certification of instructors.

➔Section 3. KRS 197.010 is amended to read as follows:

Definitions as used in this chapter, unless the context otherwise requires:

- (1) "Cabinet" means the Justice and Public Safety Cabinet;
- (2) "Classification" means the systematic assignment of a prisoner to a custody level, program, and penitentiary;
- (3) "Department" means Department of Corrections;
- (4) "Eligible sexual offender" means a sexual offender for whom the sentencing court, department officials, or both have determined that he or she:
- (a) Has demonstrated evidence of a mental, emotional, or behavioral disorder, but not active psychosis or an intellectual disability; and
- (b) Is likely to benefit from the program;
- (5) **"Institution" means any institution under the control of the Department of Corrections;**
- (6) "Life skills program" means a program that provides strategies for offenders to assist in removing barriers to successful reintegration into the community and addresses skill areas, including time management, money management, use of technology, communication, and social skills;
- ~~(7)(6)~~ "Penitentiaries" includes the state penal institutions for males at Eddyville, LaGrange, the Green River Correctional Complex, the Luther Luckett Correctional Complex, the Kentucky Correctional Institute for Women, the Northpoint Training Center, the Roederer Correctional Complex, the Eastern Kentucky Correctional Complex, the Western Kentucky Correctional Complex, Frankfort Career Development Center, Blackburn Correctional Complex, and Bell County Forestry Camp, together with the branches thereof, any private prison as provided by KRS 197.500, and any other similar institutions hereafter established;
- ~~(8)(7)~~ "Promising practices" means programs and strategies that have some research or data showing positive outcomes, but do not have enough evidence yet to meet the standard of an evidence-based program;
- ~~(9)(8)~~ "Sexual offender" means any person convicted of, pleading guilty to, or entering an Alford plea to a sex crime as defined in KRS 17.500; and
- ~~(10)(9)~~ "State agency" means any department, board, commission, or agency of the state government.

➔Section 4. KRS 196.701 is amended to read as follows:

- (1) To develop and implement a statewide strategic plan for the state and community corrections programs, the Kentucky State Corrections Commission is created and is attached to the Office of the Secretary of the Justice and Public Safety Cabinet. The commission shall consist of twenty-three (23) members as follows:
- (a) The secretary of the Justice and Public Safety Cabinet or his or her designee in writing;
- (b) The commissioner of the Department of Corrections or his or her designee in writing;
- (c) The deputy commissioner of the Office of Community Services and Facilities;
- (d) The deputy commissioner of the Office of Adult Institutions;
- (e) The director of the Division of Parole **Board Support**~~and Victim Services~~ or his or her designee in writing;

- (f) The executive director of the Office of Legislative and Intergovernmental Services of the Justice and Public Safety Cabinet or his or her designee in writing;
 - (g) Two (2) Circuit Court Judges appointed by the Chief Justice;
 - (h) A county judge/executive appointed by the Governor;
 - (i) A county jailer appointed by the Governor;
 - (j) A Commonwealth's attorney appointed by the Governor;
 - (k) A practicing attorney appointed by the Governor;
 - (l) A victim, as that term is defined in KRS 49.280, appointed by the Governor;
 - (m) Four (4) service providers from the field of mental health, substance abuse treatment, or vocational and educational training, appointed by the Governor;
 - (n) A public member who is qualified to express the views of organized labor, appointed by the Governor;
 - (o) A public member who is qualified to express the views of business and industry, appointed by the Governor;
 - (p) The public advocate or his or her designee in writing; and
 - (q) Three (3) at-large members appointed by the Governor.
- (2) The terms of those members appointed by the appointing authority shall be three (3) years. These members shall serve at the pleasure of the appointing authority and shall be eligible for reappointment. The appointed members may be removed for cause. All others serve during their terms of office. If there is a vacancy, the appointing authority shall immediately make an appointment effective for the unexpired term.
- (3) The chairperson of the commission shall be the secretary of justice and public safety. The commissioner of the Department of Corrections shall serve as the vice chairperson who shall preside and exercise the functions of the chairperson during absence or disability of the chairperson.
- (4) Regular meetings of the commission shall be held at least once every four (4) months at a place, day, and hour determined by the commission. Special meetings shall be held when needed as determined by the chairperson. If five (5) or more members of the commission request in writing that the chairperson call a special meeting, then the chairperson shall call a special meeting.
- (5) Members of the commission shall receive reimbursement for necessary expenses for attendance at official commission meetings or public hearings. The administrative functions of the commission shall be performed by a full-time employee of the department who is selected by the commissioner. All public members of the commission shall, in addition to expenses, receive twenty-five dollars (\$25) per day for attending each meeting.

➔Section 5. KRS 196.702 is amended to read as follows:

The commission shall:

- (1) Develop a statewide strategic plan for the development and implementation of goals and objectives, target populations, and program criteria for community corrections programs;
- (2) Conduct, in collaboration with community corrections boards, a statewide assessment of community corrections programs;
- (3) Award all grant moneys to community corrections programs;
- (4) Review community correction program plans and their implementation to ensure compliance with the statewide strategic plan, including the following goals:
 - (a) Effectiveness of community corrections programs in maintaining public safety;
 - (b) Reduction of local commitments to the department;
 - (c) Reduction in the rate of recidivism; and
 - (d) Reduction in revocations of probation and parole;
- (5) Provide technical assistance, support, and training to local boards;

- (6) Submit an annual report no later than September 1 of each year to the commissioner, the Governor, and the General Assembly which includes at least the following information:
 - (a) The status of the implementation of the statewide strategic plan;
 - (b) The effectiveness of community corrections programs in achieving the goals outlined in subsection (4) of this section; and
 - (c) An accounting of the distribution of grants and other funds;
- (7) Administer the provisions of KRS 196.700 to 196.735;
- (8) Advise the Governor and the commissioner concerning correctional policy and programs, including particularly the following:
 - (a) The need for, and the development of, new or specialized institutions, facilities, or programs;
 - (b) The need for, and the effectuation of, collaboration and liaison within the department, and between the department and community agencies and resources, including the bench and bar, in order to promote the readjustment and rehabilitation of offenders in institutions or under parole or probation supervision in the community; and
 - (c) The need for, and the development of, useful research in penology, correctional treatment, criminal law, or in the disciplines relevant thereto; and
- (9) Establish a Parole Board Nominating Committee which shall:
 - (a) Include five (5) ex officio members of the commission:
 1. The secretary of the Justice and Public Safety Cabinet, who shall serve as chairperson of the committee;
 2. The commissioner of the Department of Corrections, who shall serve as the vice chairperson of the committee;
 3. The director of the Division of Parole **Board Support**~~{and Victim Services}~~;
 4. The deputy commissioner of the Office of Adult Institutions; and
 5. The deputy commissioner of the Office of Community Services and Facilities;
 - (b) Include ten (10) other members of the commission:
 1. Two (2) Circuit Judges;
 2. Two (2) service providers with backgrounds in mental health or education;
 3. A person representing the views of business and industry;
 4. A person representing the views of organized labor;
 5. A practicing attorney; and
 6. Three (3) at-large members;
 - (c) Publicize vacancies and impending term expirations on the Parole Board in accordance with standards set forth in KRS 424.180;
 - (d) Submit the names of three (3) candidates to the commission for every vacancy or expired term on the Parole Board;
 - (e) Forward a statement of qualifications of each nominee to the commission along with the nomination. This statement shall identify the experience which meets the qualifications for Parole Board membership outlined in KRS 439.320(1); and
 - (f) Maintain the statement of qualifications as a public record in accordance with KRS 61.870 to 61.884.

➔Section 6. KRS 439.653 is amended to read as follows:

- (1) The department shall implement the reentry drug supervision pilot program created under KRS 439.651 for inmates or parolees placed in the pilot program pursuant to this section.

- (2) Inmates or parolees may be referred to the Parole Board as candidates for the pilot program by either the department's *clinical staff who assess inmates for substance use disorder*~~[Division of Substance Abuse Programming]~~ as outlined in subsection (3) of this section or the department's hearing officers as outlined in subsection (4) of this section.
- (3) (a) After sentencing, the *department*~~[department's Division of Substance Abuse Programming]~~ shall conduct a substance abuse assessment of the following inmates:
1. Inmates whose offense for which he or she was sentenced:
 - a. Does not qualify him or her as a violent offender as defined in KRS 439.3401 or a sexual offender as defined in KRS 17.550; and
 - b. Did not result in death or serious physical injury of a victim;
 2. Inmates:
 - a. Who have been convicted of, or entered an Alford plea or plea of nolo contendere to, a Class C or D felony that is:
 - i. A drug offense; or
 - ii. An offense arising from a substance use disorder; or
 - b. Whose probation or parole was revoked due to a substance use disorder or those with a history of substance use disorder; and
 3. Inmates who have not previously participated in the reentry drug supervision pilot program.
- (b) After reviewing the substance abuse assessments required under paragraph (a) of this subsection, the *department*~~[department's Division of Substance Abuse Programming]~~ shall refer to the Parole Board those inmates determined by the division to be candidates for the reentry drug supervision pilot program.
- (4) During a preliminary parole revocation hearing, if a department hearing officer suspects a parolee is suffering from a substance use disorder, the hearing officer may order a one (1) month deferment to allow the *department*~~[department's Division of Substance Abuse Programming]~~ to conduct a substance abuse assessment of the parolee. After evaluating the assessment, the hearing officer may recommend to the Parole Board that the parolee be placed into the pilot program instead of being revoked.
- (5) (a) Upon receiving a referral from the department's *clinical staff who assess inmates for substance use disorder*~~[Division of Substance Abuse Programming]~~ pursuant to subsection (3) of this section or from the department's hearing officers pursuant to subsection (4) of this section, the Parole Board shall notify the inmate's or parolee's victims, if any, and provide them an opportunity to submit a written victim impact statement and to testify. The Parole Board shall then evaluate the referred inmate or parolee to determine whether to place him or her in the reentry drug supervision pilot program.
- (b) When evaluating whether to place a referred inmate or parolee in the reentry drug supervision pilot program, the Parole Board shall consider the following:
1. Current criminal charges, if any;
 2. Criminal convictions;
 3. Results of the substance abuse assessment conducted pursuant to subsection (3) or (4) of this section;
 4. Plan of recovery created by the department;
 5. Information regarding the victims, if any;
 6. Trial court's recommendation to participate in the pilot program, if any;
 7. An inmate's or parolee's willingness to participate; and
 8. Other relevant information as identified by the department.
- (6) After evaluating the referred inmate or parolee pursuant to subsection (5) of this section, the Parole Board shall determine whether to place an inmate or parolee into the reentry drug supervision pilot program.

- (7) (a) 1. Notwithstanding KRS 218A.1412 or 439.340 or any other statute to the contrary, if the Parole Board decides to place an inmate in the reentry drug supervision pilot program, the inmate shall immediately be paroled into the pilot program. The only conditions of parole shall be to:
- a. Have no contact with victims, if applicable;
 - b. Pay restitution, if applicable; and
 - c. Adhere to KRS 439.650 to 439.657 and to the reentry team's requirements and conditions.
2. Notwithstanding any statute to the contrary, if the Parole Board decides to place a parolee in the reentry drug supervision pilot program, the parolee shall immediately be entered into the pilot program. The only conditions of parole shall be to:
- a. Adhere to any special conditions established by the Parole Board; and
 - b. Adhere to KRS 439.650 to 439.657 and to the reentry team's requirements and conditions.
- (b) Participants shall remain on parole until sentence completion unless the reentry team determines to terminate or administratively discharge the participant from the pilot program. If terminated from the pilot program, the reentry team shall refer the participant to the Parole Board for revocation.

➔Section 7. The following KRS section is repealed:

197.011 Name of women's institution.

Signed by Governor April 8, 2022.

CHAPTER 142

(SB 241)

AN ACT relating to hunter education.

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

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

- (1) Except as provided in the following subsections of this section, and subject to administrative regulations promulgated under this chapter, no person, resident, or nonresident shall do any act authorized by any kind of license or permit or assist in any way any person in doing any act provided for in this chapter with respect to wildlife unless he *or she* holds the kind of license or permit, resident or nonresident, that authorizes the act. It shall be the specific purpose of this chapter to prohibit the taking or pursuing of any wildlife, protected or unprotected, or the fishing in any stream or body of water whether public or private, without first procuring the license provided for in KRS 150.175, except to the extent as may be otherwise provided in this section.
- (2) A person under sixteen (16) years of age may, without a sport fishing license, take fish by angling, or take minnows by the use of a minnow seine, minnow trap, or dip net.
- (3) A person under twelve (12) years of age shall be exempt from being required to obtain a sport hunting or sport trapping license as required by this chapter.
- (4) The resident owner of farmlands or his or her spouse or dependent children shall, without procuring any sport hunting or sport fishing licenses, have the right to take fish or hunt during the open season, except trapping, on the farmlands of which they are bona fide owners. Tenants or their dependent children residing upon these farmlands shall have the same privilege.
- (5) Residents or nonresidents observing and participating in field trials, training exercises, or other competitions as authorized by the department may observe and participate without obtaining a hunting or guide's license so long as game is not taken.
- (6) Any resident serviceman on furlough of more than three (3) days in this state may, without any Kentucky sport hunting or sport fishing licenses, do any act authorized by the licenses, but while so doing he *or she* shall carry on his person proper identification and papers showing his *or her* furlough status.

- (7) Landowners, their spouses or dependent children, or their designee who must be approved by the commissioner, who kill or trap on their lands any wildlife causing damage to the lands or any personal property situated thereon shall not be required to have a hunting or trapping license and may do so during periods other than the open season for the particular species without a tag and dispose of the carcass on-site. Tenants, their spouses, their dependent children, or other persons approved by the commissioner, shall also have the same privilege. Upon destruction of any wildlife by the above-specified individuals, the act shall be reported to a conservation officer within twenty-four (24) hours of the kill. Individuals wishing to transport the carcass from the property upon which it was killed shall contact personnel of the department to request a disposal tag or other authorization. Inedible parts from wildlife taken under the authorization of this section shall not be utilized for any purpose and shall be destroyed or left afield. The department shall promulgate administrative regulations establishing procedures for the designee appointment process, including request and approval deadlines.
- (8) If a reciprocal agreement is entered into by the commissioner, with the approval of the commission, and promulgated as an administrative regulation by the department and similar action is taken by the appropriate authority in Missouri, Tennessee, Virginia, West Virginia, Indiana, Ohio, or Illinois, persons holding a resident or nonresident fishing or a resident or nonresident hunting license issued in these states shall be permitted to perform the acts authorized by the license upon certain contiguous waters and land areas adjacent to the common boundaries of the above-mentioned states and the State of Kentucky. A resident of the State of Kentucky shall purchase a proper Kentucky license to conform with the reciprocal agreement.
- (9) Any member of the Kentucky Army or Air National Guard, active duty or Reserve Component, in any branch in the United States Armed Forces that is based in the Commonwealth of Kentucky, shall have the right to take fish or hunt on any military property belonging to the Commonwealth without procuring any sport hunting or sport fishing license.
- (10) *A person not otherwise exempted from hunter safety education or from procuring any sport hunting or sport fishing license shall be exempt from the department-sanctioned live-fire exercise component of the hunter education course requirement if he or she:*
- (a) *Is a current member of the Armed Forces of the United States;*
 - (b) *Has served in the Armed Forces of the United States and was discharged or released therefrom under conditions other than dishonorable; or*
 - (c) *Is a peace officer certified pursuant to KRS 15.380 to 15.404.*

Signed by Governor April 8, 2022.

CHAPTER 143

(SB 245)

AN ACT relating to protective orders.

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

➔Section 1. KRS 403.740 is amended to read as follows:

- (1) Following a hearing ordered under KRS 403.730, if a court finds by a preponderance of the evidence that domestic violence and abuse has occurred and may again occur, the court may issue a domestic violence order:
- (a) Restraining the adverse party from:
 1. Committing further acts of domestic violence and abuse;
 2. Any unauthorized contact or communication with the petitioner or other person specified by the court;
 3. Approaching the petitioner or other person specified by the court within a distance specified in the order, not to exceed five hundred (500) feet;

4. Going to or within a specified distance of a specifically described residence, school, or place of employment or area where such a place is located; and
5. Disposing of or damaging any of the property of the parties;

(b) Authorizing, at the request of the petitioner:

1. *Limited contact or communication between the parties that the court finds necessary; or*
2. *The parties to remain in a common area, which may necessitate them being closer than five hundred (500) feet under limited circumstances with specific parameters set forth by the court.*

Nothing in this paragraph shall be interpreted to place any restriction or restraint on the petitioner;

~~(c)(b)~~ Directing or prohibiting any other actions that the court believes will be of assistance in eliminating future acts of domestic violence and abuse, except that the court shall not order the petitioner to take any affirmative action;

~~(d)(e)~~ Directing that either or both of the parties receive counseling services available in the community in domestic violence and abuse cases; and

~~(e)(d)~~ Additionally, if applicable:

1. Directing the adverse party to vacate a residence shared by the parties to the action;
2. Utilizing the criteria set forth in KRS 403.270, 403.320, and 403.822, grant temporary custody, subject to KRS 403.315; and
3. Utilizing the criteria set forth in KRS 403.211, 403.212, and 403.213, award temporary child support.

(2) In imposing a location restriction described in subsection (1)(a)4. of this section, the court shall:

- (a) Afford the petitioner and respondent, if present, an opportunity to testify on the issue of the locations and areas from which the respondent should or should not be excluded;
- (b) Only impose a location restriction where there is a specific, demonstrable danger to the petitioner or other person protected by the order;
- (c) Specifically describe in the order the locations or areas prohibited to the respondent; and
- (d) Consider structuring a restriction so as to allow the respondent transit through an area if the respondent does not interrupt his or her travel to harass, harm, or attempt to harass or harm the petitioner.

(3) When temporary child support is granted under this section, the court shall enter an order detailing how the child support is to be paid and collected. Child support ordered under this section may be enforced utilizing the same procedures as any other child support order.

(4) A domestic violence order shall be effective for a period of time fixed by the court, not to exceed three (3) years, and may be reissued upon expiration for subsequent periods of up to three (3) years each. The fact that an order has not been violated since its issuance may be considered by a court in hearing a request for a reissuance of the order.

➔Section 2. KRS 403.730 is amended to read as follows:

- (1) (a) The court shall review a petition for an order of protection immediately upon its filing. If the review indicates that domestic violence and abuse exists, the court shall summons the parties to an evidentiary hearing not more than fourteen (14) days in the future. If the review indicates that such a basis does not exist, the court may consider an amended petition or dismiss the petition without prejudice.
- (b) Service of the summons and hearing order under this subsection shall be made upon the adverse party personally and may be made in the manner and by the persons authorized to serve subpoenas under Rule 45.03 of the Rules of Civil Procedure. A summons may be reissued if service has not been made on the adverse party by the fixed court date and time.
- (2) (a) If the review under this section also indicates the presence of an immediate and present danger of domestic violence and abuse, the court shall, **upon the filing of the petition**~~upon proper motion~~, issue ex parte an emergency protective order that:

1. Authorizes relief appropriate to the situation utilizing the alternatives set out in KRS 403.740, other than awarding temporary support or counseling;
2. ***Sets forth which communications, if any, as requested by the petitioner, are authorized and which communications are unauthorized;***
3. ***Allows either party to retrieve his or her personal belongings from the parties' shared residence and directs law enforcement to assist, if requested;***
4. Expires upon the conclusion of the evidentiary hearing required by this section unless extended or withdrawn by subsequent order of the court; and
5. ~~{3}~~ Does not order or refer the parties to mediation unless requested by the petitioner, and the court finds that:
 - a. The petitioner's request is voluntary and not the result of coercion; and
 - b. Mediation is a realistic and viable alternative to or adjunct to the issuance of an order sought by the petitioner.

Nothing in this paragraph shall be interpreted to place any restriction or restraint on the petitioner.

- (b) If an order is not issued under this subsection, the court shall note on the petition, for the record, any action taken or denied and the reason for it.

➔Section 3. KRS 456.060 is amended to read as follows:

- (1) Following a hearing ordered under KRS 456.040, if a court finds by a preponderance of the evidence that dating violence and abuse, sexual assault, or stalking has occurred and may again occur, the court may issue an interpersonal protective order:
- (a) Restraining the adverse party from:
1. Committing further acts of dating violence and abuse, stalking, or sexual assault;
 2. Any unauthorized contact or communication with the petitioner or other person specified by the court;
 3. Approaching the petitioner or other person specified by the court within a distance specified in the order, not to exceed five hundred (500) feet;
 4. Going to or within a specified distance of a specifically described residence, school, or place of employment or area where such a place is located; and
 5. Disposing of or damaging any of the property of the parties;
- (b) ***Authorizing, at the request of the petitioner:***
1. ***Limited contact or communication between the parties that the court finds necessary; or***
 2. ***The parties to remain in a common area, which may necessitate them being closer than five hundred (500) feet under limited circumstances with specific parameters set forth by the court.***
- Nothing in this paragraph shall be interpreted to place any restriction or restraint on the petitioner;***
- ~~(c){(b)}~~ Directing or prohibiting any other actions that the court believes will be of assistance in eliminating future acts of dating violence and abuse, stalking, or sexual assault, except that the court shall not order the petitioner to take any affirmative action; and
- ~~(d){(c)}~~ Directing that either or both of the parties receive counseling services available in the community in dating violence and abuse cases.
- (2) In imposing a location restriction described in subsection (1)(a)4. of this section, the court shall:
- (a) Afford the petitioner and respondent, if present, an opportunity to testify on the issue of the locations and areas from which the respondent should or should not be excluded;
 - (b) Only impose a location restriction where there is a specific, demonstrable danger to the petitioner or other person protected by the order;
 - (c) Specifically describe in the order the locations or areas prohibited to the respondent; and

- (d) Consider structuring a restriction so as to allow the respondent transit through an area if the respondent does not interrupt his or her travel to harass, harm, or attempt to harass or harm the petitioner.
- (3) An interpersonal protective order shall be effective for a period of time fixed by the court, not to exceed three (3) years, and may be reissued upon expiration for subsequent periods of up to three (3) years each. The fact that an order has not been violated since its issuance may be considered by a court in hearing a request for a reissuance of the order.

➔Section 4. KRS 456.040 is amended to read as follows:

- (1) (a) The court shall review a petition for an interpersonal protective order immediately upon its filing. If the review indicates that dating violence and abuse, stalking, or sexual assault exists, the court shall summons the parties to an evidentiary hearing not more than fourteen (14) days in the future. If the review indicates that such a basis does not exist, the court may consider an amended petition or dismiss the petition without prejudice.
- (b) Service of the summons and hearing order under this subsection shall be made upon the adverse party personally and may be made in the manner and by the persons authorized to serve subpoenas under Rule 45.03 of the Rules of Civil Procedure. A summons may be reissued if service has not been made on the adverse party by the fixed court date and time.
- (2) (a) If the review under this section also indicates the presence of an immediate and present danger of dating violence and abuse, sexual assault, or stalking, the court shall, *upon the filing of the petition*~~upon proper motion~~, issue ex parte a temporary interpersonal protective order that:
1. Authorizes relief appropriate to the situation utilizing the alternatives set out in KRS 456.060;
 2. *Sets forth which communications, if any, as requested by the petitioner, are authorized and which communications are unauthorized;*
 3. Expires upon the conclusion of the evidentiary hearing required by this section unless extended or withdrawn by subsequent order of the court; and
 - 4.~~3.~~ Does not order or refer the parties to mediation unless requested by the petitioner, and the court finds that:
 - a. The petitioner's request is voluntary and not the result of coercion; and
 - b. Mediation is a realistic and viable alternative to or adjunct to the issuance of an order sought by the petitioner.
- Nothing in this paragraph shall be interpreted to place any restriction or restraint on the petitioner.*
- (b) If an order is not issued under this subsection, the court shall note on the petition, for the record, any action taken or denied and the reason for it.

Signed by Governor April 8, 2022.

CHAPTER 144

(SB 341)

AN ACT relating to forestry.

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

➔Section 1. KRS 149.010 is amended to read as follows:

- (1) There is hereby created and there shall be maintained within the Department for Natural Resources in the Energy and Environment Cabinet a Division of Forestry to supervise all forestry property and advance forest interests of the state through development of such property and interests. It shall initiate such projects as will promote public appreciation of forest protection and of reforestation; encourage tree planting in general and on the public highways in particular; grow, collect and distribute seedlings; form and foster junior forestry clubs; cooperate with local civic organizations in the care of trees and planting of more trees; provide for organized

forest fire protection; cooperate with the federal government, state departments and landowners in the perpetuation of forests, the promotion of tree growth and the redemption of wasteland for agricultural purposes; and encourage an interest in forestry by correspondence, press, pamphlets, reports, moving pictures and organizations.

- (2) The director of the Division of Forestry with the approval of the secretary for energy and environment shall adopt and enforce such rules and regulations as may be necessary to carry out the functions assigned the cabinet by law.
- (3) *If federal or other grant funds become available to pay employee salaries, the appointing authority may appoint and employ additional persons to accomplish the purposes of this chapter. The appointing authority shall determine the compensation, duties, and terms of employment of grant-funded employees. All grant-funded, time-limited positions shall be approved by the secretary as needed. Employees whose salaries are funded through federal or other grant funds shall not be counted in any tally of permanent employees made for employee cap or budgetary purposes. As used in this subsection, "appointing authority" has the same meaning as in KRS 18A.005.*

Signed by Governor April 8, 2022.

CHAPTER 145

(SB 298)

AN ACT relating to persons regulated under the Securities Act of Kentucky.

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

➔Section 1. KRS 292.336 is amended to read as follows:

- (1) (a) Every registered broker-dealer, firm employing issuer agents, and investment adviser shall make and keep all accounts, correspondence, memoranda, papers, books, and other records which the commissioner by rule or order prescribes.
- (b) All records required shall be:
 1. Preserved for three (3) years unless the commissioner, by administrative regulation or order, prescribes otherwise for particular types of records; ~~and~~ ~~[- All required records shall be -]~~
 2. Kept within this state or shall, at the request of the commissioner, be made available at any time for examination by him or her either in the principal office of the registrant or by production of exact copies thereof in this state.
- (c) If a broker-dealer is registered with the United States Securities and Exchange Commission, then the books and records required by this section are limited to those that the Securities Exchange Act of 1934, 15 U.S.C. secs. 78a et seq., requires the broker-dealer to maintain.
- (d) If an investment adviser has his or her principal place of business in another state, then the requirements of this ~~subsection~~ ~~[section]~~ shall be limited to the books and records requirements of that state, if the adviser is registered in that state and ~~[- is]~~ in compliance with its recordkeeping requirements.
- (2) (a) *Subject to paragraphs (b) and (c) of this subsection*, every registered broker-dealer, investment adviser, and firm employing issuer agents shall file ~~any~~ ~~[such]~~ reports ~~[- as]~~ required by *the commissioner through* administrative regulation or order *promulgated* under this chapter.
- (b) If a broker-dealer is registered with the United States Securities and Exchange Commission, then the reports required by this ~~subsection~~ ~~shall be~~ ~~[section are]~~ limited to those required under the Securities Exchange Act of 1934, 15 U.S.C. secs. 78a et seq.
- (c) If an investment adviser has his or her principal place of business in another state, then the requirements of this ~~subsection~~ ~~[section]~~ shall be limited to the reporting requirements of that state, if the adviser is registered in that state and in compliance with its reporting requirements.

- (3) (a) ***Subject to paragraph (b) of this subsection***, if the information contained in any document filed is or becomes inaccurate or incomplete in any material respect, then the broker-dealer, investment adviser, or firm employing issuer agents, as applicable, shall promptly file a correcting amendment.
- (b) In the case of a covered adviser, the adviser shall file only copies of those documents required to be filed with the ***United States*** Securities and Exchange Commission.
- (4) (a) The commissioner may conduct examinations, within or outside this state, of each broker-dealer, issuer agent, or investment adviser at such times and in such scope as he or she determines.
- (b) 1. Examinations of each broker-dealer, issuer agent, or investment adviser~~+~~ may be made without prior notice to the broker-dealer, issuer agent, or investment adviser.
2. The expense reasonably attributable to any ~~such~~ examination shall be paid by the broker-dealer, issuer agent, or investment adviser whose business is examined, but the expense so payable shall not exceed an amount which the commissioner by administrative regulation prescribes.
- (c) For the purpose of avoiding unnecessary duplication of examinations, the commissioner, insofar as he or she deems it practicable in administering this subsection, may cooperate with securities administrators of other states, the ***United States*** Securities and Exchange Commission, and any national securities exchange or national securities association registered under the Securities Exchange Act of 1934, 15 U.S.C. secs. 78a et seq.
- (5) (a) ***Every investment adviser that is registered or required to be registered shall establish written procedures relating to a business continuity and succession plan.***
- (b) ***The plan shall:***
1. ***Be based upon the facts and circumstances of the investment adviser's business model, including the size of the firm, types of services provided, and number of locations;***
2. ***At a minimum, provide for:***
- a. ***The protection, backup, and recovery of books and records;***
- b. ***Alternate means of communication with customers, key personnel, employees, vendors, service providers, including third-party custodians, and regulators, including but not limited to providing notice of:***
- i. ***A significant business interruption;***
- ii. ***The death or unavailability of key personnel; and***
- iii. ***Other disruptions or cessations of business activities;***
- c. ***Office relocation in the event of temporary or permanent loss of a principal place of business; and***
- d. ***Assignment of duties to qualified responsible persons in the event of the death or unavailability of key personnel; and***
3. ***Otherwise minimize service disruptions and client harm that could result from a sudden significant business interruption.***
- (c) ***The investment adviser shall, at least annually, review the plan, and the review shall be documented and maintained for three (3) years.***
- (6) (a) ***Every investment adviser that is registered or required to be registered shall establish and implement written physical security and cybersecurity policies and procedures designed to ensure the confidentiality, integrity, and availability of physical and electronic records and information.***
- (b) ***The policies and procedures shall:***
1. ***Be tailored to the investment adviser's business model, taking into account the size of the firm, types of services provided, and the number of locations;***
2. ***At a minimum:***
- a. ***Protect against reasonably anticipated threats or hazards to the security or integrity of client records and information;***

- b. *Ensure that the investment adviser safeguards confidential client records and information; and*
 - c. *Protect any records and information for which the release could result in harm or inconvenience to any client; and*
3. *Cover at least the following five (5) functions:*
- a. *Identification - development of organizational understanding to manage information security risk to systems, assets, data, and capabilities;*
 - b. *Protection - development and implementation of appropriate safeguards to ensure delivery of critical infrastructure services;*
 - c. *Detection - development and implementation of appropriate activities to identify the occurrence of an information security event;*
 - d. *Response - development and implementation of appropriate activities to take action regarding a detected information security event; and*
 - e. *Recovery - development and implementation of appropriate activities to maintain plans for resilience and to restore any capabilities or services that were impaired due to an information security event.*
- (c) 1. *The investment adviser shall, at least annually, review the policies and procedures to ensure the adequacy of the security measures and effectiveness of their implementation.*
2. *The review shall be documented and previous versions of the policies and procedures shall be maintained for three (3) years from the date of development.*
- (7) The commissioner may by administrative regulation prohibit unreasonable charges, profits, commissions, or other compensation of broker-dealers and investment advisers.
- ~~(8)(6)~~ The commissioner may promulgate administrative regulations to prescribe rules for the conduct of business by broker-dealers and investment advisers which he or she finds appropriate in the public interest and for the protection of investors.
- ~~(9)(7)~~ The commissioner may enter into an arrangement, agreement, or other working relationship with federal, other state, and self-regulatory authorities whereby documents may be filed and maintained in a central depository system with the Financial Industry Regulatory Authority (FINRA) or other agencies or authorities.

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 292 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section:*
- (a) *"Approved IAR continuing education content" means the materials, written, oral, or otherwise:*
 - 1. *That have been approved by NASAA or its designee; and*
 - 2. *Which make up the educational program provided to an investment adviser representative under this section;*
 - (b) *"Authorized provider" means a person that NASAA or its designee has authorized to provide continuing education content required by this section;*
 - (c) *"Credit" means a unit that has been designated by NASAA or its designee as at least fifty (50) minutes of educational instruction;*
 - (d) *"Ethics and professional responsibility content" means approved IAR continuing education content that addresses an investment adviser representative's ethical and regulatory obligations;*
 - (e) *"FINRA" means the Financial Industry Regulatory Authority;*
 - (f) *"Home state" means a state, other than Kentucky, in which the investment adviser representative has his or her principal office and place of business;*
 - (g) *"NASAA" means the North American Securities Administrators Association or a committee designated by its board of directors;*

- (h) *"Products and practice content" means approved IAR continuing education content that addresses an investment adviser representative's continuing skills and knowledge regarding financial products, investment features, and practices in the investment advisory industry; and*
- (i)
 - 1. *"Reporting period" means one (1) twelve (12) month period as determined by NASAA.*
 - 2. *An investment adviser representative's initial reporting period commences the first day of the first full reporting period after the individual is registered, or required to be registered, under this chapter.*
- (2) *Except as otherwise provided in this section, every registered investment adviser representative shall complete the following continuing education requirements each reporting period:*
 - (a) *Six (6) credits of ethics and professional responsibility content offered by an authorized provider, with at least three (3) hours covering the topic of ethics; and*
 - (b) *Six (6) credits of products and practice content offered by an authorized provider.*
- (3) *An investment adviser representative shall be considered in compliance with subsection (2)(b) of this section for each applicable reporting period if:*
 - (a) *The investment adviser representative:*
 - 1. *Is also registered as an agent of a FINRA-member broker-dealer; and*
 - 2. *Complies with FINRA's continuing education requirements; and*
 - (b) *FINRA's continuing education content meets all of the following baseline criteria, as determined by NASAA:*
 - 1. *The content focuses on compliance, regulatory, ethical, and sales practices standards;*
 - 2. *The content is derived from:*
 - a. *State and federal investment advisory statutes, rules, and regulations;*
 - b. *Securities industry rules and regulations; or*
 - c. *Accepted standards and practices in the financial services industry; and*
 - 3. *The content requires that its participants demonstrate proficiency in the subject matter of the educational materials.*
- (4) *Continuing education credits completed by an investment adviser representative shall be considered to comply with subsection (2) of this section for each applicable reporting period if:*
 - (a) *The investment adviser representative:*
 - 1. *Is not required to pass a written examination by administrative regulation or order promulgated pursuant to KRS 292.331(3);*
 - 2. *Completes continuing education credits necessary for maintaining, and remaining in good standing to hold, a professional designation identified by the commissioner by administrative regulation or order; and*
 - 3. *Is required to complete continuing education credits to maintain, and remain in good standing to hold, the professional designation identified by the commissioner by administrative regulation or order; and*
 - (b) *The continuing education content provided by the credentialing organization for the professional designation identified by the commissioner by administrative regulation or order is approved IAR continuing education content.*
- (5) *An investment adviser representative registered or required to be registered in Kentucky who is registered as an investment adviser representative in the individual's home state shall be considered in compliance with this section if:*
 - (a) *The investment adviser representative's home state has continuing education requirements that are at least as stringent as the NASAA Model Rule on Investment Adviser Representative Continuing Education; and*

- (b) *The investment adviser representative is in compliance with the home state's investment adviser representative continuing education requirements.*
- (6) *Every investment adviser representative shall be responsible for ensuring that the authorized provider reports the investment adviser representative's completion of the approved IAR continuing education content.*
- (7) *An investment adviser representative who completes continuing education credits in excess of the amount required for the reporting period may not carry forward excess credits to a subsequent reporting period.*
- (8) (a) *An investment adviser representative who fails to comply with this section by the end of a reporting period shall:*
1. *Be subject to registration renewal as "CE inactive" at the close of the calendar year in Kentucky; and*
 2. *Remain "CE inactive" until the investment adviser representative completes and reports all required continuing education credits for all reporting periods as required by this section.*
- (b) *An investment adviser representative who is "CE inactive" at the close of the next calendar year shall not be eligible for:*
1. *Investment adviser representative registration; or*
 2. *Renewal of investment adviser representative registration.*
- (9) *A person who was previously registered under this chapter as an investment adviser representative and became unregistered shall complete approved IAR continuing education content for all reporting periods that occurred between the time that the investment adviser representative became unregistered and the time the person became registered again under this chapter unless the investment adviser representative makes a subsequent application for registration and complies with any examination requirement under KRS 292.331(3).*
- (10) *The commissioner may, in his or her discretion, waive any requirements of this section.*

➔Section 3. This Act takes effect on January 1, 2023.

Signed by Governor April 8, 2022.

CHAPTER 146

(SB 249)

AN ACT relating to incentive programs and declaring an emergency.

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

➔Section 1. KRS 154.20-258 is amended to read as follows:

- (1) (a) For *investment funds approved by the authority*~~[qualified investments made]~~ prior to January 1, 2023~~[2022]~~, an investor shall be entitled to a nonrefundable credit equal to forty percent (40%) of the investor's proportional ownership share of all qualified investments made by its investment fund and verified by the authority. The aggregate tax credit available to any investor shall not exceed forty percent (40%) of the cash contribution made by the investor to its investment fund.
- (b) For *investment funds approved by the authority*~~[qualified investments made]~~ on or after January 1, 2023~~[2022]~~, an investor shall be entitled to a nonrefundable credit not to exceed twenty-five percent (25%) of the investor's proportional ownership share of all qualified investments made by its investment fund and verified by the authority.
- (c) The credit may be applied against:
1. Both the income tax imposed by KRS 141.020 or 141.040, and the limited liability entity tax imposed by KRS 141.0401, with the ordering of the credits as provided in KRS 141.0205;

2. The insurance taxes imposed by KRS 136.320, 136.330, and 304.3-270; and
 3. The taxes on financial institutions imposed by KRS 136.300, 136.310, and 136.505.
- (2) The tax credit amount that may be claimed by an investor in any tax year shall not exceed fifty percent (50%) of the initial aggregate credit amount approved by the authority for the investment fund which would be proportionally available to the investor. ***For qualified investments approved on or after January 1, 2022, an investor may first claim the credit granted in subsection (1) of this section on~~in~~ the tax return filed for the taxable year in which the qualified investment is made by the investment fund. No tax credit shall become effective until the authority notifies the Department of Revenue in accordance with subsection (6) of this section~~following the year in which the credit is granted~~.***
- (3) If the credit amount that may be claimed in any tax year, as determined under subsections (1) and (2) of this section, exceeds the investor's combined tax liabilities against which the credit may be claimed for that year, the investor may carry the excess tax credit forward until the tax credit is used, but the carry-forward of any excess tax credit shall not increase the fifty percent (50%) limitation established by subsection (2) of this section. Any tax credits not used within fifteen (15) years of the approval by the authority of the aggregate tax credit amount available to the investor shall be lost.
- (4) The tax credits allowed by this section shall not apply to any liability an investor may have for interest, penalties, past due taxes, or any other additions to the investor's tax liability. The holder of the tax credit shall assume any and all liabilities and responsibilities of the credit.
- (5) The tax credits allowed by this section are not transferable, except that:
- (a) A nonprofit entity may transfer, for some or no consideration, any or all of the credits it receives under this section and any related benefits, rights, responsibilities, and liabilities. Within thirty (30) days of the date of any transfer of credits pursuant to this subsection, the nonprofit entity shall notify the authority and the Department of Revenue of:
 1. The name, address, and Social Security number or employer identification number, as may be applicable, of the party to which the nonprofit entity transferred its credits;
 2. The amount of credits transferred; and
 3. Any additional information the authority or the Department of Revenue deems necessary.
 - (b) If an investor is an entity and is a party to a merger, acquisition, consolidation, dissolution, liquidation, or similar corporate reorganization, the tax credits shall pass through to the investor's successor.
 - (c) If an individual investor dies, the tax credits shall pass to the investor's estate or beneficiaries in a manner consistent with the transfer of ownership of the investor's interest in the investment fund.
- (6) The tax credit amount that may be claimed by an investor shall reflect only the investor's participation in qualified investments properly reported to the authority by the investment fund manager. No tax credit authorized by this section shall become effective until the Department of Revenue receives notification from the authority that includes:
- (a) A statement that a qualified investment has been made that is in compliance with KRS 154.20-250 to 154.20-284 and all applicable regulations; and
 - (b) A list of each investor in the investment fund that owns a portion of the small business in which a qualified investment has been made by virtue of an investment in the investment fund, and each investor's amount of credit granted to the investor for each qualified investment.

The authority shall, within sixty (60) days of approval of credits, notify the Department of Revenue of the information required pursuant to this subsection and notify each investor of the amount of credits granted to that investor, and the year the credits may first be claimed.

- (7) After the date on which investors in an investment fund have cumulatively received an amount of credits equal to the amount of credits allocated to the investment fund by the authority, no investor shall receive additional credits by virtue of its investment in that investment fund unless the investment fund's allocation of credits is increased by the authority pursuant to an amended application.

➔Section 2. KRS 154.20-410 is amended to read as follows:

On July 1, 2022, the Kentucky alternative fuel and renewable energy fund shall cease making any further investments and shall be suspended. All funds, grants, investments, unallocated or unencumbered balances,

rights, contractual rights and obligations, and earned income retained by the Kentucky alternative fuel and renewable energy fund as of June 30, 2022, shall be transferred to the Kentucky enterprise fund and allocated and invested pursuant to the Kentucky enterprise fund's statutory mandate as provided in Section 3 of this Act and KRS 164.6021. To the extent any costs are incurred in the transfer of such interests, those costs may be paid from the funds or from the general fund appropriation to the cabinet, as determined by the cabinet.

~~{(1) There is created in the State Treasury the "Kentucky alternative fuel and renewable energy fund" for the purpose of enabling Kentucky based companies to undertake research and development and commercialization in the area of alternative fuels or renewable energy.~~

~~(2) The fund may receive state appropriations, gifts, grants, federal funds, revolving funds, and any other funds both public and private. Moneys deposited in the fund shall be disbursed by the State Treasurer upon the warrant of the secretary of the Finance and Administration Cabinet. Any unallocated or unencumbered balances in the fund shall be invested as provided in KRS 42.500(9).~~

~~(3) Notwithstanding KRS 45.229, any income earned from the investments along with the unallotted or unencumbered balances in the fund shall not lapse, and shall be deemed a trust and agency account and made available solely for the purposes and benefits of the Kentucky Alternative Fuel and Renewable Energy Fund Program.~~

➔Section 3. KRS 164.6019 is amended to read as follows:

- (1) There is established and created a trust and agency account entitled the "Kentucky enterprise fund" for the purpose of enabling small or medium-size, Kentucky-based companies to undertake feasibility, concept development, research and development, or commercialization work.
- (2) The Kentucky enterprise fund may receive moneys from any public or private source, including but not limited to general fund appropriations of the Commonwealth, grants, or contributions of money, property, labor, or other things of value to be used to carry out the fund's operations, functions, and responsibilities, and to otherwise make investments.
- (3) The Kentucky enterprise fund shall also receive moneys transferred from the Kentucky rural innovation fund under KRS 164.6027, ~~and~~ the Kentucky commercialization fund under KRS 164.6035, *and the Kentucky alternative fuel and renewable energy fund under Section 2 of this Act.*
- (4) Any unallocated or unencumbered balances in the fund shall be invested as provided in KRS 42.500(9), and any income earned from the investments along with the unallotted or unencumbered balances in the fund shall not lapse, and shall be made available solely for the purposes and benefits of the Kentucky enterprise fund.

➔Section 4. The following KRS section is repealed:

154.20-405 Powers of cabinet under KRS 154.20-400 to 154.20-420.

➔Section 5. Whereas the elimination of the Kentucky alternative fuel and renewable energy fund is required to be accomplished on the first day of a fiscal year, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 8, 2022.

CHAPTER 147

(SB 176)

AN ACT relating to use of facial recognition technology.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 61 IS CREATED TO READ AS FOLLOWS:

(1) *As used in this section:*

- (a) *"Facial recognition technology" means the use of algorithmic comparison of images of an individual's facial features for the purposes of verification or identification, unless used for the sole purpose of authentication in order to access a secure device or secure premises;*

- (b) *"Law enforcement agency" means any:*
1. *Public agency that employs a police officer as defined in KRS 15.420 or a special law enforcement officer as defined in KRS 61.900;*
 2. *Public agency that is composed of or employs other public peace officers; and*
 3. *Elected or appointed peace officer who is authorized to exercise powers of a peace officer as defined in KRS 446.010; and*
- (c) *"Model facial recognition technology policy" means the model policy developed and published under this section regarding the use of facial recognition technology.*
- (2) *A working group on facial recognition technology is hereby created and shall be attached to the Justice and Public Safety Cabinet for administrative purposes. The working group shall be chaired by the secretary of the Justice and Public Safety Cabinet or his or her designee and composed of representatives from the following organizations as nominated by the secretary and appointed by the Governor:*
- (a) *The Kentucky Association of Chiefs of Police;*
 - (b) *The Department of Criminal Justice Training;*
 - (c) *The Kentucky League of Cities;*
 - (d) *The Kentucky Association of Counties; and*
 - (e) *The Kentucky Sheriff's Association.*
- (3) *On or before January 1, 2024, the working group established pursuant to subsection (2) of this section shall create and make publicly available a model policy for use by law enforcement agencies, which shall:*
- (a) *Specify the authorized uses of facial recognition technology consistent with the law, including but not limited to:*
 1. *How search results using facial recognition technology relate to establishing probable cause for arrests; and*
 2. *The prohibition of using facial recognition technology to identify a person participating in constitutionally protected activities in public spaces unless there is probable cause to believe that an offense has been committed;*
 - (b) *Specify requirements for persons within a law enforcement agency that are authorized to use facial recognition technology;*
 - (c) *Require a law enforcement agency to specify a process for the agency to document instances in which facial recognition technology is used;*
 - (d) *Provide procedures for the confirmation of any initial findings generated by facial recognition technology by a secondary examiner;*
 - (e) *Specify data integrity and retention policies applicable to the data collected by the organization, including processes that address:*
 1. *Maintenance and updating of records used;*
 2. *A routine audit schedule to ensure compliance with the policy;*
 3. *The length of time the organization will keep the data; and*
 4. *The processes by which data will be deleted;*
 - (f) *Specify data security measures applicable to the law enforcement agency's use of facial recognition technology, including:*
 1. *How data collected will be securely stored and accessed; and*
 2. *Rules and procedures for sharing data with other entities, which ensure that those entities comply with the sharing agency's policy as part of the data-sharing agreement;*
 - (g) *Specify training procedures and processes to ensure all personnel who utilize facial recognition technology or access its data are knowledgeable about and able to ensure compliance with the policy;*

- (h) *Specify a process that requires a law enforcement agency utilizing facial recognition technology to compare a publicly available or lawfully acquired image against a database of publicly available or lawfully acquired images;*
 - (i) *Specify a minimum accuracy standard for face matches in all demographic groups to ensure nondiscrimination against any demographic group with reference to a Face Recognition Vendor Test conducted by the National Institute of Standards and Technology;*
 - (j) *Provide a specific mechanism to produce a record of prior uses of facial recognition technology that can be used to audit and verify images and information used to make a match of a person; and*
 - (k) *Provide a process that addresses the privacy of persons by excluding, redacting, blurring, or otherwise obscuring nudity or sexual conduct involving any identifiable person.*
- (4) *A law enforcement agency that uses facial recognition technology shall have a use policy in place prior to using the technology. A law enforcement agency shall file a full copy of its policy or any revision of its policy with the Justice and Public Safety Cabinet within thirty (30) days of the adoption or revision.*
- (5) *This section shall not apply to a generally available consumer product that includes facial recognition technology, provided that the facial recognition technology is intended only for personal or household use. A law enforcement agency shall not use facial recognition technology under this subsection for law enforcement purposes.*

Signed by Governor April 8, 2022.

CHAPTER 148

(HB 48)

AN ACT relating to crimes and punishments.

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

➔Section 1. KRS 519.010 is amended to read as follows:

The following definitions apply in this chapter unless the context otherwise requires:

- (1) *"Benefit" means gain or advantage to the beneficiary or to a third person pursuant to the desire or consent of the beneficiary;*
- (2) *"Emergency response" means a response by two (2) or more first responders to a reported incident that:*
 - (a) *Is of such an emergent nature that the exemptions provided under KRS 189.940 would apply; and*
 - (b) *Jeopardizes or could jeopardize public safety;*
- (3) *"First responder" means:*
 - (a) *Peace officer;*
 - (b) *Fire personnel;*
 - (c) *Paid or volunteer emergency medical services personnel certified or licensed pursuant to KRS Chapter 311A; or*
 - (d) *Private not-for-profit organization personnel providing fire, rescue, or emergency medical services;*
- (4) *"Governmental function" means any activity which a public servant is legally authorized to undertake on behalf of the governmental unit which he or she serves;*
- (5)~~(2)~~ *"Public record" includes all books, papers, maps, photographs, cards, tapes, discs, diskettes, recordings, magnetic or electronic images, optical images or other documentary materials regardless of physical form or characteristics, which are prepared, owned, used, in the possession of, received or retained by a public agency. "Public record" shall not include any records owned by a private person or corporation that are not related to functions, activities, programs, or operations funded by state or local authority;*

- (6)~~(3)~~ "Public servant" means:
- (a) Any public officer or employee of the state or of any political subdivision thereof or of any governmental instrumentality within the state;
 - (b) Any person exercising the functions of any ~~such~~ public officer or employee;
 - (c) Any person participating as advisor, consultant, or otherwise in performing a governmental function, but not including witnesses; or
 - (d) Any person elected, appointed or designated to become a public servant although not yet occupying that position~~;~~

~~(4) As used in this chapter, "benefit" means gain or advantage to the beneficiary or to a third person pursuant to the desire or consent of the beneficiary.~~

➔Section 2. KRS 519.040 is amended to read as follows:

- (1) A person is guilty of falsely reporting an incident when ***the person~~he~~***:
 - (a) Knowingly causes a false alarm of fire or other emergency to be transmitted to or within any organization, official or volunteer, that deals with emergencies involving danger to life or property, ***and the false report results in an emergency response***; or
 - (b) Reports to law enforcement authorities an offense or incident within their official concern knowing that it did not occur; or
 - (c) Furnishes law enforcement authorities with information allegedly relating to an offense or incident within their official concern when ***the person~~he~~*** knows he ***or she*** has no information relating to such offense or incident; or
 - (d) Knowingly gives false information to any law enforcement officer with intent to implicate another; or
 - (e) Initiates or circulates a report or warning of an alleged occurrence or impending occurrence of a fire or other emergency under circumstances likely to cause public inconvenience or alarm when ***the person~~he~~*** knows the information reported, conveyed, or circulated is false or baseless, ***and the false report results in an emergency response***.
- (2) (a) Falsely reporting an incident ***under subsection (1)(b), (c), or (d) of this section*** is a Class A misdemeanor.

(b) ***Falsely reporting an incident under subsection (1)(a) or (e) of this section is a Class D felony.***
- (3) ***Any violation under this section may be prosecuted in any county where:***
 - (a) ***The defendant resides;***
 - (b) ***The false report was communicated; or***
 - (c) ***There was an emergency response to the false report.***
- (4) (a) ***The court, in imposing a sentence on a defendant who has been convicted of any offense under this section, shall order restitution to:***
 1. ***Any agency or organization for the reasonable costs of the emergency response incurred by that agency or organization resulting from the false report; and***
 2. ***Any person who suffered damages caused by the agency or organization that provided an emergency response.***

(b) ***An order of restitution under this subsection shall, for the purpose of enforcement, be treated as a civil judgment.***

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

- (1) ***In addition to any restitution ordered by the court under subsection (4) of Section 2 of this Act, any person who suffers harm as a result of a violation of subsection (1)(a) or (e) of Section 2 of this Act may recover damages in a civil cause of action against the alleged perpetrator, including but not limited to damages for infliction of emotional distress, compensatory and punitive damages, court costs, and reasonable attorney's fees.***

- (2) *The action may be filed in a court of competent jurisdiction for the county in which the alleged violation occurred or the plaintiff resides.*
- (3) *An individual found liable under this section shall be jointly and severally liable with each other person, if any, found liable under this section for the damages arising from the same violation of Section 2 of this Act.*

➔Section 4. KRS 134.127 is amended to read as follows:

- (1) (a) The following persons may pay to the county clerk at any time the total amount due on a certificate of delinquency or personal property certificate of delinquency that is owned by the taxing jurisdictions and in the possession of the county clerk. It shall be the responsibility of the person seeking to pay the county clerk to provide sufficient proof to the county clerk that he or she meets the requirements to pay under this paragraph. The county clerk shall be held harmless if he or she relies upon information provided and accepts payment from a person not qualified to pay under this paragraph. The county clerk may also accept partial payments from these persons:
1. The person primarily liable on the certificate of delinquency or personal property certificate of delinquency, or a person paying on behalf of the person primarily liable on the certificate, provided that a person paying on behalf of the person primarily liable on the certificate under this paragraph shall, notwithstanding the provisions of KRS 134.126(5), be treated in the same manner as the person primarily liable on the certificate and shall not be treated as an assignee or a transferee under the provisions of this chapter; and
 2. The following persons may pay a certificate of delinquency or personal property certificate of delinquency that relates to the specific property in which he or she has an interest, other than a person whose only interest in the property is an interest resulting from a prior year certificate of delinquency:
 - a. Any person having a legal or equitable estate in real property subject to a certificate of delinquency;
 - b. A tenant or lawful occupant of real property, or a bailee or person in possession of any personal property; or
 - c. Any person having a mortgage on real property or a security interest in real or personal property.

Upon full payment of a certificate of delinquency under this subparagraph, KRS 134.126(5), (6), (7), and (8) shall apply regarding the rights and interests of the person making the payment.
- (b) Any other person may pay the total amount due on a certificate of delinquency that is owned by the taxing jurisdictions and in the possession of the county clerk to the county clerk after ninety (90) days have passed from the filing of the tax claims with the county clerk in accordance with KRS 134.128.
- (c) 1. Only the persons listed in paragraph (a) of this subsection may pay a personal property certificate of delinquency. Personal property certificates of delinquency shall not be included in any sale conducted under KRS 134.128, and may not be purchased by any third party not specifically listed in paragraph (a) of this subsection.
2. A certificate of delinquency on property of a public service company that is centrally assessed, and that includes personal property and real property on the same certificate of delinquency, shall be treated for all purposes as a certificate of delinquency on real property.
- (2) The duties of the county clerk with regard to payment of a certificate of delinquency or personal property certificate of delinquency by a person other than the person primarily liable on the certificate, are set forth in KRS 134.126(5) and (6).
- (3) (a) The delinquent taxpayer or any person having a legal or equitable estate in the property covered by a certificate of delinquency may, at any time, pay the total amount due to a third-party purchaser of a certificate of delinquency. The third-party purchaser may also accept payment from any other person at any time.
- (b) When full payment for a certificate of delinquency is made to a third-party purchaser, the third-party purchaser shall execute a release of the lien in accordance with the provisions of KRS 382.365. The remedies included in KRS 382.365 shall apply if the third-party purchaser fails to release the lien as provided in KRS 382.365.

- (c) Any person other than the person primarily liable on a certificate of delinquency who pays a certificate of delinquency to a third-party purchaser may, by paying a fee pursuant to KRS 64.012, have the county clerk record the payment, and the recordation shall constitute an assignment thereof, and KRS 134.126(6) and (8) shall apply. Failure of an assignee to record the assignment shall render the claim of such person to any real estate represented thereby inferior to the rights of other bona fide purchasers, payors, or creditors.
- (d) If the third-party purchaser fails to release the lien in accordance with the provisions of KRS 382.365, or to surrender the certified copy of the certificate of delinquency to the person making full payment within thirty (30) days after payment has been tendered at the mailing address designated in the notice required by KRS 134.490 or the mailing address of record in the county clerk's office if no notice has been provided as required by KRS 134.490, the person making the payment shall have all of the remedies provided in KRS 382.365.
- (e)
 - 1. A person entitled to make payment under this section who is having difficulty locating the third-party purchaser of the certificate of delinquency to make payment may send a registered letter addressed to the third-party purchaser of record at the address reflected in the most recent notice received from the third-party purchaser pursuant to KRS 134.490, or if no notice has been received, at the address reflected in the records of the county clerk, indicating a desire to make payment. If the letter is returned by mail unclaimed, or if the third-party purchaser fails to respond in writing within thirty (30) days, the sender may take to the county clerk as proof of mailing the certified mail receipts stamped by the post office showing that the certified letter was mailed to the correct address and the date it was mailed. If the letter was returned, the sender shall also provide the returned letter to the clerk. The sender shall attest under oath that the letter was mailed to the correct address, and if the letter was not returned, the attestation shall also provide that the third-party purchaser did not respond in writing within thirty (30) days of the date the letter was mailed. The department shall develop attestation forms for distribution to the county clerks that include a notice that any false statement made in the attestation shall be punishable by law. The form shall be a public record *as defined in* ~~under~~ KRS 519.010~~(2)~~, subject to KRS 519.060(1)(a). The clerks' taking of such testimony shall be an official proceeding under KRS 523.010(3).
 - 2. Upon the acceptance of proof and attestation by the county clerk that the person has failed in his or her attempt to contact the third-party purchaser about making payment, the person may pay the full amount due as reflected in the records maintained by the county clerk plus applicable interest, and the county clerk shall make the necessary assignment or release of the certificate of delinquency. The county clerk shall also discharge any notice filed pursuant to KRS 382.440 or 382.450 as provided in KRS 382.470, except the county clerk shall prepare and record an in-house release executed by the county clerk along with the proof of payment, rather than requiring the signature or writing as required by KRS 382.470. The clerk shall receive a fee pursuant to KRS 64.012 for recording the release.
 - 3. The county clerk shall deposit the money paid in an escrow account for this specific purpose in a bank having its deposits insured with the Federal Deposit Insurance Corporation. The name of the bank in which the money is deposited shall be noted on the certificate of delinquency. The county clerk may maintain one (1) escrow account for all deposits made pursuant to this subparagraph and shall maintain a record reflecting the amount due each owner of a certificate of delinquency.
 - 4. The county clerk may deduct the sum of twenty dollars (\$20) as a fee for such service.
 - 5. The county clerk shall mail a copy of the certificate of delinquency by regular mail to the third-party purchaser of record at the address on the certificate of delinquency.
 - 6. If any county clerk fails to pay to the person entitled thereto, upon written demand clearly identified as a demand for payment, the money received in payment of a certificate of delinquency, the county clerk and the county clerk's sureties shall be liable for the amount of the payment and twenty percent (20%) interest thereon annually from the fifteenth day after the time the county clerk received the written demand until paid.
- (4) Copies of the records provided for in this section and KRS 134.126, when certified by the county clerk, shall be evidence of the facts stated in them in all the courts of this state.

Signed by Governor April 8, 2022.

CHAPTER 149

(HB 474)

AN ACT relating to insurance data security.

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

➔SECTION 1. A NEW SECTION OF SUBTITLE 3 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

As used in Sections 1 to 10 of this Act:

- (1) *"Consumer" means an individual, including but not limited to an applicant, policyholder, insured, beneficiary, claimant, and certificate holder:*
 - (a) *Who is a resident of this Commonwealth; and*
 - (b) *Whose nonpublic information is in a licensee's possession, custody, or control;*
- (2) *"Cybersecurity event":*
 - (a) *Means an event resulting in unauthorized access to, disruption of, or misuse of an information system or nonpublic information stored on an information system; and*
 - (b) *Shall not include:*
 1. *Unauthorized acquisition of encrypted nonpublic information if the encryption, process, or key is not also acquired, released, or used without authorization; or*
 2. *An event with regard to which the licensee has determined that the nonpublic information accessed by an unauthorized person:*
 - a. *Has not been used or released; and*
 - b. *Has been returned or destroyed;*
- (3) *"Encrypted" means the transformation of data into a form that results in a low probability of assigning meaning without the use of a protective process or key;*
- (4) *"Information security program" means the administrative, technical, and physical safeguards that a licensee uses to access, collect, distribute, process, protect, store, use, transmit, dispose of, or otherwise handle nonpublic information;*
- (5) *"Information system":*
 - (a) *Means a discrete set of electronic nonpublic information resources organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of electronic information; and*
 - (b) *Shall include any specialized system such as industrial or process controls systems, telephone switching and private branch exchange systems, and environmental control systems;*
- (6) *"Licensee":*
 - (a) *Means any person who is, or is required to be, licensed, authorized to operate, or registered pursuant to the insurance laws of this state; and*
 - (b) *Shall not include:*
 1. *A purchasing group or a risk retention group chartered and licensed in a state other than this state; or*
 2. *A licensee that is acting as an assuming insurer that is domiciled in another state or jurisdiction;*
- (7) *"Nonpublic information":*

- (a) *Means electronic information that is not publicly available information; and*
- (b) *Shall include:*
 - 1. *Business-related information of a licensee that if tampered with, or disclosed, accessed, or used without authorization, would cause a material adverse impact to the business, operations, or security of the licensee;*
 - 2. *Any confidential personal identifying information of a consumer, including:*
 - a. *Social Security number;*
 - b. *Operator's license number or personal identification card number;*
 - c. *Financial account number;*
 - d. *Credit or debit card number;*
 - e. *Any security code, access code, or password that would permit access to a consumer's financial account; or*
 - f. *Biometric records; and*
 - 3. *Any information or data, except age or gender, in any form or medium created by or derived from a health care provider or a consumer that relates to:*
 - a. *The past, present, or future physical, mental, or behavioral health or condition of any consumer or member of the consumer's family;*
 - b. *The provision of health care to any consumer; or*
 - c. *Payment for the provision of health care to any consumer;*
- (8) *"Person" means any individual or nongovernmental entity, including but not limited to any nongovernmental partnership, corporation, branch, agency, or association;*
- (9) (a) *"Publicly available information" means any information that a licensee has a reasonable basis to believe is lawfully made available to the general public from:*
 - 1. *Federal, state, or local government records;*
 - 2. *Widely distributed media; or*
 - 3. *Disclosures to the general public that are required to be made by federal, state, or local law.*
- (b) *For purposes of this definition, a licensee has a reasonable basis to believe that information is lawfully made available to the general public if the licensee has taken steps to determine:*
 - 1. *That the information is of the type that is available to the general public; and*
 - 2. *Whether the consumer can direct that information not be made available to the general public, and if so, that the consumer has not done so; and*
- (10) *"Third-party service provider" means a person, other than a licensee, that:*
 - (a) *Contracts with a licensee to maintain, process, or store nonpublic information; or*
 - (b) *Is otherwise permitted access to nonpublic information through its provision of services to a licensee.*

➔SECTION 2. A NEW SECTION OF SUBTITLE 3 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

A licensee with fewer than fifty (50) employees, including independent contractors, shall be exempt from the requirements of Sections 1 to 10 of this Act.

➔SECTION 3. A NEW SECTION OF SUBTITLE 3 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

Notwithstanding any other law, Sections 1 to 10 of this Act establish the exclusive requirements applicable to licensees, except licensees exempt under Section 2 of this Act, under the laws of the Commonwealth of Kentucky for:

- (1) *Data security;*

- (2) *The investigation of a cybersecurity event; and*
- (3) *Notification to the commissioner regarding the occurrence of a cybersecurity event.*

➔SECTION 4. A NEW SECTION OF SUBTITLE 3 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

(1) *As used in this section:*

(a) *"Authorized individual" means an individual:*

- 1. *Known to, and screened by, the licensee; and*
- 2. *Determined to be necessary and appropriate to have access to the nonpublic information held by the licensee and its information systems;*

(b) *"Multi-factor authentication" means authentication through verification of at least two (2) of the following methods of authentication factors:*

- 1. *Knowledge factors, such as a password;*
- 2. *Possession factors, such as a token or text message on a mobile phone; or*
- 3. *Inherence factors, such as a biometric characteristic; and*

(c) *"Risk assessment" means the risk assessment that each licensee is required to conduct under subsection (3) of this section.*

(2) (a) *Each licensee shall develop, implement, and maintain a comprehensive written information security program based on the licensee's risk assessment that contains administrative, technical, and physical safeguards for the protection of nonpublic information and the licensee's information system.*

(b) *The information security program required under this subsection shall be:*

1. *Commensurate with the:*

- a. *Size and complexity of the licensee;*
- b. *Nature and scope of the licensee's activities, including its use of third-party service providers; and*
- c. *Sensitivity of the nonpublic information used by the licensee or in the licensee's possession, custody, or control; and*

2. *Designed to:*

- a. *Protect the security and confidentiality of nonpublic information and the security of the information system;*
- b. *Protect against any threats or hazards to the security or integrity of nonpublic information and the information system;*
- c. *Protect against unauthorized access to or use of nonpublic information and minimize the likelihood of harm to any consumer; and*
- d. *Define, and periodically reevaluate:*
 - i. *A schedule for retention of nonpublic information; and*
 - ii. *A mechanism for the destruction of nonpublic information when no longer needed, which shall comply with KRS 365.725.*

(3) *Each licensee shall:*

- (a) *Designate one (1) or more employees, an affiliate, or an outside vendor designated to act on behalf of the licensee who is responsible for the information security program;*
- (b) *Identify reasonably foreseeable internal or external threats that could result in unauthorized access, transmission, disclosure, misuse, alteration, or destruction of nonpublic information, including the security of information systems and nonpublic information that are accessible to, or held by, third-party service providers;*

- (c) *Assess the likelihood and potential damage of the threats identified under paragraph (b) of this subsection, taking into consideration the sensitivity of the nonpublic information;*
 - (d) *Assess the sufficiency of policies, procedures, information systems, and other safeguards in place to manage the threats identified under paragraph (b) of this subsection, including consideration of threats in each relevant area of the licensee's operations, including:*
 - 1. *Employee training and management;*
 - 2. *Information systems, including network and software design, information classification, governance, processing, storage, transmission, and disposal; and*
 - 3. *Detection, prevention, and response to attacks, intrusions, or other system failures;*
 - (e) *Implement information safeguards to manage the threats identified in the licensee's ongoing assessment; and*
 - (f) *No less than annually, assess the effectiveness of the key controls, systems, and procedures of the safeguards implemented under paragraph (e) of this subsection.*
- (4) *Based on its risk assessment, each licensee shall:*
- (a) *Design its information security program to mitigate the identified risks commensurate with the:*
 - 1. *Size and complexity of the licensee; and*
 - 2. *Nature and scope of the licensee's activities, including its use of third-party service providers;*
 - (b) *Implement the following security measures, as appropriate:*
 - 1. *Place access controls on information systems, including controls to authenticate and permit access only to authorized individuals to protect against the unauthorized acquisition of nonpublic information;*
 - 2. *Identify and manage the data, personnel, devices, systems, and facilities that enable the organization to achieve business purposes in accordance with their relative importance to business objectives and the organization's risk strategy;*
 - 3. *Restrict physical access to nonpublic information to authorized individuals only;*
 - 4. *Protect, by encryption or other appropriate means, all nonpublic information:*
 - a. *While being transmitted over an external network; and*
 - b. *Stored on a laptop computer or other portable computing or storage device or media;*
 - 5. *Adopt:*
 - a. *Secure development practices for in-house developed applications utilized by the licensee; and*
 - b. *Procedures for evaluating, assessing, or testing the security of externally developed applications utilized by the licensee;*
 - 6. *Modify the information system in accordance with the licensee's information security program;*
 - 7. *Utilize effective controls, which may include multi-factor authentication procedures for any individual accessing nonpublic information;*
 - 8. *Regularly test and monitor systems and procedures to detect actual and attempted attacks on, or intrusions into, information systems;*
 - 9. *Include audit trails within the information security program designed to:*
 - a. *Detect and respond to cybersecurity events; and*
 - b. *Reconstruct material financial transactions sufficient to support normal operations and obligations of the licensee;*

10. *Implement measures to protect against destruction, loss, or damage of nonpublic information due to environmental hazards, such as fire and water damage, or other catastrophes or technological failures; and*
 11. *Develop, implement, and maintain procedures for the secure disposal of nonpublic information in any format;*
- (c) *Include cybersecurity risks in the licensee's enterprise risk management process;*
 - (d) *Stay informed regarding emerging threats or vulnerabilities;*
 - (e) *Utilize reasonable security measures when sharing information commensurate with the character of the sharing and the type of information shared; and*
 - (f) *Provide its personnel with cybersecurity awareness training that is updated as necessary to reflect risks identified by the licensee in its risk assessment.*
- (5) (a) *A licensee's executive management or its delegates shall, at a minimum:*
1. *Develop, implement, and maintain the licensee's information security program; and*
 2. *If the licensee has a board of directors or other appropriate committee, report at least annually, in writing, to the board or committee the following information:*
 - a. *The overall status of the information security program and the licensee's compliance with Sections 1 to 10 of this Act; and*
 - b. *Material matters related to the information security program, addressing issues including risk assessment, risk management and control decisions, third-party service provider arrangements, results of testing, cybersecurity events or violations and management's response to the events or violations, and recommendations for changes in the information security program.*
- (b) *If a licensee's executive management delegates any of its responsibilities under this subsection, executive management shall:*
1. *Oversee the development, implementation, and maintenance of the licensee's information security program prepared by the delegate or delegates; and*
 2. *Receive a report from the delegate or delegates that complies with the requirements of paragraph (a)2. of this subsection.*
- (6) *Each licensee that uses a third-party service provider shall:*
- (a) *Exercise due diligence in selecting the third-party service provider; and*
 - (b) *Require the third-party service provider to implement appropriate administrative, technical, and physical measures to protect and secure the information systems and nonpublic information that are accessible to, or held by, the third-party service provider.*
- (7) *Each licensee shall monitor, evaluate, and adjust, as appropriate, the information security program consistent with:*
- (a) *Any relevant changes in technology;*
 - (b) *The sensitivity of its nonpublic information;*
 - (c) *Internal or external threats to information; and*
 - (d) *The licensee's own changing business arrangements, including mergers and acquisitions, alliances and joint ventures, outsourcing arrangements, and changes to information systems.*
- (8) (a) *As part of its information security program, each licensee shall establish a written incident response plan designed to promptly respond to, and recover from, any cybersecurity event that compromises:*
1. *The confidentiality, integrity, or availability of nonpublic information in its possession;*
 2. *The licensee's information systems; or*
 3. *The continuing functionality of any aspect of the licensee's business or operations.*
- (b) *The incident response plan established under this subsection shall address the following:*

1. *The internal process for responding to a cybersecurity event;*
 2. *The goals of the incident response plan;*
 3. *The definition of clear roles, responsibilities, and levels of decision-making authority;*
 4. *External and internal communications and information sharing;*
 5. *Identification of requirements for the remediation of any identified weaknesses in information systems and associated controls;*
 6. *Documentation and reporting regarding cybersecurity events and related incident response activities; and*
 7. *The evaluation and revision, as necessary, of the incident response plan following a cybersecurity event.*
- (9) (a) *Each insurer domiciled in this state shall:*
1. *By February 15 of each year, submit to the commissioner a written statement certifying that the insurer is in compliance with this section; and*
 2. *Maintain, for examination by the department, all records, schedules, and data supporting the certification submitted under subparagraph 1. of this paragraph for a period of five (5) years.*
- (b) 1. *To the extent an insurer has identified areas, systems, or processes that require material improvement, updating, or redesign, the insurer shall document the identification and remedial efforts planned and underway to address the areas, systems, or processes identified.*
2. *The documentation required under this paragraph shall be available for inspection by the commissioner for a period of five (5) years.*
- (10) (a) *An employee, agent, representative, or designee of a licensee, who is also a licensee, shall be exempt from the requirements of this section and shall not be required to develop its own information security program to the extent that the employee, agent, representative, or designee is covered by the information security program of the other licensee.*
- (b) *In the event that a licensee ceases to qualify for an exception under paragraph (a) of this subsection, the licensee shall have one hundred eighty (180) days to comply with this section.*

➔SECTION 5. A NEW SECTION OF SUBTITLE 3 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

- (1) (a) *If a licensee learns that a cybersecurity event has or may have occurred, the licensee, or an outside vendor or service provider designated to act on behalf of the licensee, shall conduct a prompt investigation.*
- (b) *During an investigation required under this subsection, the licensee, or outside vendor or service provider designated to act on behalf of the licensee, shall, at a minimum:*
1. *Determine whether a cybersecurity event has occurred;*
 2. *Assess the nature and scope of the cybersecurity event;*
 3. *Identify any nonpublic information that may have been involved in the cybersecurity event; and*
 4. *Perform or oversee reasonable measures to restore the security of the information systems compromised in the cybersecurity event in order to prevent further unauthorized acquisition, release, or use of nonpublic information in the licensee's possession, custody, or control.*
- (2) *If a licensee learns that a cybersecurity event has or may have occurred in a system maintained by a third-party service provider, the licensee shall complete, or confirm and document that the third-party service provider has completed, the steps listed in subsection (1)(b) of this section.*
- (3) *Each licensee shall maintain, and produce upon demand of the commissioner, records concerning all cybersecurity events for a period of at least five (5) years from the date of the cybersecurity event.*

➔SECTION 6. A NEW SECTION OF SUBTITLE 3 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

- (1) *Each licensee shall notify the commissioner of a cybersecurity event involving nonpublic information that is in the possession of the licensee as promptly as possible, but in no event later than three (3) business days from a determination that a cybersecurity event has occurred, if:*
- (a) *In the case of an insurer, this state is the licensee's state of domicile and the cybersecurity event has a reasonable likelihood of harming any material part of normal operations of the licensee;*
 - (b) *In the case of an insurance producer, this state is the licensee's home state, as those terms are defined in KRS 304.9-020; or*
 - (c) *The licensee reasonably believes that:*
 - 1. *The nonpublic information involved in the cybersecurity event is related to two hundred fifty (250) or more consumers residing in this state; and*
 - 2. *The cybersecurity event is either of the following:*
 - a. *A cybersecurity event requiring the licensee to provide notice to any governmental body, self-regulatory agency, or any other supervisory body pursuant to any state or federal law; or*
 - b. *A cybersecurity event that has a reasonable likelihood of materially harming any:*
 - i. *Consumer residing in this state; or*
 - ii. *Material part of the normal operations of the licensee.*
- (2) (a) *In its notification to the commissioner under subsection (1) of this section, the licensee shall provide, in an electronic form prescribed by the commissioner, the following information:*
- 1. *The date of the cybersecurity event;*
 - 2. *A description of how the information was exposed, lost, stolen, or breached, including the specific roles and responsibilities of third-party service providers, if any;*
 - 3. *How the cybersecurity event was discovered;*
 - 4. *Whether any lost, stolen, or breached information has been recovered, and if so, how the information was recovered;*
 - 5. *The identity of the source of the cybersecurity event;*
 - 6. *Whether the licensee has filed a police report or has notified any regulatory, government, or law enforcement agencies, and if so, when the notification was provided;*
 - 7. *A description of the specific types of information acquired without authorization, including but not limited to types of medical information, financial information, or information allowing identification of the consumer;*
 - 8. *The period during which the information system was compromised by the cybersecurity event;*
 - 9. *The licensee's best estimate of the number of total consumers in this state affected by the cybersecurity event, which shall be updated with each subsequent report to the commissioner pursuant to this section;*
 - 10. *The results of any internal review:*
 - a. *Identifying a lapse in automated controls or internal procedures; or*
 - b. *Confirming that all automated controls or internal procedures were followed;*
 - 11. *A description of the efforts being undertaken to remediate the situation that permitted the cybersecurity event to occur;*
 - 12. *A copy of the licensee's privacy policy and a statement outlining the steps the licensee will take to investigate and notify consumers affected by the cybersecurity event;*
 - 13. *A copy of the notice sent to consumers under KRS 365.732, if applicable; and*
 - 14. *The name of a contact person who is familiar with the cybersecurity event and authorized to act for the licensee.*

- (b) *The licensee shall have a continuing obligation under subsection (1) of this section to update and supplement initial and subsequent notifications to the commissioner concerning the cybersecurity event.*
- (3) *Each licensee shall comply with KRS 365.732, as applicable.*
- (4) *In the case of a cybersecurity event in a system maintained by a third-party service provider of which the licensee has become aware:*
- (a) *Except as provided under subsection (5) of this section, the licensee shall treat the cybersecurity event as it would under subsection (1) of this section; and*
- (b) *The computation of the licensee's deadlines under this subsection shall begin on the earlier of the day after:*
1. *The third-party service provider notifies the licensee of the cybersecurity event; or*
 2. *The licensee otherwise has actual knowledge of the cybersecurity event.*
- (5) *Nothing in Sections 1 to 10 of this Act shall prevent or abrogate an agreement between a licensee and another licensee, a third-party service provider, or any other party to fulfill the obligations of or obligations similar to:*
- (a) *Investigation requirements under Section 5 of this Act; or*
- (b) *Notice requirements under this section.*
- (6) (a) *In the case of a cybersecurity event involving nonpublic information that is used by a licensee acting as an assuming insurer, or that is in the possession, custody, or control of a licensee that is acting as an assuming insurer, and the assuming insurer does not have a direct contractual relationship with the affected consumers, the assuming insurer shall notify its affected ceding insurers and the commissioner of its state of domicile within three (3) business days of making the determination that a cybersecurity event has occurred.*
- (b) *In the case of a cybersecurity event involving nonpublic information that is in the possession, custody, or control of a third-party service provider of a licensee that is an assuming insurer, the assuming insurer shall notify its affected ceding insurers and the commissioner of its state of domicile within three (3) business days of receiving notice from its third-party service provider that a cybersecurity event has occurred.*
- (c) *A ceding insurer under paragraphs (a) or (b) of this subsection that has a direct contractual relationship with affected consumers shall fulfill:*
1. *The consumer notification requirements imposed under KRS 365.732; and*
 2. *Any other notification requirements relating to a cybersecurity event under this section.*
- (d) *Except as provided in paragraphs (a) or (b) of this subsection, a licensee acting as an assuming insurer shall not be subject to any notice obligations relating to a cybersecurity event or other data breach under this section.*
- (7) (a) *Except as provided in paragraph (b) of this subsection, in the case of a cybersecurity event involving nonpublic information that is in the possession, custody, or control of a licensee that is an insurer, or its third-party service provider, and for which a consumer accessed the insurer's services through an independent insurance producer, the insurer shall notify the producers of record at the same time as all affected consumers when a licensee is required to notify consumers under KRS 365.732.*
- (b) *An insurer shall not be required to comply with paragraph (a) of this subsection when the insurer does not have the current producer of record information for any individual consumer.*

➔SECTION 7. A NEW SECTION OF SUBTITLE 3 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

- (1) (a) *The commissioner shall have the power to examine and investigate the affairs of any licensee to determine whether the licensee has been or is engaged in any conduct in violation of Section 4, 5, or 6 of this Act.*
- (b) *The power granted to the commissioner under this subsection shall be in addition to the powers of the commissioner under KRS 304.2-100.*

- (c) *Any investigation or examination conducted under this subsection shall be conducted pursuant to KRS 304.2-210.*
- (2) *If the commissioner has reason to believe that a licensee has been or is engaged in conduct in this state that violates Section 4, 5, or 6 of this Act, the commissioner may take action that is necessary or appropriate to enforce the relevant provisions.*

➔SECTION 8. A NEW SECTION OF SUBTITLE 3 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

- (1) (a) *Subject to paragraph (b) of this subsection and subsections (3) and (6) of this section, any documents, materials, or other information in the control or possession of the department that are furnished by a licensee, or an employee or agent acting on behalf of a licensee, under Section 4, 5, or 6 of this Act or that are obtained by the commissioner in an investigation or examination under Section 7 of this Act shall:*
1. *Be confidential by law and privileged;*
 2. *Not be subject to KRS 61.870 to 61.884;*
 3. *Not be subject to subpoena; and*
 4. *Not be subject to discovery or admissible in evidence in any private civil action.*
- (b) *The commissioner may use documents, materials, or other information referenced under paragraph (a) of this subsection in furtherance of any regulatory or legal action brought as part of the commissioner's duties, and shall not otherwise make the documents, materials, or other information public without the written consent of the licensee.*
- (2) *The commissioner, and any person who received documents, materials, or other information while acting under the authority of the commissioner, shall not be permitted, or required, to testify in any private civil action concerning any confidential documents, materials, or other information subject to subsection (1)(a) of this section.*
- (3) *In order to assist in the performance of the commissioner's duties under Sections 1 to 10 of this Act, the commissioner:*
- (a) *May share documents, materials, and other information, including confidential and privileged documents, materials, or other information subject to subsection (1) of this section, with the following if the recipient agrees, in writing, to maintain the confidentiality and privileged status of the documents, materials, or other information:*
 1. *State, federal, and international regulatory agencies;*
 2. *The National Association of Insurance Commissioners, its affiliates, or subsidiaries; and*
 3. *State, federal, and international law enforcement authorities;*
 - (b) *May receive documents, materials, and other information, including confidential and privileged documents, materials, or information, from:*
 1. *The National Association of Insurance Commissioners, its affiliates, or subsidiaries; and*
 2. *Regulatory and law enforcement officials of other foreign and domestic jurisdictions;*
 - (c) *Shall maintain as confidential and privileged any document, material, or information received with notice or understanding that it is confidential and privileged under the laws of the jurisdiction that is the source of the documents, materials, or other information;*
 - (d) *May share documents, materials, and other information subject to subsection (1) this section with a third-party consultant or vendor, if the consultant or vendor agrees, in writing, to maintain the confidentiality and privileged status of the documents, materials, or other information; and*
 - (e) *May enter into agreements governing the sharing and use of information consistent with this section.*
- (4) *No waiver of any applicable privilege or claim of confidentiality shall occur as a result of:*
- (a) *A disclosure to the commissioner of documents, materials, or other information under this section;*
or

- (b) *The sharing of the documents, materials, or other information as authorized under subsection (3) of this section.*
- (5) *Documents, materials, and other information in the possession or control of the National Association of Insurance Commissioners or a third-party consultant or vendor pursuant to Sections 1 to 10 of this Act shall:*
- (a) *Be confidential by law and privileged;*
- (b) *Not be subject to KRS 61.870 to 61.884;*
- (c) *Not be subject to subpoena; and*
- (d) *Not be subject to discovery or admissible in evidence in any private civil action.*
- (6) *Nothing in Sections 1 to 10 of this Act shall prohibit the commissioner from releasing final, adjudicated actions that are open to public inspection under KRS 304.2-150 to a database or other clearinghouse service maintained by the National Association of Insurance Commissioners, its affiliates, or subsidiaries.*

➔SECTION 9. A NEW SECTION OF SUBTITLE 3 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

- (1) *A licensee shall be deemed in compliance with Sections 1 to 10 of this Act if the licensee:*
- (a) *1. Is subject to, governed by, and compliant with the privacy, security, and breach notifications rules issued by the United States Department of Health and Human Services, 45 C.F.R. Parts 160 and 164, as amended, established pursuant to the Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, as amended, and the Health Information Technology for Economic and Clinical Health Act, Pub. L. No. 111-5, as amended;*
- 2. Maintains nonpublic information in the same manner as protected health information; and*
- 3. Submits to the commissioner:*
- a. An annual written statement certifying its compliance with the applicable provisions referenced under subparagraph 1. of this paragraph; and*
- b. A copy of any individual breach notification required under 45 C.F.R. sec. 164.404, as amended, at the same time as all affected individuals; or*
- (b) *1. Is a financial institution, as defined in KRS 304.9-135, that is subject to, governed by, and compliant with the privacy, security, and breach notification standards issued under Section 501 of the Gramm-Leach-Bliley Act of 1999, 15 U.S.C. sec. 6801, as amended; and*
- 2. Submits to the commissioner:*
- a. An annual written statement certifying its compliance with the applicable provisions referenced under subparagraph 1. of this paragraph; and*
- b. A copy of any breach notification at the same time and in the same manner as notifications provided to the financial institution's federal regulatory authorities.*
- (2) *Nothing in subsection (1)(a) of this section shall be construed to restrict the commissioner's authority to examine and investigate the affairs of any licensee under Section 7 of this Act to verify the licensee's annual certification under this section.*

➔SECTION 10. A NEW SECTION OF SUBTITLE 3 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

Penalties for violations of Sections 1 to 10 of this Act shall be in accordance with KRS 304.99-020.

➔Section 11. Pursuant to KRS 304.2-110, the commissioner may promulgate administrative regulations necessary for or as an aid to the effectuation of this Act.

➔Section 12. If any provision of this Act or application thereof to any person or circumstance is for any reason held to be invalid, the invalidity shall not affect the remainder of the Act or the application of the provision to other persons or circumstances, and to this end the provisions of this Act are severable.

➔Section 13. (a) Licensees shall have one year from the effective date of this Act to implement subsections (1) to (3) and subsections (5) to (7) of Section 4 of this Act.

(b) Licensees shall have two years from the effective date of this Act to implement subsection (4) of Section 4 of this Act.

➔Section 14. This Act takes effect January 1, 2023.

Signed by Governor April 8, 2022.

CHAPTER 150

(SB 42)

AN ACT relating to procurement.

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

➔Section 1. KRS 45A.380 is amended to read as follows:

A local public agency may contract or purchase through noncompetitive negotiation only when a written determination is made that competition is not feasible and it is further determined in writing by a designee of the local public agency that:

- (1) An emergency exists which will cause public harm as a result of the delay in competitive procedures;
- (2) There is a single source within a reasonable geographical area of the product or service to be procured;
- (3) The contract is for the services of a licensed professional, such as attorney, physician, psychiatrist, psychologist, certified public accountant, registered nurse, or educational specialist; a technician such as a plumber, electrician, carpenter, or mechanic; or an artist such as a sculptor, aesthetic painter, or musician, provided, however, that this provision shall not apply to architects or engineers providing construction management services rather than professional architect or engineer services;
- (4) The contract is for the purchase of perishable *foods, such as meat, fish, poultry, egg products, fresh vegetables, and fresh fruits*~~[items purchased on a weekly or more frequent basis, such as fresh fruits, vegetables, fish or meat]~~;
- (5) The contract is for replacement parts where the need cannot be reasonably anticipated and stockpiling is not feasible;
- (6) The contract is for proprietary items for resale;
- (7) In school districts the contract relates to an enterprise in which the buying or selling by students is a part of the educational experience;
- (8) The contract or purchase is for expenditures made on authorized trips outside of the boundaries of the local public agency;
- (9) The contract is for the purchase of supplies which are sold at public auction or by receiving sealed bids;
- (10) The contract is for group life insurance, group health and accident insurance, group professional liability insurance, worker's compensation insurance, and unemployment insurance;
- (11) The contract is for a sale of supplies at reduced prices that will afford a purchase at savings to the local public agency; or
- (12) The contract is with a private real estate developer and contains a requirement:
 - (a) That the developer increase the size or otherwise improve the collection capacity of the sanitary sewer or storm water pipe serving the affected private real estate development; and
 - (b) That the local public agency pay only the proportional cost of increasing the size, or otherwise improving the collection capacity, of the sanitary sewer or storm water pipe over the original collection capacity.

➔Section 2. KRS 424.260 is amended to read as follows:

- (1) Except where a statute specifically fixes a larger sum as the minimum for a requirement of advertisement for bids, no city, county, or district, or board or commission of a city or county, or sheriff or county clerk, may make a contract, lease, or other agreement for:
- (a) Materials;~~;~~
 - (b) Supplies, except perishable *foods such as* meat, *poultry*, fish, *egg products, fresh vegetables, and fresh fruits*;~~;~~ ~~and vegetables.~~
 - (c) Equipment;~~;~~ or~~;~~ ~~for~~
 - (d) Contractual services other than professional;~~;~~
- involving an expenditure of more than thirty thousand dollars (\$30,000) without first making newspaper advertisement for bids. This subsection shall not apply to the transfer of property between governmental agencies as authorized in KRS 82.083(4)(a).
- (2) If the fiscal court requires that the sheriff or county clerk advertise for bids on expenditures of less than thirty thousand dollars (\$30,000), the fiscal court requirement shall prevail.
- (3) (a) Nothing in this statute shall limit or restrict the ability of a local school district to acquire supplies and equipment outside of the bidding procedure if those supplies and equipment meet the specifications of the contracts awarded by the Office of Material and Procurement Services in the Office of the Controller within the Finance and Administration Cabinet or a federal, local, or cooperative agency and are available for purchase elsewhere at a lower price. A board of education may purchase those supplies and equipment without advertising for bids if, prior to making the purchases, the board of education obtains certification from the district's finance or purchasing officer that the items to be purchased meet the standards and specifications fixed by state price contract, federal (GSA) price contract, or the bid of another school district whose bid specifications allow other districts to utilize their bids, and that the sales price is lower than that established by the various price contract agreements or available through the bid of another school district whose bid specifications would allow the district to utilize their bid.
- (b) The procedures set forth in paragraph (a) of this subsection shall not be available to the district for any specific item once the bidding procedure has been initiated by an invitation to bid and a publication of specifications for that specific item has been published. In the event that all bids are rejected, the district may again avail itself of the provisions of paragraph (a) of this subsection.
- (4) This requirement shall not apply in an emergency if the chief executive officer of the city, county, or district has duly certified that an emergency exists, and has filed a copy of the certificate with the chief financial officer of the city, county, or district, or if the sheriff or the county clerk has certified that an emergency exists, and has filed a copy of the certificate with the clerk of the court where his necessary office expenses are fixed pursuant to KRS 64.345 or 64.530, or if the superintendent of the board of education has duly certified that an emergency exists, and has filed a copy of the certificate with the chief state school officer.
- (5) The provisions of subsection (1) of this section shall not apply for the purchase of wholesale electric power for resale to the ultimate customers of a municipal utility organized under KRS 96.550 to 96.900.

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 45A IS CREATED TO READ AS FOLLOWS:

No contract shall be awarded, extended, or renewed to a bidder or contractor under this chapter if the bidder or contractor procured an original, subsequent, or similar contract while employing an executive agency lobbyist who was convicted of a crime related to the original, subsequent, or similar contract within five (5) years of the conviction of the lobbyist.

➔Section 4. KRS 45A.340 is amended to read as follows:

- (1) No officer or employee of the General Assembly, or officer or employee of an agency as defined in KRS 45A.335, shall knowingly receive or agree to receive, directly or indirectly, compensation for any services to be rendered, either by himself or another, in negotiations with the state or an agency for the purchase by the state or an agency of an interest in real property. This section shall not apply to appearances before any court, except that negotiations shall be prohibited as aforesaid at any time.
- (2) No officer or employee of an agency or member of a state board or commission, may be in any manner interested, either directly or indirectly, in his own name or in the name of any other person, association, trust, or corporation, in any contract for the performance of any work in the making or letting or administration of which such officer or employee may be called upon to act or vote. No such officer or employee may represent,

either as agent or otherwise, any person, association, trust, or corporation, with respect to any application or bid for any contract or work in regard to which such officer or employee may be called upon to act or vote. Nor may any such officer or employee take, solicit, or receive, either directly or indirectly, any money or other thing of value as a gift or bribe or means of influencing his vote or action in his official character. Any contract made and procured in violation hereof is void. For the purposes of this section the holding of less than five percent (5%) of the stock of a corporation is not considered an interest.

- (3) No officer or employee of the General Assembly or officer or employee of any agency shall, for compensation, appear before an agency as an expert witness.
- (4) No officer or employee of the General Assembly, or officer or employee of any agency, shall act as officer or agent for the Commonwealth or any agency in the transaction of any business with himself, or with any corporation, company, association, or firm in which he or his spouse has any interest greater than five percent (5%) of the total value thereof.
- (5) No officer or employee of an agency or appointee shall knowingly himself or by his partners or through any corporation which he controls or in which he owns or controls more than ten percent (10%) of the stock, or by any other person for his use or benefit or on his account, undertake, execute, hold, or enjoy, in whole or in part, any contract, agreement, sale, or purchase of the value of twenty-five dollars (\$25) or more, made, entered into, awarded or granted by any agency, unless said contract, agreement, sale or purchase:
 - (a) Was made or let after public notice and competitive bidding; or
 - (b) Results from the sale of a craft item to a state park if the employee is an interim state park employee designated as a craftsman under KRS 148.257.
- (6) No officer, employee, or appointee of an agency, including persons who serve without salary or other payment for their services, shall knowingly receive or agree to receive, directly or indirectly, compensation for any services rendered or to be rendered, either by himself or another, in any cause, proceeding, application, or other matter which is before said agency or before the department of state government in which said agency functions.
- (7) No member of a board of trustees or regents shall have an interest in any contract with a state university unless such contract shall have been subjected to competitive bidding in compliance with KRS Chapter 45A, unless such trustee or regent shall have been the lowest bidder and unless such trustee or regent shall have first notified in writing the remaining members of the board, and to the newspaper having the largest circulation in the county in which the state university is located, of his intention to bid on such contract.
- (8) *No officer, employee, or appointee of an agency, including persons who serve without salary or other payment for their services, may participate in the procurement of a contract under this chapter that relates to his or her prior employment until at least one (1) year has passed since his or her termination with that employer.*

➔Section 5. Section 3 of this Act shall be applied retroactively to all contracts entered into since January 1, 2017. No contract existing as of the effective date of this Act shall be voided under Section 3 of this Act.

Signed by Governor April 8, 2022.

CHAPTER 151

(SB 179)

AN ACT relating to criminal offenses committed during a declared emergency.

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

➔Section 1. KRS 500.080 is amended to read as follows:

As used in the Kentucky Penal Code, unless the context otherwise requires:

- (1) "Actor" means any natural person and, where relevant, a corporation or an unincorporated association;
- (2) "Crime" means a misdemeanor or a felony;

- (3) "Dangerous instrument" means any instrument, including parts of the human body when a serious physical injury is a direct result of the use of that part of the human body, article, or substance which, under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or serious physical injury;
- (4) "Deadly weapon" means any of the following:
- (a) A weapon of mass destruction;
 - (b) Any weapon from which a shot, readily capable of producing death or other serious physical injury, may be discharged;
 - (c) Any knife other than an ordinary pocket knife or hunting knife;
 - (d) Billy, nightstick, or club;
 - (e) Blackjack or slapjack;
 - (f) Nunchaku karate sticks;
 - (g) Shuriken or death star; or
 - (h) Artificial knuckles made from metal, plastic, or other similar hard material;
- (5) "Felony" means an offense for which a sentence to a term of imprisonment of at least one (1) year in the custody of the Department of Corrections may be imposed;
- (6) "Government" means the United States, any state, county, municipality, or other political unit, or any department, agency, or subdivision of any of the foregoing, or any corporation or other association carrying out the functions of government;
- (7) "He" means any natural person and, where relevant, a corporation or an unincorporated association;
- (8) ***"Impacted by the disaster" means the location or in reasonable proximity to the location where a natural or man-made disaster has caused physical injury, serious physical injury, death, or substantial damage to property or infrastructure;***
- (9) "Law" includes statutes, ordinances, and properly adopted regulatory provisions. Unless the context otherwise clearly requires, "law" also includes the common law;
- ~~(10)(9)~~ "Minor" means any person who has not reached the age of majority as defined in KRS 2.015;
- ~~(11)(10)~~ "Misdemeanor" means an offense, other than a traffic infraction, for which a sentence to a term of imprisonment of not more than twelve (12) months can be imposed;
- (12) *"Natural or man-made disaster" means a tornado, storm, or other severe weather, earthquake, flood, or fire that poses a significant threat to human health and safety, property, or critical infrastructure;***
- ~~(13)(11)~~ "Offense" means conduct for which a sentence to a term of imprisonment or to a fine is provided by any law of this state or by any law, local law, or ordinance of a political subdivision of this state or by any law, order, rule, or regulation of any governmental instrumentality authorized by law to adopt the same;
- ~~(14)(12)~~ "Person" means a human being, and where appropriate, a public or private corporation, an unincorporated association, a partnership, a government, or a governmental authority;
- ~~(15)(13)~~ "Physical injury" means substantial physical pain or any impairment of physical condition;
- ~~(16)(14)~~ "Possession" means to have actual physical possession or otherwise to exercise actual dominion or control over a tangible object;
- ~~(17)(15)~~ "Serious physical injury" means physical injury which creates a substantial risk of death, or which causes serious and prolonged disfigurement, prolonged impairment of health, or prolonged loss or impairment of the function of any bodily organ. For a child twelve (12) years of age or less at the time of the injury, a serious physical injury includes but is not limited to the following:
- (a) Bruising near the eyes, or on the head, neck, or lower back overlying the kidneys;
 - (b) Any bruising severe enough to cause underlying muscle damage as determined by elevated creatine kinase levels in the blood;
 - (c) Any bruising or soft tissue injury to the genitals that affects the ability to urinate or defecate;

- (d) Any testicular injury sufficient to put fertility at risk;
 - (e) Any burn near the eyes or involving the mouth, airway, or esophagus;
 - (f) Any burn deep enough to leave scarring or dysfunction of the body;
 - (g) Any burn requiring hospitalization, debridement in the operating room, IV fluids, intubation, or admission to a hospital's intensive care unit;
 - (h) Rib fracture;
 - (i) Scapula or sternum fractures;
 - (j) Any broken bone that requires surgery;
 - (k) Head injuries that result in intracranial bleeding, skull fracture, or brain injury;
 - (l) A concussion that results in the child becoming limp, unresponsive, or results in seizure activity;
 - (m) Abdominal injuries that indicate internal organ damage regardless of whether surgery is required;
 - (n) Any injury requiring surgery;
 - (o) Any injury that requires a blood transfusion; and
 - (p) Any injury requiring admission to a hospital's critical care unit;
- (18)~~(16)~~ "Unlawful" means contrary to law or, where the context so requires, not permitted by law. It does not mean wrongful or immoral;
- (19)~~(17)~~ "Violation" means an offense, other than a traffic infraction, for which a sentence to a fine only can be imposed; and
- (20)~~(18)~~ "Weapon of mass destruction" means:
- (a) Any destructive device as defined in KRS 237.030, but not fireworks as defined in KRS 227.700;
 - (b) Any weapon that is designed or intended to cause death or serious physical injury through the release, dissemination, or impact of toxic or poisonous chemicals or their precursors;
 - (c) Any weapon involving a disease organism; or
 - (d) Any weapon that is designed to release radiation or radioactivity at a level dangerous to human life.
- ➔Section 2. KRS 508.025 is amended to read as follows:
- (1) A person is guilty of assault in the third degree when the actor:
- (a) Recklessly, with a deadly weapon or dangerous instrument, or intentionally causes or attempts to cause physical injury to:
 1. A state, county, city, or federal peace officer;
 2. An employee of a detention facility, or state residential treatment facility or state staff secure facility for residential treatment which provides for the care, treatment, or detention of a juvenile charged with or adjudicated delinquent because of a public offense or as a youthful offender;
 3. An employee of the Department for Community Based Services employed as a social worker to provide direct client services, if the event occurs while the worker is performing job-related duties;
 4. Paid or volunteer emergency medical services personnel certified or licensed pursuant to KRS Chapter 311A, if the event occurs while personnel are performing job-related duties;
 5. A paid or volunteer member of an organized fire department, if the event occurs while the member is performing job-related duties;
 6. Paid or volunteer rescue squad personnel affiliated with the Division of Emergency Management of the Department of Military Affairs or a local disaster and emergency services organization pursuant to KRS Chapter 39F, if the event occurs while personnel are performing job-related duties;
 7. A probation and parole officer;

8. A transportation officer appointed by a county fiscal court or legislative body of a consolidated local government, urban-county government, or charter government to transport inmates when the county jail or county correctional facility is closed while the transportation officer is performing job-related duties;
 9. A public or private elementary or secondary school or school district classified or certified employee, school bus driver, or other school employee acting in the course and scope of the employee's employment; or
 10. A public or private elementary or secondary school or school district volunteer acting in the course and scope of that person's volunteer service for the school or school district;
- (b) Being a person confined in a detention facility, or a juvenile in a state residential treatment facility or state staff secure facility for residential treatment which provides for the care, treatment, or detention of a juvenile charged with or adjudicated delinquent because of a public offense or as a youthful offender, inflicts physical injury upon or throws or causes feces, or urine, or other bodily fluid to be thrown upon an employee of the facility; or
 - (c) Intentionally causes a person, whom the actor knows or reasonably should know to be a peace officer discharging official duties, to come into contact with saliva, vomit, mucus, blood, seminal fluid, urine, or feces without the consent of the peace officer.
- (2) (a) For **a violation**~~[violations]~~ of subsection (1)(a) ~~and (b)~~ of this section, assault in the third degree is a Class D felony, **unless the offense occurs during a declared emergency as defined by KRS 39A.020 arising from a natural or man-made disaster, within the area covered by the emergency declaration, and within the area impacted by the disaster, in which case it is a Class C felony.**
 - (b) **For a violation of subsection (1)(b) of this section, assault in the third degree is a Class D felony.**
 - (c) For violations of subsection (1)(c) of this section, assault in the third degree is a Class B misdemeanor, unless the assault is with saliva, vomit, mucus, blood, seminal fluid, urine, or feces from an adult who knows that he or she has a serious communicable disease and competent medical or epidemiological evidence demonstrates that the specific type of contact caused by the actor is likely to cause transmission of the disease or condition, in which case it is a Class A misdemeanor.
 - ~~(d)(e)~~ As used in paragraph ~~(c)~~~~(b)~~ of this subsection, "serious communicable disease" means a non-airborne disease that is transmitted from person to person and determined to have significant, long-term consequences on the physical health or life activities of the person infected.

➔Section 3. KRS 511.020 is amended to read as follows:

- (1) A person is guilty of burglary in the first degree when, with the intent to commit a crime, he **or she** knowingly enters or remains unlawfully in a building, and when in effecting entry or while in the building or in the immediate flight therefrom, he **or she** or another participant in the crime:
 - (a) Is armed with explosives or a deadly weapon;~~{or}~~
 - (b) Causes physical injury to any person who is not a participant in the crime; or
 - (c) Uses or threatens the use of a dangerous instrument against any person who is not a participant in the crime.
- (2) Burglary in the first degree is a Class B felony, **unless the offense occurs during a declared emergency as defined by KRS 39A.020 arising from a natural or man-made disaster, within the area covered by the emergency declaration, and within the area impacted by the disaster, in which case it is a Class A felony.**

➔Section 4. KRS 511.030 is amended to read as follows:

- (1) A person is guilty of burglary in the second degree when, with the intent to commit a crime, he **or she** knowingly enters or remains unlawfully in a dwelling.
- (2) Burglary in the second degree is a Class C felony, **unless the offense occurs during a declared emergency as defined by KRS 39A.020 arising from a natural or man-made disaster, within the area covered by the emergency declaration, and within the area impacted by the disaster, in which case it is a Class B felony.**

➔Section 5. KRS 511.040 is amended to read as follows:

- (1) A person is guilty of burglary in the third degree when, with the intent to commit a crime, he *or she* knowingly enters or remains unlawfully in a building.
- (2) Burglary in the third degree is a Class D felony, *unless the offense occurs during a declared emergency as defined by KRS 39A.020 arising from a natural or man-made disaster, within the area covered by the emergency declaration, and within the area impacted by the disaster, in which case it is a Class C felony.*

➔Section 6. KRS 511.060 is amended to read as follows:

- (1) A person is guilty of criminal trespass in the first degree when he *or she* knowingly enters or remains unlawfully in a dwelling.
- (2) Criminal trespass in the first degree is a Class A misdemeanor, *unless the offense occurs during a declared emergency as defined by KRS 39A.020 arising from a natural or man-made disaster, within the area covered by the emergency declaration, and within the area impacted by the disaster, in which case it is a Class D felony.*

➔Section 7. KRS 511.070 is amended to read as follows:

- (1) A person is guilty of criminal trespass in the second degree when he *or she* knowingly enters or remains unlawfully in a building or upon premises as to which notice against trespass is given by fencing or other enclosure.
- (2) Criminal trespass in the second degree is a Class B misdemeanor, *unless the offense occurs during a declared emergency as defined by KRS 39A.020 arising from a natural or man-made disaster, within the area covered by the emergency declaration, and within the area impacted by the disaster, in which case it is a Class A misdemeanor.*

➔Section 8. KRS 511.080 is amended to read as follows:

- (1) A person is guilty of criminal trespass in the third degree when he knowingly enters or remains unlawfully in or upon premises.
- (2) Criminal trespass in the third degree is a violation, *unless the offense occurs during a declared emergency as defined by KRS 39A.020 arising from a natural or man-made disaster, within the area covered by the emergency declaration, and within the area impacted by the disaster, in which case it is a Class B misdemeanor.*

➔Section 9. KRS 512.020 is amended to read as follows:

- (1) A person is guilty of criminal mischief in the first degree when, having no right to do so or any reasonable ground to believe that he or she has such right, he or she intentionally or wantonly:
 - (a) Defaces, destroys, or damages any property causing pecuniary loss of one thousand dollars (\$1,000) or more;
 - (b) Tamper with the operations of a key infrastructure asset, as defined in KRS 511.100, in a manner that renders the operations harmful or dangerous; or
 - (c) As a tenant, intentionally or wantonly defaces, destroys, or damages residential rental property causing pecuniary loss of one thousand dollars (\$1,000) or more.
- (2) Criminal mischief in the first degree is a Class D felony, *unless the offense occurs during a declared emergency as defined by KRS 39A.020 arising from a natural or man-made disaster, within the area covered by the emergency declaration, and within the area impacted by the disaster, in which case it is a Class C felony.*

➔Section 10. KRS 512.030 is amended to read as follows:

- (1) A person is guilty of criminal mischief in the second degree when, having no right to do so or any reasonable ground to believe that he or she has such right, he or she:
 - (a) Intentionally or wantonly defaces, destroys, or damages any property causing pecuniary loss of five hundred dollars (\$500) or more but less than one thousand dollars (\$1,000); or
 - (b) As a tenant, intentionally or wantonly defaces, destroys, or damages residential rental property causing pecuniary loss of five hundred dollars (\$500) or more but less than one thousand dollars (\$1,000).

- (2) Criminal mischief in the second degree is a Class A misdemeanor, *unless the offense occurs during a declared emergency as defined by KRS 39A.020 arising from a natural or man-made disaster, within the area covered by the emergency declaration, and within the area impacted by the disaster, in which case it is a Class D felony.*

➔Section 11. KRS 512.040 is amended to read as follows:

- (1) A person is guilty of criminal mischief in the third degree when:
- (a) Having no right to do so or any reasonable ground to believe that he or she has such right, he or she intentionally or wantonly defaces, destroys, or damages any property causing pecuniary loss of less than five hundred dollars (\$500);
 - (b) He or she tampers with property so as knowingly to endanger the person or property of another; or
 - (c) He or she as a tenant, and having no right to do so or any reasonable grounds to believe that he or she has such right, intentionally or wantonly defaces, destroys, or damages residential rental property causing pecuniary loss of less than five hundred dollars (\$500).
- (2) Criminal mischief in the third degree is a Class B misdemeanor, *unless the offense occurs during a declared emergency as defined by KRS 39A.020 arising from a natural or man-made disaster, within the area covered by the emergency declaration, and within the area impacted by the disaster, in which case it is a Class A misdemeanor.*

➔Section 12. KRS 514.030 is amended to read as follows:

- (1) Except as otherwise provided in KRS 217.181, a person is guilty of theft by unlawful taking or disposition when he *or she* unlawfully:
- (a) Takes or exercises control over movable property of another with intent to deprive him *or her* thereof; or
 - (b) Obtains immovable property of another or any interest therein with intent to benefit himself *or herself* or another not entitled thereto.
- (2) Theft by unlawful taking or disposition is a Class B misdemeanor unless:
- (a) The property is a firearm (regardless of the value of the firearm), in which case it is a Class D felony;
 - (b) The property is anhydrous ammonia (regardless of the value of the ammonia), in which case it is a Class D felony unless it is proven that the person violated this section with the intent to manufacture methamphetamine in violation of KRS 218A.1432, in which case it is a Class B felony for the first offense and a Class A felony for each subsequent offense;
 - (c) The property is one (1) or more controlled substances valued collectively at less than ten thousand dollars (\$10,000), in which case it is a Class D felony;
 - (d) The value of the property is five hundred dollars (\$500) or more but less than one thousand dollars (\$1,000), in which case it is a Class A misdemeanor;
 - (e) The value of the property is one thousand dollars (\$1,000) or more but less than ten thousand dollars (\$10,000), in which case it is a Class D felony;
 - (f) The person has three (3) or more convictions under paragraph (d) of this subsection within the last five (5) years, in which case it is a Class D felony. The five (5) year period shall be measured from the dates on which the offenses occurred for which the judgments of conviction were entered;
 - (g) The value of the property is ten thousand dollars (\$10,000) or more but less than one million dollars (\$1,000,000), in which case it is a Class C felony;
 - (h) The value of the property is one million dollars (\$1,000,000) or more but less than ten million dollars (\$10,000,000), in which case it is a Class B felony; ~~or~~
 - (i) The value of the property is ten million dollars (\$10,000,000) or more, in which case it is a Class B felony; *or*
 - (j) *The offense occurs during a declared emergency as defined by KRS 39A.020 arising from a natural or man-made disaster, within the area covered by the emergency declaration, and within the area*

impacted by the disaster, in which case the person shall be charged one (1) level higher than the level otherwise specified in this subsection.

- (3) Any person convicted under subsection (2)(i) of this section shall not be released on probation or parole until he or she has served at least fifty percent (50%) of the sentence imposed, any statute to the contrary notwithstanding.
- (4) If any person commits two (2) or more separate offenses of theft by unlawful taking or disposition within ninety (90) days, the offenses may be combined and treated as a single offense, and the value of the property in each offense may be aggregated for the purpose of determining the appropriate charge.

➔Section 13. KRS 514.040 is amended to read as follows:

- (1) A person is guilty of theft by deception when the person obtains property or services of another by deception with intent to deprive the person thereof. A person deceives when the person intentionally:
 - (a) Creates or reinforces a false impression, including false impressions as to law, value, intention, or other state of mind;
 - (b) Prevents another from acquiring information which would affect judgment of a transaction;
 - (c) Fails to correct a false impression which the deceiver previously created or reinforced or which the deceiver knows to be influencing another to whom the person stands in a fiduciary or confidential relationship;
 - (d) Fails to disclose a known lien, adverse claim, or other legal impediment to the enjoyment of property which the person transfers or encumbers in consideration for the property obtained, whether the impediment is or is not valid or is or is not a matter of official record; or
 - (e) Issues or passes a check or similar sight order for the payment of money, knowing that it will not be honored by the drawee.
- (2) The term "deceive" does not, however, include falsity as to matters having no pecuniary significance or puffing by statements unlikely to deceive ordinary persons in the group addressed.
- (3) Deception as to a person's intention to perform a promise shall not be inferred from the fact alone that he or she did not subsequently perform the promise.
- (4) For purposes of subsection (1) of this section, a maker of a check or similar sight order for the payment of money is presumed to know that the check or order, other than a postdated check or order, would not be paid, if:
 - (a) The maker had no account with the drawee at the time the check or order was issued; or
 - (b) Payment was refused by the drawee for lack of funds, upon presentation within thirty (30) days after issue, and the maker failed to make good within ten (10) days after receiving notice of that refusal. Notice of the refusal may include a citation to this section and a description of this section's criminal penalties and shall be deemed properly addressed when mailed to the address printed or written on the check or sight order or provided by the drawer or maker upon issuance of the check or sight order. The notice, if mailed, shall be deemed received by the addressee seven (7) days after it is placed in the United States mail. The notice may be sent by first-class mail if supported by an affidavit of service setting out the contents of the notice, the address to which the notice was mailed, that correct postage was applied, and the date the notice was placed in the United States mail. A maker makes good on a check or similar sight order for the payment of money by paying to the holder the face amount of the instrument, together with any merchant's posted bad check handling fee not to exceed fifty dollars (\$50) and any fee imposed pursuant to subsection (5) of this section.
- (5) If a county attorney issues notice to a maker that a drawee has refused to honor an instrument due to a lack of funds as described in subsection (4)(b) of this section, the county attorney may charge a fee to the maker of fifty dollars (\$50), if the instrument is paid. Money paid to the county attorney pursuant to this section shall be used only for payment of county attorney office operating expenses. Excess fees held by the county attorney on June 30 of each year shall be turned over to the county treasurer before the end of the next fiscal year for use by the fiscal court of the county.
- (6) A person is guilty of theft by deception when the person issues a check or similar sight order in payment of all or any part of any tax payable to the Commonwealth knowing that it will not be honored by the drawee.

- (7) A person is guilty of theft by deception when the person issues a check or similar sight order in payment of all or any part of a child support obligation knowing that it will not be honored by the drawee.
- (8) Theft by deception is a Class B misdemeanor unless:
- (a) The value of the property, service, or the amount of the check or sight order referred to in subsection (6) or (7) of this section is five hundred dollars (\$500) or more but less than one thousand dollars (\$1,000), in which case it is a Class A misdemeanor;
 - (b) The value of the property, service, or the amount of the check or sight order referred to in subsection (6) or (7) of this section is one thousand dollars (\$1,000) or more but less than ten thousand dollars (\$10,000), in which case it is a Class D felony;
 - (c) A person has three (3) or more convictions under paragraph (a) of this subsection within the last five (5) years, in which case it is a Class D felony. The five (5) year period shall be measured from the dates on which the offenses occurred for which the judgments of convictions were entered;~~or~~
 - (d) The value of the property, service, or the amount of the check or sight order referred to in subsection (6) or (7) of this section is ten thousand dollars (\$10,000) or more, in which case it is a Class C felony: *or*
 - (e) ***The offense occurs during a declared emergency as defined by KRS 39A.020 arising from a natural or man-made disaster, within the area covered by the emergency declaration, and within the area impacted by the disaster, in which case the person shall be charged one (1) level higher than the level otherwise specified in this subsection.***
- (9) If any person commits two (2) or more separate offenses of theft by deception within ninety (90) days, the offenses may be combined and treated as a single offense, and the value of the property in each offense may be aggregated for the purpose of determining the appropriate charge.

➔Section 14. KRS 514.110 is amended to read as follows:

- (1) A person is guilty of receiving stolen property when he or she receives, retains, or disposes of movable property of another knowing that it has been stolen, or having reason to believe that it has been stolen, unless the property is received, retained, or disposed of with intent to restore it to the owner.
- (2) The possession by any person of any recently stolen movable property shall be prima facie evidence that such person knew such property was stolen.
- (3) Receiving stolen property is a Class B misdemeanor unless:
 - (a) The value of the property is five hundred dollars (\$500) or more but less than one thousand dollars (\$1,000), in which case it is a Class A misdemeanor;
 - (b) The value of the property is one thousand dollars (\$1,000) or more but less than ten thousand dollars (\$10,000), in which case it is a Class D felony;
 - (c) A person has three (3) or more convictions under paragraph (a) of this subsection within the last five (5) years, in which case it is a Class D felony. The five (5) year period shall be measured from the dates on which the offenses occurred for which the judgments of conviction were entered;
 - (d) The value of the property is ten thousand dollars (\$10,000) or more, in which case it is a Class C felony;
 - (e) The property is a firearm, regardless of the value of the firearm, in which case it is a Class D felony;~~or~~
 - (f) The property is anhydrous ammonia, regardless of the value of the ammonia, in which case it is a Class D felony unless it is proven that the person violated this section with the intent to manufacture methamphetamine in violation of KRS 218A.1432, in which case it is a Class B felony for the first offense and a Class A felony for each subsequent offense; *or*
 - (g) ***The offense occurs during a declared emergency as defined by KRS 39A.020 arising from a natural or man-made disaster, within the area covered by the emergency declaration, and within the area impacted by the disaster, in which case the person shall be charged one (1) level higher than the level otherwise specified in this subsection.***
- (4) If any person commits two (2) or more separate offenses of receiving stolen property within ninety (90) days, the offenses may be combined and treated as a single offense, and the value of the property in each offense may be aggregated for the purpose of determining the appropriate charge.

➔Section 15. KRS 515.020 is amended to read as follows:

- (1) A person is guilty of robbery in the first degree when, in the course of committing theft, he *or she* uses or threatens the immediate use of physical force upon another person with intent to accomplish the theft and when he *or she*:
 - (a) Causes physical injury to any person who is not a participant in the crime; or
 - (b) Is armed with a deadly weapon; or
 - (c) Uses or threatens the immediate use of a dangerous instrument upon any person who is not a participant in the crime.
- (2) Robbery in the first degree is a Class B felony, *unless the offense occurs during a declared emergency as defined by KRS 39A.020 arising from a natural or man-made disaster, within the area covered by the emergency declaration, and within the area impacted by the disaster, in which case it is a Class A felony.*

➔Section 16. KRS 515.030 is amended to read as follows:

- (1) A person is guilty of robbery in the second degree when, in the course of committing theft, he *or she* uses or threatens the immediate use of physical force upon another person with intent to accomplish the theft.
- (2) Robbery in the second degree is a Class C felony, *unless the offense occurs during a declared emergency as defined by KRS 39A.020 arising from a natural or man-made disaster, within the area covered by the emergency declaration, and within the area impacted by the disaster, in which case it is a Class B felony.*

➔Section 17. KRS 61.168 is amended to read as follows:

- (1) As used in this section:
 - (a) "Body-worn camera" means a video or audio electronic recording device that is carried by or worn on the body of a public safety officer. This definition does not include a dashboard mounted camera or recording device used in the course of clandestine investigations;
 - (b) "Body-worn camera recording" or "recording" means a video or audio recording, or both, that is made by a body-worn camera during the course of a public safety officer's official duties;
 - (c) "Personal representative" means a court-appointed guardian, attorney, or agent possessing written authorization to act on behalf of a person that is involved in an incident contained in a body-worn camera recording, a person holding a power of attorney for a person that is involved in an incident contained in a body-worn camera recording, or the parent or guardian of a minor child depicted in a body-worn camera recording. If a person depicted in the recording is deceased, the term also means the personal representative of the estate of the deceased person, the deceased person's surviving spouse, parent, or adult child, the deceased person's attorney, or the parent or guardian of a surviving minor child of the deceased;
 - (d) "Public agency" has the same meaning as in KRS 61.870(1);
 - (e) "Public safety officer" means any individual that is an employee of a public agency who is certified as a first responder under KRS Chapter 311A or whose employment duties include law enforcement or firefighting activities; and
 - (f) "Use of force" means any action by a public safety officer that results in death, physical injury as defined in KRS 500.080~~(13)~~, discharge of a personal body weapon, chemical agent, impact weapon, extended range impact weapon, sonic weapon, sensory weapon, conducted energy weapon, or a firearm, or involves the intentional pointing of a public safety officer's firearm at a member of the public.
- (2) Except as provided in this section, the disclosure of body-worn camera recordings shall be governed by the Kentucky Open Records Act, as set forth in KRS 61.870 to 61.884.
- (3) The retention of body-worn camera video recordings shall be governed by KRS 171.410 to 171.740, and the administrative regulations promulgated by the Kentucky Department of Libraries and Archives.
- (4) Notwithstanding KRS 61.878(4), unless the request meets the criteria provided under subsection (5) of this section, a public agency may elect not to disclose body-worn camera recordings containing video or audio footage that:

- (a) Includes the interior of a place of a private residence where there is a reasonable expectation of privacy, unless the legal owner or lessee with legal possession of the residence requests in writing that the release be governed solely under the provisions of KRS 61.870 to 61.884;
 - (b) Includes the areas inside of a medical facility, counseling, or therapeutic program office where a patient is registered to receive treatment, receiving treatment, waiting for treatment, or being transported in the course of treatment;
 - (c) Would disclose health care information shared with patients, their families, or with a patient's care team or that is considered protected health information under the Health Insurance Portability and Accountability Act of 1996;
 - (d) Includes the areas inside of a correctional facility when disclosure would reveal details of the facility that would jeopardize the safety, security, or well-being of those in custody, the staff of the correctional facility, or law enforcement officers;
 - (e) Is of a sexual nature or video footage that contains nude images of an individual's genitals, pubic area, anus, or the female nipple;
 - (f) Is of a minor child, including but not limited to footage involving juvenile custody matters;
 - (g) Includes the body of a deceased individual;
 - (h) Would reveal the identity of witnesses, confidential law enforcement informants, or undercover law enforcement officers, or if the release could jeopardize the safety, security, or well-being of a witness or confidential informant;
 - (i) Would reveal the location information of a domestic violence program or emergency shelter;
 - (j) Would reveal information related to schools, colleges, and universities that is protected by the federal Family Educational Rights and Privacy Act;
 - (k) Would result in the disclosure of nonpublic or confidential data classified as Criminal Justice Information Services data by the Federal Bureau of Investigation;
 - (l) Includes a public safety officer carrying out duties directly related to the hospitalization of persons considered mentally ill;
 - (m) Includes the depiction of the serious injury or death of a public safety officer; or
 - (n) Includes footage made in conjunction with a law enforcement exercise that includes special response team actions, hostage negotiations, or training events, but only where the public release of tactics, operational protocol, or methodology would disadvantage the capability of public safety officers to successfully respond in emergency or other dangerous situations.
- (5) If the recording contains video or audio footage that:
- (a) Depicts an encounter between a public safety officer where there is a use of force, the disclosure of the record shall be governed solely by the provisions of KRS 61.870 to 61.884, including all of the exceptions contained therein;
 - (b) Depicts an incident which leads to the detention or arrest of an individual or individuals, the disclosure of the record shall be governed solely by the provisions of KRS 61.870 to 61.884, including all of the exceptions contained therein;
 - (c) Depicts an incident which is the subject of a formal complaint submitted against a public safety officer under KRS 15.520, 67C.326, or 95.450, or depicts an incident which is the subject of a formal legal or administrative complaint against the agency employing the public safety officer, the release of the record shall be governed by the provisions of KRS 61.870 to 61.884, including all of the exceptions contained therein; or
 - (d) Is requested by a person or other entity or the personal representative of a person or entity that is directly involved in the incident contained in the body-worn camera recording, it shall be made available by the public agency to the requesting party for viewing on the premises of the public agency, but the public agency shall not be required to make a copy of the recording except as provided in KRS 61.169. The requesting parties shall not be limited in the number of times they may view the recording under this paragraph.

- (6) Nothing in this section or KRS 61.169 shall be interpreted to override any provision related to:
- (a) Reports by law enforcement officers and criminal justice agencies under KRS 17.150;
 - (b) The law and rules governing discovery or the submission and display of evidence in any court proceeding, whether criminal or civil, or any administrative proceeding; or
 - (c) The provisions of KRS 189A.100.

➔Section 18. KRS 61.912 is amended to read as follows:

Any duly commissioned special law enforcement officer shall, while performing law enforcement duties upon the public property he *or she* is hired to protect, be empowered to arrest:

- (1) Persons committing, in his *or her* presence and upon the public property he *or she* is hired to protect, any misdemeanor, any traffic violation, or any other violation as defined by KRS 500.080~~(17)~~;
- (2) Provided there exists probable cause to believe a felony has been committed upon the premises he *or she* is hired to protect, any person whom the officer reasonably and actually believes to have committed such felony upon the public property.

➔Section 19. KRS 61.914 is amended to read as follows:

Duly commissioned special law enforcement officers shall have the power to issue tickets for parking violations committed upon the public property in their presence and the power of peace officers under KRS 431.015 to issue citations for misdemeanors, and other violations as defined by KRS 500.080~~(17)~~, committed in their presence upon the public property.

Signed by Governor April 8, 2022.

CHAPTER 152

(SB 209)

AN ACT relating to public employee benefits.

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

➔Section 1. KRS 16.198 is amended to read as follows:

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

- (1) The commissioner may appoint CVE R Class employees. CVE R Class employees shall serve on a contractual basis for a term of one (1) year, and the contract may be renewed annually, by agreement of the parties, for no more than nine (9) additional one (1) year terms. A CVE R Class employee shall be required to pass a physical fitness test every three (3) years.
- (2) The commissioner may appoint Trooper R Class employees who shall serve on a contractual basis for a term of one (1) year. The contract may be renewed on an annual basis upon the agreement of both parties. A Trooper R Class employee shall be required to pass a physical fitness test every three (3) years.
- (3) The compensation for Trooper R Class employees and CVE R Class employees shall be established by administrative regulation promulgated pursuant to KRS Chapter 13A.
- (4)
 - (a) All appointments of individuals employed as a Trooper R Class and CVE R Class shall be based upon agency need as determined by the commissioner.
 - (b) Work stations for individuals employed as a Trooper R Class and CVE R Class shall be determined by agency need with consideration given to the applicant's stated preference.
 - (c) Merit of individuals employed as a Trooper R Class and CVE R Class shall be determined by the applicant's work performance history.
 - (d) Fitness of individuals employed as a Trooper R Class and CVE R Class shall be determined by the applicant's ability to adhere to the agency standards set by the commissioner under this chapter.

- (5) The number of individuals employed as a Trooper R Class and CVE R Class by the department shall not:
- (a) Exceed one hundred (100); or
 - (b) Be counted in the total employee cap for the department.
- (6) All individuals employed as a Trooper R Class and CVE R Class shall be assigned the job duties of trooper or commercial vehicle enforcement officer and shall not be placed in any supervisory positions.
- (7) Notwithstanding any provision of KRS 16.505 to 16.652, KRS 18A.005 to 18A.228, and KRS 61.510 to 61.705 to the contrary:
- (a) Individuals employed as a Trooper R Class and CVE R Class shall continue to receive all retirement and health insurance benefits provided by the systems administered by Kentucky Retirement Systems to which they were entitled upon retiring from the department as a commissioned officer under this chapter;
 - (b) Individuals employed as a Trooper R Class and CVE R Class shall not be eligible to receive health insurance coverage or benefits through the department and shall not be eligible to participate in the State Police Retirement System or the Kentucky Employees Retirement System; and
 - (c) The department shall not pay health insurance contributions to the state health insurance plan for individuals employed as a Trooper R Class or CVE R Class.
- (8) ***The department shall promulgate administrative regulations, pursuant to KRS Chapter 13A, to establish vacation, bereavement, and sick leave and holiday pay for Trooper R Class and CVE R Class employees.***
- (9) Individuals employed as a Trooper R Class or CVE R Class shall be employed on a contractual basis and shall be provided due process pursuant to KRS 16.140 or 16.192 for any disciplinary action imposed by the commissioner. A decision by the commissioner to not renew a contract shall not be considered a disciplinary action for purposes of this section.
- ~~(10)(9)~~ The provisions of this section shall not eliminate or reduce any requirements under KRS 61.637 for the department to pay employer contributions to the retirement systems or to reimburse the retirement systems for the cost of retiree health, on any individual employed as a Trooper R Class or CVE R Class.

➔Section 2. KRS 61.702 is amended to read as follows:

- (1) For purposes of this section:
- (a) "Hospital and medical insurance plan" may include, at the board's discretion, any one (1) or more of the following:
 1. Any hospital and medical expense policy or certificate, provider-sponsored integrated health delivery network, self-insured medical plan, health maintenance organization contract, or other health benefit plan;
 2. Any health savings account as permitted by 26 U.S.C. sec. 223 or health reimbursement arrangement or a similar account as may be permitted by 26 U.S.C. sec. 105 or 106. Such arrangement or account, at the board's discretion, may reimburse any medical expense permissible under 26 U.S.C. sec. 213; or
 3. A medical insurance reimbursement program established by the board through the promulgation of administrative regulation under which members purchase individual health insurance coverage through a health insurance exchange established under 42 U.S.C. sec. 18031 or 18041;
 - (b) "Monthly contribution rate" is the amount determined by the board based upon the requirements of subsection (4)(a) to (c) of this section, except that for members who began participating in the system on or after July 1, 2003, the term shall mean the amount determined in subsection (4)(d) of this section; and
 - (c) "Months of service" means the total months of combined service used to determine benefits under the system, except service added to determine disability benefits or service otherwise prohibited from being used to determine retiree health benefits under KRS 16.505 to 16.652 or 61.510 to 61.705 shall not be counted as "months of service." For current and former employees of the Council on Postsecondary Education who were employed prior to January 1, 1993, and who earn at least fifteen (15) years of service credit in the Kentucky Employees Retirement System, "months of service" shall also include

vested service in another retirement system other than the Kentucky Teachers' Retirement System sponsored by the Council on Postsecondary Education.

- (2) (a)
 1. The board of trustees of the system shall arrange by appropriate contract or on a self-insured basis to provide a group hospital and medical insurance plan coverage for:
 - a. Present and future recipients of a retirement allowance from the Kentucky Employees Retirement System and the State Police Retirement System; and
 - b. The spouse and each qualified dependent of a recipient who is a former member or the beneficiary, provided the spouse and dependent meet the requirements to participate in the hospital and medical insurance plans established, contracted, or authorized by the system.
 2. Any recipient who chooses coverage under a hospital and medical insurance plan shall pay, by payroll deduction from the retirement allowance, electronic funds transfer, or by another method, the difference between the premium cost of the hospital and medical insurance plan coverage selected and the monthly contribution rate to which he or she would be entitled under this section.
 - (b)
 1. For present and future recipients of a retirement allowance from the system who are not eligible for Medicare, the board may authorize these participants to be included in the Kentucky Employees Health Plan as provided by KRS 18A.225 to 18A.2287 and shall provide benefits for recipients in the plan equal to those provided to state employees having the same Medicare hospital and medical insurance eligibility status. Notwithstanding the provisions of any other statute, system recipients shall be included in the same class as current state employees for purposes of determining medical insurance policies and premiums in the Kentucky Employees Health Plan as provided by KRS 18A.225 to 18A.2287.
 2. Regardless of age, if a recipient or the spouse or dependent child of a recipient who elects coverage becomes eligible for Medicare, he or she shall participate in the plans offered by the systems for Medicare eligible recipients. Individuals participating in the Medicare eligible plans may be required to obtain and pay for Medicare Part A and Part B coverage, in order to participate in the Medicare eligible plans offered by the system.
 3. The system shall continue to provide the same hospital and medical insurance plan coverage for recipients and qualifying dependents after the age of sixty-five (65) as before the age of sixty-five (65), if the recipient is not eligible for Medicare coverage.
 - (c) For recipients of a retirement allowance who are not eligible for the same level of hospital and medical benefits as recipients living in Kentucky having the same Medicare hospital and medical insurance eligibility status, the board shall provide a medical insurance reimbursement plan as described in subsection (6) of this section.
 - (d) Notwithstanding anything in KRS Chapter 16 or 61 to the contrary, the board of trustees, in its discretion, may take necessary steps to ensure compliance with 42 U.S.C. secs. 300bb-1 et seq.
- (3) (a) Each employer participating in the Kentucky Employees Retirement System or the State Police Retirement System as provided in KRS 16.505 to 16.652 or 61.510 to 61.705 shall contribute to the insurance trust fund established under KRS 61.701 the amount necessary to provide the monthly contribution rate as provided for under this section. Such employer contribution rate shall be developed by appropriate actuarial method as a part of the determination of each respective employer contribution rate determined under KRS 61.565.
 - (b)
 1. Each employer described in paragraph (a) of this subsection shall deduct from the creditable compensation of each member whose membership date begins on or after September 1, 2008, an amount equal to one percent (1%) of the member's creditable compensation. The deducted amounts shall, at the discretion of the board, be credited to accounts established pursuant to 26 U.S.C. sec. 401(h), within the funds established in KRS 16.510 and 61.515, or the insurance trust fund established under KRS 61.701. Notwithstanding the provisions of this paragraph, a transfer of assets between the accounts established pursuant to 26 U.S.C. sec. 401(h), within the funds established in KRS 16.510 and 61.515, and the insurance trust fund established under KRS 61.701 shall not be allowed.
 2. The employer shall file the contributions as provided by subparagraph 1. of this paragraph at the retirement office in accordance with KRS 61.675. Any interest or penalties paid on any

delinquent contributions shall be credited to accounts established pursuant to 26 U.S.C. sec. 401(h), within the funds established in KRS 16.510 and 61.515, or the insurance trust fund established under KRS 61.701. Notwithstanding any minimum compensation requirements provided by law, the deductions provided by this paragraph shall be made, and the compensation of the member shall be reduced accordingly.

3. Each employer shall submit payroll reports, contributions lists, and other data as may be required by administrative regulation promulgated by the board of trustees pursuant to KRS Chapter 13A.
 4. Every member shall be deemed to consent and agree to the deductions made pursuant to this paragraph, and the payment of salary or compensation less the deductions shall be a full and complete discharge of all claims for services rendered by the person during the period covered by the payment, except as to any benefits provided by KRS 16.505 to 16.652 or 61.510 to 61.705. No member may elect whether to participate in, or choose the contribution amount to accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS 16.510 and 61.515, or the insurance trust fund established under KRS 61.701. The member shall have no option to receive the contribution required by this paragraph directly instead of having the contribution paid to accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS 16.510 and 61.515, or the insurance trust fund established under KRS 61.701. No member may receive a rebate or refund of contributions. If a member establishes a membership date prior to September 1, 2008, pursuant to KRS 61.552(2) or (3), then this paragraph shall not apply to the member and all contributions previously deducted in accordance with this paragraph shall be refunded to the member without interest. The contribution made pursuant to this paragraph shall not act as a reduction or offset to any other contribution required of a member or recipient under KRS 16.505 to 16.652 or 61.510 to 61.705.
 5. The board of trustees, at its discretion, may direct that the contributions required by this paragraph be accounted for within accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS 16.510 and 61.515, or the insurance trust fund established under KRS 61.701, through the use of separate accounts.
- (4) (a) The premium required to provide hospital and medical insurance plan coverage under this section shall be paid wholly or partly from funds contributed by:
1. The recipient of a retirement allowance, by payroll deduction from his or her retirement allowance, or by other method;
 2. The insurance trust fund established under KRS 61.701 or accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS 16.510 and 61.515;
 3. Another state-administered retirement system under a reciprocal arrangement, except that any portion of the premium paid from the funds specified by subparagraph 2. of this paragraph under a reciprocal agreement shall not exceed the amount that would be payable under this section if all the member's service were in the systems administered by the Kentucky Retirement Systems; or
 4. A combination of the fund sources described by subparagraphs 1. to 3. of this paragraph.

Group rates under the hospital and medical insurance plan shall be made available to the spouse, each dependent child, and each disabled child, regardless of the disabled child's age, of a recipient who is a former member or the beneficiary, if the premium for the hospital and medical insurance for the spouse, each dependent child, and each disabled child, or beneficiary is paid by payroll deduction from the retirement allowance, electronic funds transfer, or by another method. For purposes of this subsection only, a child shall be considered disabled if he or she has been determined to be eligible for federal Social Security disability benefits or meets the dependent disability standard established by the Department of Employee Insurance in the Personnel Cabinet.

- (b) For a member who began participating in the system prior to July 1, 2003, the monthly contribution rate shall be paid by the system from the funds specified under paragraph (a)2. of this subsection and shall be equal to a percentage of the single premium to cover the retired member as follows:
1. One hundred percent (100%) of the monthly premium for single coverage shall be paid for a retired member who had two hundred forty (240) months of service or more upon retirement or for a retired member who when he or she was an employee became disabled as a direct result of

an act in line of duty as defined in KRS 16.505 or as a result of a duty-related injury as defined in KRS 61.621;

2. Seventy-five percent (75%) of the monthly premium for single coverage shall be paid for a retired member who had less than two hundred forty (240) months of service but at least one hundred eighty (180) months of service upon retirement, provided such retired member agrees to pay the remaining twenty-five percent (25%) by payroll deduction from his or her retirement allowance, electronic funds transfer, or by another method;
3. Fifty percent (50%) of the monthly premium for single coverage shall be paid for a retired member who had less than one hundred eighty (180) months of service but had at least one hundred twenty (120) months of service upon retirement, provided such retired member agrees to pay the remaining fifty percent (50%) by payroll deduction from his or her retirement allowance, electronic funds transfer, or by another method; or
4. Twenty-five percent (25%) of the monthly premium for single coverage shall be paid for a retired member who had less than one hundred twenty (120) months of service but had at least forty-eight (48) months of service upon retirement, provided such retired member agrees to pay the remaining seventy-five percent (75%) by payroll deduction from his or her retirement allowance, electronic funds transfer, or by another method.

Notwithstanding the foregoing provisions of this paragraph, an employee participating in the system prior to July 1, 2003, who is killed as a direct result of an act in line of duty as defined in KRS 16.505 or as a result of a duty-related injury as defined in KRS 61.621, shall have the monthly premium paid for the beneficiary, if the beneficiary is the member's spouse, and for each dependent child as defined by KRS 16.505, so long as they individually remain eligible for a monthly retirement benefit.

- (c)
 1. For a member who began participating in the system prior to July 1, 2003, who was determined to be in a hazardous position in the Kentucky Employees Retirement System or in a position in the State Police Retirement System, the funds specified under paragraph (a)2. of this subsection shall also pay a percentage of the monthly contribution rate sufficient to fund the premium costs for hospital and medical insurance coverage for the spouse and for each dependent child of a recipient.
 2. The percentage of the monthly contribution rate paid for the spouse and each dependent child of a recipient who was in a hazardous position in accordance with subparagraph 1. of this paragraph shall be based solely on the member's service in a hazardous position using the formula in paragraph (b) of this subsection.
- (d) For members who begin participating in the system on or after July 1, 2003:
 1. Participation in the insurance benefits provided under this section shall not be allowed until the member has earned at least one hundred twenty (120) months of service in the state-administered retirement systems, except that for members who begin participating in the system on or after September 1, 2008, participation in the insurance benefits provided under this section shall not be allowed until the member has earned at least one hundred eighty (180) months of service credited under KRS 16.543(1) or 61.543(1), or another state-administered retirement system.
 2. A member who meets the minimum service requirements as provided by subparagraph 1. of this paragraph shall upon retirement be eligible for the following monthly contribution rate to be paid on his or her behalf from the funds specified under paragraph (a)2. of this subsection:
 - a. For members with service in a nonhazardous position, a monthly insurance contribution of ten dollars (\$10) for each year of service as a participating employee in a nonhazardous position; and
 - b. For members with service in a hazardous position or who participate in the State Police Retirement System, a monthly insurance contribution of fifteen dollars (\$15) for each year of service as a participating employee in a hazardous position or the State Police Retirement System.
 - c. Upon the death of the retired member, the beneficiary, if the beneficiary is the member's spouse, shall be entitled to a monthly insurance contribution of ten dollars (\$10) for each year of service the member attained as a participating employee in a hazardous position.

3. The minimum service requirement to participate in benefits as provided by subparagraph 1. of this paragraph shall be waived for a member who becomes disabled as a direct result of an act in line of duty as defined in KRS 16.505 or who dies as a result of a duty-related injury as defined in KRS 61.621, and the member shall be entitled to the benefits payable under this subsection as though the member had twenty (20) years of service in the position for which the disabling condition occurred.
4. Notwithstanding the provisions of this paragraph, the minimum service requirement to participate in benefits as provided by subparagraph 1. of this paragraph shall be waived for a for a member who dies as a direct result of an act in line of duty as defined in KRS 16.505 or who dies as a result of a duty-related injury as defined in KRS 61.621, and the premium for the member's spouse and for each dependent child as defined in KRS 16.505 shall be paid in full by the systems so long as they individually remain eligible for a monthly retirement benefit.
5. Except as provided by subparagraph 4. of this paragraph, the monthly insurance contribution amount shall be increased:
 - a. ***On July 1 of each year by one and one-half percent (1.5%). The increase shall be cumulative and shall continue to accrue after the member's retirement for as long as a monthly insurance contribution is payable to the retired member or beneficiary but shall not apply to any increase in the contribution attributable to the increase specified by subdivision b. of this subparagraph; and***
 - b. ***On January 1 of each year by five dollars (\$5) for members who have accrued an additional full year of service as a participating employee beyond the career threshold, subject to the following restrictions:***
 - i. ***The additional insurance contribution provided by this subdivision shall only be applied to the monthly contribution amounts provided under subparagraph 2.a. and 2.b. of this paragraph;***
 - ii. ***The additional insurance contribution provided by this subdivision shall only be payable towards the health plans offered by the system to retirees who are not eligible for Medicare or for reimbursements provided to retirees not eligible for Medicare pursuant to subsection (6)(a)2. of this section; and***
 - iii. ***In order for the annual increase to occur as provided by this subdivision, the funding level of retiree health benefits for the system in which the employee is receiving the additional insurance contribution shall be at least ninety percent (90%) as of the most recent actuarial valuation and be projected by the actuary to remain ninety percent (90%) for the year in which the increase is provided.***
6. The benefits of this paragraph provided to a member whose participation begins on or after July 1, 2003, shall not be considered as benefits protected by the inviolable contract provisions of KRS 16.652 or 61.692. The General Assembly reserves the right to suspend or reduce the benefits conferred in this paragraph if in its judgment the welfare of the Commonwealth so demands.
7. An employee whose membership date is on or after September 1, 2008, who retires and is reemployed in a regular full-time position required to participate in the system or the County Employees Retirement System shall not be eligible for health insurance coverage or benefits provided by this section and shall take coverage with his or her employing agency during the period of reemployment in a regular full-time position.
8. ***For purposes of this paragraph:***
 - a. ***"Career threshold" for a member with service in a nonhazardous position means twenty-seven (27) years of service credited under KRS 16.543(1), 61.543(1), 78.615(1), or another state-administered retirement system and for a member with service in a hazardous position means the service requirements specified by KRS 16.577(2) or (3) or 16.583(6)(b), as applicable; and***
 - b. ***"Funding level" means the actuarial value of assets divided by the actuarially accrued liability expressed as a percentage that is determined and reported by the system's actuary in the annual actuarial valuation.***

- (e) For members with service in another state-administered retirement system who select hospital and medical insurance plan coverage through the system:
1. The system shall compute the member's combined service, including service credit in another state-administered retirement system, and calculate the portion of the member's premium monthly contribution rate to be paid by the funds specified under paragraph (a)2. of this subsection according to the criteria established in paragraphs (a) to (d) of this subsection. Each state-administered retirement system shall pay annually to the insurance trust fund established under KRS 61.701 the portion of the system's cost of the retiree's monthly contribution for single coverage for hospital and medical insurance plan which shall be equal to the percentage of the member's number of months of service in the other state-administered retirement plan divided by his or her total combined service and in conjunction with the reciprocal agreement established between the system and the other state-administered retirement systems. The amounts paid by the other state-administered retirement plans and by the Kentucky Retirement Systems from funds specified under paragraph (a)2. of this subsection shall not be more than one hundred percent (100%) of the monthly contribution adopted by the respective boards of trustees;
 2. A member may not elect coverage for hospital and medical benefits through more than one (1) of the state-administered retirement systems; and
 3. A state-administered retirement system shall not pay any portion of a member's monthly contribution for medical insurance unless the member is a recipient or annuitant of the plan.
- (5) Premiums paid for hospital and medical insurance coverage procured under authority of this section shall be exempt from any premium tax which might otherwise be required under KRS Chapter 136. The payment of premiums by the funds described by subsection (4)(a)2. of this section shall not constitute taxable income to an insured recipient. No commission shall be paid for hospital and medical insurance procured under authority of this section.
- (6) (a) The board shall promulgate an administrative regulation to establish a medical insurance reimbursement plan to provide reimbursement for hospital and medical insurance plan premiums of recipients of a retirement allowance who:
1. Are not eligible for the same level of hospital and medical benefits as recipients living in Kentucky and having the same Medicare hospital and medical insurance eligibility status; *or*
 2. *Are eligible for retiree health subsidies as provided by subsection (4)(d) of this section, except for those recipients eligible for full premium subsidies under subsection (4)(d)4. of this section. The reimbursement program as provided by this subparagraph shall be available to the recipient regardless of the hospital and medical insurance plans offered by the systems.*
- (b) An eligible recipient shall file proof of payment for hospital and medical insurance plan coverage with the retirement office. Reimbursement to eligible recipients shall be made on a quarterly basis. The recipient shall be eligible for reimbursement of substantiated medical insurance premiums for an amount not to exceed the total monthly contribution rate determined under subsection (4) of this section.
- (c) *For purposes of recipients described by paragraph (a)1. of this subsection,* the plan shall not be made available if all recipients are eligible for the same coverage as recipients living in Kentucky.

➔Section 3. KRS 78.5536 is amended to read as follows:

- (1) For purposes of this section:
- (a) "Hospital and medical insurance plan" may include, at the board's discretion, any one (1) or more of the following:
 1. Any hospital and medical expense policy or certificate, provider-sponsored integrated health delivery network, self-insured medical plan, health maintenance organization contract, or other health benefit plan;
 2. Any health savings account as permitted by 26 U.S.C. sec. 223 or health reimbursement arrangement or a similar account as may be permitted by 26 U.S.C. sec. 105 or 106. Such arrangement or account, at the board's discretion, may reimburse any medical expense permissible under 26 U.S.C. sec. 213; or

3. A medical insurance reimbursement program established by the board through the promulgation of administrative regulation under which members purchase individual health insurance coverage through a health insurance exchange established under 42 U.S.C. sec. 18031 or 18041;
 - (b) "Monthly contribution rate" shall be the amount determined by the board based upon the requirements of subsection (4)(a) to (c) of this section, except that for members who began participating in the system on or after July 1, 2003, the term shall mean the amount determined in subsection (4)(d) of this section; and
 - (c) "Months of service" shall mean the total months of combined service used to determine benefits under the system, except service added to determine disability benefits or service otherwise prohibited from being used to determine retiree health benefits under KRS 78.510 to 78.852 shall not be counted as "months of service."
- (2) (a) 1. The board of trustees of the system shall arrange by appropriate contract or on a self-insured basis to provide a group hospital and medical insurance plan coverage for:
 - a. Present and future recipients of a retirement allowance from the County Employees Retirement System; and
 - b. The spouse and each qualified dependent of a recipient who is a former member or the beneficiary, provided the spouse and dependent meet the requirements to participate in the hospital and medical insurance plans established, contracted, or authorized by the system.
 2. Any recipient who chooses coverage under a hospital and medical insurance plan shall pay, by payroll deduction from the retirement allowance, electronic funds transfer, or by another method, the difference between the premium cost of the hospital and medical insurance plan coverage selected and the monthly contribution rate to which he or she would be entitled under this section.
 - (b) 1. For present and future recipients of a retirement allowance from the system who are not eligible for Medicare, the board may authorize these participants to be included in the Kentucky Employees Health Plan as provided by KRS 18A.225 to 18A.2287 and shall provide benefits for recipients in the plan equal to those provided to state employees having the same Medicare hospital and medical insurance eligibility status. Notwithstanding the provisions of any other statute, system recipients shall be included in the same class as current state employees for purposes of determining medical insurance policies and premiums in the Kentucky Employees Health Plan as provided by KRS 18A.225 to 18A.2287.
 2. Regardless of age, if a recipient or the spouse or dependent child of a recipient who elects coverage becomes eligible for Medicare, he or she shall participate in the plans offered by the systems for Medicare eligible recipients. Individuals participating in the Medicare eligible plans may be required to obtain and pay for Medicare Part A and Part B coverage in order to participate in the Medicare eligible plans offered by the system.
 3. The system shall continue to provide the same hospital and medical insurance plan coverage for recipients and qualifying dependents after the age of sixty-five (65) as before the age of sixty-five (65), if the recipient is not eligible for Medicare coverage.
 - (c) For recipients of a retirement allowance who are not eligible for the same level of hospital and medical benefits as recipients living in Kentucky having the same Medicare hospital and medical insurance eligibility status, the board shall provide a medical insurance reimbursement plan as described in subsection (6) of this section.
 - (d) Notwithstanding anything in KRS Chapter 78 to the contrary, the board of trustees, in its discretion, may take necessary steps to ensure compliance with 42 U.S.C. secs. 300bb-1 et seq.
- (3) (a) Each employer participating in the County Employees Retirement System as provided in KRS 78.510 to 78.852 shall contribute to the insurance trust fund established by KRS 61.701 the amount necessary to provide the monthly contribution rate as provided for under this section. Such employer contribution rate shall be developed by appropriate actuarial method as a part of the determination of each respective employer contribution rate determined under KRS 78.635.
 - (b) 1. Each employer described in paragraph (a) of this subsection shall deduct from the creditable compensation of each member whose membership date begins on or after September 1, 2008, an

amount equal to one percent (1%) of the member's creditable compensation. The deducted amounts shall, at the discretion of the board, be credited to accounts established pursuant to 26 U.S.C. sec. 401(h), within the funds established in KRS 78.520, or the insurance trust fund established under KRS 61.701. Notwithstanding the provisions of this paragraph, a transfer of assets between the accounts established pursuant to 26 U.S.C. sec. 401(h), within the funds established in KRS 78.520, and the insurance trust fund established under KRS 61.701 shall not be allowed.

2. The employer shall file the contributions as provided by subparagraph 1. of this paragraph at the retirement office in accordance with KRS 78.625. Any interest or penalties paid on any delinquent contributions shall be credited to accounts established pursuant to 26 U.S.C. sec. 401(h), within the funds established in KRS 78.520, or the insurance trust fund established under KRS 61.701. Notwithstanding any minimum compensation requirements provided by law, the deductions provided by this paragraph shall be made, and the compensation of the member shall be reduced accordingly.
 3. Each employer shall submit payroll reports, contributions lists, and other data as may be required by administrative regulation promulgated by the board of trustees pursuant to KRS Chapter 13A.
 4. Every member shall be deemed to consent and agree to the deductions made pursuant to this paragraph, and the payment of salary or compensation less the deductions shall be a full and complete discharge of all claims for services rendered by the person during the period covered by the payment, except as to any benefits provided by KRS 78.510 to 78.852. No member may elect whether to participate in, or choose the contribution amount to accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS 78.520, or the insurance trust fund established under KRS 61.701. The member shall have no option to receive the contribution required by this paragraph directly instead of having the contribution paid to accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS 78.520, or the insurance trust fund established under KRS 61.701. No member may receive a rebate or refund of contributions. If a member establishes a membership date prior to September 1, 2008, pursuant to KRS 61.552(2) or (3), then this paragraph shall not apply to the member and all contributions previously deducted in accordance with this paragraph shall be refunded to the member without interest. The contribution made pursuant to this paragraph shall not act as a reduction or offset to any other contribution required of a member or recipient under KRS 78.510 to 78.852.
 5. The board of trustees, at its discretion, may direct that the contributions required by this paragraph be accounted for within accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS 78.520, or the insurance trust fund established under KRS 61.701, through the use of separate accounts.
- (4) (a) The premium required to provide hospital and medical insurance plan coverage under this section shall be paid wholly or partly from funds contributed by:
1. The recipient of a retirement allowance, by payroll deduction from his or her retirement allowance, electronic funds transfer, or by other method;
 2. The insurance trust fund established by KRS 61.701 or accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS 78.520;
 3. Another state-administered retirement system, including the systems administered by Kentucky Retirement Systems, under a reciprocal arrangement, except that any portion of the premium paid from the funds specified by subparagraph 2. of this paragraph under a reciprocal agreement shall not exceed the amount that would be payable under this section if all the member's service were in the County Employees Retirement System. If the board provides for cross-referencing of insurance premiums, the employer's contribution for the working member or spouse shall be applied toward the premium, and the insurance trust fund established under KRS 61.701 or accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS 78.520, shall pay the balance; or
 4. A combination of the fund sources described by subparagraph 1. to 3. of this paragraph.

Group rates under the hospital and medical insurance plan shall be made available to the spouse, each dependent child, and each disabled child, regardless of the disabled child's age, of a recipient who is a former member or the beneficiary, if the premium for the hospital and medical insurance for the spouse,

each dependent child, and each disabled child, or beneficiary is paid by payroll deduction from the retirement allowance, electronic funds transfer, or by another method. For purposes of this subsection only, a child shall be considered disabled if he or she has been determined to be eligible for federal Social Security disability benefits or meets the dependent disability standard established by the Department of Employee Insurance in the Personnel Cabinet.

- (b) For a member who began participating in the system prior to July 1, 2003, the monthly contribution rate shall be paid by the system from the funds specified under paragraph (a)2. of this subsection and shall be equal to a percentage of the single premium to cover the retired member as follows:
1. One hundred percent (100%) of the monthly premium for single coverage shall be paid for a retired member who had two hundred forty (240) months of service or more upon retirement or for a retired member who when he or she was an employee was disabled as a direct result of an act in line of duty as defined in KRS 78.510(48) or as a result of a duty-related injury as defined in KRS 61.621;
 2. Seventy-five percent (75%) of the monthly premium for single coverage shall be paid for a retired member who had less than two hundred forty (240) months of service but at least one hundred eighty (180) months of service upon retirement, provided such retired member agrees to pay the remaining twenty-five percent (25%) by payroll deduction from his or her retirement allowance, electronic funds transfer, or by another method;
 3. Fifty percent (50%) of the monthly premium for single coverage shall be paid for a retired member who had less than one hundred eighty (180) months of service but had at least one hundred twenty (120) months of service upon retirement, provided such retired member agrees to pay the remaining fifty percent (50%) by payroll deduction from his or her retirement allowance, electronic funds transfer, or by another method; or
 4. Twenty-five percent (25%) of the monthly premium for single coverage shall be paid for a retired member who had less than one hundred twenty (120) months of service but had at least forty-eight (48) months of service upon retirement, provided such retired member agrees to pay the remaining seventy-five percent (75%) by payroll deduction from his or her retirement allowance, electronic funds transfer, or by another method.

Notwithstanding the foregoing provisions of this paragraph, an employee participating in the system prior to July 1, 2003, who is killed as a direct result of an act in line of duty as defined in KRS 78.510(48) or as a result of a duty-related injury as defined in KRS 61.621, shall have the monthly premium paid for the beneficiary, if the beneficiary is the member's spouse, and for each dependent child, so long as they individually remain eligible for a monthly retirement benefit.

- (c)
1. For a member who began participating in the system prior to July 1, 2003, who was determined to be in a hazardous position in the County Employees Retirement System, the funds specified under paragraph (a)2. of this subsection shall also pay a percentage of the monthly contribution rate sufficient to fund the premium costs for hospital and medical insurance coverage for the spouse and for each dependent child of a recipient.
 2. The percentage of the monthly contribution rate paid for the spouse and each dependent child of a recipient who was in a hazardous position in accordance with subparagraph 1. of this paragraph shall be based solely on the member's service in a hazardous position using the formula in paragraph (b) of this subsection, except that for any recipient of a retirement allowance from the County Employees Retirement System who was contributing to the system on January 1, 1998, for service in a hazardous position, the percentage of the monthly contribution shall be based on the total of hazardous service and any nonhazardous service as a police or firefighter with the same agency, if that agency was participating in the County Employees Retirement System but did not offer hazardous duty coverage for its police and firefighters at the time of initial participation.
- (d) For members who begin participating in the system on or after July 1, 2003:
1. Participation in the insurance benefits provided under this section shall not be allowed until the member has earned at least one hundred twenty (120) months of service in the state-administered retirement systems, except that for members who begin participating in the system on or after September 1, 2008, participation in the insurance benefits provided under this section shall not

be allowed until the member has earned at least one hundred eighty (180) months of service credited under KRS 78.615(1) or another state-administered retirement system.

2. A member who meets the minimum service requirements as provided by subparagraph 1. of this paragraph shall upon retirement be eligible for the following monthly contribution rate to be paid on his or her behalf from the funds specified under paragraph (a)2. of this subsection:
 - a. For members with service in a nonhazardous position, a monthly insurance contribution of ten dollars (\$10) for each year of service as a participating employee in a nonhazardous position; and
 - b. For members with service in a hazardous position, a monthly insurance contribution of fifteen dollars (\$15) for each year of service as a participating employee in a hazardous position.
 - c. Upon the death of the retired member, the beneficiary, if the beneficiary is the member's spouse, shall be entitled to a monthly insurance contribution of ten dollars (\$10) for each year of service the member attained as a participating employee in a hazardous position.
3. The minimum service requirement to participate in benefits as provided by subparagraph 1. of this paragraph shall be waived for a member who is disabled as a result of an act in line of duty as defined in KRS 78.510(48) or as a result of a duty-related injury as defined by KRS 61.621 and the member shall be entitled to the benefits payable under this subsection as though the member had twenty (20) years of service in the position for which the disabling condition occurred.
4. Notwithstanding the provisions of this paragraph, the minimum service requirement to participate in benefits as provided by subparagraph 1. of this paragraph shall be waived for a for a member who dies a as a result of an act in line of duty as defined in KRS 78.510(48) or as a result of a duty-related injury as defined in KRS 61.621, and the premium for the member's spouse and for each dependent child as defined in KRS 78.510 shall be paid in full by the systems so long as they individually remain eligible for a monthly retirement benefit.
5. Except as provided by subparagraph 4. of this paragraph, the monthly insurance contribution amount shall be increased:
 - a. ***On July 1 of each year by one and one-half percent (1.5%). The increase shall be cumulative and shall continue to accrue after the member's retirement for as long as a monthly insurance contribution is payable to the retired member or beneficiary but shall not apply to any increase in the contribution attributable to the increase specified by subdivision b. of this subparagraph; and***
 - b. ***On January 1 of each year by five dollars (\$5) for members who have accrued an additional full year of service as a participating employee beyond the career threshold, subject to the following restrictions:***
 - i. ***The additional insurance contribution provided by this subdivision shall only be applied to the monthly contribution amounts provided under subparagraph 2.a. and 2.b. of this paragraph;***
 - ii. ***The additional insurance contribution provided by this subdivision shall only be payable towards the health plans offered by the system to retirees who are not eligible for Medicare or for reimbursements provided to retirees not eligible for Medicare pursuant to subsection (6)(a)2. of this section; and***
 - iii. ***In order for the annual increase to occur as provided by this subdivision, the funding level of retiree health benefits for the system in which the employee is receiving the additional insurance contribution shall be at least ninety percent (90%) as of the most recent actuarial valuation and be projected by the actuary to remain ninety percent (90%) for the year in which the increase is provided.***
6. The benefits of this paragraph provided to a member whose participation begins on or after July 1, 2003, shall not be considered as benefits protected by the inviolable contract provisions of KRS 78.852. The General Assembly reserves the right to suspend or reduce the benefits conferred in this paragraph if in its judgment the welfare of the Commonwealth so demands.

7. An employee whose membership date is on or after September 1, 2008, who retires and is reemployed in a regular full-time position required to participate in the system or the Kentucky Retirement Systems shall not be eligible for health insurance coverage or benefits provided by this section and shall take coverage with his or her employing agency during the period of reemployment in a regular full-time position.
 8. *For purposes of this paragraph:*
 - a. *"Career threshold" for a member with service in a nonhazardous position means twenty-seven (27) years of service credited under KRS 16.543(1), 61.543(1), 78.615(1), or another state-administered retirement system and for a member with service in a hazardous position means the service requirements specified by KRS 78.5514(2)(a)2. or (3)(b), or 78.5516(6)(b), as applicable; and*
 - b. *"Funding level" means the actuarial value of assets divided by the actuarially accrued liability expressed as a percentage that is determined and reported by the system's actuary in the annual actuarial valuation.*
- (e) For members with service in another state-administered retirement system who select hospital and medical insurance plan coverage through the system:
1. The system shall compute the member's combined service, including service credit in another state-administered retirement system, and calculate the portion of the member's premium monthly contribution rate to be paid by the funds specified under paragraph (a)2. of this subsection according to the criteria established in paragraphs (a) to (d) of this subsection. Each state-administered retirement system shall pay annually to the insurance trust fund established under KRS 61.701 the portion of the system's cost of the retiree's monthly contribution for single coverage for hospital and medical insurance plan which shall be equal to the percentage of the member's number of months of service in the other state-administered retirement plan divided by his or her total combined service and in conjunction with the reciprocal agreement established between the system and the other state-administered retirement systems. The amounts paid by the other state-administered retirement plans and by the County Employees Retirement System from funds specified under paragraph (a)2. of this subsection shall not be more than one hundred percent (100%) of the monthly contribution adopted by the respective boards of trustees;
 2. A member may not elect coverage for hospital and medical benefits through more than one (1) of the state-administered retirement systems; and
 3. A state-administered retirement system shall not pay any portion of a member's monthly contribution for medical insurance unless the member is a recipient or annuitant of the plan.
- (5) Premiums paid for hospital and medical insurance coverage procured under authority of this section shall be exempt from any premium tax which might otherwise be required under KRS Chapter 136. The payment of premiums by the funds described by subsection (4)(a)2. of this section shall not constitute taxable income to an insured recipient. No commission shall be paid for hospital and medical insurance procured under authority of this section.
- (6) (a) The board shall promulgate an administrative regulation to establish a medical insurance reimbursement plan to provide reimbursement for hospital and medical insurance plan premiums of recipients of a retirement allowance who:
1. Are not eligible for the same level of hospital and medical benefits as recipients living in Kentucky and having the same Medicare hospital and medical insurance eligibility status; *or*
 2. *Are eligible for retiree health subsidies as provided by subsection (4)(d) of this section, except for those recipients eligible for full premium subsidies under subsection (4)(d)4. of this section. The reimbursement program as provided by this subparagraph shall be available to the recipient regardless of the hospital and medical insurance plans offered by the systems.*
- (b) An eligible recipient shall file proof of payment for hospital and medical insurance plan coverage with the retirement office. Reimbursement to eligible recipients shall be made on a quarterly basis. The recipient shall be eligible for reimbursement of substantiated medical insurance premiums for an amount not to exceed the total monthly contribution rate determined under subsection (4) of this section.

- (c) *For purposes of recipients described by paragraph (a)1. of this subsection*, the plan shall not be made available if all recipients are eligible for the same coverage as recipients living in Kentucky.

➔Section 4. The amendments to the reimbursement program under subsection (6) of Section 2 of this Act and subsection (6) of Section 3 of this Act shall be applicable for retiree health plans offered to recipients on or after January 1, 2023.

Signed by Governor April 8, 2022.

CHAPTER 153

(SB 124)

AN ACT relating to transportation and declaring an emergency.

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

➔Section 1. KRS 281A.160 is amended to read as follows:

- (1) (a) Except as provided in subsection (4) of this section, the State Police shall be responsible for administering both the knowledge and skills test required by KRS 281A.130.
- (b) Applicants who fail the written knowledge test shall be permitted to retake the written test on the next day the tests are administered. Applicants who fail the written test six (6) times shall be required to wait three (3) days before taking the knowledge test again. Applicants who subsequently fail the written test three (3) additional times shall be required to wait three (3) days prior to retaking the test.
- (2) (a) Except as provided for in subsection (3) of this section, at the time a CDL permit is issued:
 1. An applicant who has held a Kentucky operator's license for thirty (30) days or longer shall pay a skills-testing fee of fifty dollars (\$50); and
 2. An applicant who has held a Kentucky operator's license for less than thirty (30) days shall pay a skills-testing fee of one hundred fifty dollars (\$150).
- (b) There is created within the State Treasury a trust fund to be known as the State Police CDL skills-testing fund. The fund shall be administered by the State Police and shall receive all skills-testing and retesting fees collected under subsections (2)(a) and (6)(e) of this section, in addition to any grants, gifts, or appropriations of state or federal moneys and any interest earned on moneys in the fund. Moneys in the fund shall not lapse and shall be carried forward to the next succeeding fiscal year. The State Police CDL skills-testing fund shall be used by the State Police to contract with and train civilian CDL skills examiners and to improve the logistics of the CDL skills-testing process.
- (c) The State Police, upon request of an applicant who has passed both the vision and knowledge tests, may schedule the applicant for the skills test at the first available test date at a test site designated by the State Police but not less than fourteen (14) days after the applicant has filed the application and been issued a CDL permit. Except in extenuating circumstances, a retest for a failed portion of the skills test shall be given within three (3) days of a request of a retest.
- (d) An applicant shall provide a class representative commercial vehicle, for the class of CDL for which the applicant is testing, in which to take the skills test. Unless the State Police grant an exemption at the time the application for testing is made, the vehicle supplied under this paragraph shall be unloaded. Upon arrival for the skills test, the applicant shall have in his or her possession a valid Kentucky operator's license and a valid CDL permit. A CDL-licensed driver who is at least twenty-one (21) years old shall accompany the applicant at all times the applicant is in operation of a commercial vehicle.
- (3) A testing fee shall not be charged to:
 - (a) An individual applying for a CDL with an "S" endorsement as defined in KRS 281A.170; or
 - (b) Military personnel applying for a CDL under KRS 281A.165.
- (4) The State Police may authorize a third party to administer the skills test specified by this section if:

- (a) The test is the same that would otherwise be administered by the state; and
 - (b) The third party has entered into an agreement with this Commonwealth which complies with requirements of Title 49, Code of Federal Regulations, Part 383.75, as adopted by the Transportation Cabinet.
- (5) The State Police shall promulgate administrative regulations under KRS Chapter 13A that establish procedures that ensure an arm's-length relationship is maintained between a third-party tester and any owner, officer, or employee of any program offering commercial truck driving under the Kentucky Community and Technical College System or a proprietary school licensed under KRS Chapter 165A.
- (6) (a) Applicants shall be permitted to take the skills test for a particular class vehicle an unlimited number of times; however, an applicant shall not retest more than one (1) time in any twenty-four (24) hour period.
- (b) The skills test shall consist of three (3) separate portions: pre-trip inspection, basic maneuvering, and road skills. An applicant must achieve a score of at least eighty percent (80%) on each portion of the skills test before a CDL may be issued to the applicant. An applicant who passes one (1) or more portions of the skills test but does not pass all portions of the skills test shall retest only on those portions of the skills test the applicant failed.
- (c) An applicant who fails any portion of the skills test four (4) times shall be notified by the State Police that the applicant is required to wait one (1) week before retaking a portion of this skills test again.
- (d) Failure of an applicant to notify the State Police at least forty-eight (48) hours prior to missing an appointment for a skills test, or provide a written medical excuse from a licensed physician, advanced registered nurse practitioner, or physician's assistant, shall be considered a failure, on all parts of the skills test scheduled to be given, for the purposes of determining number of failures, waiting periods, and retesting fees under paragraphs (c) and (e) of this subsection for individual applicants. The fees for a missed appointment failure shall be forfeited and retained in the State Police CDL skills-testing fund established under this section. If the forty-eight (48) hour notice or medical excuse is given, the fee shall be applied to the rescheduled test. A missed appointment failure under this paragraph shall not be reported as a failure to the board.
- (e) Except as provided for in paragraph (d) of this subsection, at the time of application for a retest under this subsection, the applicant shall pay a retesting fee of fifty dollars (\$50).
- (7) (a) An applicant who seeks reinstatement of a commercial driver's license after a suspension, withdrawal, revocation, or disqualification of less than one (1) year shall pay the reinstatement fee as prescribed by KRS 281A.150(7) and shall receive his or her commercial driver's license with all endorsement and restrictions that were in effect at the time of suspension. An applicant who seeks reinstatement of a commercial driver's license after a suspension, withdrawal, revocation, or disqualification of one (1) year or more shall submit to the skills, knowledge, and vision tests.
- (b) *Subject to paragraphs (c) and (d) of this subsection, a person who possessed a Kentucky commercial driver's license that has expired for a period of less than five (5) years and was not subject to suspension, withdrawal, revocation, or disqualification for any reason at the time of expiration may have that license reinstated, with all endorsements, without submitting to the skills and knowledge tests by applying to the cabinet for renewal. Upon submission of medical certification, driver self-certifications required under KRS 281A.140(1)(f), successful completion of any necessary criminal background check, and review of the person's driving history record, the cabinet shall issue a renewal CDL, with all endorsements, to an applicant under this paragraph.*
- (c) *A person who otherwise meets the requirements of paragraph (b) of this subsection whose CDL was subject to suspension or revocation solely for failure to provide medical certification may apply for renewal of a CDL under paragraph (b) of this subsection.*
- (d) *If the CDL held by a person who otherwise meets the requirements of paragraph (b) of this subsection carried a hazardous materials endorsement, and the applicant wishes to retain that endorsement, he or she shall complete any examinations required for a hazardous materials endorsement renewal in KRS 281A.180(2) prior to renewing the CDL under paragraph (b) of this subsection.*
- (8) (a) The commissioner of the Department of Kentucky State Police shall promulgate administrative regulations pursuant to the provisions of KRS Chapter 13A to implement the provisions of this section.

- (b) The State Police shall promulgate administrative regulations under KRS Chapter 13A to set forth the qualifications for contract examiners retained under subsection (2)(b) of this section.

➔Section 2. KRS 186.635 is amended to read as follows:

- (1) The following persons shall be required to successfully complete the examinations required under KRS 186.480 prior to being issued a Kentucky operator's license:
- (a)~~(1)~~ A person who has been issued a Kentucky instruction permit or intermediate license;
 - (b)~~(2)~~ A person who has applied for a Kentucky operator's license under KRS 186.412 or 186.4121; and
 - (c)~~(3)~~ Other persons as identified in an administrative regulation promulgated by the Department of Kentucky State Police or the Transportation Cabinet under KRS Chapter 13A.
- (2) *A person who possessed a Kentucky operator's license that has expired for a period of less than five (5) years and was not subject to suspension, withdrawal, revocation, or disqualification at the time of expiration may have that license reinstated without submitting to the examinations required under KRS 186.480 by applying to the cabinet for renewal. Upon submission of any vision testing required under KRS 186.577 and review of the person's driving history record, the cabinet shall issue a renewal operator's license to an applicant under this paragraph.*

➔Section 3. KRS 165A.310 is amended to read as follows:

As used in this chapter:

- (1) "Agent" means any person employed by a proprietary school to act as agent, solicitor, broker, or independent contractor to procure students for the school by solicitation of enrollment in any form made at any place other than the main office or principal place of business of the school;
- (2) "CDL" means a commercial driver's license as defined in KRS 281A.010;
- (3) "CDL driver training" means a course of study that complies with the provisions of KRS 332.095 governing the instruction of persons in the operation of commercial motor vehicles;
- (4) "CDL driver training school" means any person, firm, partnership, association, educational institution, establishment, agency, organization, or corporation, *with the exception of an entry level driver training provider*, that offers CDL driver training to persons desiring to obtain a Kentucky CDL in order to operate a commercial motor vehicle and for which a fee or tuition is charged;
- (5) "Commercial motor vehicle" has the same meaning as in KRS 281A.010;
- (6) "Commission" means the Kentucky Commission on Proprietary Education;
- (7) *"Entry level driver training" means a federally mandated course of instruction for new CDL applicants as outlined in 49 C.F.R. secs. 380.600 to 380.609;*
- (8) *"Entry level driver training provider" means an entity that is certified by the Federal Motor Carrier Safety Administration as a training provider under 49 C.F.R. secs. 380.700 to 380.725 that is limited solely to providing entry level driver training;*
- (9) "Formal complaint" means a written statement filed on a form specified by the commission in which the complainant alleges that a school has violated a Kentucky statute or administrative regulation and has negatively impacted the complainant, and resolution is requested by the commission;
- ~~(10)(8)~~ "License" means authorization issued by the commission to operate or to contract to operate a proprietary school in Kentucky as described in this chapter and does not reflect accreditation, supervision, endorsement, or recommendation by the commission;
- ~~(11)(9)~~ "Person" means an individual, corporation, business trust, estate, partnership, unincorporated association, two (2) or more of any of the foregoing having a joint or common interest, or any other legal or commercial entity;
- ~~(12)(10)~~ "Proprietary school" or "school" means a privately owned educational institution, establishment, agency, organization, or person maintained on either a for-profit or not-for-profit basis, offering or administering a plan, course, or program of instruction in business, trade, technical, industrial, or related areas for which a fee or tuition is charged whether conducted in person, by mail, or by any other method, and does not include:

- (a) A school or educational institution supported entirely or partly by taxation from either a local or state source;
 - (b) A parochial, denominational, or eleemosynary school or institution;
 - (c) A training program which offers instruction for payment by participants primarily in pursuit of a hobby, recreation, or entertainment, and does not result in the granting of postsecondary credits nor lead to an industry-recognized credential, academic certificate, or degree;
 - (d) A course or courses of instruction or study sponsored by an employer for the training and preparation of its own employees for the benefit of the employer and without charge to the employee; or
 - (e) A school or educational institution licensed or approved by or a course or courses of study or instruction sponsored by the Kentucky Board of Barbering established by KRS 317.430, the Kentucky Board of Cosmetology established by KRS 317A.030, the Kentucky Board of Nursing established by KRS 314.121, the Kentucky Board of Embalmers and Funeral Directors established by KRS 316.170, or the Kentucky Council on Postsecondary Education established by KRS 164.011;
- (13)~~(11)~~ "Resident" means any person who has established Kentucky as his or her state of domicile. Proof of residency shall include but not be limited to a deed or property tax bill, utility agreement or utility bill, or rental housing agreement;
- (14)~~(12)~~ "School year" is beginning the first day of July and ending the thirtieth day of June next following, except when approval shall be suspended or canceled pursuant to KRS 165A.350; and
- (15)~~(13)~~ "Statement of quality assurance" means a statement required by the commission from a non-degree granting institution, in a form and manner determined by the commission, that attests to the institution meeting the minimum standards required for receiving and maintaining a license.

➔Section 4. KRS 165A.460 is amended to read as follows:

- (1) ***Except as provided in subsection (2) of this section***, all proprietary schools located or doing business in this state that offer CDL driver training shall be governed by the provisions of this chapter, except for matters governing:
- (a)~~(1)~~ The curriculum, which shall be established by the commission in consultation with the Department of Kentucky State Police and the Kentucky Community and Technical College System; and
 - (b)~~(2)~~ The inspection of CDL driver training school facilities, which shall be under the authority of the Department of Kentucky State Police pursuant to KRS 165A.475 and 332.095.
- (2) ***Entry level driver training providers are exempt from the provisions of this chapter and shall instead comply with the requirements set forth in 49 C.F.R. secs. 380.600 to 380.609 and 380.700 to 380.725.***

➔Section 5. KRS 189.2226 is amended to read as follows:

- (1) As used in this section:
- (a) "Bill of lading" means a document evidencing the purchase of, or delivery order for, building materials issued by a person engaged in a business that sold or leased the building materials;
 - (b) "Building materials" means equipment or materials associated with new home construction, home remodeling, or home maintenance, including but not limited to:
 1. Agriculture products;
 2. Asphalt;
 3. Concrete;
 4. Crushed stone;
 5. Excavation equipment;
 6. Fill dirt and rock;
 7. Glass;
 8. Landscaping materials;
 9. Lumber or other wood products;

10. Minerals;
 11. Roofing materials; and
 12. Steel products;
- (c) "Home" means:
1. A site where a single or multi-family housing unit is being initially constructed *for which a building permit for construction has been issued by the authorized local government in the city or county in which construction will take place*; and
 2. A site where construction of a single or multi-family housing unit is complete and persons inhabit the housing unit; and
- (d) "State road" means a state or federal highway but does not mean an interstate or county road.

- (2) Other statutes to the contrary in this chapter notwithstanding, any vehicle hauling building materials to a home shall be allowed, subject to the provisions of this section, to travel on any state road without a permit and without being subject to a fine, if the weight of the vehicle is within the limits of the registration issued to the vehicle and within the axle limits for the vehicle, even if the vehicle's gross weight or length, including vehicle and load, exceed the limits prescribed by this chapter or in other aspects fail to comply with this chapter.
- (3) A vehicle hauling building materials under this section shall be allowed to travel the most direct route, in the opinion of the operator, to the vehicle's point of destination, provided any road traveled as the most direct route shall not be further than fifteen (15) miles from a state road that is classified to carry the registered weight of the vehicle. If a vehicle is traveling a road classified by the cabinet as a single "A" highway, the vehicle or its load cannot exceed ninety-six (96) inches in width. If a vehicle or its load exceed ninety-six (96) inches in width, the operator shall be required to obtain the appropriate overdimensional permit required by this chapter to travel the proposed route. The operator of a vehicle hauling building materials under this section shall have in his or her possession a bill of lading.
- (4) All vehicles hauling building materials under this section shall be prohibited from exceeding the established width and posted bridge weight limits for any route the vehicle travels. A vehicle that exceeds the width or bridge limits for its posted routes shall be required to obtain the appropriate overdimensional or overweight permit required by this chapter.

➔Section 6. KRS 189.280 is amended to read as follows:

- (1) KRS 189.221 to 189.230 and 189.280 shall not apply to motor trucks, semitrailer trucks, or trailers owned by the United States, the Commonwealth of Kentucky, or any agency of them, any county or city.
- (2) If any motor truck, semitrailer truck, or trailer is lawfully licensed by a city pursuant to KRS 186.270, then KRS 189.221 and subsection (1) of 189.222 shall not apply thereto, within the limits of the city issuing the license, or within fifteen (15) miles of the limits of the city, ~~if it is a city with a population equal to or greater than three thousand (3,000) based upon the most recent federal decennial census, or within five (5) miles of its limits if it is a city with a population of less than three thousand (3,000) based upon the most recent federal decennial census,~~ except on such state-maintained highways or portions thereof, including connecting-link streets, as may be designated by the commissioner of highways, and on such county highways as may be designated by the county judge/executive; provided, however, that in no case shall any vehicle exceed the weight and size limitations established by the city ordinance when those limitations are less stringent than those provided in the aforementioned sections of the statutes. For the purposes of this subsection vehicles exempt from the imposition of a city license tax by reason of subsection (2) of KRS 281.830 shall be entitled to the same exemptions as those so licensed.
- (3) Cities may, by ordinance, provide maximum limits with respect to the weight, height, width and length of motor trucks, semitrailer trucks, and trailers *on city-owned and maintained streets and roads*, ~~within their respective boundaries, not less, however, than the maximum limits prescribed in KRS 189.221 and subsection (1) of 189.222, and may authorize the operation of trailers.~~

➔SECTION 7. A NEW SECTION OF KRS CHAPTER 365 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in Sections 7 to 11 of this Act, unless the context requires otherwise:*
 - (a) *"Car sharing delivery period" means the period of time during which a shared vehicle is being delivered to the location of the car sharing start time, if applicable, as documented by the governing car sharing program agreement;*

- (b) *"Car sharing period" means the period of time that commences with the following and ends at the car sharing termination time:*
1. *The car sharing delivery period; or*
 2. *If there is no car sharing delivery period, the car sharing start time;*
- (c) *"Car sharing program agreement":*
1. *Means the terms and conditions applicable to a shared vehicle owner and a shared vehicle driver that govern the use of a shared vehicle through a peer-to-peer car sharing program; and*
 2. *Does not include rental or lease agreements entered with persons operating under a U-Drive-It certificate as defined in KRS 281.010;*
- (d) *"Car sharing start time" means the time when the shared vehicle becomes subject to the control of the shared vehicle driver at or after the time the reservation of a shared vehicle is scheduled to begin, as documented in the records of a peer-to-peer car sharing program;*
- (e) *"Car sharing termination time" means the earliest of the following:*
1. *The expiration of the agreed-upon period of time established for use of a shared vehicle according to the terms of a car sharing program agreement if the shared vehicle is delivered to the location agreed upon in the car sharing program agreement;*
 2. *When the shared vehicle is returned to a location as alternatively agreed upon by the shared vehicle owner and shared vehicle driver as communicated through a peer-to-peer car sharing program, which alternatively agreed upon location shall be incorporated into the car sharing program agreement; or*
 3. *When the shared vehicle owner takes possession and control of the shared vehicle;*
- (f) *"Peer-to-peer car sharing":*
1. *Means the authorized use of a motor vehicle by an individual other than the vehicle's owner through a peer-to-peer car sharing program; and*
 2. *Does not:*
 - a. *Include the operation of a U-Drive-It as defined in KRS 281.010; or*
 - b. *Involve the sale or provision of rental vehicle insurance as defined in KRS 304.9-020;*
- (g) *"Peer-to-peer car sharing program":*
1. *Means a business platform that connects shared vehicle owners with shared vehicle drivers to enable the sharing of motor vehicles for financial consideration; and*
 2. *Does not include a:*
 - a. *U-Drive-It as defined in KRS 281.010;*
 - b. *Motor vehicle renting company as defined in KRS 281.687;*
 - c. *Rental vehicle agent as defined in KRS 304.9-020; or*
 - d. *Service provider that is solely providing hardware or software as a service to a person or entity that is not effectuating payment of financial consideration for use of a shared vehicle;*
- (h) *"Shared vehicle":*
1. *Means a motor vehicle that is available for car sharing through a peer-to-peer car sharing program; and*
 2. *Does not include a motor vehicle leased or rented by a person operating under a U-Drive-It certificate as defined in KRS 281.010;*
- (i) *"Shared vehicle driver" means an individual who has been authorized to drive the shared vehicle by the shared vehicle owner under a car sharing program agreement; and*

- (j) *"Shared vehicle owner"*:
1. *Means the registered owner, or a person or entity designated by the registered owner, of a motor vehicle made available for sharing to shared vehicle drivers through a peer-to-peer car sharing program; and*
 2. *Does not include a:*
 - a. *Person operating a U-Drive-It as defined in KRS 281.010;*
 - b. *Motor vehicle renting company as defined in KRS 281.687; or*
 - c. *Rental vehicle agent as defined in KRS 304.9-020.*

- (2) *A peer-to-peer car sharing program doing business in this state shall comply with Sections 8 and 9 of this Act.*

➔SECTION 8. A NEW SECTION OF KRS CHAPTER 365 IS CREATED TO READ AS FOLLOWS:

- (1) (a) *A peer-to-peer car sharing program shall assume the liability, except as provided in paragraph (b)1. of this subsection, of a shared vehicle owner for bodily injury and property damage to third parties and basic reparation benefits losses during the car sharing period in an amount stated in the car sharing program agreement, which amount shall not be less than:*
1. *For bodily injury and property damage to third parties, the amounts set forth in KRS 304.39-110; and*
 2. *For basic reparation benefits, the amount set forth in KRS 304.39-020(2).*
- (b) *Notwithstanding the definition of "car sharing termination time" set forth in Section 7 of this Act, the assumption of liability required under paragraph (a) of this subsection:*
1. *Shall not apply when a shared vehicle owner:*
 - a. *Makes an intentional or fraudulent material misrepresentation or omission to the peer-to-peer car sharing program before the car sharing period in which the accident occurs; or*
 - b. *Acts in concert with a shared vehicle driver who fails to return the shared vehicle pursuant to the terms of the car sharing program agreement; and*
 2. *Shall apply to bodily injury, property damage, and basic reparation benefits losses by damaged third parties required under KRS 304.39-080.*
- (2) (a) 1. *A peer-to-peer car sharing program shall ensure that, during each car sharing period, the shared vehicle owner and the shared vehicle driver are covered under a motor vehicle liability insurance policy that:*
- a. *Provides coverage in amounts not less than the minimum amounts set forth in KRS 304.39-110; and*
 - b. *Either:*
 - i. *Recognizes that the motor vehicle insured under the policy is made available and used as a shared vehicle through a peer-to-peer car sharing program; or*
 - ii. *Does not exclude use of the motor vehicle as a shared vehicle by a shared vehicle driver.*
 2. *For purposes of this paragraph, "recognizes" means acceptance and recognition of coverage.*
- (b) 1. *The requirements of paragraph (a) of this subsection may be satisfied by motor vehicle liability insurance maintained by:*
- a. *The shared vehicle owner;*
 - b. *The shared vehicle driver;*
 - c. *The peer-to-peer car sharing program; or*
 - d. *Any combination of the persons described in this subparagraph.*

2. *In the event a claim occurs in another state with minimum coverage limits higher than the amounts set forth in KRS 304.39-110 during the car sharing period, the coverage maintained under this paragraph shall satisfy the difference in minimum coverage amounts, up to the applicable policy limits.*
- (c) *Except as otherwise provided in this section:*
1. *The insurance described in paragraph (b) of this subsection that is satisfying the insurance requirement of paragraph (a) of this subsection shall be primary during each car sharing period;*
 2. *In the event a bodily injury or liability claim occurs and there is more than one (1) motor vehicle liability insurance policy as permitted under paragraph (b)1.d. of this subsection, the order of priority of coverage shall be as follows, unless one (1) policy contains a provision affirmatively stating that the policy's coverage is primary and thereby is primary during the car sharing period:*
 - a. *A policy maintained by the shared vehicle driver is first in priority;*
 - b. *A policy maintained by the peer-to-peer car sharing program is next in priority; and*
 - c. *A policy maintained by the shared vehicle owner is last in priority; and*
 3. *If coverage is applicable through more than one (1) motor vehicle liability insurance policy as permitted under paragraph (b)1.d. of this subsection and more than one (1) of those policies contain a provision affirmatively stating that the policy's coverage is primary, the order of priority of coverage shall be as described in subparagraph 2.a. to c. of this paragraph.*
- (d) *The insurer, insurers, or peer-to-peer car sharing program providing coverage under paragraph (a) or (b) of this subsection shall assume primary liability for a claim if a dispute exists as to:*
1. *Who was in control of the shared vehicle at the time of the accident and the peer-to-peer car sharing program does not have available, did not retain, or fails to provide the information required under subsection (2) of Section 9 of this Act; or*
 2. *Whether the shared vehicle was returned to the alternatively agreed upon location as required under subsection (1)(e)2. of Section 7 of this Act.*
- (e) *If insurance maintained by a shared vehicle owner or shared vehicle driver in accordance with paragraph (b) of this subsection has lapsed or does not provide the required coverage, insurance maintained by a peer-to-peer car sharing program shall provide the coverage required by paragraph (a) of this subsection beginning with the first dollar of a claim and have the duty to defend such claim except under circumstances set forth in subsection (1)(b)1. of this section.*
- (3) *Coverage under a motor vehicle insurance policy maintained by a peer-to-peer car sharing program shall not be dependent upon another motor vehicle insurer first denying a claim nor shall another motor vehicle insurance policy be required to first deny a claim.*
- (4) *Nothing in this section shall be construed to:*
- (a) *Limit the liability of a peer-to-peer car sharing program for any act or omission of the peer-to-peer car sharing program itself that results in injury to any person as a result of the use of a shared vehicle through a peer-to-peer car sharing program;*
 - (b) *Limit the ability of a peer-to-peer car sharing program to, by contract, seek indemnification from the shared vehicle owner or the shared vehicle driver for economic loss sustained by the peer-to-peer car sharing program resulting from a breach of the terms and conditions of the car sharing program agreement;*
 - (c) *Invalidate or limit an exclusion contained in a motor vehicle liability insurance policy, including any policy in use or approved for use that excludes coverage for motor vehicles made available for rent, sharing, or hire, or for any business use; or*
 - (d) *Invalidate, limit, or restrict an insurer's ability under existing law to:*
 1. *Underwrite any insurance policy; or*
 2. *Cancel and non-renew policies.*

➔SECTION 9. A NEW SECTION OF KRS CHAPTER 365 IS CREATED TO READ AS FOLLOWS:

- (1) *At the time when a motor vehicle owner registers as a shared vehicle owner on a peer-to-peer car sharing program and prior to the time when the shared vehicle owner makes a shared vehicle available for sharing on the peer-to-peer car sharing program, the peer-to-peer car sharing program shall:*
 - (a) *Notify the shared vehicle owner that, if the shared vehicle has a lien against it, the use of the motor vehicle as a shared vehicle through a peer-to-peer car sharing program, including use without physical damage coverage, may violate the terms of the contract with the lienholder;*
 - (b) *Verify that the shared vehicle does not have any safety recalls for which the repairs have not been made; and*
 - (c) *Notify the shared vehicle owner of the requirements under Section 10 of this Act.*
- (2) (a) *A peer-to-peer car sharing program shall collect and verify records pertaining to the use of a shared vehicle, including but not limited to:*
 1. *Times used;*
 2. *Car sharing period pickup and drop-off locations;*
 3. *Fees paid by the shared vehicle driver; and*
 4. *Revenues received by the shared vehicle owner.*
 - (b) *The peer-to-peer car sharing program shall provide the information collected under paragraph (a) of this subsection, upon request, to the following to facilitate a claim coverage investigation, settlement, negotiation, or litigation:*
 1. *The shared vehicle owner;*
 2. *The shared vehicle owner's insurer; and*
 3. *The shared vehicle driver's insurer.*
 - (c) *The peer-to-peer car sharing program shall retain the records collected for a time period not less than the applicable personal injury statute of limitations.*
- (3) *Each car sharing program agreement made in this state shall disclose to the shared vehicle owner and the shared vehicle driver:*
 - (a) *Any right of the peer-to-peer car sharing program to seek indemnification from the shared vehicle owner or the shared vehicle driver for economic loss sustained by the peer-to-peer car sharing program resulting from a breach of the terms and conditions of the car sharing program agreement;*
 - (b) *That a motor vehicle liability insurance policy issued to the shared vehicle owner for the shared vehicle or to the shared vehicle driver does not provide a defense or indemnification for any claim asserted by the peer-to-peer car sharing program;*
 - (c) *That the peer-to-peer car sharing program's insurance coverage on the shared vehicle owner and the shared vehicle driver shall be in effect only during each car sharing period and that, for any use of the shared vehicle by the shared vehicle driver after the car sharing termination time, the shared vehicle driver and the shared vehicle owner may not have insurance coverage;*
 - (d) *The daily rate, fees, and, if applicable, any insurance or protection package costs that are charged to the shared vehicle owner or the shared vehicle driver;*
 - (e) *That the shared vehicle owner's motor vehicle liability insurance may not provide coverage for a shared vehicle;*
 - (f) *An emergency telephone number to personnel capable of fielding roadside assistance and other customer service inquiries; and*
 - (g) *Whether there are conditions under which a shared vehicle driver must maintain a personal motor vehicle insurance policy with certain applicable coverage limits on a primary basis in order to book a shared vehicle.*
- (4) (a) *A peer-to-peer car sharing program shall not enter into a car sharing program agreement with a potential shared vehicle driver unless the driver:*

1. *Holds a driver's license issued under the laws of this state that authorizes the driver to operate vehicles of the class of the shared vehicle;*
 2. *Is a nonresident who:*
 - a. *Has a driver's license issued by the state or country of the driver's residence that authorizes the driver in that state or country to drive vehicles of the class of the shared vehicle; and*
 - b. *Is at least the same age as that required of a resident to drive in this state; or*
 3. *Is otherwise authorized under the laws of this state to drive vehicles of the class of the shared vehicle.*
- (b) *A peer-to-peer car sharing program shall keep a record of:*
1. *The name and address of each shared vehicle driver;*
 2. *The driver's license number of each shared vehicle driver; and*
 3. *The place of issuance of the driver's license of each shared vehicle driver.*
- (5) (a) *A peer-to-peer car sharing program shall:*
1. *Have sole responsibility for any equipment, such as a global positioning system (GPS) or other special equipment, that is put in or on the shared vehicle to monitor or facilitate the peer-to-peer car sharing; and*
 2. *Agree to indemnify and hold harmless the shared vehicle owner for any damage to or theft of the equipment during the car sharing period not caused by the shared vehicle owner.*
- (b) *A peer-to-peer car sharing program may seek indemnification from the shared vehicle driver for any loss or damage to the equipment that occurs during the car sharing period.*

➔SECTION 10. A NEW SECTION OF KRS CHAPTER 365 IS CREATED TO READ AS FOLLOWS:

- (1) *If a shared vehicle owner receives an actual notice of a safety recall on a shared vehicle, the shared vehicle owner shall:*
- (a) *Remove the shared vehicle as available on the peer-to-peer car sharing program as soon as practicably possible after receiving the notice; and*
 - (b) *Not make the shared vehicle available on the peer-to-peer car sharing program until the safety recall repair has been made.*
- (2) *If a shared vehicle owner receives an actual notice of a safety recall while the shared vehicle is in the possession of a shared vehicle driver, the shared vehicle owner shall notify the peer-to-peer car sharing program as soon as practicably possible after receiving the notice so that the shared vehicle owner may address the safety recall repair.*

➔SECTION 11. A NEW SECTION OF KRS CHAPTER 365 IS CREATED TO READ AS FOLLOWS:

A peer-to-peer car sharing program and a shared vehicle owner shall be exempt from vicarious liability:

- (1) *Consistent with 49 U.S.C. sec. 30106; and*
- (2) *Except as provided in KRS 304.39-080, under any state or local law that imposes liability solely based on vehicle ownership.*

➔SECTION 12. A NEW SECTION OF SUBTITLE 39 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section, the following have the same meaning as in Section 7 of this Act:*
- (a) *"Car sharing period";*
 - (b) *"Peer-to-peer car sharing program";*
 - (c) *"Shared vehicle";*
 - (d) *"Shared vehicle driver"; and*
 - (e) *"Shared vehicle owner."*

- (2) *An authorized insurer that writes motor vehicle liability insurance in this state may exclude any and all coverage, and the duty to defend or indemnify for any claim afforded, under a shared vehicle owner's policy for accidents involving the shared vehicle that occur during a car sharing period, including but not limited to:*
- (a) *Security for payment of tort liabilities under KRS 304.39-110;*
 - (b) *Uninsured motorist coverage under KRS 304.20-020;*
 - (c) *Underinsured motorist coverage under KRS 304.39-320;*
 - (d) *Basic reparation benefits as defined in KRS 304.39-020;*
 - (e) *Medical payments coverage;*
 - (f) *Comprehensive property damage coverage; and*
 - (g) *Collision property damage coverage.*
- (3) *An insurer that defends or indemnifies a claim against a shared vehicle shall have the right to seek recovery against the insurer that issued a motor vehicle liability insurance policy under subsection (2) of Section 8 of this Act to the peer-to-peer car sharing program if:*
- (a) *The claim is made against the shared vehicle owner or shared vehicle driver for damages that result from an accident occurring during the car sharing period; and*
 - (b) *Coverage for the claim is excluded under the terms of the insurer's policy.*

➔SECTION 13. A NEW SECTION OF SUBTITLE 14 OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section, the following have the same meaning as in Section 7 of this Act:*
- (a) *"Car sharing period";*
 - (b) *"Car sharing program agreement";*
 - (c) *"Peer-to-peer car sharing program";*
 - (d) *"Shared vehicle";*
 - (e) *"Shared vehicle driver"; and*
 - (f) *"Shared vehicle owner."*
- (2) *Notwithstanding any other provision of this subtitle, a peer-to-peer car sharing program shall have an insurable interest in a shared vehicle during the car sharing period, which shall include owning and maintaining, as the named insured, one (1) or more policies of motor vehicle liability insurance that provides coverage for:*
- (a) *Liabilities assumed by the peer-to-peer car sharing program under a car sharing program agreement;*
 - (b) *Any liability of the shared vehicle owner or shared vehicle driver; and*
 - (c) *Damage or loss to the shared vehicle.*
- (3) *Nothing in this section creates liability on a peer-to-peer car sharing program to maintain the coverage required under Section 8 of this Act.*

➔Section 14. KRS 138.462 is amended to read as follows:

As used in KRS 138.463 and 138.4631, unless the context requires otherwise:

- (1) "Cabinet" means the Transportation Cabinet;
- (2) "Rent" and "rental" means a contract, *other than a car sharing program agreement as defined in Section 7 of this Act*, supported by a consideration, for the use of a motor vehicle for a period of less than three hundred sixty-five (365) days;
- (3) "Lease" and "leasing" means a contract, *other than a car sharing program agreement as defined in Section 7 of this Act*, supported by a consideration, for the use of a motor vehicle for a period of three hundred sixty-five (365) days or more; and

(4) "Gross rental charge" means the amount paid by a customer for time and mileage only.

➔Section 15. KRS 186.630 is amended to read as follows:

- (1) No person shall rent a motor vehicle to any other person if the latter is not licensed, unless he is a nonresident whose home state or country does not require that an operator be licensed.
- (2) No person shall rent a motor vehicle to another until he has inspected the operator's license of the person to whom the vehicle is to be rented and compared and verified the signature on the license with the signature of that person written in his presence.
- (3) Every person renting a motor vehicle to another shall keep a record of the registration number of the motor vehicle rented, the name and address of the person to whom the vehicle is rented, the number of his license and the date and place of issuance of his license. That record shall be open to inspection by any police officer or employee of the cabinet.

(4) ***This section shall not apply to peer-to-peer car sharing as defined in Section 7 of this Act.***

➔Section 16. Whereas facilitating the renewal of recently expired CDLs in good standing will help increase the number of commercial truck drivers on the highway during an unprecedented backlog in our nation's supply chain, and recently enacted federal requirements for entry-level driver training have exacerbated already existing shortages of qualified commercial vehicle operators, an emergency is declared to exist, and Sections 1 to 4 of this Act shall take effect upon their passage and approval by the Governor or upon their otherwise becoming a law.

➔Section 17. Sections 7 to 15 of this Act take effect on January 1, 2023.

Signed by Governor April 8, 2022.

CHAPTER 154

(SB 56)

AN ACT relating to opioid antagonists designed to reverse the effects of an opioid overdose.

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

➔Section 1. KRS 15.291 is amended to read as follows:

- (1) There is hereby established the Kentucky Opioid Abatement Advisory Commission. The commission shall be attached to the Department of Law for administrative purposes.
- (2) (a) The commission shall consist of the following voting members:
 1. The Attorney General or his or her designee, who shall act as chair;
 2. The State Treasurer or his or her designee;
 3. The secretary of the Cabinet for Health and Family Services or his or her designee;
 4. One (1) member appointed by the University of Kentucky from the HEALing Communities Study Team;
 5. One (1) member appointed by the Attorney General representing victims of the opioid crisis;
 6. One (1) member appointed by the Attorney General representing the drug treatment and prevention community;
 7. One (1) member appointed by the Attorney General representing law enforcement; and
 8. Two (2) citizens at large appointed by the Attorney General.
- (b) The commission shall consist of the following nonvoting members who shall serve at the pleasure of their appointing authority:
 1. One (1) member appointed by the Speaker of the House of Representatives; and
 2. One (1) member appointed by the President of the Senate.

- (3) (a) Members of the commission appointed under subsection (2)(a)1. to 3. of this section shall serve terms concurrent with holding their respective offices or positions.
 - (b) The remaining members of the commission shall serve staggered two (2) year terms as follows:
 - 1. Members of the commission appointed under subsection (2)(a)4. to 6. of this section shall serve an initial term of two (2) years; and
 - 2. Members of the commission appointed under subsection (2)(a)7. to 8. of this section shall serve an initial term of one (1) year.
 - (c) Members of the commission shall not receive compensation for their services but may be reimbursed for necessary travel and lodging expenses incurred in the performance of their duties.
- (4) (a) Meetings of the commission shall be conducted according to KRS 61.800 to 61.850.
 - (b) The commission shall meet at least twice within each calendar year.
 - (c) Five (5) voting members of the commission shall constitute a quorum for the transaction of business.
 - (d) Each member of the commission shall have one (1) vote, with all actions being taken by an affirmative vote of the majority of members present.
- (5) The commission shall award moneys from the opioid abatement trust fund established in KRS 15.293 to reimburse prior expenses or to fund projects according to the following criteria related to opioid use disorder (OUD) or any co-occurring substance use disorder or mental health (SUD/MH) issues:
 - (a) Reimbursement for:
 - 1. Any portion of the cost related to outpatient and residential treatment services, including:
 - a. Services provided to incarcerated individuals;
 - b. Medication-assisted treatment;
 - c. Abstinence-based treatment; and
 - d. Treatment, recovery, or other services provided by community health centers or not-for-profit providers;
 - 2. Emergency response services provided by law enforcement or first responders; or
 - 3. Any portion of the cost of administering *an opioid antagonist as defined in Section 3 of this Act*; or
 - (b) Provide funding for any project which:
 - 1. Supports intervention, treatment, and recovery services provided to persons:
 - a. With OUD or co-occurring SUD/MH issues; or
 - b. Who have experienced an opioid overdose;
 - 2. Supports detoxification services, including:
 - a. Medical detoxification;
 - b. Referral to treatment; or
 - c. Connections to other services;
 - 3. Provides access to opioid-abatement-related housing, including:
 - a. Supportive housing; or
 - b. Recovery housing;
 - 4. Provides or supports transportation to treatment or recovery programs or services;
 - 5. Provides employment training or educational services for persons in treatment or recovery;
 - 6. Creates or supports centralized call centers that provide information and connections to appropriate services;

7. Supports crisis stabilization centers that serve as an alternative to hospital emergency departments for persons with OUD and any co-occurring SUD/MH issues or persons that have experienced an opioid overdose;
8. Improves oversight of opioid treatment programs to ensure evidence-based and evidence-informed practices;
9. Provides scholarships and support for certified addiction counselors and other mental and behavioral health providers, including:
 - a. Training scholarships;
 - b. Fellowships;
 - c. Loan repayment programs; or
 - d. Incentives for providers to work in rural or underserved areas of the Commonwealth;
10. Provides training on medication-assisted treatment for health care providers, students, or other supporting professionals;
11. Supports efforts to prevent over-prescribing and ensures appropriate prescribing and dispensing of opioids;
12. Supports enhancements or improvements consistent with state law for prescription drug monitoring programs;
13. Supports the education of law enforcement or other first responders regarding appropriate practices and precautions when dealing with opioids or individuals with OUD or co-occurring SUD/MH issues;
14. Supports opioid-related emergency response services provided by law enforcement or first responders;
15. Treats mental health trauma issues resulting from the traumatic experiences of opioid users or their family members;
16. Engages nonprofits, the faith community, and community coalitions to support prevention and treatment, and to support family members in their efforts to care for opioid users in their family;
17. Provides recovery services, support, and prevention services for women who are pregnant, may become pregnant, or who are parenting with OUD or co-occurring SUD/MH issues;
18. Trains healthcare providers that work with pregnant or parenting women on best practices for compliances with federal requirements that children born with Neonatal Abstinence Syndrome get referred to appropriate services and receive a plan of care;
19. Addresses Neonatal Abstinence Syndrome, including prevention, education, and treatment of OUD and any co-occurring SUD/MH issues;
20. Offers home-based wrap-around services to persons with OUD and any co-occurring SUD/MH issues, including parent-skills training;
21. Supports positions and services, including supportive housing and other residential services relating to children being removed from the home or placed in foster care due to custodial opioid use;
22. Provides public education about opioids or opioid disposal;
23. Provides drug take-back disposal or destruction programs;
24. Covers the cost of administering *an opioid antagonist as defined in Section 3 of this Act*~~naloxone~~;
25. Supports pre-trial services that connect individuals with OUD and any co-occurring SUD/MH issues to evidence-informed treatment and related services;
26. Supports treatment and recovery courts for persons with OUD and any co-occurring SUD/MH issues, but only if they provide referrals to evidence-informed treatment;

27. Provides evidence-informed treatment, recovery support, harm reduction, or other appropriate services to individuals with OUD and any co-occurring SUD/MH issues who are incarcerated, leaving jail or prison, have recently left jail or prison, are on probation or parole, are under community corrections supervision, or are in re-entry programs or facilities;
 28. Meets the criteria included in any settlement agreement or judgment between the parties listed in KRS 15.293(3)(a); or
 29. Any other project deemed appropriate for opioid-abatement purposes by the commission.
- (6) The commission may identify additional duties or responsibilities, including:
- (a) Reporting on projects and programs related to addressing the opioid epidemic;
 - (b) Developing priorities, goals, and recommendations for spending on the projects and programs;
 - (c) Working with state agencies or outside entities to develop measures for projects and programs that address substance use disorders; or
 - (d) Making recommendations for policy changes on a state or local level, including statutory law and administrative regulations.
- (7) The commission shall:
- (a) Create and maintain a Web site on which it shall publish its minutes, attendance rolls, funding awards, and reports of funding by recipients; and
 - (b) Promulgate administrative regulations to implement this section. The commission may promulgate emergency administrative regulations to take effect immediately so that funds may be distributed more quickly and efficiently to combat the opioid epidemic.

➔Section 2. KRS 217.177 is amended to read as follows:

- (1) No person engaged in sales at retail shall display hypodermic syringes or needles in any portion of the place of business which is open or accessible to the public.
- (2) Pharmacies offering retail sale of hypodermic syringes or needles shall make available:
 - (a) Written or electronic educational materials on safe and proper disposal of hypodermic needles and syringes;
 - (b) Written or electronic educational or referral information for syringe exchange service programs and substance use disorder treatment; and
 - (c) A verbal, physical, or electronic offer to provide a **prescription for an opioid antagonist as defined in Section 3 of this Act** ~~naloxone prescription for opioid overdose~~.
- (3) Nothing in this section shall apply to the sale of hypodermic syringes or needles dispensed as a prescription or in conjunction with a prescription medication that requires reconstitution or administration with a syringe.
- (4) Any physician, other licensed medical person, hospital, or clinic disposing of hypodermic syringes or needles shall render the instrument incapable of further use.

➔Section 3. KRS 217.186 is amended to read as follows:

- (1) **As used in this section, "opioid antagonist" means naloxone or any other United States Food and Drug Administration-approved drug designed to reverse the effects of an opioid overdose.**
- (2) A licensed health-care provider who, acting in good faith, directly or by standing order, prescribes or dispenses **an opioid antagonist** ~~the drug naloxone~~ to a person or agency who, in the judgment of the health-care provider, is capable of administering the drug for an emergency opioid overdose, shall not, as a result of his or her acts or omissions, be subject to disciplinary or other adverse action under KRS Chapter 311, 311A, 314, or 315 or any other professional licensing statute. As used in this subsection, "licensed health-care provider" includes a pharmacist as defined in KRS 315.010 who holds a separate certification issued by the Kentucky Board of Pharmacy authorizing the initiation of the dispensing of **an opioid antagonist** ~~naloxone~~ under subsection (6) ~~(5)~~ of this section.
- (3) ~~(2)~~ A prescription for **an opioid antagonist** ~~naloxone~~ may include authorization for administration of the drug to the person for whom it is prescribed by a third party, if the prescribing instructions indicate the need

for the third party, upon administering the drug, to immediately notify a local public safety answering point of the situation necessitating the administration.

- (4)(3) A person or agency, including a peace officer, jailer, firefighter, paramedic, or emergency medical technician or a school employee authorized to administer medication under KRS 156.502, may:
- (a) Receive a prescription for *an opioid antagonist* ~~the drug naloxone~~;
 - (b) Possess *an opioid antagonist* ~~naloxone~~ pursuant to this subsection and any equipment needed for its administration; ~~and~~
 - (c) Administer *an opioid antagonist* ~~naloxone~~ to an individual suffering from an apparent *opioid-related* ~~opiate-related~~ overdose; *and*
 - (d) *Provide, as part of a harm reduction program, an opioid antagonist to persons who have been trained on the mechanism and circumstances of its administration.*
- (5)(4) A person acting in good faith who *provides or* administers *an opioid antagonist* ~~naloxone~~ received under this section shall be immune from criminal and civil liability for the *provision or* administration, unless personal injury results from the gross negligence or willful or wanton misconduct of the person *providing or* administering the drug.
- (6)(5) (a) The Board of Pharmacy, in consultation with the Kentucky Board of Medical Licensure, shall promulgate administrative regulations to establish certification, educational, operational, and protocol requirements to implement this section.
- (b) Administrative regulations promulgated under this subsection shall:
1. Require that any dispensing under this section be done only in accordance with a physician-approved protocol and specify the minimum required components of any such protocol;
 2. ~~Require~~ ~~Include a required mandatory~~ education ~~requirement~~ as to the mechanism and circumstances for the administration of *an opioid antagonist* ~~naloxone~~ for the person to whom *an opioid antagonist* ~~the naloxone~~ is dispensed; and
 3. Require that a record of the dispensing be made available to a physician signing a protocol under this subsection, if desired by the physician.
- (c) Administrative regulations promulgated under this subsection may include:
1. A supplemental educational or training component for a pharmacist seeking certification under this subsection; and
 2. A limitation on the forms of *the opioid antagonist* ~~naloxone~~ and means of its administration that may be dispensed pursuant to this subsection.
- (7)(6) (a) The board of each local public school district and the governing body of each private and parochial school or school district may permit a school to keep *an opioid antagonist* ~~naloxone~~ on the premises and regulate the administration of *an opioid antagonist* ~~naloxone~~ to any individual suffering from an apparent opiate-related overdose.
- (b) In collaboration with local health departments, local health providers, and local schools and school districts, the Kentucky Department for Public Health shall develop clinical protocols to address supplies of *an opioid antagonist* ~~naloxone~~ kept by schools under this section and to advise on the clinical administration of *an opioid antagonist* ~~naloxone~~.
- (8)(7) Notwithstanding any provision of law to the contrary, a *licensed health care provider, including a pharmacist who is utilizing a protocol established by this section, may* ~~pharmacist may utilize the protocol established by this section to~~ dispense *an opioid antagonist* ~~naloxone~~ to any person or agency who, *as part of a harm reduction program, provides training to the public* on the mechanism and circumstances for the administration of *an opioid antagonist* ~~naloxone~~ *to the public as part of a harm reduction program*, regardless of whom the ultimate user of the *opioid antagonist* ~~naloxone~~ may be. The documentation of the dispensing of *an opioid antagonist* ~~naloxone~~ to any person or agency operating a harm reduction program shall satisfy any general documentation or recording requirements found in administrative regulations regarding legend drugs promulgated pursuant to this chapter.

Signed by Governor April 8, 2022.

CHAPTER 155

(HB 498)

AN ACT relating to the issuance of a personalized license plate.

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

➔Section 1. KRS 186.174 is amended to read as follows:

- (1) For purposes of this section, "personalized license plate" means a license plate *manufactured by the cabinet upon an applicant's request with specific* ~~issued with personal~~ letters or numbers *or combinations of letters and numbers* significant to the applicant ~~and it also means a license plate that is issued under this section and has been combined with a special license plate~~.
- (2) Any owner or lessee of a motor vehicle that is required to be registered under the provisions of KRS 186.050(1), (3)(a), or (4)(a), or any owner or lessee of a motorcycle required to be registered under the provisions of KRS 186.050(2) may obtain a personalized license plate by *submitting an application through a Web site designated by the cabinet*. ~~applying for a personalized license plate in the office of the county clerk and upon~~ *The cabinet shall produce the requested license plate upon approval and receipt of the* ~~payment of the~~ fee required in *subsection (4) of this section for a special license plate, or the fee required in KRS 186.162 for a standard issue license plate*. ~~A person initially applying for a personalized license plate shall submit the application and appropriate SF fee in person to the county clerk, but may submit the annual application to renew the personalized license plate and entire fee required in KRS 186.162 by mail to the county clerk.~~
- (3) Personalized license plates shall expire on the last day of the birth month of the *person to whom the license plate is registered* ~~applicant~~.
- (4)
 - (a) A personalized license plate shall be replaced on the same schedule as regular issue license plates unless it is damaged or unreadable. ~~A county clerk shall immediately forward the application and the fee required in KRS 186.162 for a personalized license plate to the Transportation Cabinet. The initial fee for a personalized license plate that has been combined with special license plate shall be as established in KRS 186.162(3).~~
 - (b) *A standard issued license plate may be personalized for a forty-three dollar (\$43) fee as provided in KRS 186.162(2)(m), in addition to all other fees established in this section and in KRS 186.050.*
 - (c) *Any special license plate may be combined with a personalized license plate for a twenty-five dollar (\$25) state fee in addition to all other fees for the particular special license plate established in this section and in KRS 186.164. The twenty-five dollar (\$25) fee required under this subsection shall be divided between the cabinet and the county clerk of the county where the applicant resides with the cabinet receiving twenty dollars (\$20) and the county clerk receiving five dollars (\$5).*
- (5)
 - (a) A personalized plate shall not be issued that would conflict with or duplicate *any current issued license plate* ~~the alphabetical-numerical system used for regular license plates or any other license plates issued in the Commonwealth, and shall not contain a combination of more than six (6) letters of the alphabet and Arabic numerals, including spaces~~.
 - (b) A personalized plate shall not be issued if the cabinet determines ~~the request fails to comply with the following conditions~~:
 1. The message to be placed on the license plate, if created, *discriminates* ~~shall not discriminate~~ against *a* ~~any~~ race, color, religion, sex, or national origin ~~and shall not be construed, as determined by the cabinet, as an attempt to victimize or intimidate any person due to the person's race, color, religion, sex, or national origin~~;
 2. ~~The plate shall not represent a political party and shall not have been created primarily to promote a specific political belief;~~
 3. ~~The plate shall not have as its primary purpose the promotion of any specific faith, religion, or antireligion;~~

4. ~~—~~ The plate *message is the* ~~[shall not be the]~~ name of a *trademarked or copyrighted* ~~[special]~~ product or brand name ~~[, and shall not be construed, as determined by the cabinet, as promoting a product or brand name]; or [and]~~
3. ~~[5.]~~ The plate's lettering or message ~~[to be placed on the license plate, if created, shall not be]~~ is obscene *or profane*, as determined by the cabinet.
- (c) ~~[The owner or lessee shall submit an application and fee to renew a personalized license plate pursuant to the provisions of this section.]~~ Once an applicant obtains a personalized plate, he or she will have first priority on that plate for each of the following years that he or she makes timely *renewal payments* ~~[and proper application].~~

Signed by Governor April 8, 2022.

CHAPTER 156

(HB 402)

AN ACT relating to assisted reproduction.

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

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

(1) *For purposes of this section:*

(a) *"Assisted reproduction" means a method of causing pregnancy other than through sexual intercourse, including but not limited to:*

1. *Intrauterine insemination;*
2. *In vitro fertilization and transfer of embryos; and*
3. *Intracytoplasmic sperm injection.*

(b) *"Health care provider" means an individual licensed by the Kentucky Board of Medical Licensure or the Kentucky Board of Nursing, pursuant to KRS Chapters 311 and 314; and*

(c) *"Human reproductive material" means a human sperm or ovum, or a human organism at any stage of development from fertilized ovum to embryo.*

(2) *A person is guilty of fraudulent assisted reproduction when he or she is a health care provider performing an assisted reproduction procedure on a patient; and*

- (a) *Knowingly causes the use of human reproductive material from a donor whom the patient did not give written consent to receive it from; or*
- (b) *Intentionally causes the use of his or her own human reproductive material without the patient's knowledge and written consent.*

(3) (a) *The patient who undergoes an assisted reproduction procedure in violation of subsection (2) of this section;*

(b) *The patient's surviving spouse or partner listed on the child's birth certificate;*

(c) *The child conceived through assisted reproduction as a result of a violation of subsection (2) of this section; or*

(d) *A donor whose human reproductive material is used without the donor's consent or in a manner inconsistent with the donor's consent;*

shall have a civil cause of action against any health care provider, the health care provider's employer, or both, for a violation of the provisions of subsection (2) of this section.

(4) *A civil action may be maintained under this section whether or not the person alleged to have violated subsection (2) of this section has been charged or convicted of the alleged crime.*

- (5) *Liability under this section shall include:*
- (a) *Liquidated damages of ten thousand dollars (\$10,000) plus the costs of the fertility treatment and reasonable attorney's fees; or*
 - (b) *Compensatory and punitive damages including the costs of the fertility treatment plus the costs of the action and reasonable attorney's fees.*
- (6) *An action under this section shall be commenced no later than five (5) years after:*
- (a) *The eighteenth birthday of the child conceived through the fraudulent assisted reproduction; or*
 - (b) *The earliest of the dates when:*
 - 1. *The person first discovers evidence against the defendant through deoxyribonucleic acid (DNA) analysis;*
 - 2. *The person first becomes aware of the existence of a record that provides evidence against the defendant; or*
 - 3. *The defendant confesses to the offense.*
- (7) *A violation of subsection (2) of this section is a Class D felony.*

➔Section 2. KRS 311.597 is amended to read as follows:

As used in KRS 311.595(9), "dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public or any member thereof" shall include but not be limited to the following acts by a licensee:

- (1) Prescribes or dispenses any medication:
- (a) With the intent or knowledge that a medication will be used or is likely to be used other than medicinally or for an accepted therapeutic purpose;
 - (b) With the intent to evade any law with respect to sale, use, or disposition of the medication;
 - (c) For the licensee's personal use or for the use of his immediate family when the licensee knows or has reason to know that an abuse of a controlled substance is occurring, or may result from such a practice;
 - (d) In such amounts that the licensee knows or has reason to know, under the attendant circumstances, that said amounts so prescribed or dispensed are excessive under accepted and prevailing medical practice standards; or
 - (e) In response to any communication transmitted or received by computer or other electronic means, when the licensee fails to take the following actions to establish and maintain a proper physician-patient relationship:
 - 1. Verification that the person requesting medication is in fact who the patient claims to be;
 - 2. Establishment of a documented diagnosis through the use of accepted medical practices; and
 - 3. Maintenance of a current medical record.

For the purposes of this paragraph, an electronic, on-line, or telephonic evaluation by questionnaire is inadequate for the initial evaluation of the patient or for any follow-up evaluation.
- (2) Issues, publishes, or makes oral or written representations in which grossly improbable or extravagant statements are made which have a tendency to deceive or defraud the public, or a member thereof, including but not limited to:
- (a) Any representation in which the licensee claims that he can cure or treat diseases, ailments, or infirmities by any method, procedure, treatment, or medicine which the licensee knows or has reason to know has little or no therapeutic value;
 - (b) Represents or professes or holds himself out as being able and willing to treat diseases, ailments, or infirmities under a system or school of practice:
 - 1. Other than that for which he holds a certificate or license granted by the board, or
 - 2. Other than that for which he holds a degree or diploma from a school otherwise recognized as accredited by the board, or

3. Under a school or system which he professes to be self-taught.

For purposes of this subsection, actual injury to a patient need not be established.

- (3) A serious act, or a pattern of acts committed during the course of his medical practice which, under the attendant circumstances, would be deemed to be gross incompetence, gross ignorance, gross negligence, or malpractice.
- (4) Conduct which is calculated or has the effect of bringing the medical profession into disrepute, including but not limited to any departure from, or failure to conform to the standards of acceptable and prevailing medical practice within the Commonwealth of Kentucky, and any departure from, or failure to conform to the principles of medical ethics of the American Medical Association or the code of ethics of the American Osteopathic Association. For the purposes of this subsection, actual injury to a patient need not be established.
- (5) Failure by a licensee to report a known or observed violation of KRS Chapter 311 by another licensee as described in KRS 311.606.
- (6) Violation by a licensee of KRS 304.39-215 *or Section 1 of this Act*.
- (7) Conduct by a licensee that is subject to the penalties under KRS 304.99-060(4) or (5).

Signed by Governor April 8, 2022.

CHAPTER 157

(HB 372)

AN ACT relating to fire department reporting.

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

➔Section 1. KRS 95A.055 is amended to read as follows:

- (1) As used in this section~~["fire department" means]:~~
- (a) **"Fire district" means** any fire protection district or volunteer fire department district operating under KRS Chapter 75 with the higher of annual receipts from all sources or annual expenditures of less than one hundred thousand dollars (\$100,000); ~~and~~
- (b) **"Nonprofit fire department" means** any fire department incorporated under KRS Chapter 273.
- (2) If a fire ~~protection district or volunteer fire department~~ district's annual revenues or expenditures equals or exceeds one hundred thousand dollars (\$100,000) for two (2) consecutive fiscal years, then the fire district shall, for the next reporting period and any subsequent reporting period for which it exceeds that amount, be considered a special purpose governmental entity as defined in KRS 65A.010 and shall comply with KRS Chapter 65A until its annual revenues or expenditures are less than one hundred thousand dollars (\$100,000), whereupon it may again qualify as a fire department under this section.
- (3) Each fire ~~district~~ **district** shall for each fiscal year beginning on and after July 1, 2016, annually submit to the commission the information required by this section. The information shall be submitted at the time and in the form and format required by the commission. The information submitted shall include at a minimum the following:
- (a) Administrative information:
1. The name, address, and, if applicable, the term and appointing authority for each board member of the governing body of the fire ~~district~~ **district**;
 2. The fiscal year of the fire ~~district~~ **district**;
 3. The Kentucky Revised Statute and, if applicable, the local government ordinance under which the fire ~~district~~ **district** was established; the date of establishment; the establishing entity; and the statute or statutes, local government ordinance, or interlocal agreement under which the fire ~~district~~ **district** operates, if different from the statute or statutes, ordinance, or agreement under which it was established;

4. The mailing address and telephone number and, if applicable, the Web site uniform resource locator (URL) of the fire *district*~~{department}~~;
 5. The operational boundaries and service area of the fire *district*~~{department}~~ and the services provided by the fire *district*~~{department}~~;
 6. A listing of the taxes or fees imposed and collected by the fire *district*~~{department}~~, including the rates or amounts charged for the reporting period and the statutory or other source of authority for the levy of the tax or fee;
 7. The primary contact for the fire *district*~~{department}~~ for purposes of communication with the commission;
 8. The code of ethics that applies to the fire *district*~~{department}~~, and whether the fire *district*~~{department}~~ has adopted additional ethics provisions;
 9. A listing of all federal, state, and local governmental entities that have oversight authority over the fire *district*~~{department}~~ or to which the fire *district*~~{department}~~ submits reports, data, or information; and
 10. Any other related administrative information required by the commission; and
- (b) Financial information including budgets and financial expenditure information that are designed to ensure that all public funds received by the fire *districts* ~~{departments}~~ are being responsibly used. The commission shall, through the promulgation of an administrative regulation, establish the specific financial information that shall be filed to meet the requirements of this paragraph.
- (4) The commission shall review the reports required *for fire districts* by this section and, if the commission finds that a report submitted does not comply with the requirements established by this section and regulations promulgated hereunder, the commission shall notify the fire *district*~~{department}~~ in writing. The notification shall include a description of the specific deficiencies identified, and shall describe the process the fire *district*~~{department}~~ shall follow to correct the deficiencies, including the time within which a response must be provided.
 - (5) The commission shall ensure that every fire *district or nonprofit fire* department shall at least once every *twelve (12) months*~~{four (4) years}~~ be subject to a financial review that shall include procedures developed by the commission and approved by the Auditor of Public Accounts in advance. Subsequent changes to these procedures shall also be approved by the Auditor of Public Accounts prior to the period in which they are performed.
 - (6) The commission may require any fire *district or nonprofit fire* department with the higher of annual receipts from all sources or annual expenditures equal to or greater than one hundred thousand dollars (\$100,000) but less than five hundred thousand dollars (\$500,000) to once every four (4) years be subject to an independent audit in the manner specified in KRS 65A.030(2).
 - (7) The commission shall ensure that every fire *district or nonprofit fire* department with the higher of annual receipts from all sources or annual expenditures equal to or greater than five hundred thousand dollars (\$500,000) for two (2) consecutive fiscal years is audited annually in the manner specified in KRS 65A.030(2) until its annual revenues or expenditures are less than five hundred thousand dollars (\$500,000).
 - (8) The Auditor of Public Accounts may, upon request, examine and review the reports and all related work papers and documents relating to a financial review or audit under this section.
 - (9) If a fire *district or nonprofit fire* department fails to comply with this section or KRS 75.430, then the commission may withhold:
 - (a) Incentive pay to qualified firefighters under KRS 95A.250;
 - (b) Volunteer fire department aid, funds used to purchase workers' compensation insurance for fire *districts and nonprofit fire* departments, and the low-interest loans under KRS 95A.262;
 - (c) Funds from the thermal vision grant program under KRS 95A.400 to 95A.440; and
 - (d) Any other funds that the commission controls.
 - (10) The commission shall report any irregularities relating to the finances or operations of a fire *district or nonprofit fire* department that it identifies to the Attorney General and Auditor of Public Accounts, and the

commission may notify any other public official with jurisdiction over fire *districts or nonprofit fire* departments for further investigation and follow-up.

- (11) The commission may prescribe corrective actions to bring fire *districts or nonprofit fire* departments that are, as of July 15, 2016, not in compliance with KRS Chapter 65A into compliance with this section. Any sanctions imposed by the Department for Local Government prior to July 15, 2016, shall be lifted upon notification by the commission to the department that the fire *district or nonprofit fire* department in question has complied with the corrective actions prescribed by the commission.
- (12) The information reported by fire *districts or nonprofit fire* departments under this section shall be considered public records under KRS 61.872 to 61.884. The commission shall prominently post on its Web site the availability of the information required by this section and shall provide contact information and procedures for obtaining copies of the information.
- (13) The commission shall promulgate administrative regulations under KRS Chapter 13A as soon as practicable after July 15, 2016, to implement this section and KRS 75.430.
- (14) By October 1, 2016, and on or before each October 1 thereafter, the commission shall file an annual report with the Legislative Research Commission detailing the compliance of the fire *districts or nonprofit fire* departments required to report under this section with subsection (3) of this section. The Legislative Research Commission shall refer the report to the Interim Joint Committee on Local Government for review.

Signed by Governor April 8, 2022.

CHAPTER 158

(HB 319)

AN ACT relating to interpersonal violence.

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

➔Section 1. KRS 403.720 is amended to read as follows:

As used in KRS 403.715 to 403.785:

- (1) ***"Domestic animal" means a dog, cat, or other animal that is domesticated and kept as a household pet, but does not include animals normally raised for agricultural or commercial purposes;***
- (2) "Domestic violence and abuse" means:
 - (a) Physical injury, serious physical injury, stalking, sexual abuse, strangulation, assault, or the infliction of fear of imminent physical injury, serious physical injury, sexual abuse, strangulation, or assault between family members or members of an unmarried couple; **or**
 - (b) ***Any conduct prohibited by KRS 525.125, 525.130, 525.135, or 525.137, or the infliction of fear of such imminent conduct, taken against a domestic animal when used as a method of coercion, control, punishment, intimidation, or revenge directed against a family member or member of an unmarried couple who has a close bond of affection to the domestic animal;***
- (3)~~(2)~~ "Family member" means a spouse, including a former spouse, a grandparent, a grandchild, a parent, a child, a stepchild, or any other person living in the same household as a child if the child is the alleged victim;
- (4)~~(3)~~ "Foreign protective order" means any judgment, decree, or order of protection which is entitled to full faith and credit pursuant to 18 U.S.C. sec. 2265 that was issued on the basis of domestic violence and abuse;
- (5)~~(4)~~ "Global positioning monitoring system" means a system that electronically determines a person's location through a device worn by the person which does not invade his or her bodily integrity and which transmits the person's latitude and longitude data to a monitoring entity;
- (6)~~(5)~~ "Member of an unmarried couple" means each member of an unmarried couple which allegedly has a child in common, any children of that couple, or a member of an unmarried couple who are living together or have formerly lived together;

- (7)~~(6)~~ "Order of protection" means an emergency protective order or a domestic violence order and includes a foreign protective order;
- (8)~~(7)~~ "Strangulation" refers to conduct prohibited by KRS 508.170 and 508.175, or a criminal attempt, conspiracy, facilitation, or solicitation to commit the crime of strangulation; and
- (9)~~(8)~~ "Substantial violation" means criminal conduct which involves actual or threatened harm to the person, family, or property, ***including a domestic animal***, of an individual protected by an order of protection.

➔Section 2. KRS 403.740 is amended to read as follows:

- (1) Following a hearing ordered under KRS 403.730, if a court finds by a preponderance of the evidence that domestic violence and abuse has occurred and may again occur, the court may issue a domestic violence order:
- (a) Restraining the adverse party from:
 1. Committing further acts of domestic violence and abuse;
 2. Any unauthorized contact or communication with the petitioner or other person specified by the court;
 3. Approaching the petitioner or other person specified by the court within a distance specified in the order, not to exceed five hundred (500) feet;
 4. Going to or within a specified distance of a specifically described residence, school, or place of employment or area where such a place is located; and
 5. Disposing of or damaging any of the property of the parties;
 - (b) Directing or prohibiting any other actions that the court believes will be of assistance in eliminating future acts of domestic violence and abuse, except that the court shall not order the petitioner to take any affirmative action;
 - (c) Directing that either or both of the parties receive counseling services available in the community in domestic violence and abuse cases; and
 - (d) Additionally, if applicable:
 1. Directing the adverse party to vacate a residence shared by the parties to the action;
 2. Utilizing the criteria set forth in KRS 403.270, 403.320, and 403.822, grant temporary custody, subject to KRS 403.315;~~and~~
 3. Utilizing the criteria set forth in KRS 403.211, 403.212, and 403.213, award temporary child support; ***and***
 4. ***Awarding possession of any shared domestic animal to the petitioner.***
- (2) In imposing a location restriction described in subsection (1)(a)4. of this section, the court shall:
- (a) Afford the petitioner and respondent, if present, an opportunity to testify on the issue of the locations and areas from which the respondent should or should not be excluded;
 - (b) Only impose a location restriction where there is a specific, demonstrable danger to the petitioner or other person protected by the order;
 - (c) Specifically describe in the order the locations or areas prohibited to the respondent; and
 - (d) Consider structuring a restriction so as to allow the respondent transit through an area if the respondent does not interrupt his or her travel to harass, harm, or attempt to harass or harm the petitioner.
- (3) When temporary child support is granted under this section, the court shall enter an order detailing how the child support is to be paid and collected. Child support ordered under this section may be enforced utilizing the same procedures as any other child support order.
- (4) A domestic violence order shall be effective for a period of time fixed by the court, not to exceed three (3) years, and may be reissued upon expiration for subsequent periods of up to three (3) years each. The fact that an order has not been violated since its issuance may be considered by a court in hearing a request for a reissuance of the order.

➔Section 3. KRS 456.010 is amended to read as follows:

As used in this chapter:

- (1) "Dating relationship" means a relationship between individuals who have or have had a relationship of a romantic or intimate nature. It does not include a casual acquaintanceship or ordinary fraternization in a business or social context. The following factors may be considered in addition to any other relevant factors in determining whether the relationship is or was of a romantic or intimate nature:
 - (a) Declarations of romantic interest;
 - (b) The relationship was characterized by the expectation of affection;
 - (c) Attendance at social outings together as a couple;
 - (d) The frequency and type of interaction between the persons, including whether the persons have been involved together over time and on a continuous basis during the course of the relationship;
 - (e) The length and recency of the relationship; and
 - (f) Other indications of a substantial connection that would lead a reasonable person to understand that a dating relationship existed;
- (2) "Dating violence and abuse" means:
 - (a) Physical injury, serious physical injury, stalking, sexual assault, strangulation, or the infliction of fear of imminent physical injury, serious physical injury, sexual abuse, strangulation, or assault occurring between persons who are or have been in a dating relationship; *or*
 - (b) *Any conduct prohibited by KRS 525.125, 525.130, 525.135, or 525.137, or the infliction of fear of such imminent conduct, taken against a domestic animal when used as a method of coercion, control, punishment, intimidation, or revenge directed against a person with whom the perpetrator is or has been in a dating relationship, when that person has a close bond of affection to the domestic animal;*
- (3) *"Domestic animal" means a dog, cat, or other animal that is domesticated and kept as a household pet, but does not include animals normally raised for agricultural or commercial purposes;*
- ~~(4)(3)~~ "Foreign protective order" means any judgment, decree, or order of protection which is entitled to full faith and credit pursuant to 18 U.S.C. sec. 2265 which was not issued on the basis of domestic violence and abuse;
- ~~(5)(4)~~ "Global positioning monitoring system" means a system that electronically determines a person's location through a device worn by the person which does not invade his or her bodily integrity and which transmits the person's latitude and longitude data to a monitoring entity;
- ~~(6)(5)~~ "Order of protection" means any interpersonal protective order, including those issued on a temporary basis, and includes a foreign protective order;
- ~~(7)(6)~~ "Sexual assault" refers to conduct prohibited as any degree of rape, sodomy, or sexual abuse under KRS Chapter 510 or a criminal attempt, conspiracy, facilitation, or solicitation to commit any degree of rape, sodomy, or sexual abuse, or incest under KRS 530.020;
- ~~(8)(7)~~ "Stalking" refers to conduct prohibited as stalking under KRS 508.140 or 508.150, or a criminal attempt, conspiracy, facilitation, or solicitation to commit the crime of stalking;
- ~~(9)(8)~~ "Strangulation" refers to conduct prohibited by KRS 508.170 and 508.175, or a criminal attempt, conspiracy, facilitation, or solicitation to commit the crime of strangulation; and
- ~~(10)(9)~~ "Substantial violation" means criminal conduct which involves actual or threatened harm to the person, family, or property, *including a domestic animal*, of an individual protected by an order of protection.

➔Section 4. KRS 456.060 is amended to read as follows:

- (1) Following a hearing ordered under KRS 456.040, if a court finds by a preponderance of the evidence that dating violence and abuse, sexual assault, or stalking has occurred and may again occur, the court may issue an interpersonal protective order:
 - (a) Restraining the adverse party from:
 1. Committing further acts of dating violence and abuse, stalking, or sexual assault;

2. Any unauthorized contact or communication with the petitioner or other person specified by the court;
 3. Approaching the petitioner or other person specified by the court within a distance specified in the order, not to exceed five hundred (500) feet;
 4. Going to or within a specified distance of a specifically described residence, school, or place of employment or area where such a place is located; and
 5. Disposing of or damaging any of the property of the parties;
- (b) Directing or prohibiting any other actions that the court believes will be of assistance in eliminating future acts of dating violence and abuse, stalking, or sexual assault, except that the court shall not order the petitioner to take any affirmative action;~~and~~
 - (c) Directing that either or both of the parties receive counseling services available in the community in dating violence and abuse cases; *and*
 - (d) *Awarding possession of any shared domestic animal to the petitioner.*
- (2) In imposing a location restriction described in subsection (1)(a)4. of this section, the court shall:
- (a) Afford the petitioner and respondent, if present, an opportunity to testify on the issue of the locations and areas from which the respondent should or should not be excluded;
 - (b) Only impose a location restriction where there is a specific, demonstrable danger to the petitioner or other person protected by the order;
 - (c) Specifically describe in the order the locations or areas prohibited to the respondent; and
 - (d) Consider structuring a restriction so as to allow the respondent transit through an area if the respondent does not interrupt his or her travel to harass, harm, or attempt to harass or harm the petitioner.
- (3) An interpersonal protective order shall be effective for a period of time fixed by the court, not to exceed three (3) years, and may be reissued upon expiration for subsequent periods of up to three (3) years each. The fact that an order has not been violated since its issuance may be considered by a court in hearing a request for a reissuance of the order.

Signed by Governor April 8, 2022.

CHAPTER 159

(HB 290)

AN ACT relating to student discipline at public postsecondary education institutions.

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

➔Section 1. KRS 164.370 is amended to read as follows:

(1) *For the purposes of this section,*

- (a) *"Complainant" means a student who has formally filed a complaint alleging that the student is the victim of a violation of the code for student conduct promulgated by the governing body of an institution;*
- (b) *"Institution" means the following public postsecondary education institutions: University of Kentucky, University of Louisville, Eastern Kentucky University, Kentucky State University, Morehead State University, Murray State University, Northern Kentucky University, and Western Kentucky University;*
- (c) *"Governing board" means the Boards of Trustees or Boards of Regents of an institution;*
- (d) *"Participant" means a respondent or a complainant;*

- (e) *"Respondent" means a student who has been formally accused of a violation of the code for student conduct promulgated by the governing board of an institution;*
 - (f) *"Student" has the same meaning as in KRS 164.348; and*
 - (g) *"Title IX" means Title IX of the Education Amendments of 1972, 20 U.S.C. sec. 1681 et seq., applicable federal regulations, and binding federal judicial precedent.*
- (2) *Each governing board shall adopt a code for student conduct that clearly sets forth the rules for nonacademic student conduct and establishes disciplinary procedures to enforce those rules. The disciplinary procedures shall set forth rules for establishing the admissibility of evidence that are consistent with KRS 13B.090, KRE 412, and Title IX.*
- (3) *At a minimum, when a violation is punishable by a suspension or expulsion from the institution or termination of a respondent's residence in campus housing, the disciplinary procedures contained in the code for student conduct shall:*
- (a) *1. Afford a respondent the presumption that the respondent is innocent and has not committed a violation of the code for student conduct until the institution has established every element of the alleged violation; and*
 - 2. Clearly state that the presumption afforded by subparagraph 1. of this paragraph shall not be construed to mean that the complainant or any witness has presented false testimony or evidence;*
 - (b) *Provide a participant written notice of:*
 - 1. A formal charge of an alleged violation and the specific details of the facts upon which the alleged violation is based;*
 - 2. The rights of the participant as set forth in this section, the code for student conduct, and any other applicable law; and*
 - 3. The date, time, and location of each phase of the disciplinary process at least:*
 - a. Three (3) business day prior to any scheduled event at which the participant is expected to appear, including any meeting or interview that serves an investigative purpose; and*
 - b. Ten (10) business days prior to any disciplinary hearing;*
 - (c) *1. Require the institution to maintain an administrative file of the disciplinary proceedings. The file shall include all documents and evidence in the institution's possession or control relevant to the alleged violation and the institution's investigation thereof, including but not limited to exculpatory evidence, documents submitted by any participant, and the institution's choice of a video recording, an audio recording, or a transcript of any disciplinary hearing ultimately held in the matter but shall not include privileged documents or internal memorandums that the institution does not intend to introduce as evidence at any hearing on the matter;*
 - 2. Provide a participant reasonable continuing access to the administrative file and the ability to make copies of all evidence or document contained therein beginning at least seven (7) business days prior to any disciplinary hearing, or sooner if otherwise specified under federal law, except that individual portions of the administrative file may be redacted if disclosure of the evidence is otherwise prohibited by law;*
 - 3. Require that all documentary or tangible evidence that the institution or a participant intends to introduce at a disciplinary hearing be submitted to the administrative file at least three (3) business days prior to the disciplinary hearing, or sooner if otherwise specified under federal law. Any documentary or tangible evidence that is submitted less than three (3) days prior to the disciplinary hearing shall only be admissible upon the discretion of the hearing officer. An institution shall immediately notify a participant when documents and evidence are added to the administrative file within three (3) business days of a disciplinary hearing;*
 - 4. Require that the institution and participants submit a list of all witnesses the institution or participant expects to call at the disciplinary hearing to the administrative file at least three (3) business days prior to the hearing, or sooner if otherwise specified under federal law. Additional witnesses submitted less than three (3) business days prior to the disciplinary hearing shall only be permitted upon the discretion of the hearing officer. An institution shall*

immediately notify a participant when a witness is added to list of institutional witnesses within three (3) business days of a disciplinary hearing;

5. *Require that only evidence contained in the administrative file that is determined by the hearing officer to be relevant and admissible may be considered in the determination of whether a violation occurred, including but not limited to the audio recording, video recording, or transcript of any disciplinary hearing ultimately held in the matter; and*
 6. *Unless otherwise specified under federal law, require that the institution maintain the administrative file:*
 - a. *Permanently if a violation results in the expulsion of a student; or*
 - b. *In all other matters, the later of either:*
 - i. *Three (3) years after the respondent's graduation or last date of attendance; or*
 - ii. *Three (3) years after all sanctions have been met;*
- (d) *Provide a participant the right to:*
1. *Be present and participate meaningfully at any disciplinary hearing, interim measure hearing, or other scheduled event where the rights of the respondent are to be determined, except as restricted by Title IX;*
 2. *Fair and impartial treatment at each phase of the disciplinary process, which shall exclude any individual that conducts an investigation or presides over an alternative dispute resolution process related to the matter from participating as a hearing adjudicator or on a hearing tribunal; and*
 3. *Provide a limited waiver of the confidentiality of any phase of the disciplinary process to permit the attendance of up to two (2) support persons so long as the support persons would not violate the privacy rights of another student or substantially delay the disciplinary process. A support person shall have no right to participate unless the support person is attending as an advisor to the participant in accordance with Title IX; and*
- (e) *In addition to the rights set forth in paragraphs (a) to (d) of this subsection, if an alleged violation is punishable by a final order of suspension of three (3) or more days or expulsion from the institution or termination of a respondent's residence in campus housing, provide a participant:*
1. *At the participant's own expense, the right to be represented by counsel or, if required by Title IX, an advisor, at each material phase of the disciplinary process, including but not limited to any alternative dispute resolution phase, meeting, hearing, or appeal of the matter. Upon written notification of representation, this right shall require an institution to direct all correspondence related to the disciplinary proceeding to both the participant's counsel or advisor and to the participant; and*
 2. *At any hearing, the right to:*
 - a. *Make opening and closing statements;*
 - b. *Present relevant evidence; and*
 - c. *Cross-examine any testimony personally or through counsel. Cross-examination of a student who is a victim or the complainant that is personally conducted by a respondent shall require:*
 - i. *The participant to submit the questions to a neutral hearing officer. The neutral hearing officer shall ask all relevant questions to the student witness during the live hearing, state the specific rationale for excluding any question, and grant a participant the right to amend a question that has been excluded in order to cure any objection thereto sustained by the hearing officer, and to submit follow up questions to the student witness; and*
 - ii. *Cross-examination be restricted as required by Title IX or other applicable federal law.*

- (4) (a) *Subject to subsection (3) of this section, a governing board*~~[Each board of regents]~~ may invest the faculty, *administration*, or a representative committee of designated faculty, staff, and students with the power to suspend or expel any student *from the institution, or otherwise discipline a student, for a violation of* ~~disobedience to~~ *its code for student conduct*~~[its rules, or for any other contumacy, insubordination or immoral conduct]. [In every case of suspension or expulsion of a student]~~
- (b) *If, after a hearing on the matter, a violation results in a final order of suspension of a respondent for three (3) or more days or expulsion of a respondent from the institution or termination of a respondent's residence in campus housing, the disciplinary procedures shall grant the respondent the right to*~~[the person suspended or expelled may]~~ appeal to the *governing board or its designee*~~[of regents]~~. The *disciplinary procedures*~~[board of regents]~~ shall prescribe the manner and the mode of procedure on appeal. The decision of the *governing board or its designee*~~[of regents]~~ shall be a final order.
- (c) *If, after a hearing on the matter, an allegation of conduct that constitutes sexual discrimination as defined by Title IX does not result in a finding of a violation, the disciplinary procedures shall grant the complainant the right to appeal to the governing board or its designee in the same manner as prescribed to the respondent pursuant to paragraph (b) of this subsection.*
- (d) *Notwithstanding KRS 13B.020(2)(i), a respondent, or a complainant as required by Title IX, shall have the right to appeal a final order of the governing board or its designee in accordance with KRS 13B.140, except that a participant who has the final order overturned for a violation of this section shall be entitled to actual damages from the institution, including reasonable attorney's fees and court costs.*
- (5) *Nothing in this section shall be interpreted to:*
- (a) *Impede or delay law enforcement officials in investigating an alleged violation of local, state, or federal law;*
- (b) *Impair an institution's ability to take reasonable interim measures necessary to ensure the physical safety of members of the campus community during a timely investigation and adjudication of a student disciplinary issue, including but not limited to the ability to make adjustments in student housing arrangements, impose conditions of no-contact between the respondent and complainant, temporarily suspend a student, or ban a student from campus. Such reasonable interim measures shall require:*
1. *Within twenty-four (24) hours, written notice of the interim measures that explains the institution's reasons for enacting the interim measures; and*
 2. *Within three (3) business days of the written notice, unless otherwise waived by the respondent, an interim measure hearing to determine whether there is substantial evidence that the respondent poses a risk to the physical safety of a member of the campus community and that the interim measure is appropriate to mitigate that risk. At the interim measure hearing, a respondent shall have the right to be represented as set forth in subsection (3)(e)1. of this section. A respondent's waiver of the right to an interim measure hearing shall not constitute an admission of guilt or a waiver of any additional rights afforded under Sections 1 and 2 of this Act;*
- (c) *Impair an institution's duty or ability to implement any measure necessary to effectuate a valid judicial order, including but not limited to termination of a respondent's residence in campus housing. Notwithstanding paragraph (b) of this subsection, measures necessary to effectuate a judicial order shall not be subject to an interim measure hearing;*
- (d) *Impair an institution's ability to terminate a student's residence in campus housing for any reason other than a violation of the code for student conduct, including but not limited to a breach of any housing contract between the student and campus housing;*
- (e) *Impair an institution's ability to require one (1) or more complainants to serve as a representative of a class of student victims if:*
1. *The class is so numerous that joinder of all members is impracticable;*
 2. *There are questions of law or fact common to the class;*

3. *The claims or defenses of the representatives are typical of the claims or defenses of the class; and*
 4. *The representative parties will fairly and adequately protect the interests of the class; and*
- (f) *Limit any additional rights afforded to a student under federal law, including Title IX or the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1990, 20 U.S.C. sec. 1092(f).*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

- (1) *By November 1, 2023, and by November 1 every five (5) years thereafter, each institution, as defined in Section 1 of this Act, shall electronically publish a report on student discipline to a prominent location on the institution's Web site. The first report shall have a one (1) year reporting period and each report thereafter shall have a five (5) year reporting period. Each report on student discipline shall be submitted to the Interim Joint Committee on Education no later than November 1 of the year the report is due to be published. The report on student discipline shall include but is not limited to:*
- (a) *Without providing any personally identifiable information, the total number of disciplinary proceedings, including formal investigations, initiated by the institution for an alleged violation of the institution's code for student conduct during the reporting period, and of those, the total number and percentage of disciplinary proceedings that resulted in:*
 1. *A dismissal of the complaint by the institution prior to a hearing on the matter;*
 2. *A negotiated resolution or agreement prior to a hearing on the matter;*
 3. *A hearing on the matter;*
 4. *A dismissal of the complaint by the institution after a hearing on the matter;*
 5. *Suspension of a student;*
 6. *Expulsion of a student;*
 7. *Termination of a student's residence in campus housing;*
 8. *An appeal to the governing board or its designee of the institution in accordance with subsection (4)(b) of Section 1 of this Act; and*
 9. *An appeal from a final decision of the governing board or its designee of the institution in accordance with subsection (4)(c) of Section 1 of this Act; and*
 - (b) *Without providing any personally identifiable information, for each data point required by paragraph (a) of this subsection:*
 1. *A summary of the basic demographics of the students that were the subject of the disciplinary proceedings included in that figure, including but not limited to race, gender, whether the student resided in campus housing at the time the violation allegedly occurred, and the approximate number of credit hours earned;*
 2. *The specific rule in the code for student conduct alleged to have been violated;*
 3. *The general source of the initial information underlying the alleged violation, including but not limited to another student, faculty, staff, community member, or law enforcement; and*
 4. *The percentage of students that were the subject of the disciplinary proceedings included in that figure that were represented by an attorney licensed to practice law in Kentucky.*
- (2) (a) *If a public postsecondary education institution believes, due to federal law, that any specific data point required by paragraphs (a) and (b) of subsection (1) of this section cannot be adequately deidentified for public reporting, the institution shall submit a request for an exemption to the reporting requirement established in subsection (1) of this section for each specific data point to the Attorney General. The Attorney General shall review the request for exemption to determine whether each data point submitted can be adequately deidentified.*
- (b) *A request for exemption shall be submitted no later than September 1 of the year the report is due to be published. The Attorney General shall make all reasonable efforts to grant or deny any request for exemption within sixty (60) days of receipt.*

- (c) 1. *If the request for an exemption is granted, the report on student discipline published by the institution shall clearly identify each specific data point excluded pursuant to the exemption; and*
2. *If an institution fails to submit a timely request for exemption, the Attorney General fails to grant or deny a timely filed request for exemption in the sixty (60) day time frame, or the request for exemption is denied and the institution continues to believe that a specific data point cannot be adequately deidentified, the institution shall:*
- a. *In the report on student discipline published by the institution, clearly identify each specific data point excluded pursuant to the institution's objection that is not substantiated pursuant to an exemption from the Attorney General; and*
- b. *Submit a confidential, supplemental report to the Interim Joint Committee on Education by December 1 each year the report on student discipline is due. The supplemental report shall identify each data point the institution believes cannot be adequately deidentified and clearly set forth the reasoning for the institution's position. The committee may consider each supplemental report as it determines and in its discretion. Each supplemental report, and the consideration thereof by the committee, shall be exempt from the open records and open meetings requirements contained in KRS Chapter 61.*

➔Section 3. This Act may be cited as the Kentucky Campus Due Process Protection Act.

Signed by Governor April 8, 2022.

CHAPTER 160

(HB 283)

AN ACT relating to student teacher background checks.

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

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

(1) As used in this section:

- (a) "Administrative finding of child abuse or neglect" means a substantiated finding of child abuse or neglect issued by the Cabinet for Health and Family Services that is:
1. Not appealed through an administrative hearing conducted in accordance with KRS Chapter 13B;
 2. Upheld at an administrative hearing conducted in accordance with KRS Chapter 13B and not appealed to a Circuit Court; or
 3. Upheld by a Circuit Court in an appeal of the results of an administrative hearing conducted in accordance with KRS Chapter 13B;
- (b) "Alternative education program" means a program that exists to meet the needs of students that cannot be addressed in a traditional classroom setting but through the assignment of students to alternative classrooms, centers, or campuses that are designed to remediate academic performance, improve behavior, or provide an enhanced learning experience. Alternative education programs do not include career or technical centers or departments;
- (c) "Clear CA/N check" means a letter from the Cabinet for Health and Family Services indicating that there are no administrative findings of child abuse or neglect relating to a specific individual;
- (d) "Relative" means father, mother, brother, sister, husband, wife, son and daughter; and
- (e) "Vacancy" means any certified position opening created by the resignation, dismissal, nonrenewal of contract, transfer, or death of a certified staff member of a local school district, or a new position created in a local school district for which certification is required. However, if an employer-employee

bargained contract contains procedures for filling certified position openings created by the resignation, dismissal, nonrenewal of contract, transfer, or death of a certified staff member, or creation of a new position for which certification is required, a vacancy shall not exist, unless certified positions remain open after compliance with those procedures.

- (2) Except as provided in KRS 160.346, the school district personnel actions identified in this section shall be carried out as follows:
 - (a) All appointments, promotions, and transfers of principals, supervisors, teachers, and other public school employees shall be made only by the superintendent of schools, who shall notify the board of the action taken. All employees of the local district shall have the qualifications prescribed by law and by the administrative regulations of the Kentucky Board of Education and of the employing board. Supervisors, principals, teachers, and other employees may be appointed by the superintendent for any school year at any time after February 1 preceding the beginning of the school year. No superintendent of schools shall appoint or transfer himself or herself to another position within the school district;
 - (b) When a vacancy occurs in a local school district, the superintendent shall notify the chief state school officer fifteen (15) days before the position shall be filled. The chief state school officer shall keep a registry of local district vacancies which shall be made available to the public. The local school district shall post position openings in the local board office for public viewing;
 - (c) When a vacancy needs to be filled in less than fifteen (15) days' time to prevent disruption of necessary instructional or support services of the school district, the superintendent may seek a waiver from the chief state school officer. If the waiver is approved, the appointment shall not be made until the person recommended for the position has been approved by the chief state school officer. The chief state school officer shall respond to a district's request for waiver or for approval of an appointment within two (2) working days; and
 - (d) When a vacancy occurs in a local district, the superintendent shall conduct a search to locate minority teachers to be considered for the position. The superintendent shall, pursuant to administrative regulations of the Kentucky Board of Education, report annually the district's recruitment process and the activities used to increase the percentage of minority teachers in the district.
- (3) Restrictions on employment of relatives shall be as follows:
 - (a) No relative of a superintendent of schools shall be an employee of the school district. However, this shall not apply to a relative who is a classified or certified employee of the school district for at least thirty-six (36) months prior to the superintendent assuming office and who is qualified for the position the employee holds. A superintendent's spouse who has previously been employed in a school system may be an employee of the school district. A superintendent's spouse who is employed under this provision shall not hold a position in which the spouse supervises certified or classified employees. A superintendent's spouse may supervise teacher aides and student teachers. However, the superintendent shall not promote a relative who continues employment under an exception of this subsection;
 - (b) No superintendent shall employ a relative of a school board member of the district;
 - (c) No principal's relative shall be employed in the principal's school; and
 - (d) A relative that is ineligible for employment under paragraph (a), (b), or (c) of this subsection may be employed as a substitute for a certified or classified employee if the relative is not:
 1. A regular full-time or part-time employee of the district;
 2. Accruing continuing contract status or any other right to continuous employment;
 3. Receiving fringe benefits other than those provided other substitutes or
 4. Receiving preference in employment or assignment over other substitutes.
- (4) No superintendent shall assign a certified or classified staff person to an alternative education program as part of any disciplinary action taken pursuant to KRS 161.011 or 161.790 as part of a corrective action plan established pursuant to the local district evaluation plan.
- (5) No superintendent shall initially employ in any position in the district any person who is a violent offender or has been convicted of a sex crime as defined by KRS 17.165 which is classified as a felony or persons with an administrative finding of child abuse or neglect in records maintained by the Cabinet for Health and Family

Services. The superintendent may employ, at his discretion, except at a Kentucky Educational Collaborative for State Agency Children program, persons convicted of sex crimes classified as a misdemeanor.

- (6) Requirements for background checks shall be as follows:
- (a) A superintendent shall require the following individuals to submit to a national and state criminal background check by the Department of Kentucky State Police and the Federal Bureau of Investigation and have a clear CA/N check, provided by the individual:
 1. Each new certified or classified hire;
 2. A nonfaculty coach or nonfaculty assistant as defined under KRS 161.185;
 3. A student teacher;
 4. A school-based decision making council parent member; and
 5. Any adult who is permitted access to school grounds on a regularly scheduled and continuing basis pursuant to a written agreement for the purpose of providing services directly to a student or students as part of a school-sponsored program or activity;
 - (b) 1. The requirements of paragraph (a) of this subsection shall not apply to:
 - a. Classified and certified individuals employed by the school district prior to June 27, 2019; ~~or~~
 - b. Certified individuals who were employed in another certified position in a Kentucky school district within six (6) months of the date of hire and who had previously submitted to a national and state criminal background check and who have a clear CA/N check for the previous employment; *or*
 - c. *Student teachers who have submitted to and provide a copy of a national and state criminal background check by the Department of Kentucky State Police and the Federal Bureau of Investigation through an accredited teacher education institution in which the student teacher is enrolled and who have a clear CA/N check.*
 2. The Education Professional Standards Board may promulgate administrative regulations to impose additional qualifications to meet the requirements of Public Law 92-544;
 - (c) A parent member may serve prior to the receipt of the criminal history background check and CA/N letter required by paragraph (a) of this subsection but shall be removed from the council on receipt by the school district of a report documenting a record of abuse or neglect, or a sex crime or criminal offense against a victim who is a minor as defined in KRS 17.500, or as a violent offender as defined in KRS 17.165, and no further procedures shall be required; and
 - (d) A superintendent may require a volunteer or a visitor to submit to a national and state criminal history background check by the Department of Kentucky State Police and the Federal Bureau of Investigation and have a clear CA/N check, provided by the individual.
- (7) (a) If a certified or classified position remains unfilled after July 31 or if a vacancy occurs during a school term, a superintendent may employ an individual, who will have supervisory or disciplinary authority over minors, on probationary status pending receipt of the criminal history background check and a clear CA/N check, provided by the individual. Application for the criminal record and a request for a clear CA/N check of a probationary employee shall be made no later than the date probationary employment begins.
- (b) Employment shall be contingent on the receipt of the criminal history background check documenting that the probationary employee has no record of a sex crime nor as a violent offender as defined in KRS 17.165 and receipt of a letter, provided by the individual, from the Cabinet for Health and Family Services stating the employee is clear to hire based on no administrative findings of child abuse or neglect found through a background check of child abuse and neglect records maintained by the Cabinet for Health and Family Services.
- (c) Notwithstanding KRS 161.720 to 161.800 or any other statute to the contrary, probationary employment under this section shall terminate on receipt by the school district of a criminal history background check documenting a record of a sex crime or as a violent offender as defined in KRS 17.165 and no further procedures shall be required.

- (8) The provisions of KRS 161.790 shall apply to terminate employment of a certified employee on the basis of a criminal record other than a record of a sex crime or as a violent offender as defined in KRS 17.165, or on the basis of a CA/N check showing an administrative finding of child abuse or neglect.
- (9) (a) All fingerprints requested under this section shall be on an applicant fingerprint card provided by the Department of Kentucky State Police. The fingerprint cards shall be forwarded to the Federal Bureau of Investigation from the Department of Kentucky State Police after a state criminal background check is conducted. The results of the state and federal criminal background check shall be sent to the hiring superintendent. Any fee charged by the Department of Kentucky State Police, the Federal Bureau of Investigation, and the Cabinet for Health and Family Services shall be an amount no greater than the actual cost of processing the request and conducting the search.
- (b) Each application form, provided by the employer to an applicant for a certified or classified position, shall conspicuously state the following: "FOR THIS TYPE OF EMPLOYMENT, STATE LAW REQUIRES A NATIONAL AND STATE CRIMINAL HISTORY BACKGROUND CHECK AND A LETTER, PROVIDED BY THE INDIVIDUAL, FROM THE CABINET FOR HEALTH AND FAMILY SERVICES STATING THE APPLICANT HAS NO ADMINISTRATIVE FINDINGS OF CHILD ABUSE OR NEGLECT FOUND THROUGH A BACKGROUND CHECK OF CHILD ABUSE AND NEGLECT RECORDS MAINTAINED BY THE CABINET FOR HEALTH AND FAMILY SERVICES."
- (c) Each application form for a district position shall require the applicant to:
1. Identify the states in which he or she has maintained residency, including the dates of residency; and
 2. Provide picture identification.
- (10) Notwithstanding any provision of the Kentucky Revised Statutes to the contrary, when an employee of the school district is charged with any offense which is classified as a felony, the superintendent may transfer the employee to a second position until such time as the employee is found not guilty, the charges are dismissed, the employee is terminated, or the superintendent determines that further personnel action is not required. The employee shall continue to be paid at the same rate of pay he or she received prior to the transfer. If an employee is charged with an offense outside of the Commonwealth, this provision may also be applied if the charge would have been treated as a felony if committed within the Commonwealth. Transfers shall be made to prevent disruption of the educational process and district operations and in the interest of students and staff and shall not be construed as evidence of misconduct.
- (11) Notwithstanding any law to the contrary, each certified and classified employee of the school district shall notify the superintendent if he or she has been found by the Cabinet for Health and Family Services to have abused or neglected a child, and if he or she has waived the right to appeal a substantiated finding of child abuse or neglect or if the substantiated incident was upheld upon appeal. Any failure to report this finding shall result in the certified or classified employee being subject to dismissal or termination.
- (12) The form for requesting a CA/N check shall be made available on the Cabinet for Health and Family Services Web site.

Signed by Governor April 8, 2022.

CHAPTER 161

(HB 277)

AN ACT relating to teachers.

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

➔Section 1. KRS 161.048 is amended to read as follows:

- (1) The General Assembly hereby finds that:

- (a)
 1. There are persons who have distinguished themselves through a variety of work and educational experiences that could enrich teaching in Kentucky schools;
 2. There are distinguished scholars who wish to become teachers in Kentucky's public schools, but who did not pursue a teacher preparation program;
 3. There are persons who should be recruited to teach in Kentucky's public schools as they have academic majors, strong verbal skills as shown by a verbal ability test, and deep knowledge of content, characteristics that empirical research identifies as important attributes of quality teachers;
 4. There are persons who need to be recruited to teach in Kentucky schools to meet the diverse cultural and educational needs of students; and
 5. There should be alternative procedures to the traditional teacher preparation programs that qualify persons as teachers;
 - (b) There are hereby established alternative certification program options as described in subsections (2) to ~~(10)~~~~(9)~~ of this section;
 - (c) It is the intent of the General Assembly that the Education Professional Standards Board inform scholars, persons with exceptional work experience, and persons with diverse backgrounds who have potential as teachers of these options and assist local boards of education in implementing these options and recruitment of individuals who can enhance the education system in Kentucky;
 - (d) The Education Professional Standards Board may reject the application of any candidate who is judged as not meeting academic requirements comparable to those for students enrolled in Kentucky teacher preparation programs; and
 - (e) The Education Professional Standards Board shall promulgate administrative regulations establishing standards and procedures for the alternative certification options described in this section.
- (2) Option 1: Certification of a person with exceptional work experience. An individual who has exceptional work experience and has been offered employment in a local school district shall receive a one (1) year provisional certificate with approval by the Education Professional Standards Board of a joint application by the individual and the employing school district under the following conditions:
- (a) The application contains documentation of all education and work experience;
 - (b) The candidate has documented exceptional work experience in the area in which certification is being sought; and
 - (c) The candidate possesses:
 1. A bachelor's degree or a graduate degree;
 2. A minimum cumulative grade point average of two and seventy-five hundredths (2.75) on a four (4) point scale or a minimum grade point average of three (3.0) on a four (4) point scale on the last thirty (30) hours of credit completed, including undergraduate and graduate coursework from a nationally or regionally accredited postsecondary institution; and
 3. An academic major or a passing score on the academic content assessment in the area in which certification is being sought by the applicant as designated by the Education Professional Standards Board.

The candidate shall participate in the teacher internship program under KRS 161.030. After successful completion of the internship program, the candidate shall receive a professional certificate and shall be subject to certificate renewal requirements the same as other teachers with a professional certificate.

- (3) Option 2: Certification through a local school district training program. A local school district or group of school districts may seek approval for a training program. The state-approved local school district training program is an alternative to the college teacher preparation program as a means of acquiring teacher certification for a teacher at any grade level. The training program may be offered for all teaching certificates approved by the Education Professional Standards Board, including interdisciplinary early childhood education, except for specific certificates for teachers of exceptional children. To participate in a state-approved local school district alternative training program, the candidate shall possess:
- (a) A bachelor's degree or a graduate degree;

- (b) A minimum cumulative grade point average of two and seventy-five hundredths (2.75) on a four (4) point scale or a minimum grade point average of three (3) on a four (4) point scale on the last thirty (30) hours of credit completed, including undergraduate and graduate coursework from a nationally or regionally accredited postsecondary institution;
- (c) A passing score on the academic content assessment in the area in which certification is being sought by the applicant as designated by the Education Professional Standards Board. To be eligible to take an academic content assessment, the applicant shall have completed a thirty (30) hour major in the academic content area or five (5) years of experience in the academic content area as approved by the Education Professional Standards Board; and
- (d) An offer of employment in a school district which has a training program approved by the Education Professional Standards Board.

Upon meeting the participation requirements as established in this subsection, the candidate shall be issued a one (1) year provisional certificate by the Education Professional Standards Board. The candidate shall participate in the teacher internship program under KRS 161.030. After successful completion of the internship program, the candidate shall receive a professional certificate and shall be subject to certificate renewal requirements the same as other teachers with a professional certificate.

- (4) Option 3: Certification of a professional from a postsecondary institution: A candidate who possesses the following qualifications may receive a one (1) year provisional certificate for teaching at any level:
 - (a) A master's degree or doctoral degree in the academic content area for which certification is sought;
 - (b) A minimum of five (5) years of full-time teaching experience, or its equivalent, in the academic content area for which certification is sought in a regionally or nationally accredited institution of higher education; and
 - (c) An offer of employment in a school district which has been approved by the Education Professional Standards Board.

The candidate shall participate in the teacher internship program under KRS 161.030. After successful completion of the internship program, the candidate shall receive a professional certificate and shall be subject to certificate renewal requirements the same as other teachers with professional certificates.

- (5) Option 4: Certification of an adjunct instructor. A person who has expertise in areas such as art, music, foreign language, drama, science, computer science, and other specialty areas may be employed as an adjunct instructor in a part-time position by a local board of education under KRS 161.046.
- (6) Option 5: Certification of a veteran of the Armed Forces. The Education Professional Standards Board shall issue a statement of eligibility, valid for five (5) years, for teaching at the elementary, secondary, and secondary career technical education levels to a veteran of the Armed Forces who was honorably discharged from active duty as evidenced by Defense Department Form 214 (DD 214) or National Guard Bureau Form 22 or to a member of the Armed Services currently serving with six (6) or more years of honorable service, including Reserves, National Guard, or active duty. The candidate shall possess:
 - (a) A bachelor's degree or graduate degree;
 - (b) A minimum cumulative grade point average of two and seventy-five hundredths (2.75) on a four (4) point scale or a minimum grade point average of three (3) on a four (4) point scale on the last thirty (30) hours of credit completed, including undergraduate and graduate coursework from a nationally or regionally accredited postsecondary institution; and
 - (c) An academic major or a passing score on the academic content assessment in the area in which certification is being sought by the applicant as designated by the Education Professional Standards Board.

Upon an offer of employment by a school district, the eligible veteran shall receive a one (1) year provisional certificate with approval by the Education Professional Standards Board of a joint application by the veteran and the employing school district. During this year, the veteran shall participate in the teacher internship program under KRS 161.030. After successful completion of the internship program, the veteran shall receive a professional certificate.

- (7) Option 6: University alternative program. With approval of the Education Professional Standards Board, a university may provide an alternative program that enrolls students in a postbaccalaureate teacher preparation

program concurrently with employment as a teacher in a local school district. A student in the alternative program shall be granted a one (1) year provisional certificate and shall participate in the Kentucky teacher internship program, notwithstanding provisions of KRS 161.030. A student may not participate in the internship program until the student has successfully completed the assessments required by the board. The one (1) year provisional certificate may be renewed two (2) additional years, and shall be contingent upon the candidate's continued enrollment in the preparation program and compliance with all requirements established by the board. A professional certificate shall be issued upon the teacher candidate's successful completion of the program, the internship program requirements, and all academic content assessments in the specific teaching field of the applicant as designated by the Education Professional Standards Board.

- (8) Option 7: Certification of a person in a field other than education to teach in elementary, middle, or secondary programs. This option shall not be limited to teaching in shortage areas. An individual certified under provisions of this subsection shall be issued a one (1) year provisional certificate, renewable for a maximum of two (2) additional years with approval of the Education Professional Standards Board.
- (a) The candidate shall possess:
1. A bachelor's degree with a declared academic major in the area in which certification is sought or a graduate degree in a field related to the area in which certification is sought;
 2. A minimum cumulative grade point average of two and seventy-five hundredths (2.75) on a four (4) point scale or a minimum grade point average of three (3) on a four (4) point scale on the last thirty (30) hours of credit completed, including undergraduate and graduate coursework from a nationally or regionally accredited postsecondary institution;
 3. A passing score on the GRE or equivalent as designated by the Education Professional Standards Board. A candidate who has a terminal degree shall be exempt from the requirements of this subparagraph; and
 4. A passing score on the academic content assessment in the area in which certification is being sought as designated by the Education Professional Standards Board.
- (b) Prior to receiving the one (1) year provisional certificate or during the first year of the certificate, the teacher shall complete the following:
1. For elementary teaching, the individual shall successfully complete the equivalent of a two hundred forty (240) hour institute, based on six (6) hour days for eight (8) weeks. The providers and the content of the institute shall be approved by the Education Professional Standards Board. The content shall include research-based teaching strategies in reading and math, research on child and adolescent growth, knowledge of individual differences, including teaching exceptional children, and methods of classroom management.
 2. For middle and secondary teaching, the individual shall successfully complete the equivalent of a one hundred eighty (180) hour institute, based on six (6) hour days for six (6) weeks. The providers and the content of the institute shall be approved by the Education Professional Standards Board and shall include research-based teaching strategies, research on child and adolescent growth, knowledge of individual differences, including teaching exceptional children, and methods of classroom management.
- (c) The candidate shall participate in the teacher internship program under KRS 161.030. After successful completion of the internship program, the candidate shall receive a professional certificate and shall be subject to certificate renewal requirements the same as other teachers with a professional certificate.
- (9) Option 8: Certification of a Teach for America participant to teach in elementary, middle, or high schools. Nothing in this subsection shall conflict with the participation criteria of the Teach for America program. An individual certified under this subsection shall be issued a one (1) year provisional certificate.
- (a) The candidate shall possess:
1. An offer of employment from a local school district;
 2. A bachelor's degree;
 3. A successful completion of the summer training institute and ongoing professional development required by Teach for America, including instruction in goal-oriented, standards-based instruction, diagnosing and assessing students, lesson planning and instructional delivery,

- classroom management, maximizing learning for diverse students, and teaching methodologies; and
4. A passing score on the academic content assessment in the area in which certification is being sought as designated by the Education Professional Standards Board.
- (b) The provisional certificate granted under paragraph (a) of this subsection may be renewed two (2) times with a recommendation of the superintendent and approval of the Education Professional Standards Board.
 - (c) A Teach for America participant who is approved for a second renewal of his or her provisional certificate under paragraph (b) of this subsection may participate in the teacher internship program under KRS 161.030.
 - (d) A Teach for America participant shall be issued a professional certificate upon the participant's successful completion of the internship program and assessments relating to teaching of subject matter required by the Education Professional Standards Board under KRS 161.030.
 - (e) Notwithstanding any statute or administrative regulation to the contrary, a teacher certified under this subsection shall have ten (10) years from the date that the teacher successfully completed the internship program to complete a master's degree or fifth year program, or the equivalent as specified by the Education Professional Standards Board in administrative regulation.
- (10) ***Option 9: Expedited certification of a person to teach at any grade level through a cooperative program. With approval of the Education Professional Standards Board, a college or university may partner with a school district to develop an expedited certification program that results in a bachelor's degree and initial certification within three (3) school years.***
- (a) ***The program shall:***
 1. ***Include a residency or paraprofessional component which employs the person within the participating district for the duration of the program to gain work experience to supplement the expedited program and reduced coursework;***
 2. ***Utilize experienced teachers employed by the district to provide coaching and to mentor the candidates; and***
 3. ***Be designed to meet the needs of the participating district and may include an emphasis in developing a teacher pipeline for the district's students, improving the numbers of underrepresented populations among the district's workforce, or focusing on increasing the number of teachers with certification areas that are in high demand.***
 - (b) ***A school district entering into a cooperative partnership shall ensure the availability of funding for each candidate employed within the district in the residency or paraprofessional program for the duration of the candidate's participation in the program. However, nothing in this subsection shall be interpreted as requiring the district to continue employing the candidate during the program or after the candidate has received initial certification.***
 - (c) ***A person who has begun a traditional path or another option for certification shall be eligible to transfer into this option if the person meets the program's requirements.***
 - (d) ***If a school district participating in a cooperative partnership determines to end the partnership, the district shall no longer accept new candidates to the program but shall continue the partnership until the district's employed candidates for Option 9 certification complete the program or are no longer employed by the district.***
- (11) A public school teacher certified under subsections (2) to (10)~~(9)~~ of this section shall be placed on the local district salary schedule for the rank corresponding to the degree held by the teacher.
- ~~(12)~~~~(14)~~ Subsections (1) to (3) of this section notwithstanding, a candidate who possesses the following qualifications may receive certification for teaching programs for exceptional students:
- (a) An out-of-state license to teach exceptional students;
 - (b) A bachelor's or master's degree in the certification area or closely related area for which certification is sought; and
 - (c) Successful completion of the teacher internship program requirement required under KRS 161.030.

➔Section 2. Any person granted an emergency teaching certificate pursuant to KRS 161.100 by the Education Professional Standards Board during the 2021-2022 school year shall be eligible to renew that emergency certificate for the 2022-2023 school year, notwithstanding any administrative regulation to the contrary.

Signed by Governor April 8, 2022.

**CHAPTER 162
(HB 244)**

AN ACT making appropriations for the operations, maintenance, support, and functioning of the Judicial Branch of the government of the Commonwealth of Kentucky and its various officers, boards, commissions, subdivisions, and other state-supported activities.

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

➔Section 1. Notwithstanding KRS 48.100 and 48.300, the Judicial Branch Budget is as follows:

**PART I
OPERATING BUDGET**

(1) **Funds Appropriations:** There is appropriated out of the General Fund, Restricted Funds accounts, or Federal Funds accounts for the fiscal year beginning July 1, 2021, and ending June 30, 2022, and for the fiscal year beginning July 1, 2022, and ending June 30, 2023, and for the fiscal year beginning July 1, 2023, and ending June 30, 2024, the following sums to be used for the purposes of the Judicial Branch of the government of the Commonwealth of Kentucky, including the Supreme Court, Court of Appeals, Circuit Court, Family Court, District Court, the Administrative Office of the Courts, Judicial Retirement, Local Facilities Fund, Local Facilities Use Allowance Contingency Fund, and for services performed by the Circuit Court Clerks' offices, including both Circuit and District Court support.

A. JUDICIAL BRANCH

Budget Units

1. COURT OF JUSTICE

a. Court Operations and Administration

	2021-22	2022-23	2023-24
General Fund	10,928,500	283,834,700	288,849,900
Restricted Funds	771,300	51,468,200	49,369,800
Federal Funds	65,700	3,204,900	2,576,000
TOTAL	11,765,500	338,507,800	340,795,700

(1) **Civil Filing Fees:** Pursuant to its authority, if the Supreme Court retains the increases in civil filing fees that were effective in 2008 and 2018, the additional income resulting from the fee increases, not to exceed \$15,468,100 in each fiscal year, shall be deposited into a trust and agency account for court operations and salaries for non-elected personnel. Any revenue generated by these increases in excess of the \$15,468,100 in each fiscal year shall be deposited into the General Fund.

(2) **Certification of Indigency:** Notwithstanding KRS 31.120, no public defense attorney shall be ordered to represent any individual in criminal matters without receiving, in writing, a sworn certification of indigency. The provisions of this subsection do not apply to the appointment of counsel at the earliest necessary proceeding at which the person is entitled to counsel, upon declaration by the person that they are indigent; however, if later determined not to be indigent, the Department of Public Advocacy shall be reimbursed for its representation pursuant to KRS 31.120(1)(b).

b. Local Facilities Fund

2022-23

2023-24

General Fund 123,915,900 127,509,200

(1) **Local Facility Projects:** Included in the above General Fund appropriation is \$5,328,500 fiscal year 2022-2023 and \$12,890,800 in fiscal year 2023-2024 to support the use allowance, operating, and non-recurring furniture and equipment costs for two judicial center projects authorized by the 2018 General Assembly and seven judicial center projects authorized by the 2021 General Assembly.

(2) **Maintenance Pool:** Included in the above General Fund appropriation is \$3,000,000 in each fiscal year to create a maintenance pool for planned and unanticipated non-capital projects for local courthouses and judicial centers.

(3) **Local Court Facility Compensation:** Included in the above General Fund appropriation are moneys to compensate local units of government for providing court space and for costs incurred in the development of local court facilities as defined in KRS Chapter 26A and provided in Part II of this Act, and to perform all other acts required or authorized by KRS Chapter 26A.

(4) **Use Allowance Payments to Counties:** Pursuant to KRS 26A.090(2), beginning with court facility construction or renovation projects authorized by the 2000 Regular Session of the General Assembly and all subsequent court facility projects, use allowance payments are restricted to the court's proportional share of the annual principal and interest costs in connection with the construction or renovation of the facility, not to exceed the authorized annual use allowance.

(5) **Court Facility Maintenance Fund:** (a) Notwithstanding KRS 26A.090(2), when there is no debt on court facility construction or renovation projects authorized prior to the 2000 Regular Session of the General Assembly, use allowance is restricted to compensation equal to two percent annually of capital costs to be paid to the county unit of government and two percent annually to be retained by the Administrative Office of the Courts and directed to a separate fund specifically for maintenance of court facilities.

(b) The fund created pursuant to paragraph (a) of this subsection shall be used for routine, ongoing, planned, and unanticipated maintenance for court facilities.

(6) **Graves County Temporary Courthouse:** Included in the above General Fund appropriation is \$3,000,000 in fiscal year 2022-2023 to support the renovation of private sector lease space in Graves County.

(7) **Graves County Records:** Included in the above General Fund appropriation is \$969,000 in fiscal year 2022-2023 for the cleaning, restoration, and digitization of court records.

c. Local Facilities Use Allowance Contingency Fund

(1) **Funds Carry Forward:** Notwithstanding KRS 45.229, any unexpended balance remaining at the close of fiscal year 2021-2022 shall not lapse and shall continue into fiscal year 2022-2023, and any unexpended balance remaining at the close of fiscal year 2022-2023 shall not lapse and shall continue into fiscal year 2023-2024 to provide for cost overruns in authorized court facilities projects not to exceed 15 percent of the use allowance in accordance with KRS Chapter 26A.

TOTAL - COURT OF JUSTICE

	2021-22	2022-23	2023-24
General Fund	10,928,500	407,750,600	416,359,100
Restricted Funds	771,300	51,468,200	49,369,800
Federal Funds	65,700	3,204,900	2,576,000
TOTAL	11,765,500	462,423,700	468,304,900

2. JUDICIAL FORM RETIREMENT SYSTEM

	2021-22	2022-23	2023-24
General Fund	-0-	4,981,800	5,305,600
Restricted Funds	18,800	743,500	745,200
TOTAL	18,800	5,725,300	6,050,800

(1) **Judicial Retirement Benefits:** Notwithstanding KRS 21.525, General Fund amounts are included to provide actuarial-assessed judicial retirement benefits with interest.

(2) **Administrative Expenses:** Pursuant to KRS 21.540, administrative expenses shall be paid out of an administrative account which shall be funded by transfers of the necessary moneys, in appropriate ratio, from the funds described in KRS 21.550 and 21.560. Notwithstanding Part III, 8. of this Act, Restricted Funds appropriations may be increased to ensure sufficient funding to support the Judicial Form Retirement System.

(3) **Pension Benefit Increase:** Notwithstanding KRS 21.405(5), no pension benefit increase shall be granted to recipients of a retirement allowance under KRS 21.345 to 21.580 on July 1, 2022, or July 1, 2023.

TOTAL - JUDICIAL BRANCH

	2021-22	2022-23	2023-24
General Fund	10,928,500	412,732,400	421,664,700
Restricted Funds	790,100	52,211,700	50,115,000
Federal Funds	65,700	3,204,900	2,576,000
TOTAL	11,784,300	468,149,000	474,355,700

PART II

CAPITAL PROJECTS BUDGET

(1) **Authorization of Capital Projects:** It is the intent of the General Assembly that any capital project proposed by any state government entity, including the agencies and subdivisions of the Court of Justice, shall be authorized by the General Assembly prior to the project’s financing and construction, in accordance with KRS 7A.010, 7A.120, 45.750, 45.760, 45.763, 45.765, and 48.110. Pursuant to KRS 45.760(1), the amount allotted, from all sources, for expenditure on any capital project, including leases as defined by KRS 45.750, shall not exceed the estimated cost as shown in this Act.

(2) **Capital Projects and Bond Oversight Committee:** Capital construction projects and major items of equipment that are not specifically listed in this Act may be authorized only after submission of the project to the Capital Projects and Bond Oversight Committee and in accordance with the other requirements of KRS 45.760(7). Moneys may be transferred to the allotment account of any capital project only after submission of the project to the Capital Projects and Bond Oversight Committee and in accordance with the other requirements of KRS 45.760(6). As required by KRS 45.760, all capital construction items authorized in this Act shall be constructed in accordance with this Act, supporting documentation considered by the General Assembly, and Judicial Branch budget records. Any modifications to the scope of a capital construction project or to a lease shall be reported to the Capital Projects and Bond Oversight Committee before execution.

(3) **Court Facility Planning Process:** The county shall require the Project Development Board to hire a certified architect not otherwise involved with the project to conduct an independent feasibility study to determine whether the needs of the community and the Court of Justice can best be met through the construction of a freestanding building, or through an addition and/or renovation of the existing court facility. The cost for this study shall be an accepted and approved portion of the planning process, and shall be eligible for reimbursement from the bond proceeds.

(4) **Deferred Funding:** (a) General Fund support to provide operating costs of \$204,200, use allowance of \$1,449,800 and nonrecurring furniture and equipment costs of \$500,000 for the Leslie County project is deferred to the 2024-2026 fiscal biennium.

(b) General Fund support to provide operating costs totaling \$234,000, use allowance payments totaling \$1,682,000 and nonrecurring furniture and equipment costs totaling \$750,000 for the Graves County project is deferred to the 2024-2026 fiscal biennium.

(c) General Fund support to provide operating costs totaling \$2,053,500 and nonrecurring furniture and equipment costs of \$3,575,000 for six judicial center projects authorized by the 2020 General Assembly is deferred to the 2024-2026 fiscal biennium.

(d) It is the intent of the General Assembly that all projects in paragraphs (a), (b), and (c) of this subsection shall be funded using resources previously appropriated for projects that no longer require use allowance debt payments in the 2024-2026 fiscal biennium.

(5) **Local Facilities Use Allowance Contingency Fund:** For any court facility project which is occupied and use allowance funding is insufficient, the use allowance payments shall be approved from the Local Facilities Use Allowance Contingency Fund. If funds are not available in the Local Facilities Use Allowance Contingency

Fund, the Chief Justice may transfer funds from other Judicial Branch accounts in accordance with Part III, General Provisions, Section 7. of this Act to make the necessary payments.

A. JUDICIAL BRANCH

Budget Units	2022-23	2023-24
1. Court Operations and Administration		
001. Electronic Court Filing System		
Federal Funds	38,000,000	-0-
(1) State Fiscal Recovery Fund: The above Federal Funds are authorized from the State Fiscal Recovery Fund of the American Rescue Plan Act of 2021.		
2. Local Facilities Fund		
Project	Project Scope	
001. Leslie	15,640,000	
002. Graves	18,445,000	
(1) Other Funds Impact on Project Scope: The amount of the project scope for the Graves County Courthouse for which the use allowance defined in KRS 26A.090(2) is authorized shall be adjusted downward subject to the receipt of other funds, including but not limited to insurance proceeds and Federal Funds to be used for the project. This subsection shall not limit adjustments to the project scope otherwise authorized by KRS 26A.166.		
003. Jefferson County Judicial Center - Carpet and Paint Project		
General Fund	1,189,000	-0-
004. Hardin County - HVAC Project		
General Fund	3,000,000	-0-
3. Lease Authorizations		
001. Franklin County - Lease - Court of Appeals		
002. Jefferson County - Lease - Parking		

PART III

GENERAL PROVISIONS

1. Expenditure Authority: The Director of the Administrative Office of the Courts, with the approval of the Chief Justice, may expend any of the funds appropriated for court operations and administration in any lawful manner and for any legal purpose that the Chief Justice shall authorize or direct. No executive agency of state government shall have the power to restrict or limit the expenditure of funds appropriated to the Judicial Branch of government.

2. Severability of Budget Provisions: Appropriation items and sums in this Act conform to KRS 48.311. If any section, any subsection, or any provision thereof shall be invalid or unconstitutional, the decision of the courts shall not affect or impair any of the remaining sections, subsections, or provisions.

3. Duplicate Appropriations: Any appropriation item and sum in this Act and in an appropriation provision in another Act of the 2022 Regular Session of the General Assembly which constitutes a duplicate appropriation shall be governed by KRS 48.312.

4. Priority of Individual Appropriations: KRS 48.313 shall control when a total or subtotal figure in this Act conflicts with the sum of the appropriations of which it consists.

5. Carry Forward of Funds: Notwithstanding KRS 45.229, any unexpended balance remaining at the close of the fiscal years ending June 30, 2022, June 30, 2023, and June 30, 2024, shall not lapse and shall continue into the next fiscal year.

6. Final Budget Document: The Director of the Administrative Office of the Courts shall prepare a final budget document reflecting the 2022-2024 biennial budget of the Court of Justice. A copy shall be provided to the Legislative Research Commission, and an informational copy shall be furnished to the Finance and Administration Cabinet, within 60 days of the adjournment of the 2022 Regular Session of the General Assembly.

7. Transferability of Funds: The Chief Justice of the Commonwealth of Kentucky shall have the ability to transfer funds to other programs and budget units within the Judicial Branch. Any funds transferred to other budget units within the Judicial Branch may be used to support any activity, program, or operation of the budget unit or program receiving the respective funds.

8. Appropriations Revisions: Notwithstanding KRS 48.630(10), no revisions for unbudgeted Restricted Funds appropriations for expenditure shall be allotted or expended that have not been appropriated in any enacted branch budget bill or without the express authority of the General Assembly. Proposed revisions to unbudgeted Federal Funds appropriations for expenditure in this Act shall be made and reported to the Interim Joint Committee on Appropriations and Revenue. The Director of the Administrative Office of the Courts shall notify, on a timely basis, the Legislative Research Commission of the most current estimates of anticipated receipts for the affected fiscal year and an accompanying statement which explains variations from the anticipated amount.

9. Maximum Salary of Trial Commissioners: Pursuant to KRS 24A.100(3), no trial commissioner shall be compensated at a rate greater than \$7,200. No funding is provided for trial commissioners commissioned in counties with a residing District Judge.

10. Authorized Personnel Complement: On July 1, 2022, the Administrative Office of the Courts shall establish a record for each budget unit of authorized permanent full-time and other positions based upon the enacted Judicial Budget of the Commonwealth and any adjustments authorized by provisions in this Act. The total number of filled permanent full-time and all other positions shall not exceed the authorized complements pursuant to this section. The Director of the Administrative Office of the Courts may request an increase in the number of authorized positions to the Chief Justice. Upon approval, the Administrative Office of the Courts may authorize the employment of individuals in addition to the authorized complement. A report of the actions authorized in this section shall be provided to the Interim Joint Committee on Appropriations and Revenue on a monthly basis.

11. Debt Restructuring: Notwithstanding any other provision of the Kentucky Revised Statutes, use allowance payments shall not be amended to reflect debt restructuring transactions undertaken by a county during the 2022-2024 fiscal biennium.

12. Court Facility Maintenance Fund Report: For each of the periods ending June 30, 2022, June 30, 2023, and June 30, 2024, the Director of the Administrative Office of the Courts shall prepare a court facility maintenance report. This report shall detail all court facility maintenance undertaken by the Court of Justice, to include any cost-sharing with counties, as well as detail regarding future maintenance needs. This report shall include a statewide expenditure summary followed by individual county expenditures detailing the state's and county's respective share of expenditures. The Administrative Office of the Courts shall provide this report to the Interim Joint Committee on Appropriations and Revenue by September 15 of each fiscal year.

13. Biennial Audits: The Auditor of Public Accounts shall have the right to review, upon request, the accountant's work papers.

14. Budgetary Restructuring: The Court of Justice shall prepare a report to be submitted to the Interim Joint Committee on Appropriations and Revenue by September 1 of each fiscal year detailing the existing budget processes of the Court of Justice and the actual expenditure of funds from the prior fiscal year and budgeted expenditures for the current fiscal year by fund source and individual location or office, for the Supreme Court, Court of Appeals, Circuit Court, Family Court, District Court, Administrative Office of the Courts, Judicial Retirement, Local Facilities Fund, Local Facilities Use Allowance Contingency Fund, and for services performed by the Circuit Court Clerks' offices.

15. Unexpended Use Allowance: Notwithstanding any provision of the Kentucky Revised Statutes, any General Fund moneys appropriated for project-related expenses or use allowance payments in fiscal years 2022-2023 and 2023-2024 that are not expended specifically for project-related expenses or use allowance payments in the fiscal year in which appropriated shall be transferred to the Budget Reserve Trust Fund Account (KRS 48.705).

16. Employee Layoffs, Furloughs, and Reduced Hours: Notwithstanding any statute to the contrary, the following process and procedure is established for July 1, 2022, through June 30, 2024, in the event that the Chief Justice determines that it is desirable for the Court of Justice to layoff, furlough, or reduce hours of employees:

(1) For the purposes of this section:

(a) "Appointing authority" means the Chief Justice, in his or her capacity as provided in KRS 27A.010, or any agent whom he or she has delegated to act on his or her behalf with respect to employee appointments, position establishments, payroll documents, reemployment requests, waiver requests, requests for certification, or other position actions for the Court of Justice;

(b) "Furlough" or "reduction in hours" means the temporary reduction of hours an employee is scheduled to work by the appointing authority within a pay period;

(c) "Layoff" means discharge of employment subject to the rights contained in this section; and

(d) "Employees" includes all persons employed by the Court of Justice;

(2) Upon an order by the Chief Justice, an appointing authority has the authority to layoff or furlough employees or reduce hours of employment for any of the following reasons:

(a) Lack of funds or budgetary constraints;

(b) A reduction in the agency's spending authorization;

(c) Lack of work;

(d) Abolishment of a position; or

(e) Other material change in duties or organization;

(3) The appointing authority shall determine the job classifications affected and the number of employees laid-off in each classification and each county to which a layoff applies. In the same department or office, county, and job classification, interim and probationary employees shall be laid-off before any full-time or part-time employees with status are laid-off. For purposes of layoff, "probationary employee" does not include an employee with status serving a promotional probation;

(4) The Chief Justice shall approve and implement all actions taken under subsection (2) of this section and no such layoff, furlough, or reduction of hours may begin until such approval has been granted. The Chief Justice has the authority to determine the extent, effective dates, and length of any action taken under subsection (2) of this section;

(5) In determining the employees to be laid-off, the appointing authority shall consider all employees under the same appointing authority, within the job classification affected, and within the county affected. Consideration shall be given to the following relevant factors:

(a) Job performance evaluations;

(b) Seniority;

(c) Education, training, and experience; and

(d) Disciplinary record;

(6) Any employee whose position is subject to layoff, furlough, or reduction of hours shall be provided written notice containing the reason for the action as set forth in subsection (2) of this section at least 15 days in advance of the effective date of the action;

(7) Any tenured employee who is laid-off shall be eligible to apply as a reemployment applicant for positions with the same job classification in the Court of Justice. For a period of two years, a reemployment applicant shall be hired before any applicant except another reemployment applicant with greater seniority who is on the same reemployment list. When a reemployment applicant is removed from a reemployment list, he or she shall be notified in writing. A reemployment applicant who accepts another Court of Justice position, tenured or non-tenured, or who retires, shall cease to have eligibility rights as a reemployment applicant;

(8) The appointing authority may place employees subject to a reduction in force;

(9) Furloughs or reduction of hours during a pay period shall not result in the loss of eligibility for any benefit otherwise due the employee;

(10) The appointing authority shall have the authority to promulgate comprehensive administrative regulations governing this section; and

(11) A layoff, furlough, or reduction of hours implemented in accordance with this section shall not be considered a penalization of the employee.

17. Salary Increase for Personnel: Included in the General Fund, Restricted Funds, and Federal Funds appropriations in Part I of this Act are sufficient funds to support a \$2,000 salary increase followed by an eight percent increase on the base salary and wages of each eligible employee effective July 1, 2022, for non-elected personnel. Included in the General Fund, Restricted Funds, and Federal Funds appropriations in Part I of this Act are

sufficient funds to support an eight percent increase on the base salary or wages of each eligible employee effective July 1, 2022, for elected personnel.

No increment is provided on the base salary or wages of each eligible employee in fiscal year 2023-2024. It is the intent of the General Assembly to provide a salary increment in fiscal year 2023-2024, subject to the completion of a classification and compensation report.

18. Deferred Payroll: Included in the fiscal year 2021-2022 appropriations in Part I of this Act are sufficient funds to issue the state payroll that had previously been deferred.

19. Caseload Analysis: (1) Notwithstanding the provisions of KRS 21A.350, the General Assembly requests the Supreme Court to direct the Administrative Office of the Courts to perform an updated caseload analysis to verify the need to eliminate the District Court divisions in the Fourth, Fifteenth, Thirtieth, Thirty-first, Fortieth, Forty-first, and Fifty-first Judicial Districts, and the District Court division eliminated in the newly constituted Thirty-eighth Judicial District and in the newly constituted Forty-second Judicial District.

(2) The General Assembly further requests that the updated analysis be initiated by January 1, 2024. If the analysis indicates the need to modify the elimination of the District Court divisions listed in subsection (1) of this section due to population or caseload changes, an amended certification of necessity shall be submitted as required under KRS 21A.350.

PART IV

BUDGET REDUCTION OR SURPLUS EXPENDITURE PLAN

The Judicial Branch shall participate in any Budget Reduction Plan or Surplus Expenditure Plan in accordance with KRS Chapter 48, except that obligations essential to the constitutional duties and use allowance of the Judicial Branch shall be exempt from any Budget Reduction Plan. The level of participation in a Budget Reduction Plan shall be at the discretion of the Chief Justice and shall not exceed the actual percentage of revenue shortfall.

Signed by Governor April 8, 2022.

CHAPTER 163

(HB 216)

AN ACT relating to crimes and punishments.

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

➔Section 1. KRS 508.075 is amended to read as follows:

- (1) A person is guilty of terroristic threatening in the first degree when he or she:
- (a) Intentionally makes false statements that he or she or another person has placed a weapon of mass destruction on:
 1. The real property or any building of any public or private elementary or secondary school, vocational school, or institution of postsecondary education;
 2. A school bus or other vehicle owned, operated, or leased by a school;
 3. The real property or any building public or private that is the site of an official school-sanctioned function;~~{or}~~
 4. The real property or any building owned or leased by a government agency; or
 5. *The real property or any building owned or leased by a domestic violence shelter as defined in KRS 511.085; or*
 - (b) Intentionally and without lawful authority, places a counterfeit weapon of mass destruction at any location or on any object specified in paragraph (a) of this subsection.

- (2) A counterfeit weapon of mass destruction is placed with lawful authority if it is placed, with the written permission of the chief officer of the school or other institution, as a part of an official training exercise and is placed by a public servant, as defined in KRS 522.010.
- (3) A person is not guilty of commission of an offense under this section if he or she, innocently and believing the information to be true, communicates a threat made by another person to school personnel, *domestic violence shelter personnel*, a peace officer, a law enforcement agency, a public agency involved in emergency response, or a public safety answering point and identifies the person from whom the threat was communicated, if known.
- (4) Terroristic threatening in the first degree is a Class C felony.

Signed by Governor April 8, 2022.

CHAPTER 164

(HB 213)

AN ACT relating to occupational therapists.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 319A IS CREATED TO READ AS FOLLOWS:

SECTION 1. PURPOSE

The purpose of this Compact is to facilitate interstate practice of occupational therapy with the goal of improving public access to occupational therapy services. The practice of occupational therapy occurs in the state where the patient or client is located at the time of the patient or client encounter. The Compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure.

This Compact is designed to achieve the following objectives:

- A. *Increase public access to occupational therapy services by providing for the mutual recognition of other member state licenses;*
- B. *Enhance the states' ability to protect the public's health and safety;*
- C. *Encourage the cooperation of member states in regulating multistate occupational therapy practice;*
- D. *Support spouses of relocating military members;*
- E. *Enhance the exchange of licensure, investigative, and disciplinary information between member states;*
- F. *Allow a remote state to hold a provider of services with a Compact privilege in that state accountable to that state's practice standards; and*
- G. *Facilitate the use of telehealth technology in order to increase access to occupational therapy services.*

SECTION 2. DEFINITIONS

As used in this Compact, and except as otherwise provided, the following definitions shall apply:

- A. *"Active duty military" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Chapter 1209 and 10 U.S.C. Chapter 1211;*
- B. *"Adverse action" means any administrative, civil, equitable, or criminal action permitted by a state's laws which is imposed by a licensing board or other authority against an occupational therapist or occupational therapy assistant, including actions against an individual's license or Compact privilege such as censure, revocation, suspension, probation, monitoring of the licensee, or restriction on the licensee's practice;*
- C. *"Alternative program" means a nondisciplinary monitoring process approved by an occupational therapy licensing board;*

- D. *"Compact privilege" means the authorization, which is equivalent to a license, granted by a remote state to allow a licensee from another member state to practice as an occupational therapist or practice as an occupational therapy assistant in the remote state under its laws and rules. The practice of occupational therapy occurs in the member state where the patient or client is located at the time of the patient or client encounter;*
- E. *"Continuing competence or continuing education" means a requirement, as a condition of license renewal, to provide evidence of participation in, completion of, or any combination of these actions regarding educational and professional activities relevant to practice or area of work;*
- F. *"Current significant investigative information" means investigative information that a licensing board, after an inquiry or investigation that includes notification and an opportunity for the occupational therapist or occupational therapy assistant to respond, if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction;*
- G. *"Data system" means a repository of information about licensees, including but not limited to license status, investigative information, Compact privileges, and adverse actions;*
- H. *"Encumbered license" means a license in which an adverse action restricts the practice of occupational therapy by the licensee or said adverse action has been reported to the National Practitioners Data Bank (NPDB);*
- I. *"Executive committee" means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the commission;*
- J. *"Home state" means the member state that is the licensee's primary state of residence;*
- K. *"Impaired practitioner" means an individual whose professional practice is adversely affected by substance abuse, addiction, or other health-related conditions;*
- L. *"Investigative information" means information, records, documents, or any combination of these items received or generated by an occupational therapy licensing board pursuant to an investigation;*
- M. *"Jurisprudence requirement" means the assessment of an individual's knowledge of the laws and rules governing the practice of occupational therapy in a state;*
- N. *"Licensee" means an individual who currently holds an authorization from the state to practice as an occupational therapist or as an occupational therapy assistant;*
- O. *"Member state" means a state that has enacted the Compact;*
- P. *"Occupational therapist" means an individual who is licensed by a state to practice occupational therapy;*
- Q. *"Occupational therapy assistant" means an individual who is licensed by a state to assist in the practice of occupational therapy;*
- R. *"Occupational therapy," "occupational therapy practice," and the "practice of occupational therapy" mean the care and services provided by an occupational therapist or an occupational therapy assistant as set forth in the member state's statutes and regulations;*
- S. *"Occupational Therapy Compact Commission" or "commission" means the national administrative body whose membership consists of all states that have enacted the Compact;*
- T. *"Occupational therapy licensing board" or "licensing board" means the agency of a state that is authorized to license and regulate occupational therapists and occupational therapy assistants;*
- U. *"Primary state of residence" means the state (also known as the home state) in which an occupational therapist or occupational therapy assistant who is not active duty military declares a primary residence for legal purposes as verified by a driver's license, federal income tax return, lease, deed, mortgage, voter registration, or other verifying documentation as further defined by commission rules;*
- V. *"Remote state" means a member state other than the home state, where a licensee is exercising or seeking to exercise the Compact privilege;*
- W. *"Rule" means a regulation promulgated by the commission that has the force of law;*
- X. *"State" means any state, commonwealth, district, or territory of the United States of America that regulates the practice of occupational therapy;*

- Y. *"Single-state license" means an occupational therapist or occupational therapy assistant license issued by a member state that authorizes practice only within the issuing state and does not include a Compact privilege in any other member state; and*
- Z. *"Telehealth" means the application of telecommunication technology to deliver occupational therapy services for assessment, intervention, consultation, or any combination of these actions.*

SECTION 3. STATE PARTICIPATION IN THE COMPACT

- A. *To participate in the Compact, a member state shall:*
 - 1. *License occupational therapists and occupational therapy assistants;*
 - 2. *Participate fully in the commission's data system, including but not limited to using the commission's unique identifier as defined in rules of the commission;*
 - 3. *Have a mechanism in place for receiving and investigating complaints about licensees;*
 - 4. *Notify the commission, in compliance with the terms of the Compact and rules, of any adverse action or the availability of investigative information regarding a licensee;*
 - 5. *Implement or utilize procedures for considering the criminal history records of applicants for an initial Compact privilege. These procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records.*
 - a. *A member state shall, within a time frame established by the commission, require a criminal background check for a licensee seeking or applying for a Compact privilege whose primary state of residence is that member state, by receiving the results of the Federal Bureau of Investigation criminal record search, and shall use the results in making licensure decisions.*
 - b. *Communication between a member state, the commission, and among member states regarding the verification of eligibility for licensure through the Compact shall not include any information received from the Federal Bureau of Investigation relating to a federal criminal records check performed by a member state under Public Law 92-544;*
 - 6. *Comply with the rules of the commission;*
 - 7. *Utilize only a recognized national examination as a requirement for licensure pursuant to the rules of the commission; and*
 - 8. *Have continuing competence or continuing education requirements as a condition for license renewal.*
- B. *A member state shall grant the Compact privilege to a licensee holding a valid unencumbered license in another member state in accordance with the terms of the Compact and rules.*
- C. *Member states may charge a fee for granting a Compact privilege.*
- D. *A member state shall provide for the state's delegate to attend all Occupational Therapy Compact Commission meetings.*
- E. *Individuals not residing in a member state shall continue to be able to apply for a member state's single-state license as provided under the laws of each member state. However, the single-state license granted to these individuals shall not be recognized as granting the Compact privilege in any other member state.*
- F. *Nothing in this Compact shall affect the requirements established by a member state for the issuance of a single-state license.*

SECTION 4. COMPACT PRIVILEGE

- A. *To exercise the Compact privilege under the terms and provisions of the Compact, the licensee shall:*
 - 1. *Hold a license in the home state;*
 - 2. *Have a valid United States Social Security number or National Practitioner Identification number;*
 - 3. *Have no encumbrance on any state license;*
 - 4. *Be eligible for a Compact privilege in any member state in accordance with Section 4D, F, G, and H;*

5. *Have paid all fines and completed all requirements resulting from any adverse action against any license or Compact privilege, and two (2) years have elapsed from the date of such completion;*
 6. *Notify the commission that the licensee is seeking the Compact privilege within a remote state or states;*
 7. *Pay any applicable fees, including any state fee, for the Compact privilege;*
 8. *Complete a criminal background check in accordance with Section 3A.5. The licensee shall be responsible for the payment of any fee associated with the completion of a criminal background check;*
 9. *Meet any jurisprudence requirements established by the remote state or states in which the licensee is seeking a Compact privilege; and*
 10. *Report to the commission adverse action taken by any nonmember state within thirty (30) days from the date the adverse action is taken.*
- B.** *The Compact privilege is valid until the expiration date of the home state license. The licensee shall comply with the requirements of Section 4A to maintain the Compact privilege in the remote state.*
- C.** *A licensee providing occupational therapy in a remote state under the Compact privilege shall function within the laws and regulations of the remote state.*
- D.** *Occupational therapy assistants practicing in a remote state shall be supervised by an occupational therapist licensed or holding a Compact privilege in that remote state.*
- E.** *A licensee providing occupational therapy in a remote state is subject to that state's regulatory authority. A remote state may, in accordance with due process and that state's laws, remove a licensee's Compact privilege in the remote state for a specific period of time, impose fines, or take a combination of these or any other necessary actions to protect the health and safety of its citizens. The licensee may be ineligible for a Compact privilege in any state until the specific time for removal has passed and all fines are paid.*
- F.** *If a home state license is encumbered, the licensee shall lose the Compact privilege in any remote state until the following occur:*
1. *The home state license is no longer encumbered; and*
 2. *Two (2) years have elapsed from the date on which the home state license is no longer encumbered in accordance with Section 4F.1.*
- G.** *Once an encumbered license in the home state is restored to good standing, the licensee shall meet the requirements of Section 4A to obtain a Compact privilege in any remote state.*
- H.** *If a licensee's Compact privilege in any remote state is removed, the individual may lose the Compact privilege in any other remote state until the following occur:*
1. *The specific period of time for which the Compact privilege was removed has ended;*
 2. *All fines have been paid and all conditions have been met;*
 3. *Two (2) years have elapsed from the date of completing requirements for 4H.1. and 2.; and*
 4. *The Compact privileges are reinstated by the commission, and the Compact data system is updated to reflect reinstatement.*
- I.** *If a licensee's Compact privilege in any remote state is removed due to an erroneous charge, privileges shall be restored through the Compact data system.*
- J.** *Once the requirements of Section 4H have been met, the license shall meet the requirements in Section 4A to obtain a Compact privilege in a remote state.*

SECTION 5: OBTAINING A NEW HOME STATE LICENSE BY VIRTUE OF COMPACT PRIVILEGE

- A.** *An occupational therapist or occupational therapy assistant may hold a home state license, which allows for Compact privileges in member states, in only one (1) member state at a time.*
- B.** *If an occupational therapist or occupational therapy assistant changes primary state of residence by moving between two (2) member states:*

1. *The occupational therapist or occupational therapy assistant shall file an application for obtaining a new home state license by virtue of a Compact privilege, pay all applicable fees, and notify the current and new home state in accordance with applicable rules adopted by the commission;*
 2. *Upon receipt of an application for obtaining a new home state license by virtue of Compact privilege, the new home state shall verify that the occupational therapist or occupational therapy assistant meets the pertinent criteria outlined in Section 4 via the data system, without need for primary source verification except for:*
 - a. *An FBI fingerprint based criminal background check if not previously performed or updated pursuant to applicable rules adopted by the commission in accordance with Public Law 92-544;*
 - b. *Other criminal background check as required by the new home state; and*
 - c. *Submission of any requisite jurisprudence requirements of the new home state;*
 3. *The former home state shall convert the former home state license into a Compact privilege once the new home state has activated the new home state license in accordance with applicable rules adopted by the commission;*
 4. *Notwithstanding any other provision of this Compact, if the occupational therapist or occupational therapy assistant cannot meet the criteria in Section 4, the new home state shall apply its requirements for issuing a new single-state license; and*
 5. *The occupational therapist or the occupational therapy assistant shall pay all applicable fees to the new home state in order to be issued a new home state license.*
- C. *If an occupational therapist or occupational therapy assistant changes primary state of residence by moving from a member state to a nonmember state, or from a nonmember state to a member state, the state criteria shall apply for issuance of a single-state license in the new state.*
- D. *Nothing in this Compact shall interfere with a licensee's ability to hold a single-state license in multiple states; however, for the purposes of this Compact, a licensee shall have only one (1) home state license.*
- E. *Nothing in this Compact shall affect the requirements established by a member state for the issuance of a single-state license.*

SECTION 6. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

Active duty military personnel, or their spouses, shall designate a home state where the individual has a current license in good standing. The individual may retain the home state designation during the period the service member is on active duty. Subsequent to designating a home state, the individual shall only change their home state through application for licensure in the new state or through the process described in Section 5.

SECTION 7. ADVERSE ACTIONS

- A. *A home state shall have exclusive power to impose adverse action against an occupational therapist's or occupational therapy assistant's license issued by the home state.*
- B. *In addition to the other powers conferred by state law, a remote state shall have the authority, in accordance with existing state due process law, to:*
1. *Take adverse action against an occupational therapist's or occupational therapy assistant's Compact privilege within that member state; and*
 2. *Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing board in a member state for the attendance and testimony of witnesses or the production of evidence from another member state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state in which the witnesses or evidence are located.*
- C. *For purposes of taking adverse action, the home state shall give the same priority and effect to reported conduct received from a member state as it would if the conduct had occurred within the home state. In so doing, the home state shall apply its own state laws to determine appropriate action.*

- D.** *The home state shall complete any pending investigations of an occupational therapist or occupational therapy assistant who changes primary state of residence during the course of the investigations. The home state, where the investigations were initiated, shall also have the authority to take appropriate action or actions and shall promptly report the conclusions of the investigations to the Occupational Therapy Compact Commission data system. The Occupational Therapy Compact Commission data system administrator shall promptly notify the new home state of any adverse actions.*
- E.** *A member state, if otherwise permitted by state law, may recover from the affected occupational therapist or occupational therapy assistant the costs of investigations and disposition of cases resulting from any adverse action taken against that occupational therapist or occupational therapy assistant.*
- F.** *A member state may take adverse action based on the factual findings of the remote state, provided that the member state follows its own procedures for taking the adverse action.*
- G. Joint investigations**
- 1.** *In addition to the authority granted to a member state by its respective state occupational therapy laws and regulations or other applicable state law, any member state may participate with other member states in joint investigations of licensees.*
 - 2.** *Member states shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the Compact.*
- H.** *If an adverse action is taken by the home state against an occupational therapist's or occupational therapy assistant's license, the occupational therapist's or occupational therapy assistant's Compact privilege in all other member states shall be deactivated until all encumbrances have been removed from the state license. All home state disciplinary orders that impose adverse action against an occupational therapist's or occupational therapy assistant's license shall include a statement that the occupational therapist's or occupational therapy assistant's Compact privilege is deactivated in all member states during the pendency of the order.*
- I.** *If a member state takes adverse action, it shall promptly notify the administrator of the data system. The administrator of the data system shall promptly notify the home state of any adverse actions by remote states.*
- J.** *Nothing in this Compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action.*

SECTION 8. ESTABLISHMENT OF THE OCCUPATIONAL THERAPY COMPACT COMMISSION

- A.** *The Compact member states hereby create and establish a joint public agency known as the Occupational Therapy Compact Commission.*
- 1.** *The commission is an instrumentality of the Compact states.*
 - 2.** *Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.*
 - 3.** *Nothing in this Compact shall be construed to be a waiver of sovereign immunity.*
- B. Membership, voting, and meetings**
- 1.** *Each member state shall have and be limited to one (1) delegate selected by that member state's licensing board.*
 - 2.** *The delegate shall be either:*
 - a.** *A current member of the licensing board, who is an occupational therapist, occupational therapy assistant, or public member; or*
 - b.** *An administrator of the licensing board.*
 - 3.** *Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed.*
 - 4.** *The member state board shall fill any vacancy occurring in the commission within ninety (90) days.*

5. *Each delegate shall be entitled to one (1) vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.*
 6. *The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.*
 7. *The commission shall establish by rule a term of office for delegates.*
- C. *The commission shall have the following powers and duties:*
1. *Establish a code of ethics for the commission;*
 2. *Establish the fiscal year of the commission;*
 3. *Establish bylaws;*
 4. *Maintain its financial records in accordance with the bylaws;*
 5. *Meet and take such actions as are consistent with the provisions of this Compact and the bylaws;*
 6. *Promulgate uniform rules to facilitate and coordinate implementation and administration of this Compact. The rules shall have the force and effect of law and shall be binding in all member states;*
 7. *Bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any state occupational therapy licensing board to sue or be sued under applicable law shall not be affected;*
 8. *Purchase and maintain insurance and bonds;*
 9. *Borrow, accept, or contract for services of personnel, including, but not limited to, employees of a member state;*
 10. *Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the Compact, and establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;*
 11. *Accept any and all appropriate donations and grants of money, equipment, supplies, materials, and services, and receive, utilize, and dispose of the same; provided that at all times the commission shall avoid any appearance of impropriety or conflict of interest;*
 12. *Lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold, improve, or use any property, real, personal, or mixed; provided that at all times the commission shall avoid any appearance of impropriety;*
 13. *Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed;*
 14. *Establish a budget and make expenditures;*
 15. *Borrow money;*
 16. *Appoint committees, including standing committees composed of members, state regulators, state legislators or their representatives, consumer representatives, and such other interested persons as may be designated in this Compact and the bylaws;*
 17. *Provide and receive information from, and cooperate with, law enforcement agencies;*
 18. *Establish and elect an executive committee; and*
 19. *Perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the state regulation of occupational therapy licensure and practice.*
- D. *The executive committee*
- The executive committee shall have the power to act on behalf of the commission according to the terms of this Compact.*

1. *The executive committee shall be composed of nine (9) members:*
 - a. *Seven (7) voting members who are elected by the commission from the current membership of the commission;*
 - b. *One (1) ex officio, nonvoting member from a recognized national occupational therapy professional association; and*
 - c. *One (1) ex officio, nonvoting member from a recognized national occupational therapy certification organization.*
 2. *The ex officio members shall be selected by their respective organizations.*
 3. *The commission may remove any member of the executive committee as provided in bylaws.*
 4. *The executive committee shall meet at least annually.*
 5. *The executive committee shall have the following duties and responsibilities:*
 - a. *Recommend to the entire commission changes to the rules or bylaws, changes to this Compact legislation, fees paid by Compact member states such as annual dues, and any commission Compact fee charged to licensees for the Compact privilege;*
 - b. *Ensure Compact administration services are appropriately provided, contractual or otherwise;*
 - c. *Prepare and recommend the budget;*
 - d. *Maintain financial records on behalf of the commission;*
 - e. *Monitor Compact compliance of member states and provide compliance reports to the commission;*
 - f. *Establish additional committees as necessary; and*
 - g. *Perform other duties as provided in rules or bylaws.*
- E. Meetings of the commission**
1. *All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in Section 10.*
 2. *The commission or the executive committee or other committees of the commission may convene in a closed, nonpublic meeting if the commission or executive committee or other committees of the commission is required to discuss:*
 - a. *Noncompliance of a member state with its obligations under the Compact;*
 - b. *The employment, compensation, discipline, or other matters, practices, or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures;*
 - c. *Current, threatened, or reasonably anticipated litigation;*
 - d. *Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate;*
 - e. *Accusing any person of a crime or formally censuring any person;*
 - f. *Disclosure of trade secrets or commercial or financial information that is privileged or confidential;*
 - g. *Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;*
 - h. *Disclosure of investigative records compiled for law enforcement purposes;*
 - i. *Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the Compact; or*
 - j. *Matters specifically exempted from disclosure by federal or member state statute.*

3. *If a meeting, or portion of a meeting, is closed pursuant to this provision, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.*
4. *The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons for the actions, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.*

F. Financing of the commission

1. *The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.*
2. *The commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.*
3. *The commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff, which shall be in a total amount sufficient to cover its annual budget as approved by the commission each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission, which shall promulgate a rule binding upon all member states.*
4. *The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the member states, except by and with the authority of the member state.*
5. *The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the commission.*

G. Qualified immunity, defense, and indemnification

1. *The members, officers, executive director, employees, and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred, within the scope of commission employment, duties, or responsibilities; provided that nothing in this paragraph shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional, willful, or wanton misconduct of that person.*
2. *The commission shall defend any member, officer, executive director, employee, or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining that person's own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional, willful, or wanton misconduct.*
3. *The commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional, willful, or wanton misconduct of that person.*

SECTION 9. DATA SYSTEM

- A. *The commission shall provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states.*
- B. *A member state shall submit a uniform data set to the data system on all individuals to whom this Compact is applicable (utilizing a unique identifier) as required by the rules of the commission, including:*
 - 1. *Identifying information;*
 - 2. *Licensure data;*
 - 3. *Adverse actions against a license or Compact privilege;*
 - 4. *Non-confidential information related to alternative program participation;*
 - 5. *Any denial of application for licensure, and the reason or reasons for such denial;*
 - 6. *Other information that may facilitate the administration of this Compact, as determined by the rules of the commission; and*
 - 7. *Current significant investigative information.*
- C. *Current significant investigative information and other investigative information pertaining to a licensee in any member state shall only be available to other member states.*
- D. *The commission shall promptly notify all member states of any adverse action taken against a licensee or an individual applying for a license. Adverse action information pertaining to a licensee in any member state shall be available to any other member state.*
- E. *Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.*
- F. *Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the data system.*

SECTION 10. RULEMAKING

- A. *The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.*
- B. *The commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purposes of the Compact. Notwithstanding the foregoing, in the event the commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of the Compact, or the powers granted hereunder, then such an action by the commission shall be invalid and have no force and effect.*
- C. *If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the Compact within four (4) years of the date of adoption of the rule, then such rule shall have no further force and effect in any member state.*
- D. *Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.*
- E. *Prior to promulgation and adoption of a final rule or rules by the commission, and at least thirty (30) days in advance of the meeting at which the rule shall be considered and voted upon, the commission shall file a notice of proposed rulemaking:*
 - 1. *On the Web site of the commission or other publicly accessible platform; and*
 - 2. *On the Web site of each member state occupational therapy licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules.*
- F. *The notice of proposed rulemaking shall include:*
 - 1. *The proposed time, date, and location of the meeting in which the rule shall be considered and voted upon;*
 - 2. *The text of the proposed rule or amendment and the reason for the proposed rule;*
 - 3. *A request for comments on the proposed rule from any interested person; and*

4. *The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.*
- G. *Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.*
- H. *The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:*
 1. *At least twenty-five (25) persons;*
 2. *A state or federal governmental subdivision or agency; or*
 3. *An association or organization having at least twenty-five (25) members.*
- I. *If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time, and date of the scheduled public hearing. If the hearing is held via electronic means, the commission shall publish the mechanism for access to the electronic hearing.*
 1. *All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing not less than five (5) business days before the scheduled date of the hearing.*
 2. *Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.*
 3. *All hearings shall be recorded. A copy of the recording shall be made available on request.*
 4. *Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this section.*
- J. *Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.*
- K. *If no written notice of intent to attend the public hearing by interested parties is received, the commission may proceed with promulgation of the proposed rule without a public hearing.*
- L. *The commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.*
- M. *Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the Compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the rule. For the purposes of this provision, an emergency rule is a rule that requires immediate adoption in order to:*
 1. *Meet an imminent threat to public health, safety, or welfare;*
 2. *Prevent a loss of commission or member state funds;*
 3. *Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or*
 4. *Protect public health and safety.*
- N. *The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the Web site of the commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision shall take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.*

SECTION 11. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

A. Oversight

1. *The executive, legislative, and judicial branches of state government in each member state shall enforce this Compact and take all actions necessary and appropriate to effectuate the Compact's*

purposes and intent. The provisions of this Compact and the rules promulgated hereunder shall have standing as statutory law.

2. *All courts shall take judicial notice of the Compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this Compact which may affect the powers, responsibilities, or actions of the commission.*
3. *The commission shall be entitled to receive service of process in any such proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission shall render a judgment or order void as to the commission, this Compact, or promulgated rules.*

B. Default, technical assistance, and termination

1. *If the commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated rules, the commission shall:*
 - a. *Provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default, and any other actions to be taken by the commission; and*
 - b. *Provide remedial training and specific technical assistance regarding the default.*
2. *If a state in default fails to cure the default, the defaulting state may be terminated from the Compact upon an affirmative vote of a majority of the member states, and all rights, privileges, and benefits conferred by this Compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.*
3. *Termination of membership in the Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states.*
4. *A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.*
5. *The commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the Compact, unless agreed upon in writing between the commission and the defaulting state.*
6. *The defaulting state may appeal the action of the commission by petitioning the United States District Court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.*

C. Dispute resolution

1. *Upon request by a member state, the commission shall attempt to resolve disputes related to the Compact that arise among member states and between member and nonmember states.*
2. *The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.*

D. Enforcement

1. *The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this Compact.*
2. *By majority vote, the commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the commission has its principal offices against a member state in default to enforce compliance with the provisions of the Compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney's fees.*

3. *The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.*

SECTION 12. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR OCCUPATIONAL THERAPY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

- A. *The Compact shall come into effect on the date on which the Compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, shall be limited to the powers granted to the commission relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the Compact.*
- B. *Any state that joins the Compact subsequent to the commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the Compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the day the Compact becomes law in that state.*
- C. *Any member state may withdraw from this Compact by enacting a statute repealing the Compact.*
1. *A member state's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.*
 2. *Withdrawal shall not affect the continuing requirement of the withdrawing state's occupational therapy licensing board to comply with the investigative and adverse action reporting requirements of this Compact prior to the effective date of withdrawal.*
- D. *Nothing contained in this Compact shall be construed to invalidate or prevent any occupational therapy licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this Compact.*
- E. *This Compact may be amended by the member states. No amendment to this Compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.*

SECTION 13. CONSTRUCTION AND SEVERABILITY

This Compact shall be liberally construed so as to effectuate its purposes. The provisions of this Compact shall be severable and if any phrase, clause, sentence, or provision of this Compact is declared to be contrary to the constitution of any member state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this Compact and its applicability to any government, agency, person, or circumstance shall not be affected thereby. If this Compact shall be held contrary to the constitution of any member state, the Compact shall remain in full force and effect as to the remaining member states and in full force and effect as to the member state affected as to all severable matters.

SECTION 14. BINDING EFFECT OF COMPACT AND OTHER LAWS

- A. *A licensee providing occupational therapy in a remote state under the Compact privilege shall function within the laws and regulations of the remote state.*
- B. *Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with the Compact.*
- C. *Any laws in a member state in conflict with the Compact are superseded to the extent of the conflict.*
- D. *Any lawful actions of the commission, including all rules and bylaws promulgated by the commission, are binding upon the member states.*
- E. *All agreements between the commission and the member states are binding in accordance with their terms.*
- F. *In the event any provision of the Compact exceeds the constitutional limits imposed on the legislature of any member state, the provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.*

SECTION 15. APPLICABILITY TO KENTUCKY STATE GOVERNMENT

In order to clarify the effect of certain provisions of this Compact and to ensure that the rights and responsibilities of the various branches of government are maintained, the following shall be in effect in this state:

- A. *By entering into this Compact, this state authorizes the state licensing board as defined in Section 2 of this Compact and as created by KRS Chapter 319A to implement the provisions of this Compact.*

B. Notwithstanding any provision of this Compact to the contrary:

1. *When a rule is adopted pursuant to Section 10 of this Compact, the licensing board as defined by Section 2 of this Compact shall have sixty (60) days to review the rule for the purpose of filing the rule as an emergency administrative regulation pursuant to KRS 13A.190 and for filing the rule as an accompanying ordinary administrative regulation, following the requirements of KRS Chapter 13A. Failure by the licensing board as defined by Section 2 of this Compact to promulgate a rule adopted by the Occupational Therapy Compact Commission as an administrative regulation pursuant to KRS Chapter 13A shall result in the initiation of the process for withdrawal as set forth in Section 12 of this Compact. Nothing in these provisions shall negate the applicability and effect of Section 10 of this Compact to this state.*
2. *If the proposed administrative regulation is found deficient and the deficiency is not resolved pursuant to KRS 13A.330 or 13A.335, the provisions of Section 11 of this Compact shall apply. If the procedures under Section 11 of this Compact fail to resolve an issue, the provisions of Section 12 of this Compact shall apply.*
3. *If the Occupational Therapy Compact Commission created by Section 8 of this Compact exercises its rulemaking authority in a manner that is beyond the scope of the purposes of this Compact, or the powers granted under this Compact, then such an action by the commission shall be invalid and have no force or effect.*

C. Section 8F of this Compact pertaining to the financing of the commission shall not be interpreted to obligate the general fund of this state. Any funds used to finance this Compact shall be from money collected pursuant to KRS 319A.060.

D. This Compact shall apply only to those occupational therapists and occupational therapy assistants who practice or work under a Compact privilege.

➔Section 2. KRS 319A.140 is amended to read as follows:

On the payment to the board of fees required by this chapter and on submission of a written application on forms provided by the board, the board shall issue a license to:

- (1) A person who presents evidence satisfactory to the board of being a registered occupational therapist or a certified occupational therapy assistant through the National Board for Certification in Occupational Therapy or its equivalent, and who has met the academic and fieldwork requirements of KRS 319A.110 and the examination requirement of KRS 319A.120;~~or~~
- (2) A person who presents evidence satisfactory to the board of being currently licensed, certified, or registered as an occupational therapist or occupational therapy assistant by another state, territory of the United States, or the District of Columbia, where the requirements for licensure, registration, or certification are equal to or greater than the requirements set forth in this chapter; *or*
- (3) *A person who is eligible to practice or work through a Compact privilege granted under Section 1 of this Act.*

➔Section 3. KRS 319A.180 is amended to read as follows:

~~Foreign-trained~~ Occupational therapists *and occupational therapy assistants trained in other jurisdictions* who apply to be licensed by the board shall:

- (1) Furnish proof of good moral character and shall present proof indicating the completion of educational requirements equal to or greater than those contained in KRS 319A.110 and examination requirements of KRS 319A.120; *or*
- (2) *Establish eligibility to practice or work through a Compact privilege granted under Section 1 of this Act.*

Signed by Governor April 8, 2022.

AN ACT relating to retirement.

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

➔Section 1. KRS 21.440 is amended to read as follows:

- (1) (a) The investment committee for the judicial retirement fund shall at least once in every two (2) year period procure an actuarial valuation of the judicial retirement fund. The valuation shall, at a minimum, include:
1. A description of the actuarial assumptions used in the actuarial valuation, which shall be reasonably related to the experience of the fund and represent the actuary's best estimate of anticipated experience;
 2. A description of any funding methods utilized or required by state law in the development of the actuarial valuation results;
 3. A description of any changes in actuarial assumptions and methods from the previous year's actuarial valuation;
 4. The actuarially recommended contribution rate for employers for the upcoming budget periods;
 5. A thirty (30) year projection of the funding levels, unfunded liabilities, and actuarially recommended contribution rates for employers based upon the actuarial assumptions, funding methods, and experience of the system as of the valuation date; ~~and~~
 6. A sensitivity analysis that evaluates the impact of changes in plan assumptions, including but not limited to the investment return assumption, payroll growth assumption, and medical inflation assumptions, on employer contribution rates, funding levels, and unfunded liabilities; *and*
 7. *An actuarial investigation to be made of all of the economic experience under the plans, including but not limited to the inflation rate and investment return assumptions, relative to the economic assumptions and funding methods previously adopted by the board. The actuarial investigation shall include at a minimum a summary of the changes in actuarial assumptions and funding methods recommended in the investigation and the projected impact of the recommended changes on funding levels, unfunded liabilities, and actuarially recommended contribution rates for employers over a thirty (30) year period.*
- (b) At least once in each five (5) year period, the board of trustees of the Judicial Form Retirement System shall cause an actuarial investigation to be made of all the relevant *demographic* experience under the retirement plan, *including but not limited to mortality tables, withdrawal rates, and retirement rate assumptions*, relative to the *demographic* actuarial assumptions ~~and funding methods~~ previously adopted by the board. The actuarial investigation shall include at a minimum a summary of the changes in actuarial assumptions ~~and funding methods~~ recommended in the investigation and the projected impact of the recommended changes on funding levels, unfunded liabilities, and actuarially recommended contribution rates for employers over a thirty (30) year period.
- (c) Pursuant to the investigation, the board shall from time to time revise the actuarial tables previously adopted by the board and shall thereupon revise the bases of the rates of contributions required under KRS 21.345 to 21.580.
- (d) For any change in actuarial assumptions, funding methods, retiree health insurance premiums and subsidies, or any other decisions made by the board that impact system liabilities and actuarially recommended contribution rates for employers and that are not made in conjunction with the actuarial *investigations*~~investigation~~ required by *paragraphs (a)7. and*~~paragraph~~ (b) of this subsection, an actuarial analysis shall be completed showing the projected impact of the changes on funding levels, unfunded liabilities, and actuarially recommended contribution rates for employers over a thirty (30) year period.
- (e) A copy of the valuation, *each*~~the five (5) year~~ actuarial investigation, and any analysis required by this subsection shall be forwarded electronically to the Legislative Research Commission within ten (10) days of receipt by the committee, and the Legislative Research Commission shall distribute the information received to the committee staff and co-chairs of any committee that has jurisdiction over the Judicial Form Retirement System. The actuarial valuation required by paragraph (a) of this subsection shall be submitted no later than November 15 following the close of the fiscal year.

- (f) All the investigations and valuations shall be certified to the board by an actuary who shall be a fellow of the Conference of Consulting Actuaries or a member of the American Academy of Actuaries.
- (2) (a) The board of trustees of the Judicial Form Retirement System shall annually procure an audit of the system and each of the funds therein. The audit shall be conducted in accordance with generally accepted auditing standards. Except as provided by paragraph (b) of this subsection, the board may select an independent certified public accountant or the Auditor of Public Accounts to perform the audit. If the audit is performed by an independent certified public accountant, the Auditor of Public Accounts shall not be required to perform an audit pursuant to KRS 43.050(2)(a), but may perform an audit at his discretion. The board shall make copies of the audit required by this section available for examination by any member or beneficiary in the office of the manager of the system and in such other places as may be necessary to make the audit available to all members and beneficiaries. A copy of the audit shall be sent to the Legislative Research Commission within ten (10) days of receipt by the committee.
- (b) Once every five (5) years, the Auditor of Public Accounts shall perform the audit described by this subsection, and the system shall reimburse the Auditor of Public Accounts for all costs of the audit. The Auditor of Public Accounts shall determine which fiscal year during the five (5) year period the audit prescribed by this paragraph will be completed.

→Section 2. KRS 61.670 is amended to read as follows:

- (1) (a) As soon as practicable after its organization, the board shall adopt the actuarial tables necessary for the administration of the system and for the annual determination of actuarial assets and liabilities of the system.
- (b) The board shall cause an actuarial valuation to be made annually. The valuation shall at a minimum include:
 1. A description of the actuarial assumptions used in the actuarial valuation, which shall be reasonably related to the experience of the system and represent the actuary's best estimate of anticipated experience;
 2. A description of any funding methods utilized or required by state law in the development of the actuarial valuation results;
 3. A description of any changes in actuarial assumptions and methods from the previous year's actuarial valuation;
 4. The actuarially recommended contribution rate for employers for the upcoming budget periods;
 5. A thirty (30) year projection of the funding levels, unfunded liabilities, and actuarially recommended contribution rates for employers based upon the actuarial assumptions, funding methods, and experience of the system as of the valuation date; and
 6. A sensitivity analysis that evaluates the impact of changes in system assumptions, including but not limited to the investment return assumption, payroll growth assumption, and medical inflation rates, on employer contribution rates, funding levels, and unfunded liabilities.
- (c) *1. At least once in each two (2) year period, the board shall cause an actuarial investigation to be made of all of the economic experience under the retirement system, including but not limited to the inflation rate, investment return, and payroll growth assumptions, relative to the economic assumptions and funding methods previously adopted by the board.*
- 2. At least once in each five (5) year period, the board shall cause an actuarial investigation to be made of all the demographic experience under the retirement system, including but not limited to mortality tables, withdrawal rates, and retirement rate assumptions, relative to the demographic actuarial assumptions ~~and funding methods~~ previously adopted by the board.*
- 3. Each~~The~~ actuarial investigation shall include at a minimum a summary of the changes in actuarial assumptions and funding methods recommended in the investigation and the projected impact of the recommended changes on funding levels, unfunded liabilities, and actuarially recommended contribution rates for employers over a thirty (30) year period.*

- (d) Pursuant to the actuarial *investigations*~~[investigation]~~ the board shall, from time to time, revise the actuarial tables previously adopted by the board and shall thereupon revise the bases of the rates of contributions required under KRS 61.510 to 61.692 and KRS 16.505 to 16.652.
 - (e) For any change in actuarial assumptions, funding methods, retiree health insurance premiums and subsidies, or any other decisions made by the board that impact system liabilities and actuarially recommended contribution rates for employers and that are not made in conjunction with the actuarial *investigations*~~[investigation]~~ required by paragraph (c) of this subsection, an actuarial analysis shall be completed showing the projected impact of the changes on funding levels, unfunded liabilities, and actuarially recommended contribution rates for employers over a thirty (30) year period.
 - (f) All actuarial investigations, analyses, and valuations shall be certified to the board by an actuary who shall be a fellow of the Conference of Consulting Actuaries or a member of the American Academy of Actuaries.
- (2) A copy of each ~~five (5) year~~ actuarial investigation, actuarial analysis, and annual valuation required by subsection (1) of this section shall be forwarded electronically to the Legislative Research Commission no later than ten (10) days after receipt by the board, and the Legislative Research Commission shall distribute the information received to the committee staff and co-chairs of any committee that has jurisdiction over the Kentucky Retirement Systems. The actuarial valuation required by subsection (1)(b) of this section shall be submitted no later than November 15 following the close of the fiscal year.
 - (3) The Legislative Research Commission may employ an actuary with the same qualifications as the actuary employed by the board, and the board shall, free of charge, provide the actuary employed by the Commission with the same data provided to its own actuary, and any supplementary data he or she may require. The actuary employed by the Commission shall review the assumptions, determinations and recommendations of the board actuary, and legislative proposals related to the retirement systems, and report his or her findings to the Commission and to the board. ***Except as provided by KRS 7A.240(5)***, the board shall pay fifty percent (50%) of the cost of the Commission's actuary, and the Commission shall pay the other fifty percent (50%).

➔Section 3. KRS 78.784 is amended to read as follows:

- (1) (a) As soon as practicable after its organization, the County Employees Retirement System board shall adopt the actuarial tables, assumptions, and methods necessary for the administration of the system and for the annual determination of actuarial assets, actuarial liabilities, and recommended employer contribution rates of the system as provided by KRS 61.702 and 78.635, for the pension and retiree health funds.
- (b) The board shall cause an actuarial valuation to be made annually. The valuation shall at a minimum include:
 - 1. A description of the actuarial assumptions used in the actuarial valuation, which shall be reasonably related to the experience of the system and represent the actuary's best estimate of anticipated experience;
 - 2. A description of any funding methods utilized or required by state law in the development of the actuarial valuation results;
 - 3. A description of any changes in actuarial assumptions and methods from the previous year's actuarial valuation;
 - 4. The actuarially recommended contribution rate for employers for the upcoming budget periods;
 - 5. A ***thirty (30)***~~[twenty (20)]~~ year projection of the funding levels, unfunded liabilities, and actuarially recommended contribution rates for employers based upon the actuarial assumptions, funding methods, and experience of the system as of the valuation date; and
 - 6. A sensitivity analysis that evaluates the impact of changes in system assumptions, including but not limited to the investment return assumption, payroll growth assumption, and medical inflation rates, on employer contribution rates, funding levels, and unfunded liabilities.
- (c) ***1. At least once in each two (2) year period, the board shall cause an actuarial investigation to be made of all of the economic experience under the retirement system, including but not limited to the inflation rate, investment return, and payroll growth assumptions, relative to the economic assumptions and funding methods previously adopted by the board.***

2. At least once in each five (5) year period, the board shall cause an actuarial investigation to be made of all the **demographic** experience under the system, **including but not limited to mortality tables, withdrawal rates, and retirement rate assumptions**, relative to the **demographic** actuarial assumptions ~~and funding methods~~ previously adopted by the board.
 3. ~~Each~~**The** actuarial investigation shall include at a minimum a summary of the changes in actuarial assumptions and funding methods recommended in the investigation and the projected impact of the recommended changes on funding levels, unfunded liabilities, and actuarially recommended contribution rates for employers over a **thirty (30)**~~twenty (20)~~ year period.
- (d) Pursuant to the actuarial **investigations**~~investigation~~ the board shall, from time to time, revise the actuarial tables previously adopted by the board and shall thereupon revise the bases of the rates of employer contributions required under KRS 78.510 to 78.852.
 - (e) For any change in actuarial assumptions, funding methods, retiree health insurance premiums and subsidies, or any other decisions made by the board that impact system liabilities and actuarially recommended contribution rates for employers and that are not made in conjunction with the actuarial **investigations**~~investigation~~ required by paragraph (c) of this subsection, an actuarial analysis shall be completed showing the projected impact of the changes on funding levels, unfunded liabilities, and actuarially recommended contribution rates for employers over a **thirty (30)**~~twenty (20)~~ year period.
 - (f) All actuarial investigations, analyses, and valuations shall be certified to the board by an actuary who shall be a fellow of the Conference of Consulting Actuaries or a member of the American Academy of Actuaries.
- (2) A copy of each ~~five (5) year~~ actuarial investigation, actuarial analysis, and annual valuation required by subsection (1) of this section shall be forwarded electronically to the Legislative Research Commission no later than ten (10) days after receipt by the board, and the Legislative Research Commission shall distribute the information received to the committee staff and co-chairs of any committee that has jurisdiction over the County Employees Retirement System. The actuarial valuation required by subsection (1)(b) of this section shall be submitted no later than November 15 following the close of the fiscal year. In addition, the County Employees Retirement System shall submit a summary of the actuarial valuation to the Public Pension Oversight Board by December 31 following completion of the actuarial valuation which shall include the employer contribution rates to be payable by participating employers in the upcoming fiscal year, key actuarial statistics and trends, any changes in assumptions or methods since the last valuation, and other pertinent actuarial data and information.

➔Section 4. KRS 161.400 is amended to read as follows:

- (1) (a) The board of trustees shall designate as actuary a competent person who shall be a fellow of the Conference of Consulting Actuaries or a member of the American Academy of Actuaries. He or she shall be the technical adviser of the board on matters regarding the operation of the funds of the system and shall perform such other duties as are required in connection therewith.
- (b) 1. **At least once in each two (2) year period, the board shall cause an actuarial investigation to be made of all of the economic experience under the retirement system, including but not limited to the inflation rate, investment return, and payroll growth assumptions, relative to the economic assumptions and funding methods previously adopted by the board.**
2. At least once in each five (5) year period, the actuary shall make an actuarial investigation into **all of the demographic** actuarial assumptions ~~and funding methods~~ used, including but not limited to mortality **tables, withdrawal rates, and retirement rate assumptions**, ~~investment rate of return, and service and compensation of the members and beneficiaries of the retirement system,~~ relative to the **demographic** actuarial assumptions ~~and funding methods~~ previously adopted by the board.
3. ~~Each~~**The** actuarial investigation shall include at a minimum a summary of the changes in actuarial assumptions and funding methods recommended in the investigation and the projected impact of the recommended changes on funding levels, unfunded liabilities, and actuarially recommended contribution rates for employers over a thirty (30) year period.
- (c) At least annually the actuary shall make an actuarial valuation of the retirement system. The valuation shall include:

1. A description of the actuarial assumptions used, and the assumptions shall be reasonably related to the experience of the system and represent the actuary's best estimate of anticipated experience;
 2. A description of any funding methods utilized or required by state law in the development of the actuarial valuation results;
 3. A description of any changes in actuarial assumptions and methods from the previous year's actuarial valuation;
 4. The actuarially recommended contribution rate for employers for the upcoming budget periods;
 5. A thirty (30) year projection of the funding levels, unfunded liabilities, and actuarially recommended contribution rates for employers based upon the actuarial assumptions, funding methods, and experience of the system as of the valuation date; and
 6. A sensitivity analysis that evaluates the impact of changes in system assumptions, including but not limited to the investment return assumption, payroll growth assumption, and medical inflation rates, on employer contribution rates, funding levels, and unfunded liabilities.
- (d) On the basis of the results of the valuations, the board of trustees shall make necessary changes in the retirement system within the provisions of law and shall establish the contributions payable by employers and the state specified in KRS 161.550, including changes prescribed by KRS 161.633, 161.634, 161.635, and 161.636, as applicable.
- (e) For any change in actuarial assumptions, funding methods, retiree health insurance premiums and subsidies, or any other decisions made by the board that impact system liabilities and actuarially recommended contribution rates for employers and that are not made in conjunction with the actuarial *investigations*~~[investigation]~~ required by paragraph (b) of this subsection, an actuarial analysis shall be completed showing the projected impact of the changes on funding levels, unfunded liabilities, and actuarially recommended contribution rates for employers over a thirty (30) year period.
- (2) Actuarial factors and actuarial cost factor tables in use by the retirement system for all purposes shall be determined by the actuary of the retirement system and approved by the board of trustees by resolution and implemented without the necessity of an administrative regulation.
- (3) A copy of each ~~five (5) year~~ actuarial investigation, actuarial analysis, and valuation required by subsection (1) of this section shall be forwarded electronically to the Legislative Research Commission no later than ten (10) days after receipt by the board, and the Legislative Research Commission shall distribute the information received to the committee staff and co-chairs of any committee that has jurisdiction over the Teachers' Retirement System. The actuarial valuation required by subsection (1)(c) of this section shall be submitted no later than November 15 following the close of the fiscal year.

➔Section 5. KRS 61.552 is amended to read as follows:

- (1) Called to Active Duty Military Service. An employee of an employer participating in the system who is called to active military duty in the Armed Forces of the United States shall be credited in accordance with 38 U.S.C. sec. 4318 with service credit, creditable compensation, and in the case of employees participating in the hybrid cash balance plan, employee contributions, employer credits, and interest credits, for a period of active military duty of up to six (6) years, provided:
- (a) The employee was called to active military duty in the Armed Forces of the United States:
 1. After he or she began participating in the system and provided the employee was on leave of absence from the employer and did not withdraw his or her accumulated account balance; or
 2. Prior to the date he or she began participating in the system and terminated employment with his or her employer;
 - (b) The employee entered active military service within three (3) months of his or her last day of paid employment;
 - (c) His or her discharge military service was terminated in a manner other than as described in 38 U.S.C. sec. 4304; and

- (d) He or she returns to work with an employer participating in the system within two (2) years after completion of the period of active military duty, or upon the subsequent termination of any total disability which existed at the expiration of the two (2) years after discharge.

For periods of active military duty that meet the requirements of this subsection, the employer shall pay the employer contributions payable under KRS 61.565, 61.702, 78.5536, and 78.635.

- (2) (a) Omitted Service. Any person who is entitled to service credit for employment which was not reported by the employer in accordance with KRS 16.543, 61.543, or 78.615 may obtain credit for the service subject to the provisions of this subsection.
 - (b) Provided the person pays for the omitted service with within six (6) months of notification by the system, the cost of the service shall be equal to the employee contributions that would have been paid if the person had been correctly reported in accordance with KRS 16.543, 61.543, or 78.615.
 - (c) Any employee participating in one (1) of the state-administered retirement systems entitled to service credit under paragraph (a) of this subsection who has not repaid the employee contributions due within six (6) months of notification by the system may purchase the credit after the six (6) months by paying to the system the employee contributions plus interest at the actuarially assumed rate from the date of initial notification under paragraph (b) of this subsection.
 - (d) Omitted service purchased under this subsection shall:
 - 1. Be considered service credited under KRS 16.543(1), 61.543(1), or 78.615(1) for purposes of determining eligibility for retirement benefits under KRS 78.510 to 78.852; and
 - 2. Not be credited to the member's account until the employer contributions due and any interest or penalties on the delinquent employer contributions for the period of omitted service are received by the system.
 - (e) Employees who begin participating on or after January 1, 2014, in the hybrid cash balance plan provided by KRS 16.583 or 61.597 or 78.5512 or 78.5516 shall, upon payment of the employee and employer contributions due under this subsection, have their accumulated account balance increased by the employee contributions, employer pay credits, and interest credits that would have been credited to their member's account if the contributions had been paid on time.
 - (f) Contributions payable by the employer under this subsection for omitted service shall be considered delinquent from the date the employee should have been reported and received service credit in accordance with KRS 16.543, 61.543, and 78.615.
- (3) (a) Recontribution of a Refund. Any employee participating in one (1) of the state-administered retirement systems who has been refunded his or her accumulated account balance under the provisions of KRS 61.625, thereby losing service credit in the system, may regain the credit by paying to the system the amount or amounts refunded by the system with interest at a rate determined by the board. Service purchased under this subsection on or after January 1, 2014, shall not be used to determine the member's participation date in the systems.
 - (b) Recontribution of a refund purchased under this subsection shall not be used in determining a retirement allowance until the member has accrued at least six (6) months of service credit in a state-administered retirement system, excluding the service purchased under this subsection. If the member does not accrue at least six (6) months of service credit in a state-administered retirement system, excluding service purchased under this subsection, then the payment plus interest as provided in KRS 16.560, 61.575, or 78.640 shall be refunded upon retirement, death, or written request following termination of employment. The service requirement shall be waived if the member dies or becomes disabled as provided for by KRS 16.582, 61.600, 61.621, 78.5522, or 78.5524.
- (4) (a) Summer Months. Any employee participating in one (1) of the state-administered retirement systems who is or has been employed by a school board or community action agency participating in the County Employees Retirement System or a state-operated school under KRS Chapter 167 or an institution of higher learning participating in the Kentucky Employees Retirement System, who receives service credit for less than twelve (12) months each year, may purchase the additional months of service credit needed to total one (1) year of service credit, except the amount purchased for any specific year shall not exceed three (3) months.

- (b) The cost of the summer months service credit shall be determined by the formula established by subsection (10) of this section and may be purchased by the employee, or the employer on behalf of the employee, or the cost may be paid by both the employer and employee in which case the employer and employee shall each pay fifty percent (50%) of the cost. Service credit shall not be credited to the member's account until both the employer's and employee's payment are received by the system.
 - (c) If the employee has purchased service credit under this subsection based on months reported by the employer for the fiscal year, and an audit of the employee's account reduces the number of months of service credit for which the employee is eligible to no fewer than nine (9) months, the employee shall retain credit for the months purchased unless the employee is ineligible for any service in the fiscal year. The employee shall be eligible to purchase the additional months under this subsection to total one (1) year.
 - (d) This subsection shall not apply to members who began participating in the County Employees Retirement System on or after January 1, 2014.
- (5) Vested Service Purchases. Any employee who began participating in the County Employees Retirement System, the Kentucky Employees Retirement System, or the State Police Retirement System prior to January 1, 2014, who is vested may purchase service credit for:
- (a) Past service. "Past service" means periods of employment:
 - 1. Between July 1, 1956, in the case of the Kentucky Employees Retirement System, or July 1, 1958, in the case of the County Employees Retirement System, and the effective date of participation by the employer;
 - 2. Where the employee did not participate in the system due to the employee not electing to participate as provided in KRS 61.525(2) or 78.540(1); and
 - 3. With a public agency that did not participate in the Kentucky Employees Retirement System but would have been eligible to participate under KRS 61.520 or a political subdivision that did not participate in the County Employees Retirement System but would have been eligible to participate under KRS 78.530, provided the public agency or political subdivision has merged with or been taken over by a participating employer;
 - (b) State university service, provided the university does not participate in a state-administered retirement system and the university service being purchased was in a nonteaching position that did not participate in a defined benefit retirement program;
 - (c)
 - 1. Up to ten (10) years of out-of-state service. "Out-of-state" means service credited to a state or local government-administered public defined benefit plan in another state that is not a defined benefit plan for teachers.
 - 2. Up to ten (10) years of out-of-state hazardous service. "Out-of-state hazardous service" means service in a regular full-time position that was credited to a defined benefit retirement plan administered by a state or local government in another state, if the service could be certified as hazardous pursuant to KRS 61.592 or 78.5520, as applicable. The employee may purchase out-of-state hazardous service under this subparagraph provided the employee is vested to receive benefits from the State Police Retirement System or hazardous duty benefits from the Kentucky Employees Retirement System or the County Employees Retirement System.

The employee must purchase out-of-state service or out-of-state hazardous service in the system in which he or she is vested based solely upon the service in that system;
 - (d) Active military duty, which means periods of active military duty in the Armed Forces of the United States, provided:
 - 1. The employee's military service was terminated in a manner other than as described in 38 U.S.C. sec. 4304; and
 - 2. The service has not been credited as free military service under subsection (1) of this section;
 - (e) National Guard service. An employee may purchase one (1) month of service for each six (6) months of service in the National Guard or the military reserves of the United States. The service shall be treated as service earned prior to participation in the system;

- (f) Federal service. "Federal service" means service with the United States government, that is not service in the Armed Forces;
 - (g) Seasonal, emergency, interim, probationary, or temporary employment or part-time employment as provided by KRS 61.510(21) or 78.510(21) averaging one hundred (100) or more hours of work per month on a calendar or fiscal year basis. If the average number of hours of work is less than one hundred (100) per month, the member may purchase credit for only those months he or she receives creditable compensation for one hundred (100) hours of work;
 - (h) Part-time employment in a noncertified position at a school board prior to the 1990-91 school year which averaged eighty (80) or more hours of work per month on a calendar or fiscal year basis. If the average number of hours of work is less than eighty (80) per month, the noncertified employee of a school board shall be allowed to purchase credit only for those months he or she receives creditable compensation for eighty (80) hours of work;
 - (i) Any period of:
 - 1. Authorized maternity leave without pay or sick leave without pay;
 - 2. Unpaid leave authorized under the federal Family and Medical Leave Act;
 - 3. Approved educational leave; and
 - 4. Agency-approved leave to work for a work-related labor organization if the agency subsequently participated in the County Employees Retirement System, but only if the board receives a favorable private letter ruling from the United States Internal Revenue Service or a favorable opinion letter from the United States Department of Labor;
 - (j) Non-participating employer service, which means periods of employment with the following types of agencies provided the agency does not participate in a state-administered retirement system:
 - 1. A regional community services program for mental health organized and operated under the provisions of KRS 210.370 to 210.480;
 - 2. A community action agency created under KRS 273.405 to 273.453. The service provided by this subparagraph shall be purchased in the County Employees Retirement System;
 - 3. An area development district created pursuant to KRS 147A.050; or
 - 4. A business development corporation created pursuant to KRS 155.001 to 155.230, provided the system receives a favorable private letter ruling from the United States Internal Revenue Service or a favorable opinion letter from the United States Department of Labor;
 - (k) Urban-county government service, which means employment in an urban-county government position that would qualify for hazardous duty coverage under KRS 61.592 or 78.5520. The provisions of this paragraph shall only be applicable to vested members participating in the State Police Retirement System or in a hazardous position in the Kentucky Employees Retirement System or the County Employees Retirement System;
 - (l) Periods of service as assistants to officers and employees of the General Assembly for persons who were unable to acquire service under KRS 61.510(20) for service performed after January 1, 1960;
 - (m) Service as a volunteer in the Kentucky Peace Corps, created by KRS 154.1-720; and
 - (n) Employment with a vocational technical school in a noncertified part-time position averaging eighty (80) or more hours per month, determined by using the number of months actually worked within a calendar or fiscal year. The service provided by this paragraph shall be purchased in the Kentucky Employees Retirement System.
- (6) Non-qualified service. Provided the employee's participation date in the system is prior to July 15, 2002, and provided the employee has total service in all state-administered retirement systems of at least one hundred eighty (180) months of service credit, the employee may purchase a combined maximum total of five (5) years of service credit, known as non-qualified service, which is not otherwise purchasable under any of the provisions of KRS 16.505 to 16.652, 61.510 to 61.705, or 78.510 to 78.852. The service purchased under this paragraph shall not be used in determining a retirement allowance until the member has accrued at least two hundred forty (240) months of service, excluding service purchased under this subsection. If the member does not accrue at least two hundred forty (240) months of service, excluding service purchased under this

subsection, upon retirement, death, or written request following termination, the payment, plus interest as provided in KRS 16.560, 61.575, or 78.640, as applicable, shall be refunded.

- (7) For purposes of service purchased under subsections (2) to (6) of this section:
- (a) Except for subsection (6) of this section, the service must qualify as regular full-time as provided by KRS 61.510 and 78.510;
 - (b) No service credit may be purchased for periods already credited to the system or another public defined benefit retirement fund, including non-qualified service purchased in another state-administered retirement system;
 - (c) Except as provided by paragraph (a)2.a. of subsection (9) of this section, the employee payment for service purchases shall not be picked up, as described in KRS 16.545(4), 61.560(4), or 78.610(4), by the employer;
 - (d) Except for service purchased under subsection (2) or (3) of this section, service purchases made pursuant to this section may be purchased by the entire amount of service available or by increments. Service purchases made pursuant to subsections (2) and (3) of this section shall only be purchased by the entire amount of service available; and
 - (e) Service purchases as provided by subsections (5)(b), (5)(d) to (f), (5)(j)1., and (6) of this section may be purchased in any system in which the member has service credit.
- (8) (a) Employer purchase of past service. Any employer participating in the system may purchase service credit, between July 1, 1956, in the case of the Kentucky Employees Retirement System, or July 1, 1958, in the case of the County Employees Retirement System, and the participation date of the employer, for present employees of the county or department who have elected coverage under KRS 61.525(2) or 78.540(1), provided the employee began participating in the system prior to January 1, 2014.
- (b) A Kentucky Employees Retirement System employer shall pay the cost of the service credit within the fiscal year the election is made to purchase the service credit. A County Employees Retirement System employer may purchase the service, with interest at the rate actuarially assumed by the board, over a period not to exceed ten (10) years.
 - (c) If an employer elects to purchase service under the provisions of this subsection, any present employee who would be eligible to receive service credit under the provisions of this subsection and has purchased service credit under subsection (5)(a) of this section shall have his or her payment for the service credit refunded with interest at the rate paid under KRS 61.575 or 78.640; and
 - (d) Any payments made by an employer under this subsection shall be deposited to the retirement allowance account of the system and these funds shall not be considered accumulated contributions of the individual members.
- (9) (a) An employee participating in the system may purchase service credit under any of the provisions of KRS 16.505 to 16.652, 61.510 to 61.705, or 78.510 to 78.852 for which he or she is eligible to purchase, or as otherwise required by 38 U.S.C. ch. 43, by:
- 1. Making a lump-sum payment on a before-tax basis as provided in subparagraph 3. of this paragraph, or on an after-tax basis if the employee is purchasing service credit under subsection (1) or (3) of this section, service available pursuant to 38 U.S.C. ch. 43 not otherwise provided for in this section, or grandfathered service as defined in paragraph (b) of this subsection;
 - 2. Entering into an agreement to purchase service credit through an installment purchase of service agreement with the systems as provided by paragraph (c) of this subsection:
 - a. On a before-tax basis in which the service is purchased pursuant to the employer pick-up provisions in 26 U.S.C. sec. 414(h)(2); or
 - b. On an after-tax basis if the employee is purchasing service credit under subsection (1) or (3) of this section, service available pursuant to 38 U.S.C. ch. 43 not otherwise provided for in this section, or grandfathered service as defined in paragraph (b) of this subsection; or
 - 3. Transferring funds to the system through a direct trustee-to-trustee transfer as permitted under the applicable sections of the Internal Revenue Code and any regulations or rulings issued

thereunder, through a direct rollover as contemplated by and permitted under 26 U.S.C. sec. 401(a)(31) and any regulations or rulings issued thereunder, or through a rollover of funds pursuant to and permitted under the rules specified in 26 U.S.C. secs. 402(c) and 408(d)(3). The system shall accept the transfer or rollover to the extent permitted under the rules specified in the applicable provisions of the Internal Revenue Code and any regulations and rulings issued thereunder.

- (b) For purposes of this subsection, "grandfathered service" means service purchases for which a member, whose membership date in the system is prior to July 1, 1999, is eligible to purchase under KRS 16.505 to 16.652, 61.510 to 61.705, or 78.510 to 78.852, that were available for all members of the system to purchase on August 5, 1997.
- (c)
1. For service purchased under a before-tax or after-tax installment purchase of service agreement as provided by paragraph (a)2. of this subsection, the cost of the service shall be computed in the same manner as for a lump-sum payment which shall be the principal, except that interest compounded annually at the actuarial rate in effect at the time the member elects to make the purchase shall be added for the period that the installments are to be made.
 2. Multiple service purchases may be combined under a single installment agreement, except that no employee may make more than one (1) installment purchase at the same time.
 3. For after-tax installment purchase of service agreements, the employee may elect to stop the installment payments by notifying the system; may have the installment purchase recalculated to add one (1) or more additional service purchases; or may pay by lump sum the remaining principal or a portion of the remaining principal.
 4. Before-tax installment purchase of service agreements shall be irrevocable, and the employee shall not be able to stop installment payments or to pay off the remaining balance of the purchase of service agreement, except upon termination of employment or death.
 5. One (1) year of installment payments shall be made for each one thousand dollars (\$1,000) or any part thereof of the total cost, except that the total period allowed for installments shall not be less than one (1) year and shall not exceed five (5) years.
 6. The employee shall pay the installments by payroll deduction for after-tax purchase of service agreements, and the employer shall pick up installments for before-tax purchase of service agreements. Upon notification by the system, the employer shall report the installment payments monthly continuously over each twelve (12) month period at the same time as, but separate from, regular employee contributions on the forms or by the computer format specified by the board.
 7. The system shall determine how much of the total cost represents payment for one (1) month of the service to be purchased and shall credit one (1) month of service to the member's account each time this amount has been paid. The first service credited shall represent the first calendar month of the service to be purchased and each succeeding month of service credit shall represent the succeeding months of that service.
 8. If the employee utilizing an installment purchase of service agreement dies, retires, does not continue employment in a position required to participate in the system, or elects to stop an after-tax installment purchase of service agreement, the member, or in the case of death, the beneficiary, shall have sixty (60) days to pay the remaining principal or a portion of the remaining principal of the installment purchase of service agreement by lump sum, subject to the restrictions of paragraph (a)1. of this subsection, or by transfer of funds under paragraph (a)3. of this subsection, except that payment by the member shall be filed with the system prior to the member's effective retirement date. If the member or beneficiary does not pay the remaining cost, the system shall refund to the member or the beneficiary the payment, payments, or portion of a payment that does not represent a full month of service purchased, except as provided by subsection (6) of this section.
 9. If the employer does not report installment payments on an employee for sixty (60) days for an after-tax installment purchase of service agreement, except in the case of employees on military leave or sick leave without pay, the installment purchase shall cease and the system shall refund to the employee the payment, payments, or portion of a payment that does not represent a full month of service purchased.

10. Installment payments of employees on military leave or sick leave without pay shall be suspended during the period of leave and shall resume without recalculation upon the employee's return from leave.
11. If payments have ceased under subparagraph 8. or 9. of this paragraph and the member later becomes a participating employee in the County Employees Retirement System, Kentucky Employees Retirement System, or State Police Retirement System, the employee may complete the adjusted original installment purchase by lump sum or installment payments, subject to the restrictions of this subsection. If the employee elects to renew the installment purchase, the cost of the remaining service shall be recalculated in accordance with subsection (10) of this section.
- (d) Member payments, including interest, properly received pursuant to this subsection, shall be deposited to the member's account and considered as accumulated contributions of the individual member.
- (10) (a) The cost of purchasing service credit under any provision of this section, except as provided by subsections (1) to (3) of this section, shall be determined by multiplying the higher of the employee's current rate of pay, final rate of pay, or final compensation as of the end of the month in which the purchase is made times the actuarial factor times the number of years of service being purchased. The actuarial factor used to determine the cost of purchasing service credit shall assume the earliest date the member may retire without a reduction in benefits and the cost-of-living adjustments provided to members upon retirement.
- (b) Service purchased on or after August 1, 2004, under the provisions of KRS 16.505 to 16.652, 61.510 to 61.705, or 78.510 to 78.852, except for service purchased under subsections (1) to (3) of this section *or service purchased as described by paragraph (d) of this subsection*, shall not be used to determine eligibility for or the amount of the monthly insurance contribution under KRS 61.702 or 78.5536.
- (c) For a member whose participation begins on or after August 1, 2004, service purchased under the provisions of KRS 16.505 to 16.652, 61.510 to 61.705, or 78.510 to 78.852, except for service purchased under subsections (1) to (3) of this section *or service purchased as described by paragraph (d) of this subsection*:
1. Shall not be used to determine eligibility for a retirement allowance under disability retirement, early retirement, normal retirement, or upon death of the member under any of the provisions of KRS 16.505 to 16.652, 61.510 to 61.705, or 78.510 to 78.852; and
 2. Shall only be used to determine the amount of the retirement allowance of a member who is eligible for a retirement allowance under disability, early retirement, normal retirement, or upon death of the member under any of the provisions of KRS 16.505 to 16.652, 61.510 to 61.705, or 78.510 to 78.852, based on service earned as a participating employee.
- (d) *Paragraphs (b) and (c) of this subsection shall not apply to a member who was bound by an educational contract as a conditional employee to the state of Kentucky prior to December 31, 2003, regardless of participation date or membership date in the system. Educational leave, seasonal service, or any other qualified service purchased by a member with this classification under this section shall be used to determine eligibility for benefits, membership dates or participation dates, and the amount of benefit for:*
1. *A retirement allowance under disability retirement, early retirement, normal retirement, or death under any of the provisions of KRS 16.505 to 16.652, 61.510 to 61.705, and 78.510 to 78.852; and*
 2. *The monthly insurance contribution under KRS 61.702 or 78.5536.*

➔Section 6. KRS 61.510 is amended to read as follows:

As used in KRS 61.510 to 61.705, unless the context otherwise requires:

- (1) "System" means the Kentucky Employees Retirement System created by KRS 61.510 to 61.705;
- (2) "Board" means the board of trustees of the system as provided in KRS 61.645;
- (3) "Department" means any state department or board or agency participating in the system in accordance with appropriate executive order, as provided in KRS 61.520. For purposes of KRS 61.510 to 61.705, the members, officers, and employees of the General Assembly and any other body, entity, or instrumentality designated by

executive order by the Governor, shall be deemed to be a department, notwithstanding whether said body, entity, or instrumentality is an integral part of state government;

- (4) "Examiner" means the medical examiners as provided in KRS 61.665;
- (5) "Employee" means the members, officers, and employees of the General Assembly and every regular full-time, appointed or elective officer or employee of a participating department, including the Department of Military Affairs. The term does not include persons engaged as independent contractors, seasonal, emergency, temporary, interim, and part-time workers. In case of any doubt, the board shall determine if a person is an employee within the meaning of KRS 61.510 to 61.705;
- (6) "Employer" means a department or any authority of a department having the power to appoint or select an employee in the department, including the Senate and the House of Representatives, or any other entity, the employees of which are eligible for membership in the system pursuant to KRS 61.525;
- (7) "State" means the Commonwealth of Kentucky;
- (8) "Member" means any employee who is included in the membership of the system or any former employee whose membership has not been terminated under KRS 61.535;
- (9) "Service" means the total of current service and prior service as defined in this section;
- (10) "Current service" means the number of years and months of employment as an employee, on and after July 1, 1956, except that for members, officers, and employees of the General Assembly this date shall be January 1, 1960, for which creditable compensation is paid and employee contributions deducted, except as otherwise provided, and each member, officer, and employee of the General Assembly shall be credited with a month of current service for each month he serves in the position;
- (11) "Prior service" means the number of years and completed months, expressed as a fraction of a year, of employment as an employee, prior to July 1, 1956, for which creditable compensation was paid; except that for members, officers, and employees of the General Assembly, this date shall be January 1, 1960. An employee shall be credited with one (1) month of prior service only in those months he received compensation for at least one hundred (100) hours of work; provided, however, that each member, officer, and employee of the General Assembly shall be credited with a month of prior service for each month he served in the position prior to January 1, 1960. Twelve (12) months of current service in the system are required to validate prior service;
- (12) "Accumulated contributions" at any time means the sum of all amounts deducted from the compensation of a member and credited to his individual account in the members' account, including employee contributions picked up after August 1, 1982, pursuant to KRS 61.560(4), together with interest credited, on such amounts and any other amounts the member shall have contributed thereto, including interest credited thereon. For members who begin participating on or after September 1, 2008, "accumulated contributions" shall not include employee contributions that are deposited into accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS 16.510 and 61.515, as prescribed by KRS 61.702(3)(b);
- (13) "Creditable compensation":
 - (a) Means all salary, wages, tips to the extent the tips are reported for income tax purposes, and fees, including payments for compensatory time, paid to the employee as a result of services performed for the employer or for time during which the member is on paid leave, which are includable on the member's federal form W-2 wage and tax statement under the heading "wages, tips, other compensation," including employee contributions picked up after August 1, 1982, pursuant to KRS 61.560(4). For members of the General Assembly, it shall mean all amounts which are includable on the member's federal form W-2 wage and tax statement under the heading "wages, tips, other compensation," including employee contributions picked up after August 1, 1982, pursuant to KRS 6.505(4) or 61.560(4);
 - (b) Includes:
 1. Lump-sum bonuses, severance pay, or employer-provided payments for purchase of service credit, which shall be averaged over the employee's total service with the system in which it is recorded if it is equal to or greater than one thousand dollars (\$1,000);
 2. Cases where compensation includes maintenance and other perquisites, but the board shall fix the value of that part of the compensation not paid in money;

3. Lump-sum payments for creditable compensation paid as a result of an order of a court of competent jurisdiction, the Personnel Board, or the Commission on Human Rights, or for any creditable compensation paid in anticipation of settlement of an action before a court of competent jurisdiction, the Personnel Board, or the Commission on Human Rights, including notices of violations of state or federal wage and hour statutes or violations of state or federal discrimination statutes, which shall be credited to the fiscal year during which the wages were earned or should have been paid by the employer. This subparagraph shall also include lump-sum payments for reinstated wages pursuant to KRS 61.569, which shall be credited to the period during which the wages were earned or should have been paid by the employer;
 4. Amounts which are not includable in the member's gross income by virtue of the member having taken a voluntary salary reduction provided for under applicable provisions of the Internal Revenue Code; and
 5. Elective amounts for qualified transportation fringes paid or made available on or after January 1, 2001, for calendar years on or after January 1, 2001, that are not includable in the gross income of the employee by reason of 26 U.S.C. sec. 132(f)(4); and
- (c) Excludes:
1. Living allowances, expense reimbursements, lump-sum payments for accrued vacation leave, and other items determined by the board;
 2. For employees who begin participating on or after September 1, 2008, lump-sum payments for compensatory time;
 3. For employees who begin participating on or after August 1, 2016, nominal fees paid for services as a volunteer; and
 4. Any salary or wages paid to an employee for services as a Kentucky State Police school resource officer as defined by KRS 158.441;

(14) "Final compensation" of a member means:

- (a) For a member who begins participating before September 1, 2008, who is employed in a nonhazardous position, the creditable compensation of the member during the five (5) fiscal years he or she was paid at the highest average monthly rate divided by the number of months of service credit during that five (5) year period multiplied by twelve (12). The five (5) years may be fractional and need not be consecutive. If the number of months of service credit during the five (5) year period is less than forty-eight (48), one (1) or more additional fiscal years shall be used;
- (b) For a member who is employed in a nonhazardous position, whose effective retirement date is between August 1, 2001, and January 1, 2009, and whose total service credit is at least twenty-seven (27) years and whose age and years of service total at least seventy-five (75), final compensation means the creditable compensation of the member during the three (3) fiscal years the member was paid at the highest average monthly rate divided by the number of months of service credit during that three (3) years period multiplied by twelve (12). The three (3) years may be fractional and need not be consecutive. If the number of months of service credit during the three (3) year period is less than twenty-four (24), one (1) or more additional fiscal years shall be used. Notwithstanding the provision of KRS 61.565, the funding for this paragraph shall be provided from existing funds of the retirement allowance;
- (c) For a member who begins participating before September 1, 2008, who is employed in a hazardous position, as provided in KRS 61.592, the creditable compensation of the member during the three (3) fiscal years he or she was paid at the highest average monthly rate divided by the number of months of service credit during that three (3) year period multiplied by twelve (12). The three (3) years may be fractional and need not be consecutive. If the number of months of service credit during the three (3) year period is less than twenty-four (24), one (1) or more additional fiscal years shall be used;
- (d) For a member who begins participating on or after September 1, 2008, but prior to January 1, 2014, who is employed in a nonhazardous position, the creditable compensation of the member during the five (5) complete fiscal years immediately preceding retirement divided by five (5). Each fiscal year used to determine final compensation must contain twelve (12) months of service credit. If the member does not have five (5) complete fiscal years that each contain twelve (12) months of service credit, then one (1) or more additional fiscal years, which may contain less than twelve (12) months of service

- credit, shall be added until the number of months in the final compensation calculation is at least sixty (60) months; or
- (e) For a member who begins participating on or after September 1, 2008, but prior to January 1, 2014, who is employed in a hazardous position as provided in KRS 61.592, the creditable compensation of the member during the three (3) complete fiscal years he or she was paid at the highest average monthly rate divided by three (3). Each fiscal year used to determine final compensation must contain twelve (12) months of service credit. If the member does not have three (3) complete fiscal years that each contain twelve (12) months of service credit, then one (1) or more additional fiscal years, which may contain less than twelve (12) months of service credit, shall be added until the number of months in the final compensation calculation is at least thirty-six (36) months;
- (15) "Final rate of pay" means the actual rate upon which earnings of an employee were calculated during the twelve (12) month period immediately preceding the member's effective retirement date, including employee contributions picked up after August 1, 1982, pursuant to KRS 61.560(4). The rate shall be certified to the system by the employer and the following equivalents shall be used to convert the rate to an annual rate: two thousand eighty (2,080) hours for eight (8) hour workdays, nineteen hundred fifty (1,950) hours for seven and one-half (7-1/2) hour workdays, two hundred sixty (260) days, fifty-two (52) weeks, twelve (12) months, one (1) year;
- (16) "Retirement allowance" means the retirement payments to which a member is entitled;
- (17) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of the actuarial tables that are adopted by the board. In cases of disability retirement, the options authorized by KRS 61.635 shall be computed by adding ten (10) years to the age of the member, unless the member has chosen the Social Security adjustment option as provided for in KRS 61.635(8), in which case the member's actual age shall be used. For members who began participating in the system prior to January 1, 2014, no disability retirement option shall be less than the same option computed under early retirement;
- (18) "Normal retirement date" means the sixty-fifth birthday of a member, unless otherwise provided in KRS 61.510 to 61.705;
- (19) "Fiscal year" of the system means the twelve (12) months from July 1 through the following June 30, which shall also be the plan year. The "fiscal year" shall be the limitation year used to determine contribution and benefit limits as established by 26 U.S.C. sec. 415;
- (20) "Officers and employees of the General Assembly" means the occupants of those positions enumerated in KRS 6.150. The term shall also apply to assistants who were employed by the General Assembly for at least one (1) regular legislative session prior to July 13, 2004, who elect to participate in the retirement system, and who serve for at least six (6) regular legislative sessions. Assistants hired after July 13, 2004, shall be designated as interim employees;
- (21) "Regular full-time positions," as used in subsection (5) of this section, shall mean all positions that average one hundred (100) or more hours per month determined by using the number of months actually worked within a calendar or fiscal year, including all positions except:
- (a) Seasonal positions, which although temporary in duration, are positions which coincide in duration with a particular season or seasons of the year and which may recur regularly from year to year, the period of time shall not exceed nine (9) months;
- (b) Emergency positions which are positions which do not exceed thirty (30) working days and are nonrenewable;
- (c) Temporary positions which are positions of employment with a participating department for a period of time not to exceed nine (9) months and are nonrenewable;
- (d) Part-time positions which are positions which may be permanent in duration, but which require less than a calendar or fiscal year average of one hundred (100) hours of work per month, determined by using the number of months actually worked within a calendar or fiscal year, in the performance of duty; and
- (e) Interim positions which are positions established for a one-time or recurring need not to exceed nine (9) months;
- (22) "Vested" for purposes of determining eligibility for purchasing service credit under KRS 61.552 means the employee has at least forty-eight (48) months of service if age sixty-five (65) or older or at least sixty (60)

months of service if under the age of sixty-five (65). For purposes of this subsection, "service" means service in the systems administered by the Kentucky Retirement Systems and County Employees Retirement System;

- (23) "Parted employer" means a department, portion of a department, board, or agency, such as Outwood Hospital and School, which previously participated in the system, but due to lease or other contractual arrangement is now operated by a publicly held corporation or other similar organization, and therefore is no longer participating in the system. The term "parted employer" shall not include a department, board, or agency that ceased participation in the system pursuant to KRS 61.522;
- (24) "Retired member" means any former member receiving a retirement allowance or any former member who has filed the necessary documents for retirement benefits and is no longer contributing to the retirement system;
- (25) "Current rate of pay" means the member's actual hourly, daily, weekly, biweekly, monthly, or yearly rate of pay converted to an annual rate as defined in final rate of pay. The rate shall be certified by the employer;
- (26) "Beneficiary" means the person or persons or estate or trust or trustee designated by the member in accordance with KRS 61.542 or 61.705 to receive any available benefits in the event of the member's death. As used in KRS 61.702, "beneficiary" does not mean an estate, trust, or trustee;
- (27) "Recipient" means the retired member or the person or persons designated as beneficiary by the member and drawing a retirement allowance as a result of the member's death or a dependent child drawing a retirement allowance. An alternate payee of a qualified domestic relations order shall not be considered a recipient, except for purposes of KRS 61.623;
- (28) "Level percentage of payroll amortization method" means a method of determining the annual amortization payment on the unfunded actuarial accrued liability as expressed as a percentage of payroll over a set period of years but that may be converted to a dollar value for purposes of KRS 61.565(1)(d). Under this method, the percentage of payroll shall be projected to remain constant for all years remaining in the set period of time and the unfunded actuarially accrued liability shall be projected to be fully amortized at the conclusion of the set period of years;
- (29) "Increment" means twelve (12) months of service credit which are purchased. The twelve (12) months need not be consecutive. The final increment may be less than twelve (12) months;
- (30) "Person" means a natural person;
- (31) "Retirement office" means the Kentucky Public Pensions Authority's office building in Frankfort, unless otherwise designated by the Kentucky Public Pensions Authority;
- (32) "Last day of paid employment" means the last date employer and employee contributions are required to be reported in accordance with KRS 16.543, 61.543, or 78.615 to the retirement office in order for the employee to receive current service credit for the month. Last day of paid employment does not mean a date the employee receives payment for accrued leave, whether by lump sum or otherwise, if that date occurs twenty-four (24) or more months after previous contributions;
- (33) "Objective medical evidence" means reports of examinations or treatments; medical signs which are anatomical, physiological, or psychological abnormalities that can be observed; psychiatric signs which are medically demonstrable phenomena indicating specific abnormalities of behavior, affect, thought, memory, orientation, or contact with reality; or laboratory findings which are anatomical, physiological, or psychological phenomena that can be shown by medically acceptable laboratory diagnostic techniques, including but not limited to chemical tests, electrocardiograms, electroencephalograms, X-rays, and psychological tests;
- (34) "Participating" means an employee is currently earning service credit in the system as provided in KRS 61.543;
- (35) "Month" means a calendar month;
- (36) "Membership date" means:
 - (a) The date upon which the member began participating in the system as provided in KRS 61.543; ~~or~~
 - (b) For a member electing to participate in the system pursuant to KRS 196.167(4) who has not previously participated in the system or the Kentucky Teachers' Retirement System, the date the member began participating in a defined contribution plan that meets the requirements of 26 U.S.C. sec. 403(b); *or*

- (c) *For members bound by an educational contract as a conditional employee to the state of Kentucky prior to December 31, 2003, the date on which the educational contract became effective;*
- (37) "Participant" means a member, as defined by subsection (8) of this section, or a retired member, as defined by subsection (24) of this section;
- (38) "Qualified domestic relations order" means any judgment, decree, or order, including approval of a property settlement agreement, that:
- (a) Is issued by a court or administrative agency; and
 - (b) Relates to the provision of child support, alimony payments, or marital property rights to an alternate payee;
- (39) "Alternate payee" means a spouse, former spouse, child, or other dependent of a participant, who is designated to be paid retirement benefits in a qualified domestic relations order;
- (40) "Accumulated employer credit" mean the employer pay credit deposited to the member's account and interest credited on such amounts as provided by KRS 16.583 and 61.597;
- (41) "Accumulated account balance" means:
- (a) For members who began participating in the system prior to January 1, 2014, the member's accumulated contributions; or
 - (b) For members who began participating in the system on or after January 1, 2014, in the hybrid cash balance plan as provided by KRS 16.583 and 61.597, the combined sum of the member's accumulated contributions and the member's accumulated employer credit;
- (42) "Volunteer" means an individual who:
- (a) Freely and without pressure or coercion performs hours of service for an employer participating in one (1) of the systems administered by Kentucky Retirement Systems without receipt of compensation for services rendered, except for reimbursement of actual expenses, payment of a nominal fee to offset the costs of performing the voluntary services, or both; and
 - (b) If a retired member, does not become an employee, leased employee, or independent contractor of the employer for which he or she is performing volunteer services for a period of at least twelve (12) months following the retired member's most recent retirement date;
- (43) "Nominal fee" means compensation earned for services as a volunteer that does not exceed five hundred dollars (\$500) per month. Compensation earned for services as a volunteer from more than one (1) participating employer during a month shall be aggregated to determine whether the compensation exceeds the five hundred dollars (\$500) per month maximum provided by this subsection;
- (44) "Nonhazardous position" means a position that does not meet the requirements of KRS 61.592 or has not been approved by the board as a hazardous position;
- (45) "Monthly average pay" means:
- (a) In the case of a member who dies as a direct result of an act in line of duty as defined in KRS 16.505 or who dies as a result of a duty-related injury as defined in KRS 61.621, the higher of the member's monthly final rate of pay or the average monthly creditable compensation earned by the deceased member during his or her last twelve (12) months of employment; or
 - (b) In the case where a member becomes totally and permanently disabled as a direct result of an act in line of duty as defined in KRS 16.505 or becomes disabled as a result of a duty-related injury as defined in KRS 61.621 and is eligible for the benefits provided by KRS 61.621(5)(a), the higher of the member's monthly final rate of pay or the average monthly creditable compensation earned by the disabled member during his or her last twelve (12) months of employment prior to the date the act in line of duty or duty-related injury occurred;
- (46) "Authority" means the Kentucky Public Pensions Authority as provided by KRS 61.505; and
- (47) "Executive director" means the executive director of the Kentucky Public Pensions Authority.

➔Section 7. The first actuarial investigations of economic assumptions and funding methods for the Legislators' Retirement Plan, Judicial Retirement Plan, Kentucky Retirement Systems, the County Employees Retirement System, and the Teachers' Retirement System, as provided by subsection (1)(a).7. of Section 1 of this Act,

subsection (1)(c)1. of Section 2 of this Act, subsection (1)(c)1. of Section 3 of this Act, and subsection (1)(b)1. of Section 4 of this Act, respectively, shall take place prior to the completion of the 2023 actuarial valuations for each system so that any changes in economic assumptions shall be reflected in the 2023 actuarial valuations.

Signed by Governor April 8, 2022.

CHAPTER 166

(HB 600)

AN ACT relating to the Reclamation Guaranty Fund Commission.

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

➔Section 1. KRS 350.506 is amended to read as follows:

- (1) There is hereby created the Reclamation Guaranty Fund Commission which shall be administratively attached to the cabinet. The commission shall consist of seven (7) members. One (1) member shall be the secretary of the Energy and Environment Cabinet, or his or her designee, who shall serve as chair of the commission. The other six (6) members of the commission shall be appointed by the Governor~~[on July 1, 2013,]~~ as follows:
 - (a) Three (3) members of the commission shall be representatives of ~~[the]~~ coal mining *permittees that participate in the fund*~~[industry]~~, with the following qualifications *tiered to represent the size of the operator measured in tons of coal sold*:
 1. A representative of a permittee which participates in the fund and has mined and sold less than one million (1,000,000) tons of coal during the twelve (12) months preceding appointment;
 2. A representative of a permittee which participates in the fund and has mined and sold over one million (1,000,000) tons but less than five million (5,000,000) tons of coal during the twelve (12) months preceding appointment; and
 3. ~~[a.]~~ A representative of a permittee which participates in the fund and has mined and sold more than five million (5,000,000) tons of coal during the twelve (12) months preceding appointment.~~[; or~~
 - ~~b. If no permittee which participates in the fund has mined and sold more than five million (5,000,000) tons of coal in the twelve (12) months preceding appointment, the member shall be selected from permittees which meet the criteria for appointment set out in subparagraph 2. of this paragraph;]~~

If no permittee that participates in the fund meets the qualifications stated in subparagraph 2. or in subparagraph 3. of this paragraph, then a qualified permittee shall be selected in a lower tier;
 - (b) Two (2) members of the commission shall be representatives with a background in the insurance and banking industries with knowledge of the coal industry and chosen from a list of ~~[six (6)]~~ nominees submitted by the chair of the commission and the remaining members of the commission; and
 - (c) One (1) member shall be a certified public accountant who is not associated with, or does not have a financial interest in, coal mining operations in the Commonwealth of Kentucky.
- (2) ~~(a) [The Governor shall initially appoint the other six (6) members as follows, and whose terms shall commence with the beginning date of the establishment of the fund:~~
 - ~~1. Two (2) members for a term of two (2) years;~~
 - ~~2. Two (2) members for a term of three (3) years; and~~
 - ~~3. Two (2) members for a term of four (4) years.~~

~~(b) Subsequent]Appointments shall be made by the Governor for terms of four (4) years. Members may serve successive terms if reappointed, not to exceed two (2) full consecutive terms. Any vacancy in an unexpired term shall be filled for the unexpired portion of the term by the Governor.~~

- (b)(e) A member of the commission shall be elected at the first meeting of each fiscal year by majority vote of the other members to serve as vice chair of the commission whose term shall be for one (1) year.
- (3) The commission shall adopt bylaws by which it shall establish procedures for conduct of meetings.
 - (4) The official domicile of the commission shall be Franklin County. All actions of the commission shall be considered to occur in Franklin County.
 - (5) ~~The [commission shall meet no less than once a month with the first meeting to be held on or before July 1, 2013, during the first year. Commencing with the second year, the]~~commission shall meet no less than once every three (3) months. Four (4) members of the commission shall constitute a quorum at any meeting.
 - (6) Each commission member, except the cabinet representative, shall receive one hundred fifty dollars (\$150) per diem for each meeting attended. Members of the commission also shall be reimbursed for actual and necessary expenses directly related to meetings of the commission.
 - (7) If a member of the commission fails to attend four (4) consecutive meetings, the position shall be considered to be vacated, and the Governor, after receiving notice of the vacancy from the commission, shall immediately appoint a qualified person to serve the remainder of the term.
 - (8) Any member of the commission having any direct or indirect financial interest or any other conflict of interest with respect to an assignment of classification pursuant to KRS 350.518, sanctions for nonpayment of fees established in KRS 350.515 and 350.518, or assessment of the fee pursuant to KRS 350.518, shall not participate in any discussion or vote pertaining to specific mining operations for which the member is an owner or employee.
 - (9) Misuse of the office by a member of the commission to obtain personal, pecuniary, or material gain or advantage for himself or a company in his dominion or control shall be automatic grounds for removal by the Governor.
 - (10) Members of the commission, its agents, and employees shall be immune from suit in any action, civil or criminal, which is based upon any official act or acts performed by them in good faith.
 - (11) Members of the commission, its agents, and employees shall be subject to the terms and provisions of the Executive Branch Code of Ethics, as set forth in KRS Chapter 11A.

Signed by Governor April 8, 2022.

CHAPTER 167

(HB 523)

AN ACT relating to the priority of purchase money deeds of trusts and mortgages.

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

➔Section 1. KRS 382.270 is amended to read as follows:

- (1) ***Except as otherwise provided in Section 3 of this Act***, no deed or deed of trust or mortgage conveying a legal or equitable title to real property shall be lodged for record and, thus, valid against a purchaser for a valuable consideration, without notice thereof, or against creditors, until such deed or mortgage is acknowledged or proved according to law. However, if a deed or deed of trust or mortgage conveying a legal or equitable title to real property is not so acknowledged or proved according to law, but is or has been otherwise lodged for record, such deed or deed of trust or mortgage conveying a legal or equitable title to real property or creating a mortgage lien on real property shall be deemed to be validly lodged for record for purposes of KRS Chapter 382, and all interested parties shall be on constructive notice of the contents thereof.
- (2) As used in this section, "creditors" includes all creditors irrespective of whether or not they have acquired a lien by legal or equitable proceedings or by voluntary conveyance.

➔Section 2. KRS 382.280 is amended to read as follows:

Except as ***otherwise*** provided in KRS 382.077 ***and Section 3 of this Act***, all bona fide deeds of trust or mortgages shall take effect in the order that they are legally acknowledged or proved and lodged for record.

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 382 IS CREATED TO READ AS FOLLOWS:

A purchase money deed of trust or mortgage granted by a purchaser shall have priority over a prior lien under KRS 426.720 against the purchaser.

Signed by Governor April 8, 2022.

CHAPTER 168

(HB 517)

AN ACT relating to education and declaring an emergency.

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

➔Section 1. KRS 159.035 is amended to read as follows:

- (1) Notwithstanding the provisions of any other statute, any student in a public school who is enrolled in a properly organized 4-H club shall be considered present at school for all purposes when participating in regularly scheduled 4-H club educational activities, provided, the student is accompanied by or under the supervision of a county extension agent or the designated 4-H club leader for the 4-H club educational activity participated in.
- (2) Notwithstanding the provisions of any other statute, any student in a public school shall be considered present for all purposes for up to ten (10) days while attending basic training required by a branch of the United States Armed Forces.
- (3) *Beginning with the 2021-2022 school year, notwithstanding the provisions of any other statute, any student enrolled in a public school shall not have his or her perfect attendance record negatively affected by participating in any of the page programs of the General Assembly.*
- (4) *Students applying for excused absence for attendance at the Kentucky State Fair shall be granted one (1) day of excused absence.*
- (5) Except as provided in paragraph (e) of this subsection, a public school principal shall give a student an excused absence of up to ten (10) school days to pursue an educational enhancement opportunity determined by the principal to be of significant educational value, including but not limited to participation in an educational foreign exchange program or an intensive instructional, experiential, or performance program in one (1) of the core curriculum subjects of English, science, mathematics, social studies, foreign language, and the arts.
 - (a) A student receiving an excused absence under this subsection shall have the opportunity to make up school work missed and shall not have his or her class grades adversely affected for lack of class attendance or class participation due to the excused absence.
 - (b) Educational enhancement opportunities under this subsection shall not include nonacademic extracurricular activities, but may include programs not sponsored by the school district.
 - (c) If a request for an excused absence to pursue an educational enhancement opportunity is denied by a school principal, a student may appeal the decision to the district superintendent, who shall make a determination whether to uphold or alter the decision of the principal. If a superintendent upholds a principal's denial, a student may appeal the decision to the local board of education, which shall make a final determination. A principal, superintendent, and local board of education shall make their determinations based on the provisions of this subsection and the district's school attendance policies adopted in accordance with KRS 158.070 and KRS 159.150.
 - (d) A student receiving an excused absence under the provisions of this subsection shall be considered present in school during the excused absence for the purposes of calculating average daily attendance as defined by KRS 157.320 under the Support Education Excellence in Kentucky program.
 - (e) A student shall not be eligible to receive an excused absence under the provisions of this subsection for an absence during a school's testing window established for assessments of the state assessment developed under KRS 158.6453 or during a testing period established for the administration of

additional district-wide assessments at the school, except if a principal determines that extenuating circumstances make an excused absence to pursue an educational enhancement opportunity appropriate.

- (6)~~(4)~~
- (a) If a student's parent, de facto custodian, or other person with legal custody or control of the student is a member of the United States Armed Forces, including a member of a state National Guard or a Reserve component called to federal active duty, a public school principal shall give the student:
 1. An excused absence for one (1) day when the member is deployed;
 2. An additional excused absence for one (1) day when the service member returns from deployment; and
 3. Excused absences for up to ten (10) days for visitation when the member is stationed out of the country and is granted rest and recuperation leave.
 - (b) A student receiving an excused absence under this subsection shall have the opportunity to make up school work missed and shall not have his or her class grades adversely affected for lack of class attendance or class participation due to the excused absence.
 - (c) A student receiving an excused absence under this subsection shall be considered present in school during the excused absence for the purposes of calculating average daily attendance as defined by KRS 157.320 under the Support Education Excellence in Kentucky program.

➔Section 2. KRS 158.070 is amended to read as follows:

- (1) As used in this section:
 - (a) "Election" has the same meaning as in KRS 121.015;
 - (b) "Minimum school term" or "school term" means not less than one hundred eighty-five (185) days composed of the student attendance days, teacher professional days, and holidays;
 - (c) "School calendar" means the document adopted by a local board of education that establishes the minimum school term, student instructional year or variable student instructional year, and days that school will not be in session;
 - (d) "School district calendar committee" means a committee that includes at least the following:
 1. One (1) school district principal;
 2. One (1) school district office administrator other than the superintendent;
 3. One (1) member of the local board of education;
 4. Two (2) parents of students attending a school in the district;
 5. One (1) school district elementary school teacher;
 6. One (1) school district middle or high school teacher;
 7. Two (2) school district classified employees; and
 8. Two (2) community members from the local chamber of commerce, business community, or tourism commission;
 - (e) "Student attendance day" means any day that students are scheduled to be at school to receive instruction, and encompasses the designated start and dismissal time;
 - (f) "Student instructional year" means at least one thousand sixty-two (1,062) hours of instructional time for students delivered on not less than one hundred seventy (170) student attendance days;
 - (g) "Teacher professional day" means any day teachers are required to report to work as determined by a local board of education, with or without the presence of students; and
 - (h) "Variable student instructional year" means at least one thousand sixty-two (1,062) hours of instructional time delivered on the number of student attendance days adopted by a local board of education which shall be considered proportionally equivalent to one hundred seventy (170) student attendance days and calendar days for the purposes of a student instructional year, employment contracts that are based on the school term, service credit under KRS 161.500, and funding under KRS 157.350.

- (2) (a) Beginning with the 2018-2019 school year, and each year thereafter, the local board of education, upon recommendation of the local school district superintendent, shall annually appoint a school district calendar committee to review, develop, and recommend school calendar options.
- (b) The school district calendar committee, after seeking feedback from school district employees, parents, and community members, shall recommend school calendar options to the local school district superintendent for presentation to the local board of education. The committee's recommendations shall comply with state laws and regulations and consider the economic impact of the school calendar on the community and the state.
- (c) Prior to adopting a school calendar, the local board of education shall hear for discussion the school district calendar committee's recommendations and the recommendation of the superintendent at a meeting of the local board of education.
- (d) During a subsequent meeting of the local board of education, the local board shall adopt a school calendar for the upcoming school year that establishes the opening and closing dates of the school term, beginning and ending dates of each school month, student attendance days, and days on which schools shall be dismissed. The local board may schedule days for breaks in the school calendar that shall not be counted as a part of the minimum school term.
- (e) For local board of education meetings described in paragraphs (c) and (d) of this subsection, if the meeting is a regular meeting, notice shall be given to media outlets that have requests on file to be notified of special meetings stating the date of the regular meeting and that one (1) of the items to be considered in the regular meeting will be the school calendar. The notice shall be sent at least twenty-four (24) hours before the regular meeting. This requirement shall not be deemed to make any requirements or limitations relating to special meetings applicable to the regular meeting.
- (f) Beginning with the 2018-2019 school year, and each year thereafter, a local school board of education that adopts a school calendar with the first student attendance day in the school term starting no earlier than the Monday closest to August 26 may use a variable student instructional year. Districts may set the length of individual student attendance days in a variable student instructional schedule, but no student attendance day shall contain more than seven (7) hours of instructional time unless the district submitted and received approval from the commissioner of education for an innovative alternative calendar.
- (3) (a) Each local board of education shall use four (4) days of the minimum school term for professional development and collegial planning activities for the professional staff without the presence of students pursuant to the requirements of KRS 156.095. At the discretion of the superintendent, one (1) day of professional development may be used for district-wide activities and for training that is mandated by federal or state law. The use of three (3) days shall be planned by each school council, except that the district is encouraged to provide technical assistance and leadership to school councils to maximize existing resources and to encourage shared planning.
- (b) At least one (1) hour of self-study review of seizure disorder materials shall be required for all principals, guidance counselors, and teachers hired after July 1, 2019.
- (c) 1. A local board may approve a school's flexible professional development plan that permits teachers or other certified personnel within a school to participate in professional development activities outside the days scheduled in the school calendar or the regularly scheduled hours in the school work day and receive credit towards the four (4) day professional development requirement within the minimum one hundred eighty-five (185) days that a teacher shall be employed.
2. A flexible schedule option shall be reflected in the school's professional development component within the school improvement plan and approved by the local board. Credit for approved professional development activities may be accumulated in periods of time other than full day segments.
3. No teacher or administrator shall be permitted to count participation in a professional development activity under the flexible schedule option unless the activity is related to the teacher's classroom assignment and content area, or the administrator's job requirements, or is required by the school improvement plan, or is tied to the teacher's or the administrator's individual growth plan. The supervisor shall give prior approval and shall monitor compliance with the requirements of this paragraph. In the case of teachers, a professional development

committee or the school council by council policy may be responsible for reviewing requests for approval.

- (d) The local board of each school district may use up to a maximum of four (4) days of the minimum school term for holidays; provided, however, any holiday which occurs on Saturday may be observed on the preceding Friday.
 - (e) Each local board may use two (2) days for planning activities without the presence of students.
 - (f) Each local board may close schools for the number of days deemed necessary for:
 - 1. National or state emergency or mourning when proclaimed by the President of the United States or the Governor of the Commonwealth of Kentucky;
 - 2. Local emergency which would endanger the health or safety of children; and
 - 3. Mourning when so designated by the local board of education and approved by the Kentucky Board of Education upon recommendation of the commissioner of education.
- (4) (a) The Kentucky Board of Education, upon recommendation of the commissioner of education, shall adopt administrative regulations governing the use of student attendance days as a result of a local emergency, as described in subsection (3)(f)2. of this section, and regulations setting forth the guidelines and procedures to be observed for the approval of waivers from the requirements of a student instructional year in subsection (1)(f) of this section for districts that wish to adopt innovative instructional calendars, or for circumstances that would create extreme hardship.
- (b) If a local board of education amends its school calendar after its adoption due to an emergency, it may lengthen or shorten any remaining student attendance days by thirty (30) minutes or more, as it deems necessary, provided the amended calendar complies with the requirements of a student instructional year in subsection (1)(f) of this section or a variable student instructional year in subsection (1)(h) of this section. No student attendance day shall contain more than seven (7) hours of instructional time unless the district submitted and received approval from the commissioner of education for an innovative alternative calendar.
- (5) (a)
 - 1. In setting the school calendar, school may be closed for two (2) consecutive days for the purpose of permitting professional school employees to attend statewide professional meetings.
 - 2. These two (2) days for statewide professional meetings may be scheduled to begin with the first Thursday after Easter, or upon request of the statewide professional education association having the largest paid membership, the commissioner of education may designate alternate dates.
 - 3. If schools are scheduled to operate during days designated for the statewide professional meeting, the school district shall permit employees who are delegates to attend as compensated professional leave time and shall employ substitute teachers in their absence.
 - 4. The commissioner of education shall designate one (1) additional day during the school year when schools may be closed to permit professional school employees to participate in regional or district professional meetings.
 - 5. These three (3) days so designated for attendance at professional meetings may be counted as a part of the minimum school term.
- (b)
 - 1. If any school in a district is used as a polling place, the school district shall be closed on the day of the election, and those days may be used for professional development activities, professional meetings, or parent-teacher conferences.
 - 2. A district may be open on the day of an election if no school in the district is used as a polling place.
- (c) All schools shall be closed on the third Monday of January in observance of the birthday of Martin Luther King, Jr. Districts may:
 - 1. Designate the day as one (1) of the four (4) holidays permitted under subsection (3)(d) of this section; or
 - 2. Not include the day in the minimum school term specified in subsection (1) of this section.

- (6) (a) The Kentucky Board of Education, or the organization or agency designated by the board to manage interscholastic athletics, shall be encouraged to schedule athletic competitions outside the regularly scheduled student attendance day.
- (b) Beginning with the 2009-2010 school year, any member of a school-sponsored interscholastic athletic team who competes in a regional tournament or state tournament sanctioned by the Kentucky Board of Education, or the organization or agency designated by the board to manage interscholastic athletics, and occurring on a regularly scheduled student attendance day may be counted present at school on the date or dates of the competition, as determined by local board policy, for a maximum of two (2) days per student per year. The student shall be expected to complete any assignments missed on the date or dates of the competition.
- (c) The school attendance record of any student for whom paragraph (b) of this subsection applies shall indicate that the student was in attendance on the date or dates of competition.
- (7) ~~Students applying for excused absence for attendance at the Kentucky State Fair shall be granted one (1) day of excused absence.~~
- ~~(8)~~ Schools shall provide continuing education for those students who are determined to need additional time to achieve the outcomes defined in KRS 158.6451, and schools shall not be limited to the minimum school term in providing this education. Continuing education time may include extended days, extended weeks, or extended years. A local board of education may adopt a policy requiring its students to participate in continuing education. The local policy shall set out the conditions under which attendance will be required and any exceptions which are provided. The Kentucky Board of Education shall promulgate administrative regulations establishing criteria for the allotment of grants to local school districts and shall include criteria by which the commissioner of education may approve a district's request for a waiver to use an alternative service delivery option, including providing services during the student attendance day on a limited basis. These grants shall be allotted to school districts to provide instructional programs for pupils who are identified as needing additional time to achieve the outcomes defined in KRS 158.6451. A school district that has a school operating a model early reading program under KRS 158.792 may use a portion of its grant money as part of the matching funds to provide individualized or small group reading instruction to qualified students outside of the regular classroom during the student attendance day.
- ~~(8)~~~~(9)~~ Notwithstanding any other statute, each school term shall include no less than the equivalent of the student instructional year in subsection (1)(f) of this section, or a variable student instructional year in subsection (1)(h) of this section, except that the commissioner of education may grant up to the equivalent of ten (10) student attendance days for school districts that have a nontraditional instruction plan approved by the commissioner of education on days when the school district is closed for health or safety reasons. The district's plan shall indicate how the nontraditional instruction process shall be a continuation of learning that is occurring on regular student attendance days. Instructional delivery methods, including the use of technology, shall be clearly delineated in the plan. Average daily attendance for purposes of Support Education Excellence in Kentucky program funding during the student attendance days granted shall be calculated in compliance with administrative regulations promulgated by the Kentucky Board of Education.
- ~~(9)~~~~(10)~~ By December 31, 2018, the Kentucky Board of Education shall promulgate administrative regulations to be effective beginning with the 2019-2020 school year to prescribe the conditions and procedures for districts to be approved for the nontraditional instruction program. Administrative regulations promulgated by the board under this section shall specify:
- (a) The application, plan review, approval, and amendment process;
- (b) Reporting requirements for districts approved for the program, which may include but are not limited to examples of student work, lesson plans, teacher work logs, and student and teacher participation on nontraditional instruction days. Documentation to support the use of nontraditional instruction days shall include clear evidence of learning continuation;
- (c) Timelines for initial approval as a nontraditional instruction district, length of approval, the renewal process, and ongoing evaluative procedures required of the district;
- (d) Reporting and oversight responsibilities of the district and the Kentucky Department of Education, including the documentation required to show clear evidence of learning continuation during nontraditional instruction days; and
- (e) Other components deemed necessary to implement this section.

- ~~(10)~~~~(11)~~ Notwithstanding the provisions of KRS 158.060(3) and the provisions of subsection (2) of this section, a school district shall arrange bus schedules so that all buses arrive in sufficient time to provide breakfast prior to the beginning of the student attendance day. In the event of an unforeseen bus delay, the administrator of a school that participates in the Federal School Breakfast Program may authorize up to fifteen (15) minutes of the student attendance day if necessary to provide the opportunity for children to eat breakfast not to exceed eight (8) times during the school year within a school building.
- ~~(11)~~~~(12)~~ Notwithstanding any other statute to the contrary, the following provisions shall apply to a school district that misses student attendance days due to emergencies, including weather-related emergencies:
- (a) A certified school employee shall be considered to have fulfilled the minimum one hundred eighty-five (185) day contract with a school district under KRS 157.350 and shall be given credit for the purpose of calculating service credit for retirement under KRS 161.500 for certified school personnel if:
 1. State and local requirements under this section are met regarding the equivalent of the number and length of student attendance days, teacher professional days, professional development days, holidays, and days for planning activities without the presence of students; and
 2. The provisions of the district's school calendar to make up student attendance days missed due to any emergency, as approved by the Kentucky Department of Education when required, including but not limited to a provision for additional instructional time per day, are met.
 - (b) Additional time worked by a classified school employee shall be considered as equivalent time to be applied toward the employee's contract and calculation of service credit for classified employees under KRS 78.615 if:
 1. The employee works for a school district with a school calendar approved by the Kentucky Department of Education that contains a provision that additional instructional time per day shall be used to make up full days missed due to an emergency;
 2. The employee's contract requires a minimum six (6) hour work day; and
 3. The employee's job responsibilities and work day are extended when the instructional time is extended for the purposes of making up time.
 - (c) Classified employees who are regularly scheduled to work less than six (6) hours per day and who do not have additional work responsibilities as a result of lengthened student attendance days shall be excluded from the provisions of this subsection. These employees may be assigned additional work responsibilities to make up service credit under KRS 78.615 that would be lost due to lengthened student attendance days.

➔Section 3. KRS 158.649 is amended to read as follows:

- (1) "Achievement gap" means the difference between performance goals and actual performance on each of the tested areas by grade level of the state assessment program for each of the various subgroups of students as described in the Every Student Succeeds Act of 2015, Pub. L. No. 114-95, or its successor, including male and female students, students with and without disabilities, students with and without English proficiency, minority and nonminority students, and students who are eligible for free and reduced lunch and those who are not eligible for free and reduced lunch.
- (2) By October 1 of each year, the Department of Education shall provide each school council, or the principal if a school council does not exist, data on its students' performance as shown by the state assessment program described in KRS 158.6453. The data shall include but not be limited to information on performance levels of all students tested, and information on the performance of students disaggregated by race, gender, disability, English proficiency, and participation in the federal free and reduced price lunch program, and any other subgroups as described in the Every Student Succeeds Act of 2015, Pub. L. No. 114-95, or its successor. The information from the department shall include an equity analysis that shall identify the substantive differences among the various groups of students identified in subsection (1) of this section. Beginning with the 2012-2013 school year, the reporting requirement in this subsection shall be no later than seventy-five (75) days following the first day the assessment can be administered.
- (3) Each local board of education upon the recommendation of the local district superintendent shall adopt a policy for reviewing the academic performance on the state assessments required under KRS 158.6453 for various groups of students, including major racial groups, gender, disability, free and reduced price school lunch eligibility, and limited English proficiency. The local board policy shall be consistent with Kentucky

Board of Education administrative regulations. Upon agreement of the school-based decision making council, or the principal if there is not a council, and the superintendent, the local board shall establish an annual target for each school for reducing identified gaps in achievement as set out in subsection (4) of this section.

- (4) By February 1 of each year, the school-based decision making council, or the principal if there is not a council, with the involvement of parents, faculty, and staff shall set the school's targets for eliminating any achievement gap and submit them to the superintendent for consideration. The superintendent and the school-based decision making council, or the principal if there is not a council, shall agree on the targets before they are submitted to the local board of education for adoption.
- (5) By January 1 of each year, the school council, or the principal if a school council does not exist, with the involvement of parents, faculty, and staff, shall review the data and revise the school improvement plan to include the targets, strategies, activities, and a time schedule calculated to eliminate the achievement gap among various groups of students to the extent it may exist. The plan shall include but not be limited to activities designed to address the following areas:
 - (a) Curriculum alignment within the school and with schools that send or receive the school's students;
 - (b) Evaluation and assessment strategies to continuously monitor and modify instruction to meet student needs and support proficient student work;
 - (c) Professional development to address the goals of the plan;
 - (d) Parental communication and involvement;
 - (e) Attendance improvement and dropout prevention; and
 - (f) Technical assistance that will be accessed.
- (6) The principal shall convene a public meeting at the school to present and discuss the plan prior to submitting it to the superintendent and the local board of education for review, in the public meeting required under KRS 160.340.
- (7) Based on the disaggregated assessment results, the local board shall determine if each school achieved its targets for each group of students. Only data for a group of students including ten (10) or more students shall be considered.
- (8) Notwithstanding KRS 160.345(8) and 158.070(7)~~(8)~~, if a local board determines that a school has not met its target to reduce the identified gap in student achievement for a group of students, the local board shall require the council, or the principal if no council exists, to submit its revisions to the school improvement plan describing the use of professional development funds and funds allocated for continuing education to reduce the school's achievement gap for review and approval by the superintendent. The plan shall address how the school will meet the academic needs of the students in the various groups identified in subsection (1) of this section.
- (9) The superintendent shall report to the local school board and the commissioner of education if a school fails to meet its targets in any academic content area to reduce the gap in student achievement for any student group for two (2) consecutive years. The school's improvement plan shall be subject to review and approval by the Kentucky Department of Education and the school shall submit an annual status report. The Department of Education may provide assistance as defined in KRS 160.346 to schools as it deems necessary to assist the school in meeting its goals.
- (10) The school-based decision making council, or the principal if there is not a council, shall no longer be required to seek approval of the plan under subsections (8) and (9) of this section when it meets its target for reducing the gap in student achievement for the various groups of students identified in subsection (1) of this section.

➔Section 4. This Act may be cited as Wyatt's Act.

➔Section 5. Whereas participation in civics is a vital part of a student's overall education, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 8, 2022.

CHAPTER 169

(HB 502)

AN ACT relating to genetic information.

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

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

(1) *As used in this section:*

- (a) *"Biological sample" means any material part of the human, discharge therefrom, or derivative thereof, such as tissue, blood, urine, or saliva, known to contain deoxyribonucleic acid (DNA);*
- (b) *"Consumer" means an individual who is a resident of the state;*
- (c) 1. *"Direct-to-consumer genetic testing company" means an entity that:*
 - a. *Offers genetic testing products or services directly to a consumer; or*
 - b. *Collects, uses, or analyzes genetic data that resulted from a direct-to-consumer genetic testing product or service and was provided to the company by a consumer.*
- 2. *"Direct-to-consumer genetic testing company" does not include any entity only when they are engaged in collecting, using, or analyzing genetic data or biological samples in the context of research, as defined in 45 C.F.R. sec. 164.501, conducted in accordance with the Federal Policy for the Protection of Human Subjects, 45 C.F.R. pt. 46, the Good Clinical Practice Guideline issued by the International Council for Harmonisation, or the United States Food and Drug Administration Policy for the Protection of Human Subjects under 21 C.F.R. pts. 50 and 56;*
- (d) *"Express consent" means a consumer's affirmative response, or the affirmative response of a consumer's legal guardian, attorney-in-fact, health care surrogate, or authorized representative, to a clear, meaningful, and prominent notice regarding the collection, use, or disclosure of genetic data for a specific purpose;*
- (e) 1. *"Genetic data" means any data, regardless of its format, that concerns a consumer's genetic characteristics and includes but is not limited to:*
 - a. *Raw sequence data that result from a sequencing of a consumer's complete extracted or a portion of the extracted DNA;*
 - b. *Genotypic and phenotypic information that results from analyzing the raw sequence data; and*
 - c. *Self-reported health information that a consumer submits to a company regarding the consumer's health conditions and that is used for scientific research or product development and analyzed in connection with the consumer's raw sequence data.*
- 2. *"Genetic data" does not include deidentified data;*
- (f) *"Genetic testing" means any laboratory test of a consumer's complete DNA, regions of DNA, chromosomes, genes, or gene products to determine the presence of genetic characteristics of a consumer; and*
- (g) *"Person" has the same meaning as KRS 446.010.*

(2) *To safeguard the privacy, confidentiality, security, and integrity of a consumer's genetic data, a direct-to-consumer genetic testing company shall:*

- (a) *Provide clear and complete information regarding the company's policies and procedures for collection, use, or disclosure of genetic data by making available to a consumer:*
 - 1. *A high-level privacy policy overview that includes basic, essential information about the company's collection, use, or disclosure of genetic data; and*
 - 2. *A prominent, publicly available privacy notice that includes, at a minimum, information about the company's data collection, consent, use, access, disclosure, transfer, security, and retention and deletion practices;*

- (b) *Obtain a consumer's consent for collection, use, or disclosure of the consumer's genetic data including, at a minimum:*
1. *Initial express consent that clearly describes the uses of the genetic data collected through the genetic testing product or service, and specifies who has access to test results and how the genetic data may be shared;*
 2. *Separate express consent for transferring or disclosing the consumer's genetic data to any person other than the company's vendors and service providers, or for using genetic data beyond the primary purpose of the genetic testing product or service and inherent contextual uses;*
 3. *Separate express consent for the retention of any biological sample provided by the consumer following completion of the initial testing service requested by the consumer;*
 4. *Informed consent in compliance with the Federal Policy for the Protection of Human Subjects, 45 C.F.R. pt. 46, for transfer or disclosure of the consumer's genetic data to third party persons for research purposes or research conducted under the control of the company for the purpose of publication or generalizable knowledge; and*
 5.
 - a. *Express consent for marketing to a consumer based on the consumer's genetic data; or for marketing by a third party person to a consumer based on the consumer having ordered or purchased a genetic testing product or service.*
 - b. *Marketing does not include the provision of customized content or offers on the Web sites or through the applications or services provided by the direct-to-consumer genetic testing company with the first-party relationship to the customer;*
- (c) *Require valid legal process for disclosing genetic data to law enforcement or any other government agency without a consumer's express written consent;*
- (d) *Develop, implement, and maintain a comprehensive security program to protect a consumer's genetic data against unauthorized access, use, or disclosure; and*
- (e) *Provide a process for a consumer to:*
1. *Access the consumer's genetic data;*
 2. *Delete the consumer's account and genetic data; and*
 3. *Request and obtain the destruction of the consumer's biological sample.*
- (3) *Notwithstanding any other provisions in this section, a direct-to-consumer genetic testing company may not disclose a consumer's genetic data to any entity offering health insurance, life insurance, or long-term care insurance, or to any employer of the consumer without the consumer's written consent.*
- (4) *The Attorney General may bring an action in the name of the Commonwealth, or as parens patriae on behalf of consumers, to enforce this section. In any action brought by the Attorney General to enforce this section, a violation of this section is subject to a civil penalty of the following:*
- (a) *Two thousand five hundred dollars (\$2,500) for each violation of this section;*
 - (b) *The recovery of actual damages incurred by consumers on whose behalf the action was brought; and*
 - (c) *Costs and expenses incurred by the office of the Attorney General.*
- (5) *The disclosure of genetic data pursuant to this section shall comply with all state and federal laws for the protection of privacy and security. This section shall not apply to protected health information that is collected by a covered entity or business associate governed by the privacy, security, and breach notification rules issued by the United States Department of Health and Human Services, 45 C.F.R. pts. 160 and 164, established pursuant to the federal Health Insurance Portability and Accountability Act of 1996, Pub. L. No. 104-191, and the federal Health Information Technology for Economic and Clinical Health Act, Pub. L. No. 111-5.*

➔Section 2. KRS 15.440 is amended to read as follows:

- (1) Each unit of government that meets the following requirements shall be eligible to share in the distribution of funds from the Law Enforcement Foundation Program fund:

- (a) Employs one (1) or more police officers;
- (b) Pays every police officer at least the minimum federal wage;
- (c) Requires all police officers to have, at a minimum, a high school degree, or its equivalent as determined by the council, except that each police officer employed prior to the date on which the officer's police department was included as a participant under KRS 15.410 to 15.510 shall be deemed to have met the requirements of this subsection;
- (d)
 1. Requires all police officers to successfully complete a basic training course of nine hundred twenty-eight (928) hours' duration within one (1) year of the date of employment at a school certified or recognized by the council, which may provide a different number of hours of instruction as established in this paragraph, except that each police officer employed prior to the date on which the officer's police department was included as a participant under KRS 15.410 to 15.510 shall be deemed to have met the requirements of this subsection.
 2. As the exclusive method by which the number of hours required for basic training courses shall be modified from that which is specifically established by this paragraph, the council may, by the promulgation of administrative regulations in accordance with the provisions of KRS Chapter 13A, explicitly set the exact number of hours for basic training at a number different from nine hundred twenty-eight (928) hours based upon a training curriculum approved by the Kentucky Law Enforcement Council as determined by a validated job task analysis.
 3. If the council sets an exact number of hours different from nine hundred twenty-eight (928) in an administrative regulation as provided by this paragraph, it shall not further change the number of hours required for basic training without promulgating administrative regulations in accordance with the provisions of KRS Chapter 13A.
 4. Nothing in this paragraph shall be interpreted to prevent the council, pursuant to its authority under KRS 15.330, from approving training schools with a curriculum requiring attendance of a number of hours that exceeds nine hundred twenty-eight (928) hours or the number of hours established in an administrative regulation as provided by subparagraphs 2. and 3. of this paragraph. However, the training programs and schools for the basic training of law enforcement personnel conducted by the department pursuant to KRS 15A.070 shall not contain a curriculum that requires attendance of a number of hours for basic training that is different from nine hundred twenty-eight (928) hours or the number of hours established in an administrative regulation promulgated by the council pursuant to the provisions of KRS Chapter 13A as provided by subparagraphs 2. and 3. of this paragraph.
 5. KRS 15.400 and 15.404(1) and subparagraphs 1. to 4. of this paragraph to the contrary notwithstanding, the council may, through the promulgation of administrative regulations in accordance with KRS Chapter 13A, approve basic training credit for:
 - a. Years of service credit as a law enforcement officer with previous service in another state; and
 - b. Basic training completed in another state.
 6. KRS 15.400 and 15.404(1) and subparagraphs 1. to 4. of this paragraph to the contrary notwithstanding, the council may, through the promulgation of administrative regulations in accordance with KRS Chapter 13A, approve basic training credit for:
 - a. Completion of eight hundred forty-eight (848) hours of training at a school established pursuant to KRS 15A.070;
 - b. A minimum of fifteen (15) years of experience as a certified law enforcement instructor at a school established pursuant to KRS 15A.070;
 - c. Completion of an average of forty (40) hours of Kentucky Law Enforcement Council approved in-service training annually from January 1, 1997, through January 1, 2020;
 - d. Three (3) years of active, full-time service as a:
 - i. City, county, urban-county, charter county, consolidated local, or unified local government police officer;
 - ii. Sheriff's deputy, excluding special deputies appointed under KRS 70.045;

- iii. Department of Kentucky State Police officer; or
- iv. Kentucky Department of Fish and Wildlife Resources conservation officer exercising peace officer powers under KRS 150.090; and
- e. Completion of the:
 - i. Twenty-four (24) hour legal update Penal Code course;
 - ii. Sixteen (16) hour legal update constitutional procedure course; and
 - iii. Forty (40) hour basic officer skills course within one (1) year prior to applying for certification;
- (e) Requires all police officers to successfully complete each calendar year an in-service training course, appropriate to the officer's rank and responsibility and the size and location of the officer's police department, of forty (40) hours' duration, at a school certified or recognized by the council which may include a four (4) hour course which meets the requirements of paragraph (j) of this subsection. This in-service training requirement shall be waived for the period of time that a peace officer is serving on active duty in the United States Armed Forces. This waiver shall be retroactive for peace officers from the date of September 11, 2001;
- (f) Complies with all provisions of law applicable to police officers or police departments, including transmission of data to the centralized criminal history record information system as required by KRS 17.150 and transmission of reports as required by KRS 15.391;
- (g) Complies with all rules and regulations, appropriate to the size and location of the police department issued by the cabinet to facilitate the administration of the fund and further the purposes of KRS 15.410 to 15.510;
- (h) Possesses a written policy and procedures manual related to domestic violence for law enforcement agencies that has been approved by the cabinet. The policy shall comply with the provisions of KRS 403.715 to 403.785. The policy shall include a purpose statement; definitions; supervisory responsibilities; procedures for twenty-four (24) hour access to protective orders; procedures for enforcement of court orders or relief when protective orders are violated; procedures for timely and contemporaneous reporting of adult abuse and domestic violence to the Cabinet for Health and Family Services, Department for Community Based Services; victim rights, assistance, and service responsibilities; and duties related to timely completion of records;
- (i) Possesses by January 1, ~~2017~~²⁰²³, a written policy and procedures manual related to sexual assault examinations that meets the standards provided by, and has been approved by, the cabinet, and which includes:
 1. A requirement that evidence collected as a result of an examination performed under KRS 216B.400 be taken into custody within five (5) days of notice from the collecting facility that the evidence is available for retrieval;
 2. A requirement that evidence received from a collecting facility relating to an incident which occurred outside the jurisdiction of the police department be transmitted to a police department with jurisdiction within ten (10) days of its receipt by the police department;
 3. A requirement that all evidence retrieved from a collecting facility under this paragraph be transmitted to the Department of Kentucky State Police forensic laboratory within thirty (30) days of its receipt by the police department;
 4. A requirement that a suspect standard, if available, be transmitted to the Department of Kentucky State Police forensic laboratory with the evidence received from a collecting facility; ~~and~~
 5. A process for notifying the victim from whom the evidence was collected of the progress of the testing, whether the testing resulted in a match to other DNA samples, and if the evidence is to be destroyed. The policy may include provisions for delaying notice until a suspect is apprehended or the office of the Commonwealth's attorney consents to the notification, but shall not automatically require the disclosure of the identity of any person to whom the evidence matched; and

6. A requirement that DNA samples collected as a result of an examination performed under KRS 216B.400 that are voluntarily submitted solely for elimination purposes shall not be checked against any DNA index, retained, or included in any DNA index; and

- (j) Requires all police officers to successfully complete by December 31, 2022, and every two (2) years thereafter, a training course certified by the council of not less than four (4) hours in emergency vehicle operation.
- (2) A unit of government which meets the criteria of this section shall be eligible to continue sharing in the distribution of funds from the Law Enforcement Foundation Program fund only if the police department of the unit of government remains in compliance with the requirements of this section.
- (3) Deputies employed by a sheriff's office shall be eligible to participate in the distribution of funds from the Law Enforcement Foundation Program fund regardless of participation by the sheriff.
- (4) Failure to meet a deadline established in a policy adopted pursuant to subsection (1)(i) of this section for the retrieval or submission of evidence shall not be a basis for a dismissal of a criminal action or a bar to the admissibility of the evidence in a criminal action.

➔Section 3. KRS 17.175 is amended to read as follows:

- (1) A centralized database of DNA (deoxyribonucleic acid) identification records for convicted or adjudicated offenders, crime scene specimens, unidentified human remains, missing persons, and close biological relatives of missing persons shall be established in the Department of Kentucky State Police under the direction, control, and supervision of the Department of Kentucky State Police forensic laboratory. The established system shall be compatible with the procedures set forth in a national DNA identification index to ensure data exchange on a national level.
- (2) The purpose of the centralized DNA database is to assist federal, state, and local criminal justice and law enforcement agencies within and outside the Commonwealth in the identification, detection, or exclusion of individuals who are subjects of the investigation or prosecution of sex-related crimes, violent crimes, or other crimes and the identification and location of missing and unidentified persons.
- (3)
 - (a) The Department of Kentucky State Police forensic laboratory shall receive, analyze, and classify DNA samples received from the Department of Corrections, the Department of Juvenile Justice, and other sources, and shall file the DNA results in the centralized databases for law enforcement identification and statistical purposes. The department shall analyze and classify all sexual assault evidence collection kits it receives. In cases where a suspect has been identified, the department may give priority to analysis and classification of sexual assault evidence collection kits where the reference standard for comparison is provided with the kit. Except as provided in paragraph (e) of this subsection, by July 1, 2018, the average completion rate for this analysis and classification shall not exceed ninety (90) days, and by July 1, 2020, the average completion rate for this analysis and classification shall not exceed sixty (60) days.
 - (b) Failure to meet the completion time goals established in paragraph (a) of this subsection shall not be a basis for a dismissal of a criminal action or a bar to the admissibility of evidence.
 - (c) The Department of Kentucky State Police shall, by August 1 of each year, report to the Legislative Research Commission the yearly average completion rate for the immediately preceding five (5) fiscal years.
 - (d) With approval by the secretary of the Justice and Public Safety Cabinet in situations in which an equipment casualty necessitates the expedited acquisition or repair of laboratory equipment required for the analysis of evidence, the acquisition or repair shall be exempt from the Finance and Administration Cabinet's competitive bidding process for both acquisition and repair purposes. Each time the authority granted by this paragraph is used, the equipment acquisition or repair shall be fully documented within thirty (30) days by the agency head in a written or electronic letter to the secretary of the Finance and Administration Cabinet, attached to an ordering or payment document in the state's procurement system, which shall include:
 - 1. An explanation of the equipment acquired or repaired;
 - 2. The name of the vendor selected;
 - 3. The amount of procurement;

4. Other price quotations obtained; and
 5. The basis for selection of the vendor.
- (e) To the extent appropriated funds are insufficient to meet the average completion time goals established in paragraph (a) of this subsection, the Department of Kentucky State Police forensic laboratory shall no longer be required to meet the average completion time goals.
- (4) DNA identification records produced from the samples are not public records but shall be confidential and used only for law enforcement purposes. DNA identification records shall be exempt from the provisions of KRS 61.870 to 61.884.
- (5) *DNA identification records produced from evidence collected as a result of an examination performed under KRS 216B.400 that are voluntarily submitted solely for elimination purposes shall not be checked against or included in the centralized database created pursuant to this section or any other database.*
- (6) A person whose DNA profile has been included in the data bank pursuant to this chapter may request expungement on the grounds that the conviction or adjudication on which the authority for including the DNA profile was based has been reversed and the case dismissed, or that the person successfully completed the pretrial diversion program under KRS 533.258 and the charges were dismissed-diverted. The Department of Kentucky State Police shall expunge all identifiable information in the data bank pertaining to the person and destroy all samples from the person upon receipt of:
- (a) A written request for expungement pursuant to this section; and
 - (b) Either:
 1. A certified copy of the court order reversing and dismissing the conviction or adjudication; or
 2. A certified copy of the court order deeming the charges dismissed-diverted.
- ~~(7)(6)~~ The cabinet shall promulgate administrative regulations necessary to carry out the provisions of the DNA database identification system to include procedures for collection of DNA samples and the database system usage and integrity.
- ~~(8)(7)~~ The Department of Kentucky State Police shall destroy all DNA samples that are not entered into the DNA database identification system.
- ~~(9)(8)~~ Any person who disseminates, receives, or otherwise uses or attempts to use information in the DNA database identification system, knowing that such dissemination, receipt, or use is for a purpose other than authorized by this section, shall be guilty of a Class D felony.
- ➔Section 4. Section 1 of this Act may be cited as the Genetic Information Privacy Act.

Signed by Governor April 8, 2022.

CHAPTER 170

(HB 663)

AN ACT relating to financial disclosures of postsecondary education institutions.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

- (1) (a) *No later than June 30 of each year, the president or chief executive officer of each state institution or independent institution that is licensed or overseen by the Council on Postsecondary Education, and the chair of the governing board of each institution, shall jointly execute a signed, sworn statement attesting to whether the institution:*
1. *Was in sound financial standing with a stable financial base to support the mission of the institution and the scope of its programs and services during the previous fiscal year;*

2. *Underwent an institutional audit for the most recent fiscal year prepared by an independent certified public accountant or appropriate government auditing agency employing the appropriate audit guide during the previous fiscal year; and*
 3. *Has an annual budget for the upcoming fiscal year that is preceded by sound planning, subject to sound fiscal procedures, and approved by the president of the institution and the chair of the governing board.*
- (b) *In executing the statement required by paragraph (a) of this subsection, a president or chief executive officer and chair of the governing board of an institution may reasonably rely upon the representations of an employee of the institution that is responsible for the financial management and accounting of the institution, including the treasurer or chief financial officer of the institution, and external financial service providers.*
- (2) *Each institution shall provide the sworn statement required by subsection (1) of this section to the president of the Council on Postsecondary Education, the chairs of the Budget Review Subcommittee on Education of the Interim Joint Committee on Appropriations and Revenue, and the co-chairs of the Interim Joint Committee on Appropriations and Revenue.*
 - (3) *If an institution fails to provide a statement as required by subsection (2) of this section, the Council on Postsecondary Education shall have the authority to conduct an investigation and request any financial documentation necessary to inform a report on the financial data required by subsection (1) of this section. The council shall report its findings to the chairs of the Budget Review Subcommittee on Education of the Interim Joint Committee on Appropriations and Revenue and the co-chairs of the Interim Joint Committee on Appropriations and Revenue.*

Signed by Governor April 8, 2022.

CHAPTER 171

(HB 636)

AN ACT relating to military affairs.

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

➔Section 1. KRS 36.474 is amended to read as follows:

- (1) During active duty of a regular member of the United States Armed Forces deployed outside the United States who names Kentucky as home of record for military purposes, or any ~~federal active duty of a~~ member of a state National Guard or a Reserve component, who names Kentucky as home of record for military purposes, and for one hundred eighty (180) days following the end of deployment *under Title 10 or 32 of the United States Code or KRS 38.030* ~~[outside the United States or deactivation]~~, as appropriate, trust fund moneys shall be used to support:
 - (a) The person who names Kentucky as home of record for military purposes;
 - (b) The person's Kentucky resident spouse;
 - (c) The person's dependent or dependents; or
 - (d) A group of several members of the military or their families as described in paragraphs (a) to (c) of this subsection.
- (2) An application for a trust fund grant may be filed by the member who names Kentucky as home of record for military purposes or his or her Kentucky resident spouse. The application shall be accompanied by an appropriate authorization to access personnel information contained in the military database Defense Enrollment Reporting System (DEERS) for verification purposes.
- (3) Subject to the availability of trust fund moneys, the adjutant general shall award a grant to an applicant described in paragraphs (a) to (c) of subsection (1) of this section if that person's application is need-based, and the amount of the grant does not exceed the dollar cap established by the board through the promulgation of administrative regulations *under KRS Chapter 13A*. An application shall be need-based if:

- (a) Funds are requested for necessary expenses incurred, or to be incurred. Necessary expenses shall include but not be limited to:
1. Housing;
 2. Utilities;
 3. Groceries;
 4. Health insurance copay; and
 5. Child care;
- (b) The necessary expenses created, or will create, an undue hardship on a person referred to in subsection (1) of this section;
- (c) ~~{The undue hardship is directly related to the member's deployment outside the United States or federal active duty, as appropriate;~~
- ~~(d) —~~ {The applicant does not have reasonable access to any other funding source, whether public or private; and
- ~~(d){(e)}~~ The military family assistance trust fund is the last resort.
- (4) Subject to the availability of trust fund moneys, the adjutant general may expend trust fund money, in amounts ***not to exceed the dollar cap established by the board through the promulgation of administrative regulations under KRS Chapter 13A*** ~~{up to one thousand dollars (\$1,000) per situation and up to ten thousand dollars (\$10,000) per calendar year}~~, to benefit individuals described in ~~{paragraph (d) of}~~ subsection (1)(d) of this section if:
- (a) The individuals have a demonstrated need that affects their health, safety, or well-being; and
 - (b) A majority of the members of the military family assistance trust fund board has approved the expenditure, verbally or in writing.
- (5) Subject to the availability of trust fund moneys, the director of the Kentucky National Guard Family Services Program within the Kentucky Department of Military Affairs may expend trust fund money, in amounts ***not to exceed the dollar cap established by the board through the promulgation of administrative regulations under KRS Chapter 13A*** ~~{up to one thousand dollars (\$1,000) per situation and up to ten thousand dollars (\$10,000) per calendar year}~~, to benefit individuals described in subsection (1) of this section if:
- (a) The individuals have a demonstrated need that affects their health, safety, or well-being; and
 - (b) A majority of the members of the military family assistance trust fund board has approved the expenditure, verbally or in writing.
- (6) Subject to the availability of military family assistance trust fund moneys, the adjutant general shall expend trust fund money to eligible applicants to the Kentucky National Guard Adoption Assistance Program as provided in KRS 36.477. Eligible applicants to the Kentucky National Guard Adoption Assistance Program shall not be subject to the requirements of subsection (1) of this section.
- (7) (a) The adjutant general shall award or decline to award a grant within sixty (60) days of receiving an application.
- (b) If the adjutant general awards or declines to award a grant, he or she shall state in writing the reason for the decision and keep the writing on file.
- (c) If the adjutant general declines to award a grant, he or she shall provide the applicant with a copy of the writing referred to in paragraph (b) of this subsection. In addition, if the adjutant general declines to award a grant due to the availability of public or private funds, the adjutant general shall identify the source of available funds for the applicant and provide assistance with regard to seeking funds from that source.
- (8) ~~{No later than August 15, 2006,}~~ The military family assistance trust fund board shall promulgate ~~{emergency}~~ administrative regulations ***under KRS Chapter 13A*** to carry out the provisions of this ~~Act~~ ~~{section}~~. These ~~{emergency}~~ regulations shall, at a minimum, enhance administrative efficiency and limit the dollar amount that a person may receive in grants per twelve (12) month period.

Signed by Governor April 8, 2022.

CHAPTER 172

(HB 618)

AN ACT relating to elections.

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

➔Section 1. KRS 117.001 is amended to read as follows:

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

- (1) "Audit log" means a detailed record of all actions and events that have occurred on the voting system, including:
 - (a) Log-in attempts with username and time stamp;
 - (b) Election definition and setup;
 - (c) Ballot preparation and results processing;
 - (d) Diagnostics of any type; and
 - (e) Error and warning messages and operator response;
- (2) "Automatic tabulating equipment" means apparatus necessary to automatically examine and count votes as designated on ballots and data processing machines which can be used for counting ballots and tabulating results;
- (3) "Ballot" or "official ballot" means the official presentation of offices and candidates to be voted for, including write-in candidates, and all public questions submitted for determination, and shall include a voting machine ballot, a paper ballot, an absentee ballot, a federal provisional ballot, a federal provisional absentee ballot, or a supplemental paper ballot which has been authorized for the use of voters in any primary, regular election, or special election by the Secretary of State or the county clerk;
- (4) "Ballot box" means any box, bag, or other container that can be locked, sealed, or otherwise rendered tamper-resistant, for receiving ballots;
- (5) "Ballot marking device" means any approved device for marking a ballot which will enable the ballot to be tabulated manually or by means of automatic tabulating equipment;
- (6) "Election" or "elections" means any primary, regular election, or special election;
- (7) *"E-poll book" means an electronic device capable of holding a file of voter data and related information for use in identifying registered voters prior to a voter's receiving or casting a ballot, and allowing a voter to electronically sign in on an electronic registered voter roster in lieu of signing a paper registered voter roster;*
- (8) "Federal provisional voter" means a person:
 - (a) Who does not appear to be registered to vote;
 - (b) Whose name does not appear on the precinct roster;
 - (c) Who has not provided proof of identification to the precinct election officer before voting in a federal election; and
 - (d) Who elects to proceed with voting a federal provisional ballot under KRS 117.229;
- ~~(9)~~~~(8)~~ "Federal provisional ballot" or "federal provisional absentee ballot" means ballots which have been authorized by the Secretary of State or the county clerk to be used by federal provisional voters in any federal primary or election;
- ~~(10)~~~~(9)~~ "Inner envelope" or "secrecy envelope" means the envelope provided to the voter with a ballot into which the voter shall place his or her voted ballot;
- ~~(11)~~~~(10)~~ "Political group" has the same meaning as in KRS 118.015;

- (12)~~(11)~~ "Political organization" has the same meaning as in KRS 118.015;
- (13)~~(12)~~ "Precinct ballot counter" means an automatic tabulating device used at the precinct to tabulate and process ballots;
- (14)~~(13)~~ "Proof of identification" means a document that was issued by:
- (a) The United States or the Commonwealth of Kentucky, and the document contains:
 1. The name of the individual to whom the document was issued; and
 2. A photograph of the individual to whom the document was issued;
 - (b) The United States Department of Defense, a branch of the uniformed services, the Merchant Marine, or the Kentucky National Guard, and the document contains:
 1. The name of the individual to whom the document was issued; and
 2. A photograph of the individual to whom the document was issued;
 - (c) A public or private college, university, or postgraduate technical or professional school located within the United States, and the document contains:
 1. The name of the individual to whom the document was issued; and
 2. A photograph of the individual to whom the document was issued; or
 - (d) Any city government, county government, urban-county government, charter county government, consolidated local government, or unified local government, which is located within this state, and the document contains:
 1. The name of the individual to whom the document was issued; and
 2. A photograph of the individual to whom the document was issued;
- (15)~~(14)~~ "Risk-limiting audit" means an audit protocol that makes use of statistical principles and methods and is designed to limit to acceptable levels the risk of certifying a preliminary election outcome that constitutes an incorrect outcome;
- (16)~~(15)~~ "Voting booth" or "ballot completion area" means an area in which a voter casts his or her vote or completes his or her ballot which is designed to ensure the secrecy of the vote;
- (17)~~(16)~~ "Vote center" means a consolidated precinct of the county;
- (18)~~(17)~~ "Voting equipment" means any physical component of a voting system and includes voting machines where voting machines are in operation;
- (19)~~(18)~~ "Voting machine" or "machine":
- (a) Means a part of a voting system that consists of:
 - 1.~~(a)~~ A direct recording electronic voting machine that:
 - a.~~1~~ Records votes by means of a ballot display provided with mechanical or electro-operated components that may be actuated by the voter;
 - b.~~2~~ Processes the data by means of a computer program;
 - c.~~3~~ Records voting data and ballot images in internal and external memory components; and
 - d.~~4~~ Produces a tabulation of the voting data stored in a removable memory component and on a printed copy; or
 - 2.~~(b)~~ One (1) or more electronic devices that operate independently or as a combination of a ballot marking device and an electronic or automatic vote tabulation device; **and**
 - (b) **Does not include an e-poll book;**
- (20)~~(19)~~ "Voting system" ~~means~~:
- (a) **Means** the total combination of physical, mechanical, electromechanical, or electronic equipment, including the software, hardware, firmware, and documentation required to program, control, and support that equipment, that is used to:

1. Define ballots;
 2. Cast and count votes;
 3. Report or display election results; and
 4. Maintain and produce any audit trail information;~~{and}~~
- (b) **Includes** the practices and associated documentation used to:
1. Identify system components and versions of those components;
 2. Test the system during its development and maintenance;
 3. Maintain records of system errors and defects;
 4. Determine specific system changes to be made to a system after the initial qualification of the system;~~{and}~~
 5. Make available any materials to the voter, such as notices, instructions, forms, or paper ballots; and

(c) **Does not include an e-poll book; and**

~~(21)~~~~(20)~~ "Voter-verified paper audit trail" means a contemporaneous paper record of a ballot printed for the voter to confirm his or her votes before the voter casts his or her ballot that:

- (a) Allows the voter to verify the voter's ballot choices before the casting of the voter's ballot;
- (b) Is not retained by the voter;
- (c) Does not contain individual voter information;
- (d) Is produced on paper that is sturdy, clean, and resistant to degradation; and
- (e) Is readable in a manner that makes the voter's ballot choices obvious to the voter or any person without the use of computer or electronic code.

➔Section 2. KRS 117.025 is amended to read as follows:

- (1) The State Board of Elections shall appoint an executive director, who shall be the chief administrative officer for the board. The board shall also appoint an assistant director, who shall be of a different political party than the director. The salaries of the director and the assistant director shall be set by the board.
- (2) The State Board of Elections shall employ, on a bipartisan basis, a staff sufficient to carry out the duties assigned to the board, including legal counsel and a training officer to provide assistance to the county clerks and the county boards of elections in their training of precinct election officers.
- (3) The board shall:
 - (a) Maintain a complete roster of all qualified registered voters within the state by county and precinct, and institute appropriate safeguards to ensure that there is no inappropriate use of the voter registration roster. State and local election officials, including the Secretary of State, employees of the Secretary, and members of the State Board of Elections and their staff, shall only use the voter registration roster for purposes relevant to their prescribed duties of election administration. The Secretary of State, and two (2) employees of the Secretary, who may be designated by the Secretary with explicit written authority and notification to the board, shall have electronic access to the information contained within the voter registration roster, but shall not correct, alter, or delete information from the voter registration roster, unless having obtained prior approval by a majority of the voting members of the board;
 - (b) For each primary, furnish each county clerk with a master list of all registered voters in the county, together with three (3) signature rosters of all registered voters in each precinct of the county according to party affiliation, and two (2) lists of all registered voters in each precinct of the county at least **eighteen (18)**~~{five (5)}~~ days prior to each primary;
 - (c) For each regular election, furnish each county clerk with a master list of all registered voters in the county, together with one (1) signature roster of all registered voters in each precinct of the county on which each voter's party affiliation is identified, and two (2) lists of all registered voters in each precinct of the county at least **eighteen (18)**~~{five (5)}~~ days prior to each regular election;

- (d) *Select the required format for any voter registration list provided to a county clerk including those intended for use in an e-poll book product;*
- (e) Maintain all information furnished to the board relating to the inclusion or deletion of names from the rosters for four (4) years;
- ~~(f)(e)~~ Furnish, at a reasonable price, the state central executive committee of each political party qualifying under KRS 118.015 monthly data of all additions, deletions and changes of registration in each precinct of each county and the state central executive committee shall furnish a county listing to each of the county executive committees of each political party;
- ~~(g)(f)~~ Purchase, lease or contract for the use of equipment necessary to properly carry out its duties under the provisions of this chapter and KRS Chapters 116 and 118;
- ~~(h)(g)~~ Secure information from any source which may assist the board in carrying out the purposes of this section;
- ~~(i)(h)~~ Furnish at a reasonable price any and all precinct lists to duly qualified candidates, political party committees or officials thereof, or any committee that advocates or opposes an amendment or public question. The State Board of Elections may also furnish the precinct lists to other persons at the board's discretion, at a reasonable price to be determined by the board. The board shall not furnish precinct lists to persons who intend to use the lists for commercial use; and
- ~~(j)(i)~~ Be responsible for oversight of board personnel, including hiring, investigations, disciplinary actions, promotions, and other like actions subject to KRS Chapter 18A.

➔Section 3. KRS 117.379 is amended to read as follows:

- (1) (a) Any person or corporation owning, manufacturing, or selling any voting system *or e-poll book product*, may request the State Board of Elections to examine the voting system *or e-poll book product*. Before requesting an examination or reexamination, any person, persons, or corporation shall pay to the State Treasurer a nonrefundable deposit of five hundred dollars (\$500) and submit a test report from an independent testing authority approved by the State Board of Elections.
 - (b) *If the report concerns a voting system*, the report shall demonstrate that the voting system meets all Election Assistance Commission ~~[voting system]~~ standards. Notwithstanding any other provision of law to the contrary, if these *Election Assistance Commission* ~~[voting system]~~ standards have been amended less than thirty-six (36) months prior to the request for examination under this subsection, the State Board of Elections may approve and certify a voting system that meets the prior standards after determining:
 - 1. ~~(a)~~ The effect that such approval would have on the integrity and security of elections; and
 - 2. ~~(b)~~ The procedure and cost involved to bring the voting system into compliance with the amended standards.
 - (c) The State Board of Elections may, at any time, reexamine any voting system *or e-poll book product* already approved. The State Board of Elections shall approve or disapprove any voting system *or e-poll book product* within sixty (60) days after the date of its initial submission. Any or all costs associated with the voting system *or e-poll book product* being examined or reexamined shall be paid to the State Treasurer by the person or corporation once the approval or disapproval ~~[of the voting machine]~~ is complete.
- (2) (a) Upon receipt of a request for examination or reexamination of a voting system *or e-poll book product*, the State Board of Elections shall require that such voting system *or e-poll book product* be examined or reexamined by three (3) examiners. The State Board of Elections shall appoint one (1) examiner who is an expert in computer science, ~~[or]~~ voting systems, *or e-poll book products, whichever is applicable*; one (1) person who is knowledgeable in election procedures, election security, and election law in Kentucky; and one (1) person who is a present or former county clerk. The three (3) examiners shall submit one (1) written report on each voting system *or e-poll book product*, examined or reexamined, to the State Board of Elections. The members of the State Board of Elections shall also examine or reexamine the voting system *or e-poll book product*.
 - (b) A voting system shall be approved and certified if the examiners' report states that the voting system meets all the requirements of KRS 117.125 and applicable federal law, and the State Board of Elections finds that the voting system meets all of the requirements of KRS 117.125 and applicable federal law.

- (c) *Beginning September 1, 2022, an e-poll book product shall be approved and certified if the examiners' report and the State Board of Elections find that the e-poll book product meets the certification requirements promulgated by the State Board of Elections pursuant to KRS Chapter 13A and applicable federal law.*
- (d) *Each report and letter of approval pertaining to a voting system or an e-poll book product* ~~(The report and a letter of approval)~~ shall be filed in the office of the State Board of Elections.
- (3) Any voting system *or e-poll book product* not approved by the State Board of Elections shall not be used at any primary, *regular election*, or *special* election.
- (4) When a voting system *or e-poll book product* has been approved, any improvement or changes in the voting system *or e-poll book product* shall render necessary the examination or approval of such voting system or improvement.
- (5) Neither the members of the State Board of Elections, nor any examiner appointed by the State Board of Elections, nor any member of a county board of elections shall have any pecuniary interest in any voting system *or e-poll book product*.
- (6) Each examiner appointed by the State Board of Elections shall receive fair compensation to be established by the State Board of Elections.
- (7) *An e-poll book product approved under this section shall not be used in any primary, regular election, or special election held before May 11, 2023.*

➔Section 4. KRS 117.115 is amended to read as follows:

The legislative body of any county, urban-county government, charter county, consolidated local government, or unified local government may select, in its discretion, any type and make of voting system *or e-poll book product* that complies with the specifications and requirements of this chapter. The legislative body may employ engineers and other skilled persons to advise and aid in the selection of voting systems *or e-poll book products* and in determining compliance with the specifications and requirements of this chapter.

Signed by Governor April 8, 2022.

CHAPTER 173

(HB 669)

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

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

➔Section 1. KRS 353.510 is amended to read as follows:

As used in KRS 353.500 to 353.720, unless the context otherwise requires:

- (1) "Department" means the Department for Natural Resources;
- (2) "Commissioner" means the commissioner of the Department for Natural Resources;
- (3) "Director" means the director of the Division of Oil and Gas as provided in KRS 353.530;
- (4) "Commission" means the Kentucky Oil and Gas Conservation Commission as provided in KRS 353.565;
- (5) "Person" means any natural person, corporation, association, partnership, receiver, governmental agency subject to KRS 353.500 to 353.720, trustee, so-called common-law or statutory trust, guardian, executor, administrator, or fiduciary of any kind, federal agency, state agency, city, commission, political subdivision of the Commonwealth, or any interstate body;
- (6) "Correlative rights" means the reasonable opportunity of each person entitled thereto to recover and receive or receive, without waste, the oil and gas in and under or produced from a tract or tracts in which the person owns or controls an interest, or proceeds thereof;

- (7) "Oil" means natural crude oil or petroleum and other hydrocarbons, regardless of gravity, which are produced at the well in liquid form by ordinary production methods and which are not the result of condensation of gas after it leaves the underground reservoir;
- (8) "Gas" means all natural gas, including casinghead gas, and all other hydrocarbons not defined in subsection (7) of this section as oil;
- (9) "Pool" means:
- (a) An underground reservoir containing a common accumulation of oil or gas or both; or
 - (b) An area established by the department or the commission as a pool.
- Each productive zone of a general structure which is completely separated from any other zone in the structure, or which for the purpose of KRS 353.500 to 353.720 may be so declared by the department, is covered by the word "pool";
- (10) "Field" means the general area which is underlaid or appears to be underlaid by at least one (1) pool; and "field" includes the underground reservoir containing oil or gas or both. The words "field" and "pool" mean the same thing when only one (1) underground reservoir is involved; however, "field," unlike "pool," may relate to two (2) or more pools;
- (11) "Just and equitable share of production" means, as to each person, an amount of oil or gas or both substantially equal to the amount of recoverable oil and gas in that part of a pool underlying his tract or tracts;
- (12) "Abandoned," when used in connection with a well or hole, means a well or hole which has never been used, or which, in the opinion of the department, will no longer be used for the production of oil or gas or for the injection or disposal of fluid therein;
- (13) "Workable bed" means:
- (a) A coal bed actually being operated commercially;
 - (b) A coal bed that the department decides can be operated commercially and the operation of which can reasonably be expected to commence within not more than ten (10) years; or
 - (c) A coal bed which, from outcrop indications or other definite evidence, proves to the satisfaction of the commissioner to be workable, and which, when operated, will require protection if wells are drilled through it;
- (14) "Well" means a borehole:
- (a) Drilled or proposed to be drilled for the purpose of producing gas or oil;
 - (b) Through which gas or oil is being produced; or
 - (c) Drilled or proposed to be drilled for the purpose of injecting any water, gas, or other fluid therein or into which any water, gas, or other fluid is being injected;
- (15) "Shallow well" means any well drilled and completed at a depth of six thousand (6,000) feet or less except, in the case of any well drilled and completed east of longitude line 84 degrees 30'; shallow well means any well drilled and completed at a depth of six thousand (6,000) feet or above the base of the lowest member of the Devonian Brown Shale, whichever is the deeper in depth;
- (16) "Deep well" means any well drilled and completed below the depth of six thousand (6,000) feet or, in case of a well located east of longitude line 84 degree 30', a well drilled and completed at a depth below six thousand (6,000) feet or below the base of the lowest member of the Devonian Brown Shale, whichever is deeper;
- (17) "Operator" means:
- (a) For a deep well, any owner of the right to develop, operate, and produce oil and gas from a pool and to appropriate the oil and gas produced therefrom, either for himself or for himself and others. In the event that there is no oil and gas lease in existence with respect to the tract in question, the owner of the oil and gas rights therein shall be considered as the royalty owner to the extent of the prevailing royalty in the oil and gas in that portion of the pool underlying the tract owned by the owner, and as operator as to the remaining interest in such oil and gas. In the event the oil is owned separately from the gas, the owner of the right to develop, operate, and produce the substance being produced or sought to be produced from the pool shall be considered as "operator" as to such pool; and

- (b) For a shallow well, any owner of the right to develop, operate, and produce oil and gas from a pool and to appropriate the oil and gas therefrom, either for himself or herself, or for himself or herself and others. If there is no oil and gas lease in existence with respect to the tract in question, the owner of the oil and gas rights therein shall be considered as operator to the extent of seven-eighths (7/8) of the oil and gas in that portion of the pool underlying the tract owned by the owner, and as a royalty owner as to the one-eighth (1/8) interest in the oil and gas. If the oil is owned separately from the gas, the owner of the right to develop, operate, and produce the substance being produced or sought to be produced from the pool shall be considered as operator as to the pool;
- (18) "Royalty owner" means any owner of oil and gas in place, or oil and gas rights, to the extent that the owner is not an operator as defined in subsection (17) of this section;
- (19) "Drilling unit" generally means the maximum area in a pool which may be drained efficiently by one (1) well so as to produce the reasonable maximum oil or gas reasonably recoverable in the area. Where the regulatory authority has provided rules for the establishment of a drilling unit and an operator, proceeding within the framework of the rules so prescribed, has taken the action necessary to have a specified area established for production from a well, the area shall be a drilling unit;
- (20) "Underground source of drinking water" means those subsurface waters identified as in regulations promulgated by the department which shall be consistent with the definition of underground source of drinking water in regulations promulgated by the Environmental Protection Agency pursuant to the Safe Drinking Water Act, 42 U.S.C. secs. 300(f) et seq.;
- (21) "Underground injection" means the subsurface emplacement of fluids by well injection but does not include the underground injection of natural gas for purposes of storage;
- (22) "Endangerment of underground sources of drinking water" means underground injection which may result in the presence in underground water, which supplies or can reasonably be expected to supply any public water system, of any contaminant and if the presence of the contaminant may result in the system's not complying with any national primary drinking water regulation or may otherwise adversely affect the health of persons;
- (23) "Class II well" means wells which inject fluids:
- (a) Which are brought to the surface in connection with conventional oil or natural gas production and may be commingled with waste waters from gas plants which are an integral part of production operations, unless those waters are classified as a hazardous waste at the time of injection;
 - (b) For enhanced recovery of oil or natural gas; and
 - (c) For storage of hydrocarbons which are liquid at standard temperature and pressure;
- (24) "Fluid" means any material or substance which flows or moves whether in a semisolid, liquid, sludge, gas, or any other form or state;
- (25) "Horizontal well" means a well, the wellbore of which is initially drilled on a vertical or directional plane and which is curved to become horizontal or nearly horizontal, in order to parallel a particular geological formation and which may include multiple horizontal or stacked laterals;
- (26) "Vertical well" means a well, the wellbore of which is drilled on a vertical or directional plane into a formation and is not turned or curved horizontally to allow the wellbore additional access to the oil and gas reserves in the formation;
- (27) "Prevailing royalty" means the royalty rate or percentage that the department or the commission determines is the royalty most commonly applicable with regard to the tract or unit in the issue. The royalty rate set by the department or the commission shall not be less than one-eighth (1/8) or twelve and one-half percent (12.5%);
- (28) "Best management practices" means demonstrated practices intended to control site runoff and pollution of surface water and groundwater to prevent or reduce the pollution of waters of the Commonwealth;
- (29) "Abandoned storage tank facility" means any aboveground storage tank or interconnected grouping of tanks that is no longer being actively used and maintained in conjunction with the production and storage of crude oil or produced water;
- (30) "Spill prevention, control, and countermeasure structures" means containment structures constructed around a storage facility to contain facility discharges;

- (31) "Landowner" means any person who owns real property where an abandoned storage tank facility is currently located;
- (32) "Chemical Abstracts Service" means the division of the American Chemical Society that is the globally recognized authority for information on chemical substances;
- (33) "Chemical abstracts service number" means the unique identification number assigned to a chemical by the Chemical Abstracts Service;
- (34) "Chemical" means any element, chemical compound, or mixture of elements or compounds that has its own specific name or identity, such as a chemical abstracts service number;
- (35) "Chemical disclosure registry" means the chemical registry known as FracFocus developed by the Groundwater Protection Council and the Interstate Oil and Gas Compact Commission. If that registry becomes permanently inoperable, the chemical disclosure registry shall mean another publicly accessible Web site that is designated by the commissioner;
- (36) "Division" means the Kentucky Division of Oil and Gas;
- (37) "Emergency spill or discharge" means an uncontrolled release, spill, or discharge associated with an oil or gas well or production facility that has an immediate adverse impact to public health, safety, or the environment as declared by the secretary of the cabinet;
- (38) "Health professional" means a physician, physician assistant, nurse practitioner, registered nurse, or emergency medical technician licensed by the Commonwealth of Kentucky;
- (39) "High-volume horizontal fracturing treatment" means the stimulated treatment of a horizontal well by the pressurized application of more than eighty thousand (80,000) gallons of water, chemical, and proppant, combined for any stage of the treatment or three hundred twenty thousand (320,000) gallons in the aggregate for the treatment used to initiate or propagate fractures in a geological formation for the purpose of enhancing the extraction or production of oil or natural gas;
- (40) "Proppant" means sand or any natural or man-made material that is used in a hydraulic fracturing treatment to prop open the artificially created or enhanced fractures once the treatment is completed;
- (41) "Total water volume" means the total quantity of water from all sources used in a high-volume hydraulic fracturing treatment;
- (42) "Trade secret" means information concerning the volume of a chemical or relative concentration of chemicals used in a hydraulic fracturing treatment that:
- (a) Is known only to the hydraulic fracturing treatment's owners, employees, former employees, or persons under contractual obligation to hold the information in confidence;
 - (b) Has been perfected and appropriated by the exercise of individual ingenuity which gives the hydraulic fracturing treatment's owner an opportunity to retain or obtain an advantage over competitors who do not know the information; and
 - (c) Is not required to be disclosed or otherwise made available to the public under any federal or state law or administrative regulation;
- (43) "Cabinet" means the Energy and Environment Cabinet;
- (44) "Stratigraphic test well" means an exploratory borehole drilled for the sole purpose of acquiring subsurface geological and structure test data;
- (45) "Notice" means the sending of certified mail to the last known address. The date of delivery shall be the earlier of the date shown on the certified mail return receipt or the date thirty (30) days after the date shown on the postal service proof of mailing. For the purposes of KRS 353.620, 353.630, 353.640, and 353.700, any unknown or nonlocatable owner shall be deemed to have received notice, provided that the person giving the notice has caused to be published, no more than thirty (30) days prior to the submission of an application or order issued pursuant to an application, one (1) notice in the newspaper of the largest circulation in each county in which any tract, or portion thereof, affected or proposed to be affected, is located. The applicant shall provide a copy of the published notification to the director within twenty (20) days of the date of publication. The notice shall:
- (a) State, as applicable, that an application is being filed with the division or that an order has been issued pursuant to an application filed with the division;

- (b) Describe any tract, or portion thereof, affected or proposed to be affected;
 - (c) In the case of an unknown owner, identify the name of the last known owner;
 - (d) In the case of a nonlocatable owner, identify the owner and the owner's last known address; and
 - (e) State that any party claiming an interest in any tract, or portion thereof, affected or proposed to be affected, shall contact the operator at the published address;
- (46) (a) "Control person" means a person who:
- 1. Has the ability to commit the financial or real property assets or working resources of an entity to comply with this chapter and the administrative regulations promulgated hereunder with respect to the operations of a well or the manner in which a well is operated;
 - 2. Has any other relationship that gives that person authority to determine the manner in which a well is operated, plugged, and abandoned. This includes a rebuttable presumption that an ineligible person is directing the actions of his or her spouse or child who files an application;
 - 3. Is an officer, director, or general partner of an entity; or
 - 4. Has an ownership interest in an entity equaling or exceeding fifty percent (50%), except that the cabinet may determine that a person has controlling interest in an entity with less than fifty percent (50%) ownership.
- (b) Unless the person is determined to qualify under paragraph (a) of this subsection, "control person" does not include:
- 1. An independent third-party service company;
 - 2. A contract operator;
 - 3. A well tender or pumper;
 - 4. The owner of a non-operated undivided working interest;
 - 5. A limited partner;
 - 6. A unitholder in a limited liability company; or
 - 7. Any other person who by virtue of a joint operating agreement, entity governance agreement, or other contractual relationship does not have the right to control the manner in which a well is operated and plugged and abandoned;
- (47) "Eligible well" means:
- (a) An orphan well; or
 - (b) Any abandoned well that poses an imminent threat to human health, safety, or the environment; and
- (48) "Orphan well" means any oil or gas well, *as defined in subsection (14) of this section*, which has been determined by the cabinet to be improperly abandoned or improperly closed, and that ~~is~~
- ~~(a) 1. Predates the state oil and gas permitting requirements enacted on June 16, 1960; or~~
 - ~~2. Has no known history of permitting or bonding under any state regulatory program; and~~
 - ~~(b) 1. }has no known owner or operator with continuing legal responsibility, {;}~~ or
 - ~~{2. }all owners or operators with continuing legal responsibility for the well are determined to be financially insolvent following a reasonable investigation conducted by the cabinet.~~
- ➔Section 2. KRS 353.562 is amended to read as follows:
- (1) (a) There is hereby created the Kentucky Abandoned Storage Tank and Orphan Well Reclamation Program. The purpose of the program is to:
- 1. **Remediate and** reclaim abandoned storage tanks;
 - 2. Properly plug and abandon eligible wells; and
 - 3. Address imminent threats to human health, safety, or the environment posed by oil and gas facilities located in the Commonwealth.

- (b) Reclamation of abandoned storage tank facilities and eligible wells under the program shall include:
 - 1. Removing necessary well and tank infrastructure;
 - 2. Proper plugging and abandonment of eligible wells;
 - 3. Proper abandonment of tanks posing an imminent threat to human health, safety, or the environment;
 - 4. Implementation of best management practices at sites associated with eligible wells or abandoned storage tank facilities; or
 - 5. Removing primary and secondary sources of contamination of the land, air, and water.
 - (c) Orphan wells and abandoned storage tank facilities determined by the cabinet to be eligible for plugging, removal, reclamation, and clean up funds from the Kentucky abandoned storage tank and orphan well reclamation fund shall be addressed in accordance with this section and KRS 353.561, 353.563, and 353.564.
- (2) The Kentucky abandoned storage tank and orphan well reclamation fund is hereby created as an interest-bearing, restricted, agency account. The fund shall be administered by the cabinet. Interest credited to the account shall be retained in the account. Notwithstanding KRS 45.229, any moneys remaining in the fund at the close of the fiscal year shall not lapse but shall be carried forward into the succeeding fiscal year to be used for the purposes authorized and set forth in this section and KRS 353.561, 353.563, and 353.564.
- (3) The fund established in subsection (2) of this section may utilize and expend funds as authorized by the biennial budget.
- (4) Moneys in the fund shall be for carrying out the purpose provided in subsection (1) of this section, including any administrative costs incurred by the cabinet during the implementation of this section and KRS 353.561, 353.563, and 353.564. The fund may receive moneys from federal and state grants or appropriations, and from any other proceeds received for the purposes of this section and KRS 353.561, 353.563, and 353.564. *Separate accounts may be established within the fund to segregate moneys received and expended for different programs operated by the Kentucky Abandoned Storage Tank and Orphan Well Reclamation Program.*
- (5) (a) Funds may be expended for costs incurred in the:
- 1. **Remediation and** reclamation of abandoned storage tank facilities;
 - 2. Proper plugging, **remediation**, reclamation, and abandonment of eligible wells; or
 - 3. Proper **remediation**, reclamation, and abandonment of abandoned storage tank facilities posing an imminent threat.
- (b) These funds may be expended in accordance with this section and after the cabinet determines that:
- 1. The well qualifies as an eligible well as defined in KRS 353.510;
 - 2. There is no person identified or found with continuing legal responsibility for the abandoned storage tank facility; or
 - 3. Reclamation or remedial measures are necessary to respond to an imminent threat to human health, safety, or the environment, posed by an abandoned storage tank facility or improperly abandoned well.
- (6) Reclamation measures paid for by the fund shall include the following:
- (a) Removal and disposal of abandoned storage tank facilities;
 - (b) Reclamation of lands affected by abandoned storage tank facilities, including:
 - 1. Proper removal or abandonment of flow lines;
 - 2. Removal or treatment of contaminated soil to no more than three (3) feet in depth;
 - 3. Elimination of all berms, dikes, and other structures utilized as spill prevention, control, and countermeasure structures;
 - 4. Grading, stabilization, and seeding of the surface where the tank or tank battery was located; and

5. Implementation of best management practices at sites associated with abandoned storage facilities; and
- (c) Reclamation of lands affected by eligible wells, including:
 1. Proper removal or abandonment of flow lines;
 2. Removal and disposal of surface production equipment;
 3. Grading, stabilization, and seeding of the surface where the well was located;
 4. Implementation of best management practices at sites associated with eligible wells; and
 5. Removal or treatment of contaminated soil to no more than three (3) feet in depth.
- (7) If during the course of removing and reclaiming an abandoned storage tank facility or plugging and reclaiming an eligible well, the division observes evidence of soil contamination below three (3) feet depth, the division shall consult with the Department for Environmental Protection to determine whether further action is necessary to protect public health and the environment. Nothing contained in this section shall be construed to obligate the fund to provide additional moneys for removal or treatment of contaminated soil other than provided in subsection (6)(b)2. and (c)5. of this section.
- (8) Any person performing reclamation measures pursuant to this section shall comply with applicable local, state, and federal laws and regulations.
- (9) The cabinet shall have the authority to:
 - (a) Contract for services provided by and engage in cooperative projects with other government agencies or private parties in the furtherance of any remedial or reclamation project authorized and undertaken pursuant to this section and KRS 353.561, 353.563, and 353.564;
 - (b) Enter into agreements with those government agencies or private parties to compensate those agencies and private parties with funds from the account; and
 - (c) Accept and deposit into *separate accounts within* the fund any federal, state, and other funds for the purposes of *subsection (10) of this section and* KRS 353.561, 353.563, and 353.564.
- (10) ***Moneys received by the Commonwealth from the Infrastructure Investment and Jobs Act, Pub. L. No. 117-58, shall be placed into a separate account within the fund to administer and award contracts which are committed to and issued for the purposes of Pub. L. No. 117-58 and any federal rules and guidance issued pursuant thereto. Moneys received by the Commonwealth under Pub. L. No. 117-58:***
 - (a) *May be used for the plugging and abandonment of wells and the remediation and reclamation of associated pipelines, facilities, and infrastructure eligible for funding under this section; and*
 - (b) *Shall be maintained and expended in a manner as provided by any federal rules and guidance issued pursuant to Pub. L. No. 117-58.*
- (11) ***Except for the modification allowed for initial grants in subsection (12) of this section, the number of eligible wells in the vendor's scope of work for contracts issued pursuant to subsection (10) and this section for all grant types established under Pub. L. No. 117-58 shall be limited as follows:***
 - (a) *One-third (1/3) of the contracts issued in a twelve (12) month period shall be limited to no more than ten (10) wells;*
 - (b) *One-third (1/3) of the contracts issued in a twelve (12) month period shall be limited to no more than twenty-five (25) wells; and*
 - (c) *One-third (1/3) or the remaining contracts issued within a twelve (12) month period shall not have a limit on the number of wells in the scope of work.*
- (12) ***The cabinet may adjust the number of wells within a bid package issued pursuant to subsections (10) and (11) of this section as needed in order to comply with any deadlines imposed under Pub. L. No. 117-58 for initial grants, provided that the overall percentages required in subsection (11) of this section are achieved at the end of each twelve (12) month period.***
- (13) ***As used in this section, "grant types" means the initial, formula, and performance grant categories that states can use to apply for moneys to clean up orphan wells described in the December 17, 2021, guidance to states issued by the United States Department of the Interior.***

➔Section 3. Whereas the Commonwealth is eligible for federal funding to properly close and clean up orphaned wells and well sites, and because many of these well sites have degrading infrastructure that can harm public health, safety, and the environment, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 8, 2022.

CHAPTER 174

(HB 708)

AN ACT relating to the public assistance benefits cliff.

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

➔Section 1. (1) The Cabinet for Health and Family Services shall develop a proposal to make a benefits cliff calculator and online job postings database available to the general public and to all individuals and families, including authorized representatives, applying or reapplying for public assistance benefits administered by the cabinet under KRS Chapters 199 and 205. The proposal shall:

(a) Be submitted to the Legislative Research Commission for distribution to the appropriate interim joint committees and to the task force established in Sections 2 to 6 of this Act no later than September 1, 2022; and

(b) Include but not be limited to information regarding:

1. Estimated costs;
2. A projected timeline for implementation of the proposal;
3. Potential partner organizations or third parties that may assist in the development or implementation of the benefits cliff calculator or the online job postings database;
4. How public assistance beneficiaries or their authorized representatives may use the benefits cliff calculator and job postings database to make informed decisions regarding public assistance benefits, wage increases, and employment opportunities; and
5. Effective methods for how the cabinet will make the benefits cliff calculator and online job postings database available to all individuals and families, including authorized representatives, applying or reapplying for public assistance benefits.

(2) As used in this section, "benefits cliff calculator" means an interactive, digital tool that allows recipients of public assistance benefits administered by the Cabinet for Health and Family Services under KRS Chapters 199 and 205 to assess and understand the potential impacts, including reduction in benefits or loss of eligibility, of changes to income or employment.

➔Section 2. The Legislative Research Commission shall establish the Benefits Cliff Task Force to review the impact of the public assistance benefits cliff on labor force participation, employment, wages, and benefit duration and usage in the Commonwealth and to develop public policy recommendations to support working families in transitioning off of public assistance into gainful employment and self-sufficiency.

➔Section 3. The duties of the Benefits Cliff Task Force shall include but are not limited to:

- (1) Studying how the benefits cliff affects:
 - (a) Financial, employment, and career decisions made by public assistance beneficiaries in the Commonwealth;
 - (b) Labor force participation, employment, wages, education, health, and poverty in the Commonwealth; and
 - (c) The ability of businesses to hire and promote workers;
- (2) Studying the eligibility rules and income thresholds for current public assistance programs administered by the Cabinet for Health and Family Services;

(3) Studying the fiscal impact of the benefits cliff on state finances and identifying budgetary impacts of addressing the benefits cliff;

(4) Studying the interconnectedness of the benefits cliff across multiple layers of government and other support networks;

(5) Studying the awareness of the benefits cliff among public assistance beneficiaries, government agencies and programs, the nonprofit sector, the business community, and the general public;

(6) Evaluating policies and proposals, including the proposal submitted by the Cabinet for Health and Family Services pursuant to Section 1 of this Act, and best practices in other states, academia, and the think tank sector that aim to assist individuals in transitioning off of public assistance into gainful employment and self-sufficiency; and

(7) Making recommendations that seek to eliminate the benefits cliff as a barrier to work, career advancement, and self-sufficiency and to reduce benefit duration and dependency in the Commonwealth.

➔Section 4. The Benefits Cliff Task Force shall be composed of the following members, with final membership of the task force being subject to the consideration and approval of the Legislative Research Commission:

(1) Two members of the House of Representatives appointed by the Speaker of the House of Representatives, one of whom shall be designated by the Speaker of the House of Representatives as a co-chair of the task force;

(2) One member of the House of Representatives appointed by the Minority Floor Leader of the House of Representatives;

(3) Two members of the Senate appointed by the President of the Senate, one of whom shall be designated by the President of the Senate as a co-chair of the task force;

(4) One member of the Senate appointed by the Minority Floor Leader of the Senate;

(5) The secretary of the Cabinet for Health and Family Services or designee;

(6) The secretary of the Education and Workforce Development Cabinet or designee;

(7) The president and chief executive officer of the Kentucky Chamber of Commerce or designee;

(8) The executive director of the Kentucky League of Cities or designee; and

(9) The executive directors, or their designees, of four Kentucky-based nonprofit organizations whose missions are focused on serving low-income persons, with two selected by the President of the Senate and two selected by the Speaker of the House of Representatives.

➔Section 5. The Benefits Cliff Task Force shall meet at least monthly during the 2022 Interim of the General Assembly and shall submit its findings and recommendations to the Legislative Research Commission for referral to the appropriate committee or committees by December 1, 2022.

➔Section 6. The provisions of Sections 2 to 5 of this Act to the contrary notwithstanding, the Legislative Research Commission shall have the authority to alternatively assign the issues identified therein to an interim joint committee or subcommittee thereof, and to designate a study completion date. Sections 2 to 5 of this Act shall have the legal status of a House Concurrent Resolution.

Signed by Governor April 8, 2022.

CHAPTER 175

(HB 730)

AN ACT relating to medical transports and admissions.

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

➔Section 1. KRS 210.300 is amended to read as follows:

- (1) The secretary of the Cabinet for Health and Family Services shall ~~promulgate administrative~~~~prescribe from time to time, by~~ regulations ***no later than October 1, 2022, in accordance with KRS Chapter 13A establishing*** ~~for the designation of~~ hospital districts, for the purpose of determining to which of the state institutions ***or contracted hospitals*** for the mentally ill the persons admitted from each county shall initially be sent.
- (2) ***In establishing the hospital districts under subsection (1) of this section, the secretary shall consider the:***
- (a) ***Distance and travel time from each county to a state institution or contracted hospital for the mentally ill;***
 - (b) ***Need to transport the individual to a hospital or psychiatric facility to secure an evaluation or for admission without unnecessary delay as required under KRS Chapters 202A, 202B, and 202C; and***
 - (c) ***Population of the hospital districts based upon the most recent federal decennial census.***
- (3) ***The secretary shall also establish and maintain a list of local hospitals containing a psychiatric unit or crisis stabilization unit approved by the cabinet to which individuals may be transported and admitted as an alternative to a state institution or contracted hospital for the mentally ill when clinically appropriate due to circumstances that include but are not limited to:***
- (a) ***The ability or inability of the designated state institution or contracted hospital to accept the individual to be transported or evaluated without delay due to capacity limitations, lack of staffing, or other impediment; or***
 - (b) ***The need for immediate and emergent treatment or evaluation arising from but not limited to the threat or reasonable fear of physical harm to the individual or any employee or agent of the transporting agency or service.***
- Only those hospitals that have filed a written notice with the cabinet of the hospital's willingness to accept patients under this subsection may accept admissions.***
- (4) ***The secretary shall review the hospital districts on an annual basis to ensure transports and evaluations occur without unnecessary delay as required under this section and KRS Chapters 202A, 202B, and 202C, and shall provide a report to the Interim Joint Committee on Health, Welfare, and Family Services and the Interim Joint Committee on Judiciary on or before October 1, 2022, and on or before October 1 of each year thereafter. The report shall, at a minimum, include:***
- (a) ***Any changes made to any hospital district and the reason for the change;***
 - (b) ***The name and location of state institutions accepting patients for admission under KRS Chapters 202A, 202B, and 202C, including the counties the state institution serves; and***
 - (c) ***The name and locations of any contracted hospital accepting patients for admission under KRS Chapters 202A, 202B, and 202C, including the counties the contracted hospital serves.***

Signed by Governor April 8, 2022.

CHAPTER 176

(HB 745)

AN ACT relating to economic development.

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

➔SECTION 1. SUBCHAPTER 21 OF KRS CHAPTER 154 IS ESTABLISHED, AND A NEW SECTION THEREOF IS CREATED TO READ AS FOLLOWS:

The General Assembly finds and declares that the purpose of Sections 1 to 7 of this Act is to support economic development and job growth across this Commonwealth. In enacting this legislation, it is the intention of the General Assembly to enable the Cabinet for Economic Development to enter into a partnership with the Kentucky Association for Economic Development for the purposes of this program, herein known as the Kentucky Product Development Initiative, and to administer program funds to achieve this purpose.

➔SECTION 2. A NEW SECTION OF SUBCHAPTER 21 OF KRS CHAPTER 154 IS CREATED TO READ AS FOLLOWS:

As used in Sections 1 to 7 of this Act:

- (1) *"Cabinet" means the Cabinet for Economic Development;*
- (2) *"Eligible grant recipient" means a grant applicant that is a local government or an economic development authority in an economic development district in this Commonwealth that is engaged in an eligible project;*
- (3) *"Eligible project" means an economic development project that is initiated on publicly owned property or on property with a letter of intent or sale agreement for the sale to an eligible grant recipient with available matching funds for the project on a dollar-for-dollar basis, and that satisfies the evaluation criteria in Section 6 of this Act;*
- (4) *"Eligible use" means the authorized purpose for which an awarded grant may be used depending on the source of funds from the Commonwealth. "Eligible use" may include but is not limited to expenditure in any of the following categories or some combination thereof:*
 - (a) *Due diligence study;*
 - (b) *Property acquisition;*
 - (c) *Infrastructure extension or improvement;*
 - (d) *Site preparation work; or*
 - (e) *Road improvement; and*
- (5) *"Regional project" means an eligible project that is proposed by eligible grant recipients residing in different counties in this Commonwealth who submit a single grant application as co-applicants.*

➔SECTION 3. A NEW SECTION OF SUBCHAPTER 21 OF KRS CHAPTER 154 IS CREATED TO READ AS FOLLOWS:

- (1) *The Kentucky Product Development Initiative is hereby established under the cabinet. The cabinet shall partner with the Kentucky Association for Economic Development to administer the program. The cabinet's administration of the program includes but is not limited to the following:*
 - (a) *Creating and making available a standardized grant application and regional grant application;*
 - (b) *Developing a standardized scoring system pursuant to Section 7 of this Act;*
 - (c) *Reviewing the applications and proposals submitted by the proposed grant recipients;*
 - (d) *Verifying the eligibility of the proposed grant recipients;*
 - (e) *Verifying that the proposed grant recipient seeks grant money for an eligible project prior to prioritizing and recommending the eligible grant recipient and eligible project to the cabinet; and*
 - (f) *Awarding grants to selected eligible grant recipients in two (2) rounds of funding.*
- (2) *Upon receipt of eligible grant recipients and eligible project recommendations and prioritization from the Kentucky Association for Economic Development and the third-party independent site selection consultant, the cabinet shall verify and process the eligible grant recipients and eligible project recommendations with the intent to approve and award grants matching the selected grant recipient's contribution to its eligible project on a dollar-for-dollar basis, under the economic development fund program pursuant to KRS 154.12-100, up to ten percent (10%) of the total funds appropriated to the Kentucky Product Development Initiative by the General Assembly.*
- (3) (a) *Prior to the first round of grant awards, the cabinet shall allocate a percentage of the total funds appropriated to this program by the General Assembly to each county in the Commonwealth. When awarding grants in the first round of funding, the cabinet shall not award grants to an eligible grant recipient or a group of eligible grant recipients in excess of the amount allocated to the county in which it or they are located, except when pooled pursuant to subsection (4) of this section. The allocation shall be made according to the following calculations:*
 1. *For all counties except Jefferson County, the percentage of the fund each county is eligible to receive shall be the percentage of the state population that the county's total population makes up, then multiplied by two (2); and*

2. *For Jefferson County, the percentage of the fund it shall be eligible to receive is the percentage of the state population that Jefferson County's total population makes up.*
- (b) *If there are funds available after the first round of grant awards, the cabinet shall initiate a second round of grant awards through the Kentucky Product Development Initiative. Any remaining funds available for program use shall be pooled and available to eligible grant recipients from all counties on a first-come, first-served basis, but each county's eligible allocation shall not exceed two million dollars (\$2,000,000) except as permitted by subsection (4) of this section.*
- (4) *For selected eligible grant recipients that are involved in a regional project, the cabinet may pool the potential allocation of funds available for each county represented by the eligible grant recipients for the grant amount awarded. For example, if a county that is eligible for up to ten percent (10%) of the program funds based on the calculations in subsection (3) of this section partners with a county that is eligible for five percent (5%) of the program funds based on the calculations in subsection (3) of this section, then the total allocation for the regional project that the cabinet may award is fifteen percent (15%).*
- (5) *Grant applicants located in a county that participates in the Rural Project Development Initiative shall be disqualified from participation in the Kentucky Product Development Initiative.*

➔SECTION 4. A NEW SECTION OF SUBCHAPTER 21 OF KRS CHAPTER 154 IS CREATED TO READ AS FOLLOWS:

- (1) (a) *To participate in the Kentucky Product Development Initiative, grant applicants shall submit an application to the Kentucky Association for Economic Development that will be received by or shared with the third-party independent site selection consultant for review; and*
- (b) *Grant applicants wishing to engage in a regional project shall submit a single application to the Kentucky Association for Economic Development that will be received by or shared with the third-party independent site selection consultant for review.*
- (2) *If a grant applicant is selected as an eligible grant recipient approved under the economic development fund program, it shall comply with any incentive agreements and reporting requirements deemed necessary by the cabinet to verify that the awarded grant goes toward an eligible use.*
- (3) *If the selected grant recipient fails to comply with subsection (2) of this section or uses the awarded grant money for any purpose other than an eligible use, the selected eligible grant recipient shall forfeit and be liable to the cabinet for the full award amount.*

➔SECTION 5. A NEW SECTION OF SUBCHAPTER 21 OF KRS CHAPTER 154 IS CREATED TO READ AS FOLLOWS:

- (1) *In the implementation of the Kentucky Product Development Initiative, the Kentucky Association for Economic Development shall:*
 - (a) *Process the grant applications;*
 - (b) *Determine whether a grant applicant is an eligible grant recipient and seeking a grant for an eligible project;*
 - (c) *Evaluate the project site cited or proposed by each grant applicant in accordance with the program's evaluation model described in Section 7 of this Act and based on the criteria recommended by the third-party independent site selection consultant;*
 - (d) *Score each grant applicant's project pursuant to the scoring system described in Section 7 of this Act;*
 - (e) *Rank the grant applicants:*
 1. *In a manner that prioritizes the greatest return on investment, workforce creation, and relative positive impact on the community; and*
 2. *Based on the project site evaluation and subsequent project score described in Sections 6 and 7 of this Act;*
 - (f) *Compile a list of proposed grant recipients whose eligible project demonstrates a high level of investment potential if a grant is made, as revealed by the evaluation, scoring, and ranking process described in this section and Sections 6 and 7 of this Act;*

- (g) *Submit the proposed grant recipients and their prioritization to the cabinet for final selection of the grant recipients;*
 - (h) *Provide detailed feedback to all grant applicants after the project site evaluation and project score are completed; and*
 - (i) *Compile an annual report for the cabinet conveying the following information about the program:*
 - 1. *A list of all program applicants;*
 - 2. *The identity of applicants who were not selected for recommendation;*
 - 3. *Trends found in feedback given to applicants who were not selected for recommendation;*
 - 4. *Eligible uses of the properties cited in the grant applications; and*
 - 5. *Any other information requested by the cabinet.*
- (2) *The Kentucky Association for Economic Development shall contract with a third-party independent site selection consultant to assist with the grant applicant site evaluations, scoring, prioritization, and recommendations described in this section and Sections 6 and 7 of this Act.*

➔SECTION 6. A NEW SECTION OF SUBCHAPTER 21 OF KRS CHAPTER 154 IS CREATED TO READ AS FOLLOWS:

- (1) *The Kentucky Association for Economic Development shall evaluate each applicant's eligible project according to the criteria described in this section and Section 7 of this Act for the purposes of compiling a recommendation and score for the eligible project and project site pursuant to Section 7 of this Act.*
- (2) *The Kentucky Association for Economic Development and the third-party independent site selection consultant shall consider the requirements in the following five (5) categories in the evaluation of proposed projects:*
 - (a) *Property availability as described in subsection (3) of this section;*
 - (b) *Property development ability as described in subsection (4) of this section;*
 - (c) *Zoning availability as described in subsection (5) of this section;*
 - (d) *Transportation accessibility as described in subsection (6) of this section; and*
 - (e) *Utility adequacy as described in subsection (7) of this section.*
- (3) *The property that the eligible project occupies or is proposed to occupy shall be available. Property shall be deemed available for the purposes of this program if the property is:*
 - (a) *Publicly owned; or*
 - (b) *Property with a letter of intent or sale agreement for the sale to an eligible grant recipient.*
- (4) *The property that the eligible project occupies or is proposed to occupy shall be developable. Property shall be deemed developable if:*
 - (a) *The acreage intended for development is clearly defined by either:*
 - 1. *The grant applicant; or*
 - 2. *An engineering partner during or after a site visit, if the applicant is unable to define the developable acreage; and*
 - (b) *The property is free of impediments to development, or a known impediment can be mitigated by a grant applicant. A property is free of impediments if it:*
 - 1. *Is located outside of the one hundred (100) year and five hundred (500) year flood zone;*
 - 2. *Is free of recognized environmental conditions;*
 - 3. *Is free of wetlands;*
 - 4. *Is free of state and federally threatened and endangered species;*
 - 5. *Is free of areas of archaeological or historical significance; and*
 - 6. *Possesses soils compatible with the grant applicant's intended development.*

- (5) *The property that the eligible project occupies or is proposed to occupy shall be appropriately zoned for the intended use or shall be able to be rezoned within ninety (90) calendar days. The properties surrounding the grant applicant's project site shall be zoned so they are compatible with the grant applicant's intended development and use of the project site.*
- (6) *The property that the eligible project occupies or is proposed to occupy shall be directly served by a road or roads that are compatible with the intended use of the property. Additionally, if the property is marketed as rail-served, the property shall be deemed rail-served if:*
 - (a) *The grant applicant provides documentation from the rail provider that evinces that rail infrastructure exists and the rail provider actually provides rail service; or*
 - (b) *If the rail service does not exist at the time of the grant application, the grant applicant provides documentation from the rail provider that evinces that the project site will be able to be rail-served within twelve (12) months.*
- (7) *The property that the eligible project occupies or is proposed to occupy shall have access to adequate utilities and shall be served or able to be served by the following:*
 - (a) *Electric infrastructure;*
 - (b) *Natural gas;*
 - (c) *Water infrastructure and a public water system;*
 - (d) *Wastewater infrastructure and a public wastewater treatment plant, excluding a septic wastewater treatment system; and*
 - (e) *Fiber telecommunications infrastructure.*

➔SECTION 7. A NEW SECTION OF SUBCHAPTER 21 OF KRS CHAPTER 154 IS CREATED TO READ AS FOLLOWS:

- (1) *In the administration of the Kentucky Product Development Initiative, the Kentucky Association for Economic Development, via a third-party independent site selection consultant, shall develop a scoring system for the project and the project site proposed by each grant applicant based on the total projected return on investment, key workforce characteristics, and the relative positive impact in the community.*
- (2) *The scoring system shall include:*
 - (a) *A score in each category as specified in subsection (3) of this section; and*
 - (b) *A total weighted score, which is the average of the scores in each category.*
- (3) *The scoring categories shall include but are not limited to:*
 - (a) *Projected return on investment the project will yield, which includes an assessment of the:*
 - 1. *Likelihood of project completion at the applicant's proposed site, both with the cabinet's funding and without;*
 - 2. *Projected gross economic impact of the proposed project on the community;*
 - 3. *Projected number of jobs created by the proposed project and subsequent impact on the community; and*
 - 4. *A determination of the cost of the job based on the cost expended by the cabinet if it awards the requested grant amount to the applicant;*
 - (b) *Key workforce characteristics, including an assessment of objective workforce data for the community in which the project is located; and*
 - (c) *Relative positive impact the project will have on the surrounding community.*

➔Section 8. This Act may be cited as the Kentucky Product Development Initiative Act.

Signed by Governor April 8, 2022.

CHAPTER 177

(HB 758)

AN ACT relating to financial assistance and making an appropriation therefor.

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

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

- (1) *In furtherance of the goal of making access to potable water and wastewater treatment available to all Kentuckians, the General Assembly finds and declares that governmental agencies should provide to water and wastewater systems the requisite financial resources to:*
 - (a) *Develop the technical, managerial, and operational expertise needed to properly operate and maintain their drinking water and wastewater systems;*
 - (b) *Conserve, protect, and maximize the resources needed to offer drinking water and wastewater systems and services;*
 - (c) *Upgrade drinking water and wastewater systems and services to prevent water loss from degrading infrastructure; and*
 - (d) *Leverage existing finance with anticipated federal dollars or with other sources as may be available from time to time to create a larger pool of finance for water and wastewater systems to make improvements while keeping customer rates affordable.*
- (2) *The Kentucky Infrastructure Authority shall implement a program to assist governmental agencies that provide drinking water and wastewater services with the financial resources for both capital and non-capital expenses, including but not limited to:*
 - (a) *Developing technical, operational, and maintenance resources and expertise;*
 - (b) *Improving utility infrastructure planning, repair, maintenance, renovation, and management of plants and assets;*
 - (c) *Obtaining technical expertise in areas of rate-setting, cost-of-service, and proper utility accounting standards for the utility type;*
 - (d) *Performing and correcting deficiencies from drinking water, wastewater, and financial audits;*
 - (e) *Providing finance for financial inadequacies, including debt service coverage through relief or refinance of the drinking water or wastewater system's debt;*
 - (f) *Payment assistance for other financial inadequacies such as excessive maintenance costs, fines and penalties from past violations, or consultants; and*
 - (g) *Extending finance for inadequately maintained distribution, collection, or treatment works, including service extensions to unserved or underserved areas and the renovation of treatment works to conserve resources.*

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

- (1) *The water management assistance fund shall be established in the State Treasury and shall be administered by the authority.*
- (2) *The fund shall be a dedicated fund, and all moneys in the fund shall be allocated for and dedicated to providing financial assistance for both capital and non-capital expenses for governmental agencies that:*
 - (a) *Provide public drinking water or wastewater services to ratepayers in the Commonwealth; and*
 - (b) *Are considered financially at risk.*
- (3) *The fund may receive donations and gifts, state and federal appropriations, federal grants or loans, and revenues or proceeds from the sale of bonds or from other financial instruments. The fund may receive proceeds from the authority's revolving fund, as available, and if not contrary to the requirements which establish and govern the management and use of those funds.*
- (4) *Moneys in the fund shall not lapse but shall be carried forward to the next fiscal year and used solely for the stated purposes in this section and Section 1 of this Act.*

➔Section 3. KRS 224A.011 is amended to read as follows:

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

- (1) "Administrative fee" means a fee assessed and collected by the authority from borrowers and applicants under assistance agreements, to be used for operational expenses of the authority;
- (2) "Applicable interest rate" means the rate of interest which shall be used as part of the repayment criteria for an assistance agreement between a governmental agency and the authority, and shall be determined by the authority pertinent to the source of funds from which the assistance agreement is funded;
- (3) "Applicant" means a governmental agency or private sector entity that has submitted an application to the authority for a grant from the broadband deployment fund;
- (4) "Application" means an application submitted by an applicant for a grant from the broadband deployment fund;
- (5) "Assistance agreement" means the agreement to be made and entered into by and between a governmental agency or a private entity and the authority, as authorized by this chapter, providing for a lease, loan, services, or grant to a governmental agency or a private entity or for the purchase of obligations issued by the governmental agency, and for the repayment thereof to the authority by the governmental agency or a private entity;
- (6) "Authority" means the Kentucky Infrastructure Authority, which is created by this chapter;
- (7) "Authority revenues" means the totality of all:
 - (a) Service charges;
 - (b) Utility tax receipts, to the extent not otherwise committed and budgeted by the authority during any fiscal period of the authority;
 - (c) Any gifts, grants, or loans received, to the extent not otherwise required to be applied;
 - (d) Any and all appropriations made to the authority by the General Assembly of the Commonwealth of Kentucky, to the extent not otherwise required to be applied;
 - (e) All moneys received in repayment of and for interest on any loans made by the authority to a governmental agency, except as provided in KRS 224A.111, 224A.1115, and 224A.112, or as principal of and interest on any obligations issued by a governmental agency and purchased by the authority, or as receipts under any assistance agreement;
 - (f) The proceeds of bonds or long-term debt obligations of governmental agencies pledged to the payment of bond anticipation notes issued by the authority on behalf of the said governmental agency to provide interim construction financing; and
 - (g) Payments under agreements with any agencies of the state and federal government;
- (8) "Borrower or borrowing entity" means any agency of the state or its political subdivisions, any city, or any special district created under the laws of the state acting individually or jointly under interagency or interlocal cooperative agreements to enter into assistance agreements with the authority;
- (9) "Broadband" means any wireline or fixed terrestrial technology having a capacity to transmit data from or to the Internet with a minimum speed of twenty-five (25) megabits per second downstream and three (3) megabits per second upstream as defined by the Federal Communications Commission or the United States Department of Agriculture and any amendments to those definitions. If the agencies use different speed definitions, the faster speed definition shall apply to KRS 224A.110, 224A.112, and 224A.1121;
- (10) "Broadband deployment fund" means a fund to assist with the construction, development, or improvement of broadband infrastructure, broadband services, or technologies that constitute a part of, or are related to, broadband infrastructure or broadband services, to provide for broadband service in underserved or unserved areas of the Commonwealth;
- (11) "Broadband deployment project" means a proposed deployment of broadband service infrastructure set forth in an application for grant funding under KRS 224A.112;
- (12) "Broadband deployment project area" means a geographic area determined by census block or shapefile geospatial data for which grant funding has been authorized under this section and KRS 224A.110, 224A.112, and 224A.1121;

- (13) "Census block" means the smallest geographic unit used by the United States Census Bureau that is reported on the Federal Communications Commission (FCC) Form 477 relating to fixed broadband deployment data;
- (14) "Community flood damage abatement project" means any structural or nonstructural study, plan, design, construction, development, improvement, or other activity to provide for flood control;
- (15) "Construction" means and includes but is not limited to:
- (a) Preliminary planning to determine the economic and engineering feasibility of infrastructure projects, the engineering, architectural, legal, fiscal, and economic investigations, and studies necessary thereto, and surveys, designs, plans, working drawings, specifications, procedures, and other actions necessary to the construction of infrastructure or solid waste projects;
 - (b) The erection, building, acquisition, alteration, remodeling, improvement, or extension of infrastructure or solid waste projects; and
 - (c) The inspection and supervision of the construction of infrastructure or solid waste projects and all costs incidental to the acquisition and financing of same. This term shall also relate to and mean any other physical devices or appurtenances in connection with, or reasonably attendant to, infrastructure or solid waste projects;
- (16) "Dams" means any artificial barrier, including appurtenant works, which does or can impound or divert water, and which either:
- (a) Is or will be twenty-five (25) feet or more in height from the natural bed of the stream or watercourse at the downstream toe of the barrier, as determined by the Energy and Environment Cabinet; or
 - (b) Has or will have an impounding capacity at maximum water storage elevation of fifty (50) acre feet or more;
- (17) "Distribution facilities" means all or any part of any facilities, devices, and systems used and useful in obtaining, pumping, storing, treating, and distributing water for agricultural, industrial, commercial, recreational, public, and domestic use;
- (18) "Energy and Environment Cabinet" means the Kentucky Energy and Environment Cabinet, or its successor, said term being meant to relate specifically to the state agency which is designated as the water pollution agency for the Commonwealth of Kentucky, for purposes of the federal act;
- (19) "Federal act" means the Federal Clean Water Act (33 U.S.C. secs. 1251 et seq.) as said federal act may be amended from time to time in the future, or any other enactment of the United States Congress providing funds that may assist in carrying out the purposes of the authority;
- (20) "Federally assisted wastewater revolving fund" means that fund which will receive federal and state funds or the proceeds from the sale of revenue bonds of the authority for the purpose of providing loans to finance construction of publicly owned treatment works as defined in Section 212 of the federal act and for the implementation of a management program established under Section 319 of the federal act and for the development and implementation of a conservation and management plan under Section 320 of the federal act;
- (21) "Governmental agency" means any incorporated city or municipal corporation, or other agency, or unit of government within or a department or a cabinet of the Commonwealth of Kentucky, now having or hereafter granted, the authority and power to finance, acquire, construct, or operate infrastructure or solid waste projects. This definition shall specifically apply but not by way of limitation to incorporated cities; counties, including any counties containing a metropolitan sewer district; sanitation districts; water districts; water associations~~—if these associations are permitted to issue interest-bearing obligations which interest would be excludable from gross income under Section 103 of the Internal Revenue Code of 1986 as amended~~; sewer construction districts; metropolitan sewer districts; sanitation taxing districts; a regional wastewater commission established under KRS 65.8901 to 65.8923; and any other agencies, commissions, districts, or authorities (either acting alone, or in combination with one another in accordance with any regional or area compact, or intergovernmental cooperative agreements), now or hereafter established in accordance with the laws of the Commonwealth of Kentucky having and possessing the described powers described in this subsection;
- (22) "Industrial waste" means any liquid, gaseous, or solid waste substances resulting from any process of industry, manufacture, trade, or business, or from the mining or taking, development, processing, or recovery of any natural resources, including heat and radioactivity, together with any sewage as is present therein, which pollutes the waters of the state, and specifically, but not by way of limitation, means heat or thermal

differentials created in the waters of the state by any industrial processing, generating, or manufacturing processes;

- (23) "Infrastructure project" means any construction or acquisition of treatment works, facilities related to the collection, transportation, and treatment of wastewater as defined in KRS 65.8903, distribution facilities, or water resources projects instituted by a governmental agency or an investor-owned water utility which is approved by the authority and, if required, by the Energy and Environment Cabinet, Public Service Commission, or other agency; solid waste projects; dams; storm water control and treatment systems; gas or electric utility; broadband deployment project; or any other public utility or public service project which the authority finds would assist in carrying out the purposes set out in KRS 224A.300;
- (24) "Infrastructure revolving fund" means that fund which will receive state funds, the proceeds from the sale of revenue bonds of the authority or other moneys earmarked for that fund for the purpose of providing loans or grants to finance construction or acquisition of infrastructure projects as defined in this section;
- (25) "Loan or grant" means moneys to be made available to governmental agencies by the authority for the purpose of defraying all or any part of the total costs incidental to construction or acquisition of any infrastructure project;
- (26) "Market interest rate" means the interest rate determined by the authority under existing market conditions at the time the authority shall provide financial assistance to a governmental agency;
- (27) "Obligation of a governmental agency" means a revenue bond, bond anticipation note, revenue anticipation note, lease, or other obligation issued by a governmental agency under KRS 58.010 et seq. or other applicable statutes;
- (28) "Person" means any individual, firm, partnership, association, corporation, or governmental agency;
- (29) "Pollution" means the placing of any noxious or deleterious substances ("pollutants"), including sewage and industrial wastes, in any waters of the state or affecting the properties of any waters of the state in a manner which renders the waters harmful or inimical to the public health or to animal or aquatic life, or to the use, present or future, of these waters for domestic water supply, industrial or agricultural purposes, or recreational purposes;
- (30) "Prioritization schedules" means the list of wastewater treatment works, distribution facilities and water resources projects which the Energy and Environment Cabinet has evaluated and determined to be of priority for receiving financial assistance from the federally assisted wastewater revolving fund and the federally assisted drinking water revolving fund, or the list of infrastructure projects which the authority has evaluated and determined to be of priority for receiving financial aid from the infrastructure revolving fund. The evaluation by the authority of infrastructure projects for water systems shall be undertaken with input from the appropriate area development district;
- (31) "Recovered material" means those materials which have known current use, reuse, or recycling potential, which can be feasibly used, reused, or recycled, and which have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation and processing but does not include materials diverted or removed for purposes of energy recovery or combustion except refuse-derived fuel (RDF), which shall be credited as a recovered material in an amount equal to that percentage of the municipal solid waste received on a daily basis at the processing facility and processed into RDF; but not to exceed fifteen percent (15%) of the total amount of the municipal solid waste received at the processing facility on a daily basis;
- (32) "Recovered material processing facility" means a facility engaged solely in the storage, processing, and resale or reuse of recovered material but does not mean a solid waste facility if solid waste generated by a recovered material processing facility is managed in accordance with KRS Chapter 224 and administrative regulations adopted by the cabinet;
- (33) "Revenue bonds" means special obligation bonds issued by the authority as provided by the provisions of this chapter, which are not direct or general obligations of the state, and which are payable only from a pledge of, and lien upon, authority revenues as provided in the resolution authorizing the issuance of the bonds, and shall include revenue bond anticipation notes;
- (34) "Service charge" means any monthly, quarterly, semiannual, or annual charge to be imposed by a governmental agency, or by the authority, for any infrastructure project financed by the authority, which service charge arises by reason of the existence of, and requirements of, any assistance agreement;

- (35) "Sewage" means any of the waste products or excrements, or other discharges from the bodies of human beings or animals, which pollute the waters of the state;
- (36) "Shapefile" means a file format for storing, depicting, and analyzing geospatial data showing broadband coverage;
- (37) "Solid waste" means "solid waste" as defined by KRS 224.1-010(30)(a);
- (38) "Solid waste facility" means any facility for collection, handling, storage, transportation, transfer, processing, treatment, or disposal of solid waste, whether the facility is associated with facilities generating the waste or otherwise, but does not include a container located on property where the waste is generated and which is used solely for the purpose of collection and temporary storage of that solid waste prior to off-site disposal, or a recovered material processing facility;
- (39) "Solid waste project" means construction, renovation, or acquisition of a solid waste facility which shall be instituted and owned by a governmental agency;
- (40) "Solid waste revolving fund" means that fund which shall receive state funds, the proceeds from the sale of revenue bonds of the authority, or other moneys earmarked for the purpose of providing loans or grants to finance solid waste projects defined in this section;
- (41) "State" means the Commonwealth of Kentucky;
- (42) "System" means the system owned and operated by a governmental agency with respect to solid waste projects, treatment works, or infrastructure projects financed as provided by the assistance agreement between the governmental agency and the authority;
- (43) "Treatment works" or "wastewater treatment works" means all or any part of any facilities, devices, and systems used and useful in the storage, treatment, recycling, and reclamation of wastewater or the abatement of pollution, including facilities for the treatment, neutralization, disposal of, stabilization, collecting, segregating, or holding of wastewater, including without limiting the generality of the foregoing, intercepting sewers, outfall sewers, pumping power stations, and other equipment and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof, and any wastewater treatment works, including site acquisition of the land that will be an integral part of the wastewater treatment process, or is used for ultimate disposal of residues resulting from wastewater treatment, together with any other facilities which are deemed to be treatment works in accordance with the federal act;
- (44) "Underserved area" means any project area where fixed, terrestrial broadband service with a minimum twenty-five (25) megabits per second downstream and three (3) megabits per second upstream is not available;
- (45) "Unserved area" means any project area where fixed, terrestrial broadband service with a minimum ten (10) megabits per second downstream and one (1) megabit per second upstream is not available;
- (46) "Utility tax" means the tax which may be imposed by the authority on every purchase of water or sewer service in the Commonwealth of Kentucky;
- (47) "Variable rate revenue bonds" means revenue bonds the rate of interest on which fluctuates either automatically by reference to a predetermined formula or index or in accordance with the standards set forth in KRS 224A.120;
- (48) "Wastewater" means any water or liquid substance containing sewage, industrial waste, or other pollutants or contaminants derived from the prior use of these waters;
- (49) "Water resources" means all waters of the state occurring on the surface, in natural or artificial channels, lakes, reservoirs, or impoundments, and in subsurface aquifers, which are available, or which may be made available to agricultural, industrial, commercial, recreational, public, and domestic users;
- (50) "Water resources project" means any structural or nonstructural study, plan, design, construction, development, improvement, or any other activity including programs for management, intended to conserve and develop the water resources of the state and shall include all aspects of water supply, facilities to collect, transport, and treat wastewater as defined in KRS 65.8903, flood damage abatement, navigation, water-related recreation, and land conservation facilities and measures; and
- (51) "Waters of the state" means all streams, lakes, watercourses, waterways, ponds, marshes, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, which are situated wholly or partly within, or border upon, this state, or are within its

jurisdiction, except those private waters which do not combine or effect a junction with natural, surface, or underground waters.

➔Section 4. KRS 224A.035 is amended to read as follows:

- (1) The Kentucky Infrastructure Authority is created solely to perform essential governmental functions and to serve the public purpose of engaging in a program of assistance to governmental agencies in the state with respect to the:
 - (a) Construction,~~and~~ acquisition, *and maintenance* of infrastructure projects; *and*
 - (b) *Technical, managerial, and operational capacity of the agency's public drinking water and wastewater systems.*
- (2) In accomplishing ~~these~~^{such} purposes, the Kentucky Infrastructure Authority shall be and constitute a de jure municipal corporation and political subdivision of the state.

➔Section 5. KRS 224A.040 is amended to read as follows:

The authority may, pursuant to the terms, conditions, restrictions and requirements of this chapter, *assist with the construction or acquisition of infrastructure projects or with the improvement of the technical, managerial, or operational capacity of public drinking water and wastewater systems by:*

- (1) ~~Leasing~~^{lease} an infrastructure project;~~or~~
- (2) ~~Making~~^{make} loans or grants as funds are available, to any governmental agency;~~or~~
- (3) ~~Purchasing~~^{purchase} obligations of a governmental agency, *provided that any financial assistance supplied to the governmental agency, as defined in Section 3 of this Act, will not cause the interest on current or future state agency or authority obligations, if excludable from gross income for federal tax purposes, to be included in gross income for federal tax purposes*~~to assist the governmental agency to carry out the construction or acquisition of infrastructure projects~~.

Signed by Governor April 8, 2022.

CHAPTER 178

(HB 782)

AN ACT relating to county attorneys.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 69 IS CREATED TO READ AS FOLLOWS:

- (1) *Beginning on July 1, 2023, a county attorney currently in office shall, within sixty (60) days of the close of a fiscal year, file an annual settlement with the Prosecutors Advisory Council. The settlement shall include an accounting of all funds received, disbursed, or held by the county attorney in his or her official capacity during any portion of the fiscal year.*
- (2) *When the county attorney vacates office, he or she shall, in compliance with KRS 64.830:*
 - (a) *Ensure that the successor to the office receives all books, papers, records, and other property, including unexpended funds held by virtue of the office; and*
 - (b) *File with the fiscal court a statement accounting for all funds received, disbursed, or held by the county attorney in his or her official capacity during his or her term of office, including the transfer of remaining funds to the successor in office as required under paragraph (a) of this subsection.*
- (3) *The Department for Local Government shall promulgate administrative regulations under KRS Chapter 13A to provide standardized forms for a county attorney in preparing the settlements required under this section and KRS 64.830.*

➔Section 2. KRS 66.480 is amended to read as follows:

- (1) The governing body of a city, county, urban-county, charter county, school district (provided that its general procedure for action is approved by the Kentucky Board of Education), or other local governmental unit or political subdivision, may invest and reinvest money subject to its control and jurisdiction in:
- (a) Obligations of the United States and of its agencies and instrumentalities, including obligations subject to repurchase agreements, if delivery of these obligations subject to repurchase agreements is taken either directly or through an authorized custodian. These investments may be accomplished through repurchase agreements reached with sources including but not limited to national or state banks chartered in Kentucky;
 - (b) Obligations and contracts for future delivery or purchase of obligations backed by the full faith and credit of the United States or a United States government agency, including but not limited to:
 - 1. United States Treasury;
 - 2. Export-Import Bank of the United States;
 - 3. Farmers Home Administration;
 - 4. Government National Mortgage Corporation; and
 - 5. Merchant Marine bonds;
 - (c) Obligations of any corporation of the United States government, including but not limited to:
 - 1. Federal Home Loan Mortgage Corporation;
 - 2. Federal Farm Credit Banks;
 - 3. Bank for Cooperatives;
 - 4. Federal Intermediate Credit Banks;
 - 5. Federal Land Banks;
 - 6. Federal Home Loan Banks;
 - 7. Federal National Mortgage Association; and
 - 8. Tennessee Valley Authority;
 - (d) Certificates of deposit or other interest-bearing accounts issued through a bank or savings and loan institution having a physical presence in Kentucky which are insured by the Federal Deposit Insurance Corporation or similar entity or which are collateralized, to the extent uninsured, by any obligations, including surety bonds, permitted by KRS 41.240(4);
 - (e) Uncollateralized certificates of deposit issued by any bank or savings and loan institution having a physical presence in Kentucky rated in one (1) of the three (3) highest categories by a competent rating agency;
 - (f) Bankers' acceptances for banks rated in one (1) of the three (3) highest categories by a competent rating agency;
 - (g) Commercial paper rated in the highest category by a competent rating agency;
 - (h) Bonds or certificates of indebtedness of this state and of its agencies and instrumentalities;
 - (i) Securities issued by a state or local government, or any instrumentality of agency thereof, in the United States, and rated in one (1) of the three (3) highest categories by a competent rating agency;
 - (j) Shares of mutual funds and exchange traded funds, each of which shall have the following characteristics:
 - 1. The mutual fund shall be an open-end diversified investment company registered under the Federal Investment Company Act of 1940, as amended;
 - 2. The management company of the investment company shall have been in operation for at least five (5) years; and
 - 3. All of the securities in the mutual fund shall be eligible investments pursuant to this section;

- (k) Individual equity securities if the funds being invested are managed by a professional investment manager regulated by a federal regulatory agency. The individual equity securities shall be included within the Standard and Poor's 500 Index, and a single sector shall not exceed twenty-five percent (25%) of the equity allocation; and
 - (l) Individual high-quality corporate bonds that are managed by a professional investment manager that:
 - 1. Are issued, assumed, or guaranteed by a solvent institution created and existing under the laws of the United States;
 - 2. Have a standard maturity of no more than ten (10) years; and
 - 3. Are rated in the three (3) highest rating categories by at least two (2) competent credit rating agencies.
- (2) The investment authority provided by subsection (1) of this section shall be subject to the following limitations:
- (a) The amount of money invested at any time by a local government or political subdivision in any one (1) of the categories of investments authorized by subsection (1)(e), (f), (g), (k), and (l) of this section shall not exceed twenty percent (20%) of the total amount of money invested by the local government;
 - (b) The amount of money invested at any one (1) time by a local government or a political subdivision in the categories of investments authorized in subsection (1)(j), (k), and (l) of this section shall not, aggregately, exceed forty percent (40%) of the total money invested unless the investment is in a mutual fund consisting solely of the investments authorized under subsection (1)(a), (b), (c), (h), or (i) of this section, or any combination thereof;
 - (c) No local government or political subdivision shall purchase any investment authorized by subsection (1) of this section on a margin basis or through the use of any similar leveraging technique; and
 - (d) At the time the investment is made, no more than five percent (5%) of the total amount of money invested by the local governments or political subdivisions shall be invested in any one (1) issuer unless:
 - 1. The issuer is the United States government or an agency or instrumentality of the United States government, or an entity which has its obligations guaranteed by either the United States government or an entity, agency, or instrumentality of the United States government;
 - 2. The money is invested in a certificate of deposit or other interest-bearing accounts as authorized by subsection (1)(d) and (e) of this section;
 - 3. The money is invested in bonds or certificates of indebtedness of this state and its agencies and instrumentalities as authorized in subsection (1)(h) of this section; or
 - 4. The money is invested in securities issued by a state or local government, or any instrumentality or agency thereof, in the United States as authorized in subsection (1)(i) of this section.
- (3) The governing body of every local government or political subdivision that invests or reinvests money subject to its control or jurisdiction according to the provisions of subsection (1) of this section shall by January 1, 1995, adopt a written investment policy that shall govern the investment of funds by the local government or political subdivision. The written investment policy shall include but shall not be limited to the following:
- (a) A designation of the officer or officers of the local government or political subdivision who are authorized to invest and oversee the investment of funds;
 - (b) A list of the permitted types of investments;
 - (c) Procedures designed to secure the local government's or political subdivision's financial interest in the investments;
 - (d) Standards for written agreements pursuant to which investments are to be made;
 - (e) Procedures for monitoring, control, deposit, and retention of investments and collateral;
 - (f) Standards for the diversification of investments, including diversification with respect to the types of investments and firms with whom the local government or political subdivision transacts business;

- (g) Standards for the qualification of investment agents which transact business with the local government, such as criteria covering creditworthiness, experience, capitalization, size, and any other factors that make a firm capable and qualified to transact business with the local government or political subdivision; and
 - (h) Requirements for periodic reporting to the governing body on the status of invested funds.
- (4) Sheriffs, county clerks, *county attorneys*, and jailers, who for the purposes of this section shall be known as county officials, may invest and reinvest money subject to their control and jurisdiction, including tax dollars subject to the provisions of KRS Chapter 134 and 160.510, as permitted by this section.
 - (5) The provisions of this section are not intended to impair the power of a county official, city, county, urban-county, charter county, school district, or other local governmental unit or political subdivision to hold funds in deposit accounts with banking institutions as otherwise authorized by law.
 - (6) The governing body or county official may delegate the investment authority provided by this section to the treasurer or other financial officer or officers charged with custody of the funds of the local government, and the officer or officers shall thereafter assume full responsibility for all investment transactions until the delegation of authority terminates or is revoked.
 - (7) All county officials shall report the earnings of any investments at the time of their annual reports and settlements with the fiscal courts for excess income of their offices.
 - (8) The state local debt officer is authorized and directed to assist county officials and local governments, except school districts, in investing funds that are temporarily in excess of operating needs by:
 - (a) Explaining investment opportunities to county officials and local governments through publication and other appropriate means; and
 - (b) Providing technical assistance in investment of idle funds to county officials and local governments that request that assistance.
 - (9)
 - (a) The state local debt officer may create an investment pool for local governments, except school districts, and county officials; and counties and county officials and cities may associate to create an investment pool. If counties and county officials and cities create a pool, each group may select a manager to administer their pool and invest the assets. Each county and each county official and each city may invest in a pool created pursuant to this subsection. Investments shall be limited to those investment instruments permitted by this section. The funds of each local government and county official shall be properly accounted for, and earnings and charges shall be assigned to each participant in a uniform manner according to the amount invested. Charges to any local government or county official shall not exceed one percent (1%) annually on the principal amount invested, and charges on investments of less than a year's duration shall be prorated. Any investment pool created pursuant to this subsection shall be audited each year by an independent certified public accountant, or by the Auditor of Public Accounts. A copy of the audit report shall be provided to each local government or county official participating in the pool. In the case of an audit by an independent certified public accountant, a copy of the audit report shall be provided to the Auditor of Public Accounts, and to the state local debt officer. The Auditor of Public Accounts may review the report of the independent certified public accountant. After preliminary review, should discrepancies be found, the Auditor of Public Accounts may make his or her own investigative report or audit to verify the findings of the independent certified public accountant's report.
 - (b) If the state local debt officer creates an investment pool, he or she shall establish an account in the Treasury for the pool. He or she shall also establish a separate trust and agency account for the purpose of covering management costs, and he or she shall deposit management charges in this account. The state local debt officer may promulgate administrative regulations, pursuant to KRS Chapter 13A, governing the operation of the investment pool, including but not limited to provisions on minimum allowable investments and investment periods, and method and timing of investments, withdrawals, payment of earnings, and assignment of charges.
 - (c) Before investing in an investment pool created pursuant to this subsection, a local government or county official shall allow any savings and loan association or bank in the county, as described in subsection (1)(d) of this section, to bid for the deposits, but the local government or county official shall not be required to seek bids more often than once in each six (6) month period.

- (10) (a) With the approval of the Kentucky Board of Education, local boards of education, or any of them that desire to do so, may associate to create an investment pool. Each local school board which associates itself with other local school boards for the purpose of creating the investment pool may invest its funds in the pool so created and so managed. Investments shall be limited to those investment instruments permitted by this section. The funds of each local school board shall be properly accounted for, and earnings and charges shall be assigned to each participant in a uniform manner according to the amount invested. Charges to any local school board shall not exceed one percent (1%) annually on the principal amount invested, and charges on investments of less than a year's duration shall be prorated. Any investment pool created pursuant to this subsection shall be audited each year by an independent certified public accountant, or by the Auditor of Public Accounts. A copy of the audit report shall be provided to each local school board participating in the pool. In the case of an audit by an independent certified public accountant, a copy of the audit report shall be provided to the Auditor of Public Accounts, and to the Kentucky Board of Education. The Auditor of Public Accounts may review the report of the independent certified public accountant. After preliminary review, should discrepancies be found, the Auditor of Public Accounts may make his or her own investigative report or audit to verify the findings of the independent certified public accountant's report.
- (b) The Kentucky Board of Education may promulgate administrative regulations governing the operation of the investment pool including but not limited to provisions on minimum allowable investments and investment periods, and methods and timing of investments, withdrawals, payment of earnings, and assignment of charges.
- (11) As used in this section, "competent rating agency" means a rating agency certified or approved by a national entity that engages in such a process. The certification or approval process shall include but not necessarily be limited to the following elements the subject rating agency must possess:
- (a) A requirement for the rating agency to register and provide an annual updated filing;
 - (b) Record retention requirements;
 - (c) Financial reporting requirements;
 - (d) Policies for the prevention of misuse of material nonpublic information;
 - (e) Policies addressing management of conflicts of interest, including prohibited conflicts;
 - (f) Prohibited acts practices;
 - (g) Disclosure requirements;
 - (h) Any policies, practices, and internal controls required by the national entity; and
 - (i) Standards of training, experience, and competence for credit analysts.

➔Section 3. KRS 514.040 is amended to read as follows:

- (1) A person is guilty of theft by deception when the person obtains property or services of another by deception with intent to deprive the person thereof. A person deceives when the person intentionally:
- (a) Creates or reinforces a false impression, including false impressions as to law, value, intention, or other state of mind;
 - (b) Prevents another from acquiring information which would affect judgment of a transaction;
 - (c) Fails to correct a false impression which the deceiver previously created or reinforced or which the deceiver knows to be influencing another to whom the person stands in a fiduciary or confidential relationship;
 - (d) Fails to disclose a known lien, adverse claim, or other legal impediment to the enjoyment of property which the person transfers or encumbers in consideration for the property obtained, whether the impediment is or is not valid or is or is not a matter of official record; or
 - (e) Issues or passes a check or similar sight order for the payment of money, knowing that it will not be honored by the drawee.
- (2) The term "deceive" does not, however, include falsity as to matters having no pecuniary significance or puffing by statements unlikely to deceive ordinary persons in the group addressed.

- (3) Deception as to a person's intention to perform a promise shall not be inferred from the fact alone that he or she did not subsequently perform the promise.
- (4) For purposes of subsection (1) of this section, a maker of a check or similar sight order for the payment of money is presumed to know that the check or order, other than a postdated check or order, would not be paid, if:
 - (a) The maker had no account with the drawee at the time the check or order was issued; or
 - (b) Payment was refused by the drawee for lack of funds, upon presentation within thirty (30) days after issue, and the maker failed to make good within ten (10) days after receiving notice of that refusal. Notice of the refusal may include a citation to this section and a description of this section's criminal penalties and shall be deemed properly addressed when mailed to the address printed or written on the check or sight order or provided by the drawer or maker upon issuance of the check or sight order. The notice, if mailed, shall be deemed received by the addressee seven (7) days after it is placed in the United States mail. The notice may be sent by first-class mail if supported by an affidavit of service setting out the contents of the notice, the address to which the notice was mailed, that correct postage was applied, and the date the notice was placed in the United States mail. A maker makes good on a check or similar sight order for the payment of money by paying to the holder the face amount of the instrument, together with any merchant's posted bad check handling fee not to exceed fifty dollars (\$50) and any fee imposed pursuant to subsection (5) of this section.
- (5) If a county attorney issues notice to a maker that a drawee has refused to honor an instrument due to a lack of funds as described in subsection (4)(b) of this section, the county attorney may charge a fee to the maker of fifty dollars (\$50), if the instrument is paid. Money paid to the county attorney pursuant to this section shall be used only for payment of county attorney office operating expenses~~[- Excess fees held by the county attorney on June 30 of each year shall be turned over to the county treasurer before the end of the next fiscal year for use by the fiscal court of the county].~~
- (6) A person is guilty of theft by deception when the person issues a check or similar sight order in payment of all or any part of any tax payable to the Commonwealth knowing that it will not be honored by the drawee.
- (7) A person is guilty of theft by deception when the person issues a check or similar sight order in payment of all or any part of a child support obligation knowing that it will not be honored by the drawee.
- (8) Theft by deception is a Class B misdemeanor unless:
 - (a) The value of the property, service, or the amount of the check or sight order referred to in subsection (6) or (7) of this section is five hundred dollars (\$500) or more but less than one thousand dollars (\$1,000), in which case it is a Class A misdemeanor;
 - (b) The value of the property, service, or the amount of the check or sight order referred to in subsection (6) or (7) of this section is one thousand dollars (\$1,000) or more but less than ten thousand dollars (\$10,000), in which case it is a Class D felony;
 - (c) A person has three (3) or more convictions under paragraph (a) of this subsection within the last five (5) years, in which case it is a Class D felony. The five (5) year period shall be measured from the dates on which the offenses occurred for which the judgments of convictions were entered; or
 - (d) The value of the property, service, or the amount of the check or sight order referred to in subsection (6) or (7) of this section is ten thousand dollars (\$10,000) or more, in which case it is a Class C felony.
- (9) If any person commits two (2) or more separate offenses of theft by deception within ninety (90) days, the offenses may be combined and treated as a single offense, and the value of the property in each offense may be aggregated for the purpose of determining the appropriate charge.

Signed by Governor April 8, 2022.

AN ACT relating to the unauthorized practice of law.

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

➔Section 1. KRS 524.130 is amended to read as follows:

- (1) Except as provided in KRS 341.470 and subsection (2) of this section, a person is guilty of unlawful practice of law when, without a license issued by the Supreme Court, he *or she* engages in the practice of law, as defined by rule of the Supreme Court.
- (2) A licensed nonresident attorney in good standing, although not licensed in Kentucky, is not guilty of unlawful practice if, in accordance with rules adopted by the Supreme Court, he *or she* practices law under specific authorization of a court.
- (3) Unlawful practice of law is:
 - (a) A Class A~~B~~ misdemeanor *for the first offense; and*
 - (b) A Class D felony *for a second or subsequent offense.*

Signed by Governor April 8, 2022.

CHAPTER 180

(HB 274)

AN ACT relating to transportation improvement districts.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 184 IS CREATED TO READ AS FOLLOWS:

As used in Sections 1 to 18 of this Act:

- (1) *"Administrative agent" means a bank, trust company, or other person which has responsibility for authenticating, delivering, or redeeming commercial paper on behalf of the issuer;*
- (2) *"Agent" means, as applicable, one (1) or more of the persons who are administrative agents, indexing agents, remarketing agents, or other persons having responsibility for performing functions with respect to floating rate interest structures or put arrangements;*
- (3) *"Bond proceedings" means the resolutions, trust agreements, certifications, notices, sale proceedings, leases, lease-purchase agreements, assignments, credit enhancement facility agreements, and other agreements, instruments, and documents, as amended and supplemented, or any one (1) or more of a combination thereof, authorizing, or authorizing and providing for the terms and conditions applicable to, or providing for the security or sale or award or liquidity of, bonds, and includes the provisions set forth or incorporated in those bonds and bond proceedings;*
- (4) *"Bond service charges" means principal, including any mandatory sinking fund or mandatory redemption requirements for retirement of bonds, interest, and any redemption premium payable on bonds, as those payments come due and are payable to the bondholder or to a person making payment under a credit enhancement facility of those bond service charges to a bondholder;*
- (5) *"Bond service fund" means the applicable fund created by the bond proceedings for and pledged to the payment of bond service charges on bonds provided for by those proceedings, including all moneys, investments, and earnings from investments, credited and to be credited to that fund as provided in the bond proceedings;*
- (6) *"Bonds" means bonds, notes, including notes anticipating bonds or other notes, commercial paper, certificates of participation, or other evidences of obligation, including any interest coupons pertaining thereto, issued pursuant to Sections 1 to 18 of this Act;*
- (7) *"Commercial paper" means bonds with one (1) or more maturities of three hundred sixty-five (365) days or less which, under the bond proceedings, are expected to be funded by the issuance of additional bonds with*

maturities of three hundred sixty-five days (365) or less, whether or not ultimately funded with long term bonds;

- (8) *"Cost" as applied to the construction of a project, includes:*
- (a) *The cost of construction, including bridges over or under existing highways and railroads;*
 - (b) *Acquisition of all property required by the district for such construction;*
 - (c) *Demolishing or removing any buildings or structures on acquired land, including the cost of acquiring any lands to which buildings or structures may be moved, site clearance, improvement, and preparation;*
 - (d) *Diverting highways, interchanges with highways, and access roads to private property, including the cost of necessary land or easements;*
 - (e) *All machinery, furnishings, and equipment, communications facilities, financing expenses, and interest prior to and during construction and for one (1) year after completion of construction;*
 - (f) *Traffic estimates; indemnity, surety bonds, and premiums on insurance; guarantees; engineering; feasibility studies; legal expenses; plans; specifications; surveys; estimates of cost and revenues; and other expenses necessary or incidental to determining the feasibility or practicability of constructing a project;*
 - (g) *Other expenses as may be necessary or incidental to the construction of the project and the financing of such construction; and*
 - (h) *Any obligation or expense incurred by any governmental agency or person for surveys, borings, preparation of plans and specifications, and other engineering services, or any other cost described in this subsection, in connection with the construction of a project, which may be regarded as part of the cost of the project and reimbursed from revenues, taxes, or the proceeds of bonds as authorized by Sections 1 to 18 of this Act;*
- (9) *"Credit enhancement facilities" means letters of credit; lines of credit; standby, contingent, or firm securities purchase agreements; insurance, or surety arrangements; guarantees, and other arrangements that provide for direct or contingent payment of bond service charges, for security or additional security in the event of nonpayment or default in respect of bonds, or for making payment of bond service charges and at the option and on demand of bondholders or at the option of the district or upon certain conditions occurring under put or similar arrangements, or for otherwise supporting the credit or liquidity of the bonds, and includes credit, reimbursement, marketing, remarketing, indexing, carrying, interest rate hedge, and subrogation agreements, and other agreements and arrangements for payment and reimbursement of the person providing the credit enhancement facility and the security for that payment and reimbursement;*
- (10) *"Financing expenses" means all costs and expenses relating to the authorization, issuance, sale, delivery, authentication, deposit, custody, clearing, registration, transfer, exchange, fractionalization, replacement, payment, and servicing of bonds, including without limitation costs and expenses for or relating to publication and printing, postage, delivery, preliminary and final official statements, offering circulars, and informational statements, travel and transportation, underwriters, placement agents, investment bankers, paying agents, registrars, authenticating agents, remarketing agents, custodians, clearing agencies or corporations, securities depositories, financial advisory services, certifications, audits, federal or state regulatory agencies, accounting and computation services, legal services and obtaining approving legal opinions and other legal opinions, credit ratings, redemption premiums, and credit enhancement facilities;*
- (11) *"Floating rate interest structure" means provisions in the bond proceedings whereby the interest rate or rates payable on the bonds, or upon successive series of commercial paper, vary from time-to-time pursuant to or in relation to an index provided by an indexing agent or otherwise established, a formula, base, publicly announced rate, yields on other obligations, determinations of an agent, or any one (1) or combination of the foregoing, with or without approval or consent of the absolute obligor or issuer as provided in the bond proceedings;*
- (12) *"Governmental agency" means a department, division, or other unit of state government; a county, city, municipal corporation or other political subdivision; a regional transit authority or regional transit commission created under KRS Chapter 96A; a port authority created under KRS 65.510 to 65.650; and the United States or any agency thereof;*
- (13) *"Highway" has the same meaning as in KRS 189.010;*

- (14) *"Indexing agent" means a person with responsibility for establishing, adjusting, and maintaining an index of interest rates or yields for purposes of a floating rate interest structure;*
- (15) *"Interest rate hedge" means any arrangement:*
- (a) *By which either:*
 - 1. *The different interest costs or receipts at, between, or among fixed or floating interest rates, including at different floating interest rates, are exchanged on stated amounts of bonds or investments, or on notional amounts; or*
 - 2. *A party will pay interest costs in excess of an agreed limitation; and*
 - (b) *Which also may include a requirement for the issuer to issue bonds at a future date. This requirement shall be deemed to be part of the bond proceedings at the time the interest rate hedge is entered into. Issuance of bonds at a future date shall not require further legislative action, but shall be a ministerial act;*
- (16) *"Interest rate period" means that period of time during which an interest rate or rates established under a floating rate interest structure will pertain, which periods may be altered or become fixed pursuant to the bond proceedings upon stated occurrences or upon determination of the absolute obligor or issuer;*
- (17) *"Interstate system" means that portion of the interstate highway system, or the national highway system, located within the Commonwealth;*
- (18) *"Net revenues" means revenues lawfully available to pay both current operating expenses of a district and bond service charges in any fiscal year or other specified period, less current operating expenses of the district and any amount necessary to maintain a working capital reserve for that period;*
- (19) *"Outstanding," as applied to bonds, means outstanding in accordance with the terms of the bonds and the applicable bond proceedings;*
- (20) *"Owner" includes any person having any title or interest in any property authorized to be acquired by a district under Sections 1 to 18 of this Act;*
- (21) *"Pledged revenues" means net revenues, moneys and investments, and earnings on those investments, in the applicable bond service fund and any other special funds, and the proceeds of any bonds issued for the purpose of refunding prior bonds, all as lawfully available and by resolution of the district committed for application as pledged revenues to the payment of bond service charges on particular issues of bonds;*
- (22) *"Project" means:*
- (a) *A highway or parking facility;*
 - (b) *Freight rail tracks and necessarily related freight rail facilities;*
 - (c) *Other transportation projects constructed or improved under Sections 1 to 18 of this Act and includes all bridges, tunnels, overpasses, underpasses, interchanges, or approaches that are determined by the district to be necessary for the safe merging of traffic between the project and those highways;*
 - (d) *Service facilities, and administration, storage, and other buildings, property, and facilities, that the district considers necessary for the operation of the project; and*
 - (e) *All property and rights that must be acquired by the district for the construction, maintenance, or operation of the project;*
- (23) *"Property" includes interests in property;*
- (24) *"Put arrangement" means provisions in the bond proceedings under which holders of the applicable bonds may exercise an option, or are required, to surrender the bonds or their ownership for an amount of payment previously established in or pursuant to the bond proceedings, at times, which may, but need not be, consistent with the ends of interest rate periods and which may be altered with or without the approval or consent, or upon the direction of, the absolute obligor or the issuer, as provided for in the bond proceedings;*
- (25) *"Refund" means to fund and retire outstanding bonds, including advance refunding with or without payment or redemption prior to stated maturity;*

- (26) *"Remarketing agent" means the person having responsibility for marketing or remarketing commercial paper or bonds with put arrangements, which may include responsibility for making recommendations or determinations as to prices or interest rates;*
- (27) *"Revenues" means:*
- (a) *All moneys received by a district with respect to the lease, sublease, or sale, including installment sale, conditional sale, or sale under a lease-purchase agreement, of a project;*
 - (b) *All moneys received by a district under an agreement pursuant to Section 18 of this Act;*
 - (c) *Any gift or grant received with respect to a project;*
 - (d) *All moneys received from increment bonds issued in accordance with the establishment of a local development area under KRS 65.7041 to 65.7083; and*
 - (e) *Proceeds of bonds issued under Sections 1 to 18 of this Act to the extent the use thereof for payment of principal or of premium, if any, or interest on the bonds is authorized by the district, proceeds from any insurance, condemnation, or guaranty pertaining to a project or property mortgaged to secure bonds or pertaining to the financing of a project, and income and profit from the investment of the proceeds of bonds or of any revenues;*
- (28) *"Special funds" means the applicable bond service fund and any accounts and subaccounts in that fund, any other funds or accounts permitted by, established under, and identified as a special fund or special account in the bond proceedings, including any special fund or account established for purposes of rebate or other requirements under federal income tax laws; and*
- (29) *"Transportation improvement district" or "district" means a transportation improvement district established pursuant to Section 2 of this Act.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 184 IS CREATED TO READ AS FOLLOWS:

- (1) *A transportation improvement district may be created by the legislative body of a city with a population of at least twenty thousand (20,000), a county, or by a group of up to three (3) contiguous counties. A transportation improvement district shall be governed by a board of trustees appointed as outlined in either subsection (3), (4), (5), or (6) of this section.*
- (2) *A transportation improvement district shall be considered:*
- (a) *A body both corporate and politic, and the exercise by it of the powers conferred by Sections 1 to 18 of this Act in the financing, construction, maintenance, repair, and operation of a project are and shall be held to be essential governmental functions; and*
 - (b) *A special purpose governmental entity as defined in KRS 65A.010 and subject to the requirements and limitations in KRS Chapter 65A.*
- (3) *A transportation improvement district established by a city shall be governed by a board of trustees consisting of:*
- (a) *Five (5) voting members appointed by the legislative body of the city; and*
 - (b) *One (1) nonvoting member appointed by the regional planning commission for the county.*
- All members appointed under this subsection shall be residents of the city establishing the district. Two (2) of the voting members shall be members of a chamber of commerce in the city.*
- (4) *A transportation improvement district established by a single county shall be governed by a board of trustees consisting of:*
- (a) *Five (5) voting members appointed by the legislative body of the county;*
 - (b) *One (1) nonvoting member appointed by the legislative body of the largest city in the county; and*
 - (c) *One (1) nonvoting member appointed by the regional planning commission for the county.*
- All members appointed under this subsection shall be residents of the county establishing the district. Two (2) of the voting members shall be members of a chamber of commerce in the county.*
- (5) *A transportation improvement district established by two (2) counties shall be governed by a board of trustees consisting of:*

- (a) *Six (6) voting members, three (3) of whom shall be appointed by the legislative body of each county;*
- (b) *One (1) voting member appointed by the board of trustees of the district;*
- (c) *Two (2) nonvoting members, one (1) of whom shall be appointed by the legislative body of the largest city in each county; and*
- (d) *One (1) nonvoting member appointed by the regional planning commission for the counties making up the district.*

All members appointed under this subsection shall be residents of one (1) of the counties establishing the district. One (1) of the voting members appointed by each county shall be members of a chamber of commerce located within that county.

- (6) *A transportation improvement district established by three (3) counties shall be governed by a board of trustees consisting of:*
 - (a) *Nine (9) voting members, three (3) of whom shall be appointed by the legislative body of each county;*
 - (b) *Three (3) nonvoting members, one (1) of whom shall be appointed by the legislative body of the largest city in each county; and*
 - (c) *One (1) nonvoting member appointed by the regional planning commission for the counties making up the district.*

All members appointed under this subsection shall be residents of one (1) of the counties establishing the district. One (1) of the voting members appointed by each county shall be members of a chamber of commerce located within that county.

- (7) *Except for initial appointments by the legislative bodies of cities and counties, each appointed member of the board shall hold office for a term of four (4) years but be subject to removal at the pleasure of the authority that appointed the member. Initial appointments to the board by the legislative body of a city or county shall be staggered so that no more than two (2) terms expire in any one (1) year. Except as otherwise provided in this section, any vacancy on the board shall be filled in the same manner as the original appointment.*
- (8) *The voting members of the board shall elect from the entire board membership a chairperson, vice-chairperson, and secretary-treasurer. A majority of the statutory number of voting members of the board constitutes a quorum, the affirmative vote of which is necessary for any action of the district. A vacancy in the membership of the board shall not impair the right of a quorum to exercise all the rights and perform all duties of the district.*
- (9) *Members of the board shall serve without pay, but shall be reimbursed for reasonable expenses from the district's budget.*
- (10) *A city or county that establishes a district, or a city that is part of the district established by one (1) or more counties, may make appropriations from moneys available to them and not otherwise appropriated to pay costs incurred by the district in the exercise of its functions under Sections 1 to 18 of this Act.*

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 184 IS CREATED TO READ AS FOLLOWS:

A transportation improvement district may:

- (1) *Adopt bylaws for the regulation of its affairs and the conduct of its business;*
- (2) *Adopt an official seal;*
- (3) *Sue and be sued in its own name, plead and be impleaded, provided any actions against the district shall be brought in the Circuit Court of the county in which the principal office of the district is located, or in the Circuit Court of the county in which the cause of action arose, and all summonses, exceptions, and notices of every kind shall be served on the district by leaving a copy thereof at its principal office with the secretary-treasurer;*
- (4) *Purchase, construct, maintain, repair, sell, exchange, police, operate, or lease projects;*
- (5) *Issue transportation improvement district revenue bonds for the purpose of providing funds to pay the costs of any project or part thereof;*
- (6) *Maintain such funds as it considers necessary;*

- (7) *Direct its agents or employees, when properly identified in writing and after at least five (5) days' written notice, to enter upon lands within its jurisdiction to make surveys and examinations preliminary to the location and construction of projects for the district, without liability of the district or its agents or employees except for actual damage done;*
- (8) *Make and enter into all contracts and agreements necessary or incidental to the performance of its functions and the execution of its powers under Sections 1 to 18 of this Act;*
- (9) *Employ, retain, or contract for the services of consulting engineers, superintendents, managers, and such other engineers, construction and accounting experts, financial advisers, trustees, marketing, remarketing, and administrative agents, attorneys, and other employees, independent contractors, or agents as are necessary in its judgment and fix their compensation, provided all such expenses shall be payable solely from the proceeds of bonds or from revenues;*
- (10) *Receive and accept from the federal or any state or local government, including but not limited to any agency, entity, or instrumentality of any of the foregoing, loans and grants for or in aid of the construction, maintenance, or repair of any project, and receive and accept aid or contributions from any source or person of money, property, labor, or other things of value, to be held, used, and applied only for the purposes for which such loans, grants, and contributions are made. Nothing in this subsection shall be construed as imposing any liability on this state for any loan received by a transportation improvement district from a third party unless this state has entered into an agreement to accept such liability;*
- (11) *Subject to the requirements of Section 5 of this Act, acquire, hold, and dispose of property in the exercise of its powers and the performance of its duties under Sections 1 to 18 of this Act; and*
- (12) *Do all acts necessary and proper to carry out the powers expressly granted in Sections 1 to 18 of this Act.*

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 184 IS CREATED TO READ AS FOLLOWS:

- (1) *The board of trustees of a transportation improvement district may provide for the construction, reconstruction, improvement, alteration, or repair of any road, highway, public place, building, or other infrastructure, if the board determines that the public improvement will benefit the area where it will be constructed, reconstructed, improved, altered, or repaired.*
- (2) *Contracts for the improvements made under this section may provide that the improvement may be owned by the district or by the person or corporation supplying it to the district under a lease.*
- (3) *If the board of trustees of a district proposes an improvement described in subsection (1) of this section, the board shall conduct a hearing on the proposed improvement. The board shall indicate the area by metes and bounds in which the public improvement will be made and the area that will benefit from the improvement.*
- (4)
 - (a) *The board of trustees shall fix a day for a hearing on the proposed improvement. The secretary-treasurer of the board shall deliver, to each owner of a parcel of land or a lot that the board identifies as benefiting from the proposed improvement, a notice that sets forth the substance of the proposed improvement and the time and place of the hearing on it.*
 - (b) *At least fifteen (15) days before the date set for the hearing, a copy of the notice shall be served upon the owner or left at the owner's usual place of residence, or, if the owner is a corporation, upon an officer or agent of the corporation.*
 - (c) *On or before the day of the hearing, the person serving notice of the hearing shall make return thereon, under oath, of the time and manner of service, and shall file the notice with the secretary-treasurer of the board.*
 - (d) *At least fifteen (15) days before the day set for the hearing on the proposed improvement, the secretary-treasurer shall give notice to each nonresident owner of a lot or parcel of land in the area to be benefited by the improvement by publication once in a newspaper of general circulation in any counties in which this area is located. The publication of the notice shall be verified by affidavit of the printer or other person having knowledge of the publication and shall be filed with the secretary-treasurer of the district on or before the date of the hearing.*
 - (e) *After the public hearing outlined in this subsection, the district shall present the improvement, including all relevant details, along with a summary of the public hearing, to the body or bodies that established the district. Each of those bodies must approve the project prior to the district being able to proceed.*

- (5) (a) *At the time and place specified in the notice for a hearing on the proposed improvement, the board of trustees of the district shall meet and hear any and all testimony provided by any of the parties affected by the proposed improvement and by any other persons competent to testify.*
- (b) *The board or its representatives shall inspect, by an actual viewing, the area to be benefited by the proposed improvement. The board shall determine the necessity of the proposed improvement and may find that the proposed improvement will result in general as well as special benefits.*
- (6) (a) *The board may award contracts or enter into a lease agreement for the construction, reconstruction, improvement, alteration, or repair of any improvement described in subsection (1) of this section and may issue notes, bonds, revenue anticipatory instruments, or other obligations, as authorized by Sections 1 to 18 of this Act, to finance the improvements.*
- (b) *If the board finds that the improvement will result in general or special benefits to the benefited area, it may request that the body or bodies that created the district to establish a local development area in accordance with KRS 65.7041 to 65.7083 to allow for tax increment financing to help defray the cost of the project.*
- (c) *Costs and expenses may also be paid from the treasury of the district or from other available sources in amounts the board finds appropriate.*

➔SECTION 5. A NEW SECTION OF KRS CHAPTER 184 IS CREATED TO READ AS FOLLOWS:

- (1) (a) *A transportation improvement district may acquire by purchase, lease, lease-purchase, lease with option to purchase, appropriation, or otherwise in the manner and for the consideration it considers proper, any public or private property necessary, convenient, or proper for the construction, maintenance, repair, or operation of a project. The district may pledge net revenues, to the extent permitted by Sections 1 to 18 of this Act with respect to bonds, to secure payments to be paid by the district under such a lease, lease-purchase agreement, or lease with option to purchase. Title to real and personal property shall be held in the name of the district.*
- (b) *If a district cannot come to terms on any property purchase, the district may request the city or county that established the district to acquire the property in accordance with KRS 416.540 to 416.670. Except as otherwise agreed to by the owner, full compensation shall be paid for public property so taken.*
- (2) *This section does not authorize a district to take or disturb property or facilities belonging to any public utility or to a common carrier engaged in interstate commerce when the property or facilities are required for the proper and convenient operation of the public utility or common carrier, unless provision is made for the restoration, relocation, replication, or duplication of the property or facilities elsewhere at the sole cost of the district.*
- (3) *Except as otherwise provided in Sections 1 to 18 of this Act, disposition of real property shall be by sale, lease-purchase agreement, lease with option to purchase, or otherwise in the manner and for the consideration as the district determines if to a governmental agency, and otherwise in the manner provided in this section. Disposition of personal property shall be in the manner and for the consideration as the district determines.*

➔SECTION 6. A NEW SECTION OF KRS CHAPTER 184 IS CREATED TO READ AS FOLLOWS:

The board of trustees of a district may:

- (1) *Acquire, by any method other than condemnation, real property in fee simple in the name of the district in connection with, but in excess of that needed for, a project;*
- (2) *Hold the property for a period of time as the board determines; and*
- (3) *Sell at public auction or otherwise, all right, title, and interest of the district in the property, as the board considers in the best interests of the district; but in no event shall the property be sold for less than two-thirds (2/3) of its appraised value. Sale at public auction shall be undertaken only after the board advertises the sale in a newspaper of general circulation in the district for two (2) weeks prior to the date set for the sale or as provided in KRS 424.130.*

➔SECTION 7. A NEW SECTION OF KRS CHAPTER 184 IS CREATED TO READ AS FOLLOWS:

- (1) *In addition to bonds issued in accordance with KRS 65.7041 to 65.7083, the board of trustees of a transportation improvement district may provide by resolution for the issuance, at one (1) time or from*

time-to-time, of bonds of the district for the purpose of paying all or any part of the cost of any one (1) or more projects. The bond service charges shall be payable solely from pledged revenues pledged for such payment pursuant to the applicable bond proceedings. The bonds of each issue shall be dated, shall bear interest at a rate or rates or at variable rates, and shall mature or be payable at a time or times, with a final maturity not to exceed thirty (30) years from their date or dates, all as determined by the board in the bond proceedings. The board shall determine the form of the bonds, including any interest coupons to be attached thereto, and shall fix the denomination or denominations of the bonds and the place or places of payment of bond service charges.

- (2) *The bonds shall be signed by the chairperson or vice-chairperson of the board or by the facsimile signature of that officer and the official seal of the district or a facsimile thereof may be affixed thereto or printed thereon and attested by the secretary-treasurer of the district, which may be by facsimile signature. Any coupons attached thereto shall bear the facsimile signature of the chairperson or vice-chairperson of the board. In case any officer whose signature, or a facsimile of whose signature, appears on any bonds or coupons ceases to be the officer before delivery of the bonds, such signature or facsimile shall nevertheless be valid and sufficient for all purposes the same as if the officer had remained in office until delivery.*
- (3) *Subject to the bond proceedings and provisions for registration, the bonds shall have all the qualities and incidents of negotiable instruments. The bonds may be issued in the form or forms as the board determines, including without limitation coupon, book entry, and fully registered form, and provision may be made for the registration of any coupon bonds as to principal alone and also as to both principal and interest, and for the exchange of bonds between forms. The board may sell the bonds by competitive bid on the best bid after advertisement or request for bids or by private sale in the manner and for the price it determines to be for the best interest of the district.*
- (4) *The proceeds of the bonds of each issue shall be used solely for the payment of the costs of the project or projects for which the bonds were issued, and shall be disbursed in the manner and under the restrictions as the board provides in the bond proceedings.*
- (5) *Prior to the preparation of definitive bonds, the board may, under like restrictions, issue interim receipts or temporary bonds or bond anticipation notes, with or without coupons, exchangeable for definitive bonds when the bonds have been executed and are available for delivery. The board may provide for the replacement of any mutilated, stolen, destroyed, or lost bonds.*
- (6) *The provisions of KRS 424.360 shall apply to the bonds issued under this section.*
- (7) *The bond proceedings shall provide, subject to the provisions of any other applicable bond proceedings, for the pledge to the payment of bond service charges and of any costs of or relating to credit enhancement facilities of all, or a part as the board may determine, of the pledged revenues and the applicable special fund or funds, which pledges may be made to secure the bonds on a parity with bonds theretofore or thereafter issued if and to the extent provided in the bond proceedings. Every pledge, and every covenant and agreement with respect thereto, made in the bond proceedings may in the bond proceedings be extended to the benefit of the owners and holders of bonds and to any trustee and any person providing a credit enhancement facility for those bonds, for the further security for the payment of the bond service charges and credit enhancement facility costs.*
- (8) *The bond proceedings may contain additional provisions as to:*
 - (a) *The redemption of bonds prior to maturity at the option of the board or of the bondholders or upon the occurrence of certain stated conditions, and at such price or prices and under such terms and conditions as are provided in the bond proceedings;*
 - (b) *Other terms of the bonds;*
 - (c) *Limitations on the issuance of additional bonds;*
 - (d) *The terms of any trust agreement securing the bonds or under which the same may be issued;*
 - (e) *Any or every provision of the bond proceedings being binding upon the board, state agencies, or other persons as may from time to time have the authority under law to take such actions as may be necessary to perform all or any part of the duty required by the provision;*
 - (f) *Any provision that may be made in a trust agreement; or*
 - (g) *Any other or additional agreements with the holders of the bonds, or the trustee therefor, relating to the bonds or the security for the bonds, including agreements for credit enhancement facilities.*

- (9) *Any holder of bonds or a trustee under the bond proceedings, except to the extent that the holder's or trustee's rights are restricted by the bond proceedings, may, by any suitable form of legal proceedings, protect and enforce any rights under the laws of this state or granted by the bond proceedings. Those rights include the right to compel the performance of all duties of the board required by Sections 1 to 18 of this Act or the bond proceedings; to enjoin unlawful activities; and in the event of default with respect to the payment of any bond service charges on any bonds or in the performance of any covenant or agreement on the part of the board contained in the bond proceedings, to apply to a court having jurisdiction of the cause to appoint a receiver to receive and administer the revenues and the pledged revenues which are pledged to the payment of the bond service charges on the bonds or that are the subject of the covenant or agreement, with full power to pay, and to provide for payment of, bond service charges on the bonds, and with the powers, subject to the direction of the court, as are accorded receivers in general equity cases, excluding any power to pledge additional revenue or receipts or other income, funds, or moneys of the board to the payment of the bond service charges and excluding the power to take possession of, mortgage, or cause the sale or otherwise dispose of any project or other property of the board.*
- (10) *Each duty of the board and the board's officers and employees, undertaken pursuant to the bond proceedings, is hereby established as a duty of the board, and of each officer, member, or employee having authority to perform the duty.*
- (11) *The board's officers or employees are not liable in their personal capacities on any bonds issued by the board or any agreements of or with the board relating to those bonds.*
- (12) *The bonds are lawful investments for banks, savings and loan associations, credit unions, trust companies, trustees, fiduciaries, insurance companies, including domestic for life and domestic not for life, trustees or other officers having charge of sinking and bond retirement or other funds of the state or its political subdivisions and taxing districts, the commissioners of the sinking fund of the state, the Kentucky Workers' Compensation Funding Commission, state-administered retirement systems as defined in KRS 7A.210, and also are acceptable as security for the repayment of the deposit of public moneys.*
- (13) *Provision may be made in the applicable bond proceedings for the establishment of separate accounts in the bond service fund and for the application of such accounts only to the specified bond service charges pertinent to such accounts and bond service fund, and for other accounts therein within the general purposes of the fund.*
- (14) *The board may pledge all, or any portion as it determines, of the pledged revenues to the payment of bond service charges, and for the establishment and maintenance of any reserves and special funds, as provided in the bond proceedings, and make other provisions therein with respect to pledged revenues, revenues, and net revenues as authorized by Sections 1 to 18 of this Act, which provisions shall be controlling notwithstanding any other provisions of law pertaining thereto.*

➔SECTION 8. A NEW SECTION OF KRS CHAPTER 184 IS CREATED TO READ AS FOLLOWS:

The board of trustees of a transportation improvement district may provide by resolution for the issuance of bonds of the district, payable solely from pledged revenues, for the purpose of refunding any bonds then outstanding, including the payment of related financing expenses and, if considered advisable by the board, for the additional purpose of paying costs of improvements, extensions, renovations, or enlargements of any project. The issuance of refunding bonds, the maturities and other details thereof, the rights of the holders thereof, and the rights, duties, and obligations of the board in respect to the bonds shall be governed by the provisions of Sections 1 to 18 of this Act insofar as they are applicable and by the applicable bond proceedings.

➔SECTION 9. A NEW SECTION OF KRS CHAPTER 184 IS CREATED TO READ AS FOLLOWS:

- (1) *Bonds issued by a district do not constitute a debt, or a pledge of the faith and credit, of the state or of any political subdivision of the state. Bond service charges on outstanding bonds are payable solely from the pledged revenues pledged for their payment as authorized by Sections 1 to 18 of this Act and as provided in the bond proceedings. All bonds shall contain on their face a statement to that effect.*
- (2) *All expenses incurred in carrying out Sections 1 to 18 of this Act shall be payable solely from revenues provided under Sections 1 to 18 of this Act. Sections 1 to 18 of this Act do not authorize the board of trustees of a district to incur indebtedness or liability on behalf of or payable by the state or any political subdivision of the state.*

➔SECTION 10. A NEW SECTION OF KRS CHAPTER 184 IS CREATED TO READ AS FOLLOWS:

- (1) *In the discretion of the board of trustees of a transportation improvement district, any bonds may be secured by a trust agreement between the board and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or without the state but authorized to exercise trust powers within this state.*
- (2) *Any trust agreement may pledge or assign the revenues to be received, but shall not convey or mortgage any project or any part thereof. Any trust agreement or other bond proceedings may contain provisions for protecting and enforcing the rights and remedies of the bondholders as are reasonable and proper and not in violation of law, including covenants setting forth the duties of the board in relation to the acquisition of property, the construction, maintenance, and repair of the project or projects in connection with which the bonds are authorized and the custody, safeguarding, application of all moneys, and provisions for the employment or retention of the services of consulting engineers in connection with the construction, maintenance, or repair of the project or projects. Any bank or trust company incorporated under the laws of this state which may act as depository of the proceeds of bonds or of revenues may furnish such indemnifying bonds or may pledge such securities as are required by the board. Any such trust agreement may set forth the rights and remedies of the bondholders and of the trustee, may restrict the individual right of action by bondholders as is customary in revenue bond trust agreements of public bodies, and may contain other provisions as the board considers reasonable and proper for the security of the bondholders. All expenses incurred in entering into or carrying out the provisions of any trust agreement may be treated as a part of the cost of the project or projects.*

➔SECTION 11. A NEW SECTION OF KRS CHAPTER 184 IS CREATED TO READ AS FOLLOWS:

Revenues derived from each project of a transportation improvement district in connection with which any bonds are outstanding shall be first applied to pay the cost of the construction, maintenance, and repair of the project and to provide such reserves therefor as are provided for in the bond proceedings authorizing the issuance of those outstanding bonds, and otherwise as provided by the board of trustees of the district, and the balance of the pledged revenues shall be set aside, at regular intervals as are provided in the bond proceedings, in a bond service fund which is hereby pledged to and charged with the payment of the bond service charges on any outstanding bonds as provided in the applicable bond proceedings. The pledge shall be valid and binding from the time the pledge is made. The revenues and the pledged revenues thereafter received by the board shall immediately be subject to the lien of the pledge without any physical delivery thereof or further act, and the lien of such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the board, whether or not the parties have notice thereof. The bond proceedings by which a pledge is created need not be filed or recorded except in the records of the board. The use and disposition of moneys to the credit of a bond service fund shall be subject to the applicable bond proceedings. Except as is otherwise provided in the bond proceedings, a bond service fund shall be a fund for all such bonds, without distinction or priority of one (1) over another.

➔SECTION 12. A NEW SECTION OF KRS CHAPTER 184 IS CREATED TO READ AS FOLLOWS:

All moneys received by the board of trustees of a transportation improvement district under Sections 1 to 18 of this Act, whether as proceeds from the sale of bonds, as revenues, or otherwise, are to be held and applied solely as provided in Sections 1 to 18 of this Act and in any applicable bond proceedings. The bond proceedings shall provide that any officer to whom, or any bank or trust company to which, revenues or pledged revenues are paid shall act as trustee of the moneys and hold and apply them for the purposes thereof, subject to applicable provisions of Sections 1 to 18 of this Act and the bond proceedings.

➔SECTION 13. A NEW SECTION OF KRS CHAPTER 184 IS CREATED TO READ AS FOLLOWS:

Any holder of bonds issued and outstanding under Sections 1 to 18 of this Act, or any of the coupons appertaining thereto, and the trustee under any trust agreement, except to the extent the rights given by Sections 1 to 18 of this Act may be restricted or modified by the bond proceedings, may by suit, action, mandamus, or other proceedings, protect and enforce any rights under the laws of the state or granted under Sections 1 to 18 of this Act or the bond proceedings, and may enforce and compel the performance of all duties required by Sections 1 to 18 of this Act or the bond proceedings, to be performed by the board of trustees of a transportation improvement district or any officer of the board.

➔SECTION 14. A NEW SECTION OF KRS CHAPTER 184 IS CREATED TO READ AS FOLLOWS:

The exercise of the powers granted by Sections 1 to 18 of this Act is in all respects for the benefit of the people of the state, for the increase of their commerce and prosperity, and for the improvement of their health and living conditions. As the construction, maintenance, and repair of projects by a transportation improvement district

constitute the performance of essential governmental functions, the district shall not be required to pay any state or local taxes or assessments upon any project, or upon revenues or any property acquired or used by the district under Sections 1 to 18 of this Act, or upon the income therefrom. The bonds issued under Sections 1 to 18 of this Act, their transfer, and the income therefrom, including any profit made on the sale thereof, shall at all times be free from taxation within the state.

➔SECTION 15. A NEW SECTION OF KRS CHAPTER 184 IS CREATED TO READ AS FOLLOWS:

The Transportation Cabinet may undertake a demonstration project to study, develop, and demonstrate ways to facilitate public-private cooperation and flexibility in financing, constructing, maintaining, or operating transportation projects. In so doing, it may take all steps necessary and appropriate to facilitate the efforts of a transportation improvement district established in accordance with Sections 1 to 18 of this Act. Such steps may include advising and providing technical assistance to the district and may also include designating Transportation Cabinet engineers to serve as the cabinet's agent to review project designs and determine if they meet state and federal specifications.

➔SECTION 16. A NEW SECTION OF KRS CHAPTER 184 IS CREATED TO READ AS FOLLOWS:

It is hereby found and determined that surface transportation projects undertaken pursuant to Sections 1 to 18 of this Act are essential and will contribute to the improvement of the prosperity, health, safety, and welfare of the people of a transportation improvement district and to all of the state, and that it is in the public interest and a proper public purpose for a transportation improvement district to acquire, construct, enlarge, improve, equip, sell, lease, lease-purchase, exchange, or otherwise dispose of property, structures, and other facilities for such transportation projects. It is further found and determined that the exercise of the authority granted by Sections 1 to 18 of this Act is consistent with and will promote industry, commerce, distribution, and research activity in the state. Sections 1 to 18 of this Act, being necessary for the prosperity, health, safety, and welfare of the state and its people, shall be liberally construed to effect their purposes.

➔SECTION 17. A NEW SECTION OF KRS CHAPTER 184 IS CREATED TO READ AS FOLLOWS:

Notwithstanding any other statute to the contrary, the approval, consent, or cooperation of a political subdivision is not required for a transportation improvement district project that involves constructing or improving a highway that runs through the territory of the political subdivision and connects to a highway that is part of the interstate system.

➔SECTION 18. A NEW SECTION OF KRS CHAPTER 184 IS CREATED TO READ AS FOLLOWS:

- (1) *The legislative body of a county may enter into an agreement with a transportation improvement district of a contiguous county for the district to undertake a project that is located wholly or partially within that county, provided that the legislative body of the county that created the transportation improvement district shall be required to enter into the agreement.*
- (2) *No transportation improvement district shall undertake a project that is located wholly or partially within a county that did not create the transportation improvement district except pursuant to an agreement entered into in accordance with this section, a project being undertaken by two (2) or more transportation improvement districts, or as otherwise provided by law.*

➔Section 19. KRS 65.7045 is amended to read as follows:

As used in KRS 65.7041 to 65.7083:

- (1) "Activation date" means the date established any time within a two (2) year period after the commencement date. The activation date is the date on which the time period for the pledge of incremental revenues shall commence. The governing body may extend the two (2) year period to no more than four (4) years upon written application by the agency requesting the extension. To implement the activation date, the agency that is a party to the local participation agreement or the local development area agreement shall notify the governing body that created the development area or local development area;
- (2) "Agency" means:
 - (a) An urban renewal and community development agency established under KRS Chapter 99;
 - (b) A development authority established under KRS Chapter 99;
 - (c) A nonprofit corporation;
 - (d) A housing authority established under KRS Chapter 80;

- (e) An air board established under KRS 183.132 to 183.160;
 - (f) A local industrial development authority established under KRS 154.50-301 to 154.50-346;
 - (g) A riverport authority established under KRS 65.510 to 65.650;~~[-or]~~
 - (h) ***A transportation improvement district established under Sections 1 to 18 of this Act; or***
 - (i) A designated department, division, or office of a city or county;
- (3) "Arena" means a facility which serves primarily as a venue for athletic events, live entertainment, and other performances, and which has a permanent seating capacity of at least five thousand (5,000);
- (4) "Authority" means the Kentucky Economic Development Finance Authority established by KRS 154.20-010;
- (5) "Brownfield site" means real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant;
- (6) "Capital investment" means:
- (a) Obligations incurred for labor and to contractors, subcontractors, builders, and materialmen in connection with the acquisition, construction, installation, equipping, and rehabilitation of a project;
 - (b) The cost of acquiring land or rights in land within the development area on the footprint of the project, and any cost incident thereto, including recording fees;
 - (c) The cost of contract bonds and of insurance of all kinds that may be required or necessary during the course of acquisition, construction, installation, equipping, and rehabilitation of a project which is not paid by the contractor or contractors or otherwise provided;
 - (d) All costs of architectural and engineering services, including test borings, surveys, estimates, plans, specifications, preliminary investigations, supervision of construction, and the performance of all the duties required by or consequent upon the acquisition, construction, installation, equipping, and rehabilitation of a project;
 - (e) All costs that are required to be paid under the terms of any contract for the acquisition, construction, installation, equipping, and rehabilitation of a project; and
 - (f) All other costs of a nature comparable to those described in this subsection;
- (7) "City" means any city, consolidated local government, or urban-county government;
- (8) "Commencement date" means:
- (a) The date on which a local development area agreement is executed; or
 - (b) The date on which a local participation agreement is executed;
- (9) "Commonwealth" means the Commonwealth of Kentucky;
- (10) "County" means any county, consolidated local government, charter county, unified local government, or urban-county government;
- (11) "Debt charges" means the principal, including any mandatory sinking fund deposits, interest, and any redemption premium, payable on increment bonds as the payments come due and are payable and any charges related to the payment of the foregoing;
- (12) "Development area" means an area established under KRS 65.7049, 65.7051, and 65.7053;
- (13) "Economic development projects" means projects which are approved for tax credits under Subchapter 20, 22, 23, 24, 25, 26, 27, 28, 34, or 48 of KRS Chapter 154;
- (14) "Establishment date" means the date on which a development area or a local development area is created. If the development area, local development area, development area plan, or local development area plan is modified or amended subsequent to the original establishment date, the modifications or amendments shall not extend the existence of the development area or local development area beyond what would be permitted under KRS 65.7041 to 65.7083 from the original establishment date;
- (15) "Governing body" means the body possessing legislative authority in a city or county;

- (16) "Increment bonds" means bonds and notes issued for the purpose of paying the costs of one (1) or more projects, or grant or loan programs as described in subsection (30)(c) of this section, in a development area or a local development area;
- (17) "Incremental revenues" means the amount of revenues received by a taxing district, as determined by subtracting old revenues from new revenues in a calendar year with respect to a development area, a project within a development area, or a local development area;
- (18) "Issuer" means a city, county, or agency issuing increment bonds;
- (19) "Local development area" means a development area established under KRS 65.7047;
- (20) "Local development area agreement" means an agreement entered into under KRS 65.7047;
- (21) "Local participation agreement" means the agreement entered into under KRS 65.7063;
- (22) "Local tax revenues" means:
- (a) Revenues derived by a city or county from one (1) or more of the following sources:
 - 1. Real property ad valorem taxes;
 - 2. Occupational license taxes, excluding occupational license taxes that have already been pledged to support an economic development project within the development area; and
 - 3. The occupational license fee permitted by KRS 65.7056; and
 - (b) Revenues derived by any taxing district other than school districts or fire districts from real property ad valorem taxes;
- (23) "Low-income household" means a household in which gross income is no more than two hundred percent (200%) of the poverty guidelines updated periodically in the Federal Register by the United States Department of Health and Human Services under the authority of 42 U.S.C. sec. 9902(2);
- (24) "Mixed-use" has the same meaning as in KRS 154.30-060;
- (25) "New revenues" means the amount of local tax revenues received by a taxing district with respect to a development area or a local development area in any calendar year beginning with the year in which the activation date occurred;
- (26) "Old revenues" means the amount of local tax revenues received by a taxing district with respect to a development area or a local development area during the last calendar year prior to the commencement date. If the governing body determines that the amount of local tax revenues received during the last calendar year prior to the commencement date does not represent a true and accurate depiction of revenues, the governing body may consider revenues for a period of no longer than three (3) calendar years prior to the commencement date, so as to determine a fair representation of local tax revenues;
- (27) "Outstanding" means increment bonds that have been issued, delivered, and paid for by the purchaser, except any of the following:
- (a) Increment bonds canceled upon surrender, exchange, or transfer, or upon payment or redemption;
 - (b) Increment bonds in replacement of which or in exchange for which other increment bonds have been issued; or
 - (c) Increment bonds for the payment, redemption, or purchase for cancellation prior to maturity, of which sufficient moneys or investments, in accordance with the ordinance or other proceedings or any applicable law, by mandatory sinking fund redemption requirements, or otherwise, have been deposited, and credited in a sinking fund or with a trustee or paying or escrow agent, whether at or prior to their maturity or redemption, and, in the case of increment bonds to be redeemed prior to their stated maturity, notice of redemption has been given or satisfactory arrangements have been made for giving notice of that redemption, or waiver of that notice by or on behalf of the affected bond holders has been filed with the issuer or its agent;
- (28) "Planning unit" means a planning commission established pursuant to KRS Chapter 100;
- (29) "Project" means any property, asset, or improvement located in a development area or a local development area and certified by the governing body as:
- (a) Being for a public purpose; and

- (b) Being for the development of facilities for residential, commercial, industrial, public, recreational, or other uses, or for open space, including the development, rehabilitation, renovation, installation, improvement, enlargement, or extension of real estate and buildings; and
 - (c) Contributing to economic development or tourism;
- (30) "Redevelopment assistance," as utilized within a development area, includes the following:
- (a) Technical assistance programs to provide information and guidance to existing, new, and potential businesses and residences;
 - (b) Programs to market and promote the development area and attract new businesses and residents;
 - (c) Grant and loan programs to encourage the construction or rehabilitation of residential, commercial, and industrial buildings; improve the appearance of building facades and signage; and stimulate business start-ups and expansions;
 - (d) Programs to obtain a reduced interest rate, down payment, or other improved terms for loans made by private, for-profit, or nonprofit lenders to encourage the construction or rehabilitation of residential, commercial, and industrial buildings; improve the appearance of building facades and signage; and stimulate business start-ups and expansions;
 - (e) Local capital improvements, including but not limited to the installation, construction, or reconstruction of streets, lighting, pedestrian amenities, public utilities, public transportation facilities, public parking, parks, playgrounds, recreational facilities, and public buildings and facilities;
 - (f) Improved or increased provision of public services, including but not limited to police or security patrols, solid waste management, and street cleaning;
 - (g) Provision of technical, financial, or other assistance in connection with:
 - 1. Applications to the Energy and Environment Cabinet for a brownfields assessment or a No Further Remediation Letter issued pursuant to KRS 224.1-450; or
 - 2. Site remediation by means of the Voluntary Environmental Remediation Program to remove environmental contamination in the development area, or lots or parcels within it, pursuant to KRS 224.1-510 to 224.1-532; and
 - (h) Direct development by a city, county, or agency of real property acquired by the city, county, or agency. Direct development may include one (1) or more of the following:
 - 1. Assembly and replatting of lots or parcels;
 - 2. Rehabilitation of existing structures and improvements;
 - 3. Demolition of structures and improvements and construction of new structures and improvements;
 - 4. Programs of temporary or permanent relocation assistance for businesses and residents;
 - 5. The sale, lease, donation, or other permanent or temporary transfer of real property to public agencies, persons, and entities both for profit and nonprofit; and
 - 6. The acquisition and construction of projects;
- (31) "Service payment agreement" means an agreement between a city, county, or issuer of increment bonds or other obligations and any person, whereby the person agrees to guarantee the receipt of incremental revenues, or the payment of debt charges, or any portion thereof, on increment bonds or other obligations issued by the city, county, or issuer;
- (32) "Special fund" means a special fund created under KRS 65.7061 in which all incremental revenues shall be deposited;
- (33) "Taxing district" means any city, county, or special taxing district other than school districts and fire districts;
- (34) "Tax incentive agreement" means an agreement entered into under KRS 154.30-070;
- (35) "Termination date" means:
- (a) For a development area, a date established by the ordinance creating the development area that is no more than twenty (20) years from the establishment date. If a tax incentive agreement for a project

within a development area or a local participation agreement relating to the development area has a termination date that is later than the termination date established in the ordinance, the termination date for the development area shall be extended to the termination date of the tax incentive agreement, or local participation agreement. However, the termination date for the development area shall in no event be more than forty (40) years from the establishment date;

- (b) For a local development area, a date established by the ordinance creating the local development area that is no more than twenty (20) years from the establishment date, provided that if a local development area agreement relating to the local development area has a termination date that is later than the termination date established in the ordinance, the termination date for the local development area shall be extended to the termination date of the local development area agreement;
 - (c) For a local participation agreement, a date that is no more than twenty (20) years from the activation date. However, the termination date for a local participation agreement shall in no event be more than forty (40) years from the establishment date of the development area to which the local participation agreement relates; and
 - (d) For a local development area agreement, a date that is no more than twenty (20) years from the activation date. However, the termination date for a local development area agreement shall in no event be more than forty (40) years from the establishment date of the local development area to which the development area agreement relates; and
- (36) "University research park" means land owned by a public university that has been designated by the public university as being primarily for the development of projects and facilities to support high-tech, pharmaceutical, laboratory, and other research-based businesses, including projects and facilities to support and complement the development of high-tech, pharmaceutical, laboratory, and other research-based businesses.

➔Section 20. KRS 416.670 is amended to read as follows:

- (1) Development shall be started on any property which has been acquired through condemnation within a period of eight (8) years from the date of the deed to the condemnor or the date on which the condemnor took possession, whichever is earlier, for the purpose for which it was condemned. The failure of the condemnor to so begin development shall entitle the current landowner to repurchase the property at the price the condemnor paid to the landowner for the property. The current owner of the land from which the condemned land was taken may reacquire the land as aforementioned.
- (2) Any condemnor who fails to develop property acquired by condemnation or who fails to begin design on highway projects pursuant to KRS Chapter 177 within a period of eight (8) years after acquisition, shall notify the current landowner of the provisions of subsection (1) of this section. If the current landowner refuses to purchase property described in this section, public notice shall be given in a manner prescribed in KRS Chapter 424 within thirty (30) days of the refusal, and the property shall be sold at auction. Provided, however, that this section shall not apply to property acquired for purposes of industrial development pursuant to KRS Chapter 152 *or a project of a transportation improvement district under Sections 1 to 18 of this Act.*
- (3) If there are two (2) or more current owners of the land from which the condemned land was taken because the remaining land was subdivided, and if they have a common boundary with the condemned land, the condemned land shall be reacquired by allowing all owners of a parcel of the remaining land with a common boundary and from which the condemned land was taken to offer sealed bids for the condemned land within thirty (30) days of notification by the condemnor. The condemnor shall accept the highest and best sealed bid equal to or greater than the price paid at the time of condemnation. If there are no sealed bids or if all sealed bids are below the original price paid by the condemnor for the property, the property shall be sold at auction.

Signed by Governor April 8, 2022.

CHAPTER 181

(HB 259)

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

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

➔Section 1. KRS 16.052 is amended to read as follows:

- (1) The base compensation of ***troopers and commercial vehicle enforcement*** officers shall be determined based on years of service and rank, as provided in this section.
- (2) (a) The years-of-service requirements for the salary schedule for ranks below sergeant are as follows:
 1. A trooper ***and a commercial vehicle enforcement officer shall have***~~is an officer with~~ less than three (3) years of continuous service as a commissioned ***trooper or commercial vehicle enforcement*** officer with the department;
 2. A senior trooper ***and a senior commercial vehicle enforcement officer*** shall have:
 - a. At least three (3) years of continuous service as a commissioned ***trooper or commercial vehicle enforcement*** officer with the department and sixty (60) college credit hours;
 - b. At least four (4) years of continuous service as a commissioned ***trooper or commercial vehicle enforcement*** officer with the department and thirty-two (32) college credit hours; or
 - c. Five (5) years of continuous service as a commissioned ***trooper or commercial vehicle enforcement*** officer with the department with no college credit requirement;
 3. A trooper first class ***and a commercial vehicle enforcement officer first class*** shall have at least ten (10) years of continuous service as a commissioned ***trooper or commercial vehicle enforcement*** officer with the department; and
 4. A master trooper ***and a master commercial vehicle enforcement officer*** shall have at least fifteen (15) years of continuous service as a commissioned ***trooper or commercial vehicle enforcement*** officer with the department.
- (b) In addition to meeting the years of service requirements established by paragraph (a) of this subsection, ***troopers and commercial vehicle enforcement*** officers listed in the salary schedule for ***troopers and commercial vehicle enforcement*** officers below the rank of sergeant shall also meet the requirements for promotion in rank established by the commissioner pursuant to KRS 16.050.
- (c) Requirements for promotion to sergeant, lieutenant, and captain are as established by KRS 16.055.
- (3) Any overtime and any salary supplement received from the Law Enforcement Foundation Program pursuant to KRS 15.410 to 15.510 or any comparable supplements received from another funding source shall be in addition to the amounts reflected in the base salary schedules established by subsection (4) of this section.
- (4) (a) The salary schedules established in this subsection are based on a combination of ***trooper and commercial vehicle enforcement*** officer classification and years of service.
- (b) When "NA" appears in the schedule, it is not possible for a~~an~~ ***trooper or commercial vehicle enforcement*** officer to be in that classification and years-of-service combination based upon statutory or regulatory conditions established for promotion or advancement.
- (c) Salary increases based on years of service shall be effective on the first day of the month during which the anniversary of the ***trooper's or commercial vehicle enforcement*** officer's appointment as a commissioned Kentucky State Police officer falls.
- (d) Salary increases based on promotion to a higher rank shall be effective on the first day the ***trooper and commercial vehicle enforcement*** officer is promoted.
- (e) If a~~an~~ ***trooper or commercial vehicle enforcement*** officer is reverted to a previous rank, the ***trooper's or commercial vehicle enforcement*** officer's salary shall be adjusted to the salary reflected in the base salary schedule for the ***trooper's or commercial vehicle enforcement*** officer's applicable number of years of service and rank. The adjustment shall take effect the first pay period following the pay period in which the reversion occurs.
- (f) The base salary for a cadet trooper ***or commercial vehicle enforcement officer cadet*** shall be ***forty-five***~~thirty-five~~ thousand dollars (***\$45,000***~~[\$35,000]).~~

- (g) *The salary for a legislative security specialist, as established in KRS 16.187 and 16.188, shall be the equivalent of the base salary for a trooper or commercial vehicle enforcement officer with the same number of years of service.*

BASE SALARY SCHEDULE FOR RANKS BELOW SERGEANT

Years of Service	Trooper Salary Steps Based on Rank			
	Trooper	Senior	First Class	Master
Base Pay	\$55,888.80	N/A	N/A	N/A
3 years	\$59,583.12	\$61,422.00	N/A	N/A
5 years	N/A	\$62,719.20	N/A	N/A
7 years	N/A	\$64,053.12	N/A	N/A
9 years	N/A	\$65,428.08	N/A	N/A
10 years	N/A	N/A	\$65,723.76	N/A
13 years	N/A	N/A	\$68,368.08	N/A
15 years	N/A	N/A	N/A	\$74,742.00
17 years	N/A	N/A	N/A	\$77,837.04
19 years	N/A	N/A	N/A	\$81,116.88
21 years	N/A	N/A	N/A	\$84,499.20
23 years	N/A	N/A	N/A	\$88,081.20
25 years	N/A	N/A	N/A	\$88,834.56
27 years	N/A	N/A	N/A	\$89,594.16
29 years	N/A	N/A	N/A	\$90,361.68
Base Pay	\$37,887	\$43,014	NA	NA
3 years	\$41,310	NA	NA	NA
5 years	\$43,014	\$44,216	NA	NA
7 years	NA	\$45,452	NA	NA
9 years	NA	\$46,726	NA	NA
10 years	NA	NA	\$47,000	NA
13 years	NA	NA	\$49,450	NA
15 years	NA	NA	NA	\$55,356
17 years	NA	NA	NA	\$58,224
19 years	NA	NA	NA	\$61,263
21 years	NA	NA	NA	\$64,397
23 years	NA	NA	NA	\$67,716
25 years	NA	NA	NA	\$68,414
27 years	NA	NA	NA	\$69,118
29 years	NA	NA	NA	\$69,829

BASE SALARY SCHEDULE SERGEANT AND ABOVE

Years of Service	Salary Steps Based on Rank		
	Sergeant	Lieutenant	Captain
6 years	\$45,271	NA	NA

7 years	\$47,271	\$53,500	NA
8 years	\$47,805	NA	\$59,100
9 years	\$49,918	\$54,500	NA
11 years	\$50,911	\$56,000	\$61,199
13 years	\$53,108	\$58,000	\$63,798
15 years	\$56,966	\$61,000	\$67,188
17 years	\$61,093	\$65,000	\$70,747
19 years	\$65,510	\$70,436	\$74,845
21 years	\$70,235	\$74,158	\$78,409
23 years	\$75,292	\$78,066	\$82,529
25 years	\$80,702	\$82,169	\$86,755
27 years	\$85,491	\$86,478	\$90,306
29 years	\$90,686	\$91,002	\$93,998

- (5) *The base salary for ranks defined in KRS 16.055 and 16.191 shall be set at:*
- (a) *Ten percent (10%) above the base salary for the trooper's or commercial vehicle enforcement officer's applicable number of years of service for the rank of sergeant;*
 - (b) *Twenty percent (20%) above the base salary for the trooper's or commercial vehicle enforcement officer's applicable number of years of service for the rank of lieutenant; and*
 - (c) *Thirty percent (30%) above the base salary for the trooper's or commercial vehicle enforcement officer's applicable number of years of service for the rank of captain.*
- (6) Beginning on July 1, 2023~~[2018]~~, the salary schedule established by subsection (4) of this section shall be adjusted annually to incorporate any increase in the nonseasonally adjusted Consumer Price Index for all urban consumers, U.S. city average, all items, published by the United States Department of Labor, Bureau of Labor Statistics.
- ~~(7)(6)~~ The salary schedules shall be applied to *troopers and commercial vehicle enforcement* officers employed by the department on *July 1, 2022*~~[July 15, 2016]~~, as follows:
- (a) Except as provided in paragraph (b) of this subsection:
 1. Any *trooper or commercial vehicle enforcement* officer whose base salary exceeds the amount established for his or her years of service and rank in subsection (4) of this section shall retain his or her base salary and shall not receive an increase under the salary schedule until the *trooper's or commercial vehicle enforcement* officer's years of service and rank require a higher base salary than the base salary he or she was receiving on *July 1, 2022*~~[July 15, 2016]~~; and
 2. Any *trooper or commercial vehicle enforcement* officer whose base salary is below the amount established for his or her years of service and rank in subsection (4) of this section shall receive the base salary he or she qualifies for under the salary schedule for the pay period beginning *July 1, 2022*~~[August 1, 2016]~~; and
 - (b) Any *trooper or commercial vehicle enforcement* officer who is receiving compensation under KRS 16.165 shall not receive any years of service or rank increases during any period that he or she is receiving compensation under KRS 16.165.
- ~~(8)(7)~~ The commissioner may establish additional ranks beyond those provided in the salary schedules established by this section, including the ranks of major, lieutenant colonel, colonel, and executive security detail. If the commissioner establishes any of these ranks, the commissioner shall set forth in a policy the conditions under which a~~an~~ *trooper or commercial vehicle enforcement* officer may be promoted to the rank, and the salary that the *trooper or commercial vehicle enforcement* officer will receive while serving in that rank.
- ➔Section 2. KRS 16.583 is amended to read as follows:

- (1) A member of the State Police Retirement System, a member of the Kentucky Employees Retirement System in a hazardous duty position covered by this section, whose participation begins on or after January 1, 2014, or a member making an election pursuant to KRS 61.5955, shall receive the retirement benefits provided by this section in lieu of the retirement benefits provided under KRS 16.576 and 16.577. The retirement benefit provided by this section shall be known as the hybrid cash balance plan and shall operate as another benefit tier within the State Police Retirement System and the Kentucky Employees Retirement System.
- (2) The hybrid cash balance plan shall provide a retirement benefit based upon the member's accumulated account balance, which shall include:
 - (a) Contributions made by the member as provided by KRS 16.505 to 16.652 and 61.510 to 61.705, except for employee contributions prescribed by KRS 61.702(3)(b);
 - (b)
 - I.* An employer pay credit of seven and one-half percent (7.5%) of the creditable compensation earned by the employee for each month the employee is contributing to the hybrid cash balance plan provided by this section; and
 - 2. For members of the State Police Retirement System covered by this section, an employer pay credit for the value of accumulated sick leave as determined and limited by Section 3 of this Act; and*
 - (c) Interest credits added annually to the member's accumulated account balance as provided by this section.
- (3)
 - (a) Member contributions and employer pay credits as provided by subsection (2)(a) and (b)*I.* of this section shall be credited to the member's account monthly as contributions are reported and posted to the system in accordance with KRS 61.675.
 - (b) Interest credits, as provided by subsection (2)(c) of this section, shall be credited to the member's account annually on June 30 of each fiscal year, as determined by subsection (4) of this section.
 - (c) ***Employer pay credits for accumulated sick leave shall be credited to the member's account as determined by Section 3 of this Act.***
- (4)
 - (a) On June 30 of each fiscal year, the system shall determine if the member contributed to the hybrid cash balance plan during the fiscal year.
 - (b) If the member contributed to the hybrid cash balance plan during the fiscal year, the interest credit added to the member's account for that fiscal year shall be determined by multiplying the member's accumulated account balance on June 30 of the preceding fiscal year by a percentage increase equal to:
 1. Four percent (4%); plus
 2. Seventy-five percent (75%) of the system's geometric average net investment return in excess of a four percent (4%) rate of return.
 - (c) If the member did not contribute to the hybrid cash balance plan during the fiscal year, the interest credit added to the member's account for that fiscal year shall be determined by multiplying the member's accumulated account balance on June 30 of the preceding fiscal year by four percent (4%).
 - (d) For purposes of this subsection, "system's geometric average net investment return":
 1. Means the annual average geometric investment return, net of administrative and investment fees and expenses, over the last five (5) fiscal years as of the date the interest is credited to the member's account; and
 2. Shall be expressed as a percentage and based upon the system in which the member has an account.
 - (e) No employer pay credits or interest credits shall be provided to a member who has taken a refund of contributions as provided by KRS 61.625 or who has retired and annuitized his or her accumulated account balance as prescribed by this section.
- (5)
 - (a) Upon termination of employment, a member who has less than five (5) years of service credited under KRS 16.543(1), 61.543(1), and 78.615(1), who elects to take a refund of his or her accumulated account balance as provided by KRS 61.625, shall forfeit the accumulated employer credit, and shall only receive a refund of his or her accumulated contributions.

- (b) Upon termination of employment, a member who has five (5) or more years of service credited under KRS 16.543(1), 61.543(1), and 78.615(1), who elects to take a refund of his or her accumulated account balance as provided by KRS 61.625, shall receive a full refund of his or her accumulated account balance.
- (6) A member participating in the hybrid cash balance plan provided by this section may retire:
 - (a) At his or her normal retirement date, provided he or she has earned five (5) or more years of service credited under KRS 16.543(1), 61.543(1), or 78.615(1), or another state-administered retirement system; or
 - (b) At any age, provided he or she has earned twenty-five (25) or more years of service credited under KRS 16.543(1), 61.543(1), or 78.615(1), or another state-administered retirement system.
- (7) A member eligible to retire under subsection (6) of this section may elect to:
 - (a) Receive a monthly retirement allowance payable for life by having his or her accumulated account balance annuitized by the retirement systems in accordance with the actuarial assumptions and actuarial methods adopted by the board and in effect on the member's retirement date;
 - (b) Receive the actuarial equivalent of his or her retirement allowance calculated under paragraph (a) of this subsection payable under one (1) of the options set forth in KRS 61.635, except for the option provided by KRS 61.635(11); or
 - (c) Take a refund of his or her account balance as provided by KRS 61.625.
- (8) The provisions of this section shall not apply to members who began participating in the Kentucky Employees Retirement System, the County Employees Retirement System, or the State Police Retirement System prior to January 1, 2014, except for those members who make an election pursuant to KRS 61.5955.

➔SECTION 3. A NEW SECTION OF KRS 16.505 TO 16.652 IS CREATED TO READ AS FOLLOWS:

- (1) *Subject to the limitations and requirements provided by this section, the following shall apply to members of the State Police Retirement System who are eligible for benefits from the hybrid cash balance plan established by Section 2 of this Act:*
 - (a) *Within thirty (30) days following the close of each fiscal year ending on or after June 30, 2023, members participating in the State Police Retirement System in the hybrid cash balance plan who have five (5) or more years of service credited under KRS 16.543(1), 61.543(1), and 78.615(1), shall receive an employer pay credit under subsection (2)(b)2. of Section 2 of this Act equal to an amount determined by multiplying the member's hours of accumulated sick leave in excess of four hundred eighty (480) hours as of the most recently completed fiscal year by the member's hourly base pay determined under Section 1 of this Act, including any annual adjustments provided by subsection (6) of Section 1 of this Act. The member's hourly base pay shall not include any payments for overtime or any salary supplement received from the Law Enforcement Foundation Program established pursuant to KRS 15.410 to 15.510; and*
 - (b) *Effective July 1, 2023, members with an account in the hybrid cash balance plan who retire from the State Police Retirement System shall receive an employer pay credit under subsection (2)(b)2. of Section 2 of this Act equal to an amount determined by multiplying the member's hours of accumulated sick leave upon termination of employment by the member's hourly base pay determined under Section 1 of this Act, including any annual adjustments provided by subsection (6) of Section 1 of this Act. The member's hourly base pay shall not include any payments for overtime or any salary supplement received from the Law Enforcement Foundation Program established pursuant to KRS 15.410 to 15.510.*
- (2) *The Department of Kentucky State Police shall report the information required by the Kentucky Public Pensions Authority to carry out the provisions of this section and shall reduce the member's accumulated sick leave by the amount of sick leave converted to an employer pay credit pursuant to this section.*
- (3) *The provisions of subsection (2)(b)2. of Section 2 of this Act and this section are subject to funding for the benefit in the executive branch budget. In the event funding for this additional employer credit is not provided in the executive branch budget, no employer credits for accumulated sick leave shall be provided during the period the budget is effective.*

➔Section 4. KRS 7A.255 is amended to read as follows:

- (1) Notwithstanding KRS 21.345 to 21.580, 61.661, 61.870 to 61.884, or 161.585 to the contrary, on or before November 15 following the close of each fiscal year, the state-administered retirement systems shall collectively file a report with the Public Pension Oversight Board that shall include the following information for each member or recipient of a retirement allowance from any of the state-administered retirement systems:
 - (a) A unique identification number for each member or recipient that is created solely for purposes of compiling the report provided by this section and which shall not be the member's Social Security number or personal identification number issued by the systems. For individual members or recipients with multiple accounts in the state-administered retirement systems, all of the state-administered retirement systems shall use the same unique identification number;
 - (b) The system or systems in which the member has an account or from which the retired member is receiving a monthly retirement allowance;
 - (c) The status of the member or recipient, including but not limited to whether he or she is a contributing member, a member who is not currently contributing to the systems but has not retired, a retired member, a beneficiary, or a retired member who has returned to work following retirement with an agency participating in the systems;
 - (d) If the individual is a retired member or beneficiary, the annualized monthly retirement allowance that he or she was receiving at the end of the most recently completed fiscal year; and
 - (e) If the individual is a member who has not yet retired, the estimated annual retirement allowance that he or she is eligible to receive at his or her normal retirement date based upon his or her service credit, final compensation, and accumulated account balance at the end of the most recently completed fiscal year.

Under no circumstances shall the member's name, address, or Social Security number be included in the information required to be reported to the board by this section, nor shall the unique identification number established by subsection (1) of this section be capable of being linked to a specific member's retirement account with a state-administered retirement system.

- (2) On or before November 15 following the close of each fiscal year, the state-administered retirement systems shall report to the Public Pension Oversight Board the percentage of system assets and managers for which fees and commissions are being reported in accordance with KRS 21.540(4)(m), 61.645(19)(i), and 161.250(4)(i). This subsection shall apply on a fiscal year basis beginning on or after July 1, 2017.
- (3) On or before November 15, 2017, the state-administered retirement systems shall tender to the Public Pension Oversight Board a copy of their board-adopted investment procurement policy along with certification from the secretary of the Finance and Administration Cabinet that the investment procurement policy meets or does not meet the best practices for investment management procurement. If the board amends its investment procurement policy, it shall tender a copy of its amended investment procurement policy to the Public Pension Oversight Board within sixty (60) days of adoption along with certification from the secretary of the Finance and Administration Cabinet that the policy meets or does not meet the best practices for investment management procurement.
- (4) On or before November 15 following the close of each fiscal year, the Kentucky Public Pensions Authority shall report to the Public ~~Pension~~~~Pensions~~ Oversight Board the number of individuals and total payments to members who become totally and permanently disabled as a direct result of an act in line of duty as defined in KRS 16.505 or become disabled as a result of a duty-related injury as defined in KRS 61.621. The data shall be broken down by system and for recipients who are drawing a benefit from the disablement of a hazardous member, a nonhazardous member who worked in a nonhazardous position that could be certified as a hazardous position based upon KRS 61.592, and a nonhazardous member who worked in a nonhazardous position that could not be certified as a hazardous position based upon KRS 61.592.
- (5) *On or before November 15, 2023, and on or before November 15th every fourth year thereafter, the Department of State Police and the Kentucky Public Pensions Authority shall jointly report to the Public Pension Oversight Board on the costs and effectiveness of the program established by subsection (2)(b)2. of Section 2 of this Act and Section 3 of this Act.*

➔Section 5. KRS 16.080 is amended to read as follows:

- (1) The commissioner shall promulgate administrative regulations for the enlistment, training, code of ethics, discipline, and conduct of officers of the department and individuals employed as a Trooper R Class or CVE R

Class, and the commissioner may promulgate administrative regulations for the governing and operation of the department as appear to him or her reasonably necessary to carry out the provisions of KRS 16.010 to 16.170.

- (2) The commissioner may require any officer, individual employed as a Trooper R Class or CVE R Class, or civilian who receives or disburses public funds in the course of his or her duties to file a bond, conditioned that he or she will honestly, correctly, and according to law, receive, disburse, and account for all public moneys coming into his or her hands. The commissioner, each officer, and each individual employed as a Trooper R Class or CVE R Class, shall execute a bond to the Commonwealth of Kentucky in the sum of not less than two thousand dollars (\$2,000), conditioned upon the faithful discharge of his or her duties. The premium on the bonds shall be paid by the department. The commissioner, each officer of the department, and each individual employed as a Trooper R Class or CVE R Class shall, before entering upon the discharge of their official duties, take the constitutional oath of office.
- (3) Subject to the provisions of KRS 56.440 to 56.550, the commissioner, with the approval of the Governor and the secretary of the Finance and Administration Cabinet, may acquire real estate or interests therein, by purchase, lease, or otherwise, necessary for the purposes of the department, and, with like approval, provide for the acquisition or construction of necessary buildings and other permanent structures and facilities. Title to any real estate acquired shall be taken in the name of the Commonwealth.
- (4) ***Subject to the provisions of Sections 2 and 3 of this Act, the commissioner shall direct the department to reduce sick leave balances of officers subject to the provisions of Sections 2 and 3 of this Act by the amount of sick leave credited to the hybrid cash balance plan for State Police Retirement System members under Sections 2 and 3 of this Act.***

➔Section 6. KRS 16.565 is amended to read as follows:

The retirement allowance account shall be the account in which shall be accumulated all employer contributions, amounts transferred from the member account, and to which all income from the investment assets of the system shall be credited. From this account there shall be paid administrative expenses and in addition all benefits payable under KRS 16.510 to 16.652. There shall be transferred from this account to the member account:

- (1) The employer pay credit added monthly to each member's individual accounts as provided by ***subsection (2)(b)1. of Section 2 of this Act or annually as provided by subsection (2)(b)2. of Section 2 of this Act and Section 3 of this Act***~~[KRS 16.583]~~; and
- (2) The interest credited annually to each member's individual accounts as provided by KRS 16.505 to 16.652.

➔Section 7. KRS 18A.110 is amended to read as follows:

- (1) The secretary shall promulgate comprehensive administrative regulations for the classified service governing:
 - (a) Applications and examinations;
 - (b) Certification and selection of eligibles;
 - (c) Classification and compensation plans;
 - (d) Incentive programs;
 - (e) Lay-offs;
 - (f) Registers;
 - (g) Types of appointments;
 - (h) Attendance; hours of work; compensatory time; annual, court, military, sick, voting, living organ donor, and special leaves of absence, provided that the secretary shall not promulgate administrative regulations that would reduce the rate at which employees may accumulate leave time below the rate effective on December 10, 1985; and
 - (i) Employee evaluations.
- (2) The secretary shall promulgate comprehensive administrative regulations for the unclassified service.
- (3)
 - (a) Except as provided by KRS 18A.355, the secretary shall not promulgate administrative regulations that would reduce an employee's salary; and
 - (b) As provided by KRS 18A.0751(4)(e), the secretary may submit a proposed administrative regulation providing for an initial probationary period in excess of six (6) months to the board for its approval.

- (4) The secretary may promulgate administrative regulations to implement state government's affirmative action plan under KRS 18A.138.
- (5)
 - (a) The administrative regulations shall comply with the provisions of this chapter and KRS Chapter 13A, and shall have the force and effect of law after compliance with the provisions of KRS Chapters 13A and 18A and the procedures adopted thereunder;
 - (b) Administrative regulations promulgated by the secretary shall not expand or restrict rights granted to, or duties imposed upon, employees and administrative bodies by the provisions of this chapter; and
 - (c) No administrative body other than the Personnel Cabinet shall promulgate administrative regulations governing the subject matters specified in this section.
- (6) Prior to filing an administrative regulation with the Legislative Research Commission, the secretary shall submit the administrative regulation to the board for review.
 - (a) The board shall review the administrative regulation proposed by the secretary not less than twenty (20) days after its submission to it;
 - (b) Not less than five (5) days after its review, the board shall submit its recommendations in writing to the secretary;
 - (c) The secretary shall review the recommendations of the board and may revise the proposed administrative regulation if he deems it necessary; and
 - (d) After the secretary has completed the review provided for in this section, he may file the proposed administrative regulation with the Legislative Research Commission pursuant to the provisions of KRS Chapter 13A.
- (7) The administrative regulations shall provide:
 - (a) For the preparation, maintenance, and revision of a position classification plan for all positions in the classified service, based upon similarity of duties performed and responsibilities assumed, so that the same qualifications may reasonably be required for, and the same schedule of pay may be equitably applied to, all positions in the same class. The secretary shall allocate the position of every employee in the classified service to one (1) of the classes in the plan. The secretary shall reallocate existing positions, after consultation with appointing authorities, when it is determined that they are incorrectly allocated, and there has been no substantial change in duties from those in effect when such positions were last classified. The occupant of a position being reallocated shall continue to serve in the reallocated position with no reduction in salary;
 - (b) For a pay plan for all employees in the classified service, after consultation with appointing authorities and the state budget director. The plan shall take into account such factors as:
 1. The relative levels of duties and responsibilities of various classes of positions;
 2. Rates paid for comparable positions elsewhere taking into consideration the effect of seniority on such rates; and
 3. The state's financial resources.Amendments to the pay plan shall be made in the same manner. Each employee shall be paid at one (1) of the rates set forth in the pay plan for the class of position in which he is employed, provided that the full amount of the annual increment provided for by the provisions of KRS 18A.355, and the full amount of an increment due to a promotion, salary adjustment, reclassification, or reallocation, shall be added to an employee's base salary or wages;
 - (c) For open competitive examinations to test the relative fitness of applicants for the respective positions. The examinations shall be announced publicly and applications accepted at least ten (10) days prior to certification of a register, and may be advertised through the press, radio, and other media. The secretary shall continue to receive applications and examine candidates on a continuous basis long enough to assure a sufficient number of eligibles to meet the needs of the service. Except as provided by this chapter, he shall add the names of successful candidates to existing eligible lists in accordance with their respective ratings. The secretary shall be free to use any investigation of education and experience and any test of capacity, knowledge, manual skill, character, personal traits, or physical fitness, which in his judgment, serves the need to discover the relative fitness of applicants;

- (d) As provided by this chapter, for the establishment of eligible lists for appointment, upon which lists shall be placed the names of successful candidates in the order of their relative excellence in the respective examinations. Except as provided by this chapter, an eligible's score shall expire automatically one (1) year from the date of testing, unless the life of the score is extended by action of the secretary for a period not to exceed one (1) additional year. Except for those individuals exercising reemployment rights, all eligibles may be removed from the register when a new examination is established;
 - (e) For the rejection of candidates or eligibles who fail to comply with reasonable requirements of the secretary in regard to such factors as age, physical condition, training, and experience, or who have attempted any deception or fraud in connection with an examination;
 - (f) Except as provided by this chapter, for the appointment of a person whose score is included in the five (5) highest scores earned on the examination;
 - (g) For annual, sick, and special leaves of absence, with or without pay, or reduced pay, after approval by the Governor as provided by KRS 18A.155(1)(d);
 - (h) For lay-offs, in accordance with the provisions of KRS 18A.113, 18A.1131, and 18A.1132, by reasons of lack of work, abolishment of a position, a material change in duties or organization, or a lack of funds;
 - (i) For the development and operation of programs to improve the work effectiveness of employees in the state service, including training, whether in-service or compensated educational leave, safety, health, welfare, counseling, recreation, employee relations, and employee mobility without written examination;
 - (j) For a uniform system of annual employee evaluation for classified employees, with status, that shall be considered in determining eligibility for discretionary salary advancements, promotions, and disciplinary actions. The administrative regulations shall:
 1. Require the secretary to determine the appropriate number of job categories to be evaluated and a method for rating each category;
 2. Provide for periodic informal reviews during the evaluation period which shall be documented on the evaluation form and pertinent comments by either the employee or supervisor may be included;
 3. Establish a procedure for internal dispute resolution with respect to the final evaluation rating;
 4. Permit a classified employee, with status, who receives either of the two (2) lowest possible evaluation ratings to appeal to the Personnel Board for review after exhausting the internal dispute resolution procedure. The final evaluation shall not include supervisor comments on ratings other than the lowest two (2) ratings;
 5. Require that an employee who receives the highest possible rating shall receive the equivalent of two (2) workdays, not to exceed sixteen (16) hours, credited to his or her annual leave balance. An employee who receives the second highest possible rating shall receive the equivalent of one (1) workday, not to exceed eight (8) hours, credited to his or her annual leave balance; and
 6. Require that an employee who receives the lowest possible evaluation rating shall either be demoted to a position commensurate with the employee's skills and abilities or be terminated; and
 - (k) For other administrative regulations not inconsistent with this chapter and KRS Chapter 13A, as may be proper and necessary for its enforcement.
- (8) For any individual hired or elected to office before January 1, 2015, and paid through the Kentucky Human Resources Information System, the Personnel Cabinet shall not require payroll payments to be made by direct deposit or require the individual to use a Web-based program to access his or her salary statement.
- (9) To the extent that *Sections 3 and 5 of this Act*, KRS 16.010 to 16.199, and administrative regulations promulgated by the commissioner of the Department of Kentucky State Police under authority granted in KRS Chapter 16 conflict with this section or any administrative regulation promulgated by the secretary pursuant to authority granted in this section, the provisions of KRS Chapter 16 shall prevail.

➔Section 8. KRS 61.565 is amended to read as follows:

- (1) (a) Each employer participating in the State Police Retirement System as provided for in KRS 16.505 to 16.652 and the Kentucky Employees Retirement System as provided for in KRS 61.510 to 61.705 shall contribute annually to the respective retirement system an amount determined by the actuarial valuation completed in accordance with KRS 61.670 and as specified by this section. Employer contributions for each respective retirement system shall be equal to the sum of the "normal cost contribution" and the "actuarially accrued liability contribution."
- (b) For purposes of this section, the normal cost contribution shall be computed as a percentage of pay and shall be an annual amount that is sufficient when combined with employee contributions to fund benefits earned during the year in the respective system. The amount shall be:
 1. Paid as a percentage of creditable compensation reported for each employee participating in the system and accruing benefits; and
 2. The same percentage of pay for all employees who are participating in the same retirement system, except that separate percentage rates shall be developed in each system for those employers whose employees are participating in hazardous duty retirement coverage as provided by KRS 61.592.
- (c) For purposes of this section, the actuarially accrued liability contribution for all employers, except for contributions paid by nonhazardous employers in the Kentucky Employees Retirement System on or after July 1, 2021, shall be:
 1. Computed by amortizing the total unfunded actuarially accrued liability of each system over a closed period of thirty (30) years beginning with the 2019 actuarial valuation using the level percentage of payroll amortization method, except that any increase or decrease in the unfunded actuarially accrued liability occurring after the completion of the 2019 actuarial valuation shall be amortized over a closed period of twenty (20) years beginning with the actuarial valuation in which the increase or decrease in the unfunded actuarially accrued liability is recognized. An increase or decrease in the unfunded actuarially accrued liability may result from, but not be limited to, legislative changes to benefits, changes in actuarial methods or assumptions, or actuarial gains or losses;
 2. Paid as a percentage of payroll on the creditable compensation reported for each employee participating in the system and accruing benefits; and
 3. The same percentage of pay for all employees who are participating in the same retirement system, except that separate percentage rates shall be developed in each system for those employers whose employees are participating in hazardous duty retirement coverage as provided by KRS 61.592.
- (d) 1. For purposes of this section, the actuarially accrued liability contribution for nonhazardous employers in the Kentucky Employees Retirement System on or after July 1, 2021:
 - a. Shall be an annual dollar amount that is sufficient to amortize the total unfunded actuarially accrued liability of the system over a closed period of thirty (30) years beginning with the 2019 actuarial valuation using the level percentage of payroll amortization method, except that any increase or decrease in the unfunded actuarially accrued liability occurring after the completion of the 2019 actuarial valuation shall be amortized over a closed period of twenty (20) years beginning with the actuarial valuation in which the increase or decrease in the unfunded actuarially accrued liability is recognized. An increase or decrease in the unfunded actuarially accrued liability may result from but not be limited to legislative changes to benefits, changes in actuarial methods or assumptions, or actuarial gains or losses;
 - b. Shall be prorated to each individual nonhazardous employer in the Kentucky Employees Retirement System by multiplying the annual dollar amount of the actuarially accrued liability contribution for the system as determined by subdivision a. of this subparagraph by the individual employer's percentage of the system's total actuarially accrued liability as of the June 30, 2019, actuarial valuation which shall be determined solely by the system's consulting actuary and assigned to each employer based upon the last participating employer of the member or retiree as of June 30, 2019. The individual employer's percentage of the system's total actuarially accrued liability as of the June 30, 2019, actuarial valuation shall be used to determine the individual employer's prorated

dollar amount of the system's actuarially accrued liability contribution in all future fiscal years of the amortization period or periods, except that the employer's percentage shall be adjusted to reflect any employer who voluntarily or involuntarily ceases participation as provided by KRS 61.522 and except as provided by subparagraphs 4. and 5. of this paragraph. For purposes of this subdivision, all executive branch departments, program cabinets and their respective departments, and administrative bodies enumerated in KRS 12.020, and any other executive branch agencies administratively attached to a department, program cabinet, or administrative body enumerated in KRS 12.020, shall be considered a single individual employer and only one (1) value shall be computed for these executive branch employers. For purposes of this subdivision, all employers of the legislative branch, including the Legislative Research Commission and the General Assembly that covers legislators and staff who participate in the Kentucky Employees Retirement System, shall be considered a single individual employer and only one (1) value shall be computed for these employers. For purposes of this subdivision, all employers of the judicial branch, including the Administrative Office of the Courts, the Judicial Form Retirement System, and all master commissioners, shall be considered a single individual employer and only one (1) value shall be computed for these employers;

- c. Shall be payable by an individual employer in equal monthly dollar installments during the fiscal year in accordance with the reporting requirements specified by KRS 61.675 so that the individual employer pays its full prorated dollar amount of the actuarially accrued liability contribution as determined by subdivision b. of this subparagraph; and
 - d. Notwithstanding subdivision b. of this subparagraph for those individual participating employers who are local and district health departments governed by KRS Chapter 212, community mental health centers, and employers whose employees are not subject to KRS 18A.005 to 18A.200, who received or were eligible to receive a distribution of general fund appropriations in the 2018-2020 biennial executive branch budget to assist in paying retirement costs under 2018 Ky. Acts ch. 169, Part I, G., 4., (5); 2018 Ky. Acts ch. 169, Part I, G., 5., (2); or 2018 Ky. Acts ch. 169, Part I, G., 9., (2), shall not, once the initial dollar amounts are established in accordance with this paragraph, be adjusted in terms of dollars paid by the individual employer, except that adjustments shall be made by the system upon completion of an actuarial investigation as provided by KRS 61.670, so long as at least four (4) years have passed since the last adjustment to the actuarially accrued liability contribution for these employers. The provisions of this subdivision shall not be interpreted to mean that employers described by this subdivision may continue paying the dollar value of contributions or employer contribution rates established or paid by the employer in budget periods occurring prior to July 1, 2021.
2. Individual employers, solely for purposes of collecting employer contributions from various fund sources during the fiscal year, may convert the actuarially accrued liability contribution established by this paragraph to a percentage of pay and may adjust the percent of pay during the fiscal year in order to pay the required dollar value of actuarially accrued liability contribution required by this paragraph. No provision of this subparagraph shall be construed to reduce an individual employer's actuarially accrued liability contribution as otherwise provided by this paragraph.
 3. The provisions of this paragraph shall not apply to those employers who cease participation as provided by KRS 61.522.
 4. In the event an individual Kentucky Employees Retirement System nonhazardous employer who is required to pay an actuarially accrued liability contribution as provided by this paragraph and as calculated from the 2019 actuarial valuation or subsequent valuations, merges with another employer or entity, forms a new or separate employer or entity, or splits or separates operations into multiple employers or entities, the system shall, except for those employers or entities who pay the costs to cease participation as provided by KRS 61.522, have full authority to assign a portion or all of the total actuarially accrued liability contribution to the merged, new, split, or separate employers or entities, regardless of whether or not the merged, new, split, or separate employers or entities participate in the system. In the case of a district health department established pursuant to KRS Chapter 212, which ceases to operate or which has a county or counties that withdraw from the district health department, the systems shall assign the total actuarially accrued liability contribution based upon the proportion of taxable property of each

county as certified by the Department for Public Health in the Cabinet for Health and Family Services in accordance with KRS 212.132. The system shall establish by administrative regulations the process of assigning actuarially accrued liability contributions as authorized by this subparagraph.

5. a. An employer who is not in the executive, legislative, or judicial branch of Kentucky state government as enumerated in subparagraph 1.b. of this paragraph may on or before July 1, 2021, appeal to the board regarding any current or former employees or retirees the employer believes should not be used to determine the employer's percentage of the system's total actuarially accrued liability. The only appeals that shall be submitted by the employer or considered by the board shall be potential errors where the last participating employer is in dispute, situations where employees of the employer were hired through a contract between the executive branch and the employer for the employee to provide services to the executive branch, or situations where a community mental health center was contracted to provide services at a facility previously operated by the executive branch. The employer shall submit the information required by the board to verify potential errors or contract employees with employers.
 - b. The board shall review and issue a final determination regarding any appeals by December 31, 2021. In situations where the board determines the last participating employer was incorrect and should be assigned to another employer, the system shall, effective for employer contributions payable on or after July 1, 2022, assign the cost to the executive branch until such time ownership of the liability can be determined and assigned to the correct employer. In situations where the board determines certain employees of employers were hired through a contract between the executive branch and the employer for an employee or employees to provide services to the executive branch, those liabilities shall, effective for employer contributions payable on or after July 1, 2022, be assigned to the executive branch. In situations where the board determines the community mental health center was contracted to provide services at a facility previously operated by the executive branch, the liabilities for employees providing services at that facility shall be assigned to the executive branch.
 - c. No appeal shall be submitted by the employer or considered by the board regarding the assumptions or methodology used by the actuary to determine a particular employer's percentage of the system's total actuarially accrued liability or the use of the last participating employer to assign liabilities to an employer, except as otherwise provided by this subparagraph.
 - d. The board shall within thirty (30) days following the final determinations submit to the Public Pension Oversight Board the list of appeals that were approved, the number of employees involved, and any costs that will be transferred to the executive branch effective July 1, 2022.
- (e) The employer contributions computed under this section shall be determined using:
1. The entry age normal cost funding method;
 2. An asset smoothing method that smooths investment gains and losses over a five (5) year period; and
 3. Other funding methods and assumptions established by the board in accordance with KRS 61.670.
- (2) (a) Except as limited by subsection (1)(d)1.d. of this section as it relates to the Kentucky Employees Retirement System, normal cost contribution rates and the actuarially accrued liability contribution shall be determined by the board on the basis of the annual actuarial valuation last preceding the July 1 of a new biennium.
- (b) The board shall not have the authority to amend contribution rates as of July 1 of the second year of the biennium for the Kentucky Employees Retirement System and the State Police Retirement System.
- (3) (a) The system shall advise each employer prior to July 1 of any change in the employer contribution rate.
- (b) *Costs for the benefits provided under subsection (2)(b)2. of Section 2 of this Act and Section 3 of this Act shall be included in the employer contribution rate payable to the State Police Retirement System*

but shall be reported as a separate line item in the actuarial valuation for purposes of Section 3 of this Act and in any correspondence to the Department of Kentucky State Police, the state budget director, and the Legislative Research Commission regarding employer costs for the State Police Retirement System.

- (c) Based on the employer contribution rate, each employer shall include in the budget sufficient funds to pay the employer contributions as determined by the board under this section.
- (4) All employers, including the General Assembly, shall pay the full actuarially required contributions, as prescribed by this section, to the Kentucky Employees Retirement System and the State Police Retirement System in fiscal years occurring on or after July 1, 2020, *except as authorized for the program established by subsection (2)(b)2. of Section 2 of this Act and Section 3 of this Act.*

➔Section 9. KRS 61.592 is amended to read as follows:

- (1) (a) "Hazardous position" for employees participating in the Kentucky Employees Retirement System means:
 - 1. Any position whose principal duties involve active law enforcement, including the positions of probation and parole officer and Commonwealth detective, active fire suppression or prevention, or other positions, including but not limited to pilots of the Transportation Cabinet and paramedics and emergency medical technicians, with duties that require frequent exposure to a high degree of danger or peril and also require a high degree of physical conditioning;
 - 2. Positions in the Department of Corrections in state correctional institutions and the Kentucky Correctional Psychiatric Center with duties that regularly and routinely require face-to-face contact with inmates; and
 - 3. Positions of employees who elect coverage under KRS 196.167(3)(b)2. and who continue to provide educational services and support to inmates as a Department of Corrections employee.
- (b) The effective date of participation under hazardous duty coverage for positions in the Department of Alcoholic Beverage Control shall be April 1, 1998. The employer and employee contributions shall be paid by the employer and forwarded to the retirement system for the period not previously reported.
- (2) Each employer may request of the board hazardous duty coverage for those positions as defined in subsection (1) of this section. Upon request, each employer shall certify to the system, in the manner prescribed by the board, the names of all employees working in a hazardous position as defined in subsection (1) of this section for which coverage is requested. The certification of the employer shall bear the approval of the agent or agency responsible for the budget of the department or county indicating that the required employer contributions have been provided for in the budget of the employing department or county. The system shall determine whether the employees whose names have been certified by the employer are working in positions meeting the definition of a hazardous position as provided by subsection (1) of this section. This process shall not be required for employees who elect coverage under KRS 196.167(3)(b)2.
- (3) (a) An employee who elects coverage under KRS 196.167(3)(b)2., and an employee participating in the Kentucky Employees Retirement System who is determined by the system to be working in a hazardous position in accordance with subsection (2) of this section, shall contribute, for each pay period for which he or she receives compensation, eight percent (8%) of his or her creditable compensation.
- (b) Each employer shall pay employer contributions based on the creditable compensation of the employees determined by the system to be working in a hazardous position at the employer contribution rate as determined by the board. The rate shall be determined by actuarial methods consistent with the provisions of KRS 61.565.
- (c) If the employer participated in the system prior to electing hazardous duty coverage, the employer may pay to the system the cost of converting the nonhazardous service to hazardous service from the date of participation to the date the payment is made, or the employer may establish a payment schedule for payment of the cost of the hazardous service above that which would be funded within the existing employer contribution rate. The employer may extend the payment schedule to a maximum of thirty (30) years. Payments made by the employer under this subsection shall be deposited to the retirement allowance account of the proper retirement system and these funds shall not be considered accumulated contributions of the individual members. If the employer elects not to make the additional payment, the employee may pay the cost of converting the service and provide payment for the cost as provided by KRS 61.552(9). Payments made by the employee under this subsection shall not be picked up, as

described in KRS 61.560(4), by the employer. If neither the employer nor employee makes the payment, the service prior to hazardous coverage shall remain nonhazardous. The provisions of this paragraph shall not apply to members who begin participating in the systems administered by Kentucky Retirement Systems on or after January 1, 2014.

- (4) The normal retirement age, retirement allowance, hybrid cash balance plans *except as provided by subsection (2)(b)2. of Section 2 of this Act and Section 3 of this Act*, other benefits, eligibility requirements, rights, and responsibilities of a member in a hazardous position, as prescribed by subsections (1), (2), and (3) of this section, and the responsibilities, rights, and requirements of his or her employer shall be as prescribed for a member and employer participating in the State Police Retirement System as provided for by KRS 16.505 to 16.652.
- (5) Any person employed in a hazardous position after July 1, 1972, shall be required to undergo a thorough medical examination by a licensed physician, and a copy of the medical report of the physician shall be retained on file by the employee's department or county and made available to the system upon request.
- (6) If doubt exists regarding the benefits payable to a hazardous position employee under this section, the board shall determine the benefits payable under KRS 61.510 to 61.705 or 16.505 to 16.652.

➔Section 10. In the event that budgeted funds in fiscal year 2023-2024 of the executive branch budget are insufficient to fund the program established by subsection (2)(b)2. of Section 2 of this Act and Section 3 of this Act for that fiscal year, the program shall, notwithstanding any provision of Section 3 to the contrary, still be provided in fiscal year 2023-2024 and any additional funding needed for the benefits provided in fiscal year 2023-2024 shall be included in the employer contribution rates payable for fiscal years occurring on or after July 1, 2024.

➔Section 11. Whereas it is critical to ensure that Kentucky State Police are able to attract and retain highly qualified peace officers, an emergency is declared to exist, and Section 1 of this Act takes effect on July 1, 2022.

➔Section 12. Sections 2 to 10 of this Act take effect on April 1, 2023.

Signed by Governor April 8, 2022.

CHAPTER 182

(HB 170)

AN ACT relating to civil proceedings and declaring an emergency.

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

➔SECTION 1. A NEW SECTION OF KRS 387.010 TO 387.280 IS CREATED TO READ AS FOLLOWS:

- (1) *A person having legal custody of a minor may settle or compromise and enter into a settlement agreement with a person against whom the minor has a claim or from whom the minor is to receive proceeds from the sale of real estate, for the settlement of any estate, or from any other source if:*
- (a) *A guardian or conservator has not been appointed for the minor;*
 - (b) *The total amount of the settlement proceeds due to the minor, after reduction from the total settlement amount of all medical expenses, medical liens, all other liens, and reasonable attorney fees and costs, is twenty-five thousand dollars (\$25,000) or less if paid in cash, by draft or check, by direct deposit, or by the purchase of a premium for an annuity;*
 - (c) *The moneys payable under the settlement agreement will be paid as provided in subsections (3) and (4) of this section; and*
 - (d) *The person entering into the settlement agreement on behalf of the minor completes an affidavit or verified statement that attests that the person:*
 1. *Has made a reasonable inquiry and that to the best of the person's knowledge:*
 - a. *The minor will be fully compensated by the settlement; or*

- b. There is no practical way to obtain additional amounts from the party or parties entering into the settlement agreement with the minor; and*
- 2. Understands and acknowledges that he or she is obligated by law to deposit the settlement directly into a restricted savings or other restricted investment account, or purchase an annuity, as provided in subsection (3) of this section.*
- (2) *The attorney representing the person entering into the settlement agreement on behalf of the minor, if any, shall maintain the affidavit or verified statement completed under subsection (1)(d) of this section in the attorney's file for a period of five (5) years.***
- (3) *The moneys payable under the settlement agreement shall be paid as follows:***
- (a) If the minor or person entering into the settlement agreement on behalf of the minor is represented by an attorney and the settlement is paid in cash, by draft or check, or by direct deposit into the attorney's trust account maintained under Rule 3.830 of the Supreme Court of Kentucky to be held for the benefit of the minor, the attorney shall:*
- 1. Timely deposit the moneys received on behalf of the minor directly into a restricted savings or other restricted investment account that only allows withdrawals from the account under any of the circumstances set forth in subsection (4) of this section; or*
 - 2. Purchase an annuity by direct payment to the issuer of the annuity with the minor designated as the sole beneficiary of the annuity;*
- (b) If the minor or person entering into the settlement agreement on behalf of the minor is not represented by an attorney and the settlement is paid by check, draft, or direct deposit, the minor or person entering into the settlement agreement on behalf of the minor shall provide the person or entity with whom the minor has settled the claim with the information sufficient to draw a check or draft made payable, or complete an electronic transfer of settlement funds:*
- 1. Into a restricted savings or other restricted investment account that only allows withdrawals from the account under any of the circumstances set forth in subsection (4) of this section; or*
 - 2. To purchase an annuity by direct payment to the issuer of the annuity with the minor designated as the sole beneficiary of the annuity; and*
- (c) If the minor is under the care, custody, and control of the Commonwealth, the Cabinet for Health and Family Services shall establish a restricted trust account, or subaccount of a trust account, that earns interest for the benefit of the minor, for the purpose of receiving moneys payable to the minor under the settlement agreement. If the settlement is paid:*
- 1. In cash or by draft or check, the moneys received on behalf of the minor shall be timely deposited into the account established under this paragraph, and notice of the deposit to the minor and the person entering into the settlement agreement on behalf of the minor shall be delivered by personal service or first-class mail;*
 - 2. By direct deposit, the minor, the person entering into the settlement on behalf of the minor, or the cabinet shall provide the person or entity with whom the minor has settled the claim with the information sufficient to complete an electronic transfer of settlement funds into the account established under this paragraph, and notice of the deposit to the minor and the person entering into the settlement agreement on behalf of the minor shall be delivered by personal service or first-class mail; or*
 - 3. Through the purchase of an annuity, direct payment shall be made to the issuer of the annuity with the minor designated as the sole beneficiary of the annuity.*
- (4) *The moneys in the minor's restricted savings or other restricted investment account, trust account, or trust subaccount established under subsection (3) of this section may not be withdrawn, removed, paid out, or transferred to any person, including the minor, except as follows:***
- (a) Pursuant to court order;*
 - (b) Upon the minor attaining the age of majority or being otherwise emancipated; or*
 - (c) Upon the minor's death.*

- (5) *A signed settlement agreement entered into on behalf of the minor in compliance with subsection (1) of this section is binding on the minor without the need for court approval or review, has the same force and effect as if the minor were a competent adult entering into the settlement agreement, shall serve to fully release all claims of the minor encompassed by the settlement agreement, and may be relied on by a financial institution or other entity, in lieu of a court order, when opening a restricted savings or other restricted investment account, or purchasing an annuity, on behalf of a minor pursuant to this section.*
- (6) (a) *Any person or entity against whom a minor has a claim that settles the claim with the minor in good faith under this section shall not be liable to the minor for any claims arising from the settlement of the claim.*
- (b) *An insurer who in good faith transfers funds at the direction of the settling minor or the minor's representatives into a restricted savings or other restricted investment account, or to purchase an annuity, shall not be liable to the minor or the minor's representatives for any claims arising from the use of those funds after the transfer is completed.*
- (7) *Nothing in this section shall prevent anyone acting on behalf of the minor from filing for guardianship, limited guardianship, or conservatorship in the District Court and requesting the District Court to approve the settlement on behalf of the minor and oversee the settlement proceeds.*

➔Section 2. KRS 387.280 is amended to read as follows:

- (1) When a ~~minor or other~~ person under disability ***who has reached the age of eighteen (18)***, having no guardian or conservator, is entitled to receive a sum not exceeding ten thousand dollars (\$10,000), exclusive of interest, in any action in which real estate has been sold, or in the settlement of any estate, or from any other source, the person having custody of the ~~minor or other~~ person under disability may settle or compromise the dollar amount when in the interest of the ~~minor or other~~ person under disability.
- (2) The court in which the action is pending, or, if the sum does not derive from the action, the District Court, may order the sum to be paid to the person having custody of the ~~minor or other~~ person under disability. Before entering the order, the court shall approve any settlement or compromise and shall be satisfied by affidavit or oral testimony that the ~~minor or other~~ person under disability is in the custody of the person to whom it is proposed to pay the money and the latter, upon withdrawal of the money, shall be under obligation as trustee to expend it, for the support, maintenance, or education of the ~~minor or other~~ person under disability.
- (3) When the order is made, no bond shall be required of the person having custody of the ~~minor or other~~ person under disability. ***If the sum due to the person under disability is from the sale of real property,*** ~~and~~ the purchaser of the real property may pay the share of the ~~minor or other~~ person under disability into court, and no lien shall remain on the property therefor. ~~and~~ The money may be withdrawn by the person mentioned in the order without that person giving bond.
- (4) A release executed by the person to whom the court has ordered the sum paid shall have the same effect as a release by a duly appointed guardian.

➔Section 3. KRS 387.740 is amended to read as follows:

- (1) The court may exercise the powers of a limited guardian or limited conservator or may appoint an individual or agency to exercise such powers ***before or if,*** during the pendency of a proceeding for a determination of partial disability or disability or an appeal therefrom, ***if*** it appears that there is danger of serious impairment to the health or safety of the respondent or damage or dissipation to his property if immediate action is not taken.
- (2) Prior to a hearing on the need for an emergency appointment of a limited guardian or limited conservator, a petition shall be filed ***by any person or entity*** which sets forth the following:
- (a) The name, age, and address of the respondent;
- (b) The danger alleged to be imminent;
- (c) The type of appointment and the protection and assistance requested;
- (d) The facts and reasons supporting the request;
- (e) The name, address, and qualifications of the proposed limited guardian or limited conservator, if any;
- (f) The name, address, and interest of the petitioner;
- (g) The names and addresses of the respondent's next of kin, if known;

- (h) The name and address of the individual or facility, if any, having custody of the respondent; and
- (i) The date of filing of the petition for determination of disability or partial disability.
- (3) (a) ***The court shall review any and all petitions for an emergency appointment of a limited guardian or limited conservator without delay and not more than one (1) week after the petition is filed. The circuit clerk in the county in which the petition is filed shall accept all petitions and the Commonwealth shall not exclude any petition filed under this section from presentation to the court.*** Within one (1) week of the filing of a petition pursuant to this section, the court shall conduct a hearing at which the respondent shall be entitled to counsel.
- (b) Notice of the time and place of the hearing shall be given not less than forty-eight (48) hours prior to the hearing to all persons named in the petition, ***the petitioner***, and ~~to~~ ***the Commonwealth unless waived in writing or on the record.***
- (4) ***The Commonwealth shall present evidence at the hearing. The petitioner shall have the right to present evidence in support of the petition at the hearing in addition to any evidence presented by the Commonwealth, and shall have the right to cross-examine witnesses***~~[county attorney]~~.
- (5)~~(4)~~ The burden shall be on the Commonwealth ***and the petitioner*** to prove by clear and convincing evidence the need for the emergency appointment of a limited guardian or conservator.
- (6)~~(5)~~ If the court exercises the powers of a limited guardian or limited conservator or appoints another to do so in an emergency situation as set forth in subsection (1) of this section, the court shall state on the record findings of fact as to the danger determined to be imminent, the sources relied on in arriving at such determination, the type of assistance to be provided, and the powers and duties of the emergency guardian or conservator. The authority of the guardian or conservator shall expire upon resolution of the appeal or action.

➔Section 4. KRS 620.360 is amended to read as follows:

- (1) Persons who provide foster care services to children who have been committed to the custody of the state shall be considered a primary partner and member of a professional team caring for foster children. Foster parents shall have the following rights:
 - (a) To be treated with respect, consideration, and dignity;
 - (b) To fully understand the role of the cabinet and the role of other members of the child's professional team;
 - (c) To receive information and training about foster parents' rights, responsibilities, and access to local and statewide support groups, including but not limited to the Kentucky Foster/Adoptive Care Association, the Kentucky Foster and Adoptive Parent Network, and Adoption Support of Kentucky;
 - (d) To receive information and training to improve skills in the daily care and in meeting the special needs of foster children;
 - (e) To receive timely and adequate financial reimbursement for knowledgeable and quality care of a child in foster care within budgetary limitations;
 - (f) To maintain the foster family's own routines and values while respecting the rights and confidentiality of each foster child placed in their home;
 - (g) To receive a period of respite from providing foster care, pursuant to cabinet policies;
 - (h) To receive, upon an open records request, a copy of all information contained in the cabinet's records about the family's foster home and the foster care services provided by the family consistent with KRS 605.160;
 - (i) To access cabinet support and assistance as necessary twenty-four (24) hours per day, seven (7) days per week;
 - (j) To receive, prior to a child being placed in the foster home pursuant to KRS 605.090, information relating to the child's behavior, family background, or health history that may jeopardize the health or safety of any member of the foster family's household, including other foster children, and similar information that may affect the manner in which foster care services are provided, consistent with KRS 605.160. In an emergency situation, the cabinet shall provide information as soon as it is available;

- (k) To refuse placement of a child within the foster home and to request, with reasonable notice to the cabinet, the removal of a child from the foster home without fear of reprisal;
 - (l) To communicate, with an appropriate release of information consistent with KRS 605.160, with other professionals who work directly with the foster child, including but not limited to teachers, therapists, and health care practitioners and to notify the cabinet within twenty-four (24) hours of the communication;
 - (m) To assist the cabinet in the development of the child's plan of care;
 - (n) To receive an explanatory notice from the cabinet, consistent with KRS 620.130 and when it is in the best interest of the child, when a foster child's case plan has changed and, except in an immediate response to a child protective services investigation involving the foster home, an explanatory notice of termination or change in placement affecting the foster home within fourteen (14) days of the change or termination in placement;
 - (o) To have priority consideration for placement if a child who has previously been placed in the foster home reenters foster care, consistent with KRS 605.130 and 620.130 and to the extent it is in the best interest of the child;
 - (p) To have priority consideration for adoption if a foster child who has been placed in the foster home for a period of at least twelve (12) consecutive months becomes eligible for adoption consistent with KRS 605.130 and 620.130 and to the extent it is in the best interest of the child;
 - (q) To maintain contact with the foster child after the child leaves the foster home, unless the child, a biological parent, the cabinet when the cabinet retains custody of the child, or other foster or adoptive parent refuses such contact; and
 - (r) To receive notice of, have a right to attend, and have a right to be heard in, either verbally or in writing, any cabinet or court proceeding held with respect to the child currently placed in their care, provided the cabinet has no concerns related to maltreatment of the child while in the foster parent's care. ***The notice required by this paragraph shall be provided to the foster parent by an attorney for the Cabinet for Health and Family Services.*** This paragraph shall not be construed to require that a foster parent caring for the child be made a party to a proceeding solely on the basis of the notice and rights to attend and be heard.
- (2) The responsibilities of foster parents shall include but not be limited to the following:
- (a) To maintain an orderly and clean home;
 - (b) To ensure that the child has adequate resources for personal hygiene and clothing;
 - (c) To provide recreational and spiritual opportunities for the child, in accordance with cabinet policies;
 - (d) To attend all school and case planning meetings involving a foster child placed in their home whenever possible, subject to KRS 620.130 and the confidentiality requirements of 42 U.S.C. sec. 671;
 - (e) To abide by cabinet policies relating to discipline of a foster child; and
 - (f) To support the involvement of a foster child's biological family whenever possible and in accordance with cabinet policies.
- (3) The cabinet shall provide specific training on investigations of alleged child abuse or neglect in a foster home to a person appointed by the Kentucky Foster/Adoptive Care Association. The training shall include the rights of a foster parent during an investigation. Training shall be consistent with 42 U.S.C. sec. 5106(a).
- (4) The cabinet shall promulgate administrative regulations to establish that foster parent approval shall be effective for a minimum of three (3) years before reevaluation is required.
- (5) Nothing in this section shall be construed to establish monetary liability of or cause of action against the cabinet.

➔Section 5. Section 3 of this Act may be cited as the Jeff Tyler Act.

➔Section 6. Whereas it is critically important in uncertain times that minors receive settlement funds due them without unnecessary delay, an emergency is declared to exist and Sections 1 to 3 of this Act take effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 8, 2022.

CHAPTER 183**(HB 250)**

AN ACT relating to Kentucky State University, making an appropriation therefor, and declaring an emergency.

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

➔Section 1. (1) The General Assembly hereby finds a significant lack of efficiency and effectiveness in the instructional and operational performance of Kentucky State University and determines that immediate appropriate corrective action is warranted as follows:

(a) Whereas Kentucky State University does not have sufficient resources or reserves to continue operating as currently structured, the General Assembly declares that a state of financial exigency exists at Kentucky State University from the effective date of this Act until June 30, 2023. Notwithstanding any existing Kentucky State University policies relating to financial exigency, the Kentucky State University board of regents shall execute a new financial exigency policy by May 15, 2022, that will expedite the restructuring of university operations. The board of regents shall provide a copy of the new exigency policy to the Council on Postsecondary Education and the director of the Legislative Research Commission by June 1, 2022;

(b) In accordance with KRS 164.350 and 164.365, the Kentucky State University board of regents has the authority to terminate employment of any university employee, including tenured employees, upon 30 days' notice in accordance with the university's personnel policies and subject to the recommendation of the president or acting president, or in the case of the termination of the president or acting president, the recommendation of the Council on Postsecondary Education;

(c) The Council on Postsecondary Education shall approve any Kentucky State University expenditure greater than \$5,000, and the university shall provide a monthly report of university finances to the council in the format requested by the council. The council shall provide a monthly update on the financial status of the university to the Governor and the Legislative Research Commission. The financial oversight granted to the council under this paragraph shall continue until the council reports to the Governor and the Legislative Research Commission that the university's finances are stable;

(d) The Kentucky State University board of regents shall cease its search to fill the university's presidential vacancy until April 15, 2023. Upon the effective date of this Act, the board shall conduct a search for an interim president who has experience in university governance with specific emphasis placed on turnaround experience to replace the current interim president, who may serve until replaced;

(e) Within one year of the effective date of this Act, the Kentucky State University board of regents, in consultation with the Council on Postsecondary Education, shall conduct a thorough review of all university departments and academic programs for long-term viability, financial stability, alignment with the university's mission, and other criteria determined by the board and the council. In accordance with accreditation requirements, the board shall eliminate or make changes to any department or program found to be ineffective, inconsistent with the university's mission, or otherwise not meeting the review criteria;

(f) Kentucky State University faculty and staff employed in departments and programs closed under paragraph (e) of this subsection shall be terminated in accordance with the university's personnel policies but shall not be prohibited from applying for other positions available at the university;

(g) 1. Within three months of the effective date of this Act, the Kentucky State University board of regents, in consultation with the Council on Postsecondary Education, shall develop a process to review all faculty and staff performance, including a post-tenure review for tenured faculty as described in subparagraph 2. of this paragraph. The process shall ensure a consistently high level of employee performance and shall include but not be limited to assessments by peers, students, and administrators. In addition to evaluating an employee's growth, accomplishments, and skills, the process shall be used to identify deficiencies and ineffectiveness and redirect employee efforts to improve or increase productivity. The process shall be used as a basis for decisions on continued employment, promotion, salary increases, tenure, and maintenance of tenure;

2. In addition to the requirements described in subparagraph 1. of this paragraph, the review process for tenured faculty shall include an evaluation of teaching effectiveness, research body of work, overall commitment to the mission of the university, and other criteria determined by the board and the council;

(h) 1. Within one year of the effective date of this Act, the Kentucky State University board of regents, in consultation with the Council on Postsecondary Education, shall conduct a performance review of all faculty and staff as described in paragraph (g) of this section, except as provided in subparagraph 2. of this paragraph, and as a result, determine any board action warranted regarding termination of employees, abolishment of positions, and adjustment of salaries. Any employee who fails to meet the criteria established by the board, including tenured faculty, shall be terminated in accordance with the university's personnel policies;

2. If there is not a sufficient body of evidence for a tenured faculty member to undergo the review required under subparagraph 1. of this paragraph, as determined by criteria established by the board in consultation with the council, the review shall be delayed and the faculty member shall be advised of the deficiencies in the body of evidence causing the delay. The review shall take place by April 1, 2024; and

(i) All tenured faculty shall undergo an additional post-tenure review as described in paragraph (g) of this section by June 30, 2027.

(2) Any reasonable costs incurred by Kentucky State University and approved by the Council on Postsecondary Education related to, or resulting from, implementing personnel actions, including but not limited to terminations, separation incentives, settlements, and judgments shall be reported by the council to the General Assembly for consideration in determining future budget appropriations to the university.

➔Section 2. (1) The Council on Postsecondary Education shall create and oversee a management improvement plan for Kentucky State University designed to assist with organizational and financial stability that includes but is not limited to the following areas:

(a) A comprehensive cataloging and review of university policies and procedures to ensure efficiency and compliance with state and federal law;

(b) Guidelines for salary ranges and benefits for all faculty, staff, and administrators;

(c) Mandatory board member training and development, including but not limited to financial oversight and effective committee structure;

(d) Academic program offerings, course offerings, and faculty productivity guidelines;

(e) Accounting and fiscal reporting systems, collections, budget, and internal controls over expenditures and financial reporting;

(f) Student success and enrollment management strategies;

(g) Student academic progress and results; and

(h) The development of an online curriculum with the intent of offering Bachelor's and Master's degrees online.

(2) The plan shall include:

(a) Specific, measurable goals, objectives, and benchmarks for each of the improvement areas;

(b) A process for monitoring and evaluating Kentucky State University's progress toward meeting the goals, objectives, and benchmarks; and

(c) The terms and conditions for the termination of the plan.

(3) The plan shall include, as determined by the council, on-site council or third-party staff in a management, advisory, or administrative capacity to provide assistance to Kentucky State University in implementing the plan.

(4) The Kentucky State University board of regents shall fully cooperate and timely consult with the council in developing and implementing the plan and shall provide all information and documentation requested by the council in overseeing the plan.

(5) The council shall submit the plan to the Legislative Research Commission by November 1, 2022. Any revisions to the plan shall be submitted to the Commission after adoption.

(6) The council shall contract with an independent third party to make recommendations on the university's governance and operational structure and evaluate the university's performance throughout the period of the council's oversight.

(7) By June 1 and November 1, 2022, and by June 1 and November 1 of each year thereafter the plan is in effect, the council shall provide reports to the Interim Joint Committee on Education detailing the status of the development, implementation, and results of the plan.

(8) During Fiscal Years 2022-2023, 2023-2024, and 2024-2025, the Kentucky State University president and a member of the Kentucky State University board of regents shall provide a combined total of at least four updates each year on the progress of the management improvement plan and the investigation of the actions that led to the financial shortfall described in Section 3 of this Act to one or more of the following committees: the Budget Review Subcommittee on Postsecondary Education, the Interim Joint Budget Review Subcommittee on Education, the Interim Joint Committee on Appropriations and Revenue, or the Interim Joint Committee on Education.

(9) By November 1, 2025, the council shall provide a three-year performance analysis of Kentucky State University based on the management improvement plan to the Interim Joint Committee on Education, the Interim Joint Committee on Appropriations and Revenue, and the State Auditor of Public Accounts. The council shall provide recommendations for a transition plan to a new governance and operational structure for the institution for consideration by the General Assembly if the analysis finds a continuing significant lack of efficiency and effectiveness in the governance and administration of Kentucky State University. Upon the recommendation of the council, the General Assembly may extend the council's involvement with and oversight of the university beyond 2025.

➔Section 3. (1) There is hereby appropriated to the Council on Postsecondary Education General Fund moneys in the amount of \$23,000,000 in fiscal year 2021-2022 to address financial instability at Kentucky State University, including a cash shortfall due to prior year deficits and a projected financial structural imbalance in fiscal year 2021-2022. Prior to receiving any disbursement of the funds from the council, the university shall submit a request with supporting documentation required by the council for the council's review and approval and make recommendations for further investigations necessary, if any conduct has risen to the level of a crime. The total disbursed to Kentucky State University shall be a non-interest bearing loan to be repaid by the university. Funds not disbursed to the university shall be deposited to the loan repayment trust fund created in Section 4 of this Act.

(2) By November 1, 2025, the Council on Postsecondary Education shall make recommendations to the Interim Joint Committee on Appropriations and Revenue for consideration by the General Assembly during the 2026 Regular Session for the terms and schedule for repayment of the loan beginning in fiscal year 2026-2027 based on ongoing monitoring of Kentucky State University's financial status.

(3) The council shall provide an annual report to the Interim Joint Committee on Appropriations and Revenue detailing the status of the Kentucky State University loan by November 1, 2026, and by November 1 each year thereafter for as long as the loan is in effect.

➔Section 4. (1) The Kentucky State University loan repayment trust fund is hereby created as a trust fund in the State Treasury to be administered by the Council on Postsecondary Education for the purpose of receiving loan payments as described in Section 3 of this Act.

(2) The trust fund shall consist of amounts repaid by Kentucky State University and any amounts not disbursed to the university as described in Section 3 of this Act.

(3) The balance in the trust fund shall be invested as provided in KRS 42.500(9). Income earned from the investments shall be credited to the trust fund.

(4) Notwithstanding KRS 45.229, any fund balance at the close of the fiscal year shall not lapse but shall be carried forward to the next fiscal year. All receipts in the fund shall remain in the fund until appropriated by the General Assembly.

➔Section 5. There is hereby appropriated to the Council on Postsecondary Education General Fund moneys in the amount of \$5,000,000 in fiscal year 2022-2023 and \$10,000,000 in fiscal year 2023-2024 for the purposes of distributing funds to Kentucky State University, as determined by the council, as goals and benchmarks are met by the university in accordance with the management improvement plan established in Section 2 of this Act. Nothing in this section shall be considered as a performance fund distribution under KRS 164.092, and the university shall be included in the comprehensive funding model as described in KRS 164.092.

➔Section 6. There is hereby appropriated to the Council on Postsecondary Education General Fund moneys in the amount of \$1,500,000 in fiscal year 2022-2023 for the costs incurred by the council in carrying out its duties described in Sections 1 to 3 of this Act.

➔Section 7. Whereas the financial health and success of Kentucky State University, a comprehensive, historically Black land-grant university, is vital to the well-being of Kentucky's postsecondary education system and the students it serves, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 8, 2022.

CHAPTER 184

(HB 499)

AN ACT relating to employee child-care assistance and declaring an emergency.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 199 IS CREATED TO READ AS FOLLOWS:

The General Assembly finds and declares that the purpose of this Act is to support Kentucky families by incentivizing employers to contribute to the child-care costs of its employees. In enacting this legislation, it is the intention of the General Assembly to enable the Cabinet for Health and Family Services to facilitate this public and private partnership pilot program, herein known as the Employee Child Care Assistance Partnership, and administer program funds to achieve this purpose.

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 199 IS CREATED TO READ AS FOLLOWS:

As used in Sections 1 to 8 of this Act:

- (1) *"Cabinet" means the Cabinet for Health and Family Services;*
- (2) *"Child-care provider" means a child-care provider that is rated pursuant to the quality-based graduated early care and education program rating system set forth in KRS 199.8943;*
- (3) *"Contribution" means a direct payment to a child-care provider either directly by an employer or through a third party vendor to subsidize an employee's eligible child-care costs;*
- (4) *"Eligible child-care costs" means costs to be incurred by an individual for services rendered by an eligible child-care provider;*
- (5) *"Employee" means an individual who works in Kentucky and is employed by an employer;*
- (6) *"Employer" means a nonprofit or for-profit entity with at least one (1) employee who works in Kentucky in each of twenty (20) or more calendar weeks in the current or preceding calendar year;*
- (7) *"Fund" means the fund administered by the Cabinet as described in Section 5 of this Act;*
- (8) *"Program" means the Employee Child Care Assistance Partnership;*
- (9) *"Small business" means a business with fewer than fifty (50) employees who are individually contracted to work more than thirty-five (35) hours per week;*
- (10) *"State match" means the money paid directly to the child-care provider by the Cabinet from the fund described in Section 5 of this Act; and*
- (11) *"State median household income" means the most recent estimate available of real median household income for the state, as determined by the United States Census Bureau, and adjusted for family size.*

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 199 IS CREATED TO READ AS FOLLOWS:

- (1) *The Employee Child Care Assistance Partnership program is hereby established under the cabinet. To administer the program, the cabinet may:*
 - (a) *Delegate authority to a subsidiary department;*

- (b) *Coordinate and share information with other executive branch agencies; and*
 - (c) *Enter into contracts with third parties to administer the program or specific parts of the program.*
- (2) *The cabinet shall be responsible for:*
 - (a) *Creating and making available a standardized contract for participation in the program;*
 - (b) *Processing the contract between an employer, employee, and child-care provider that is submitted to the cabinet;*
 - (c) *Notifying the parties of their enrollment status in the program;*
 - (d) *Managing and administering the program funds;*
 - (e) *Securing third-party vendors in accordance with all applicable federal and state procurement regulations, if deemed necessary;*
 - (f) *Verifying the eligibility of the respective employee, employer, and child-care provider as parties to a contract for participation in the program prior to disbursement of a state match;*
 - (g) *Collecting and verifying household income information from eligible employees and determining the amount of the state match for which the employee is eligible; and*
 - (h) *Distributing educational materials about the program's objectives, benefits, and eligibility requirements to employers, employees, and child-care providers.*
- (3) *The cabinet shall review the completed contract after it is submitted by the employer and, if the employee, employer, and the proposed child-care provider meet program eligibility requirements, agree to match the contribution made by the employer up to one hundred percent (100%) of the cost of service from the fund.*
- (4) *The cabinet shall only become party to a proposed contract under this program if the fund reflects a positive balance based on both:*
 - (a) *The cabinet's existing contractual obligations already accrued under this program; and*
 - (b) *The cabinet's additional financial obligation imposed by the proposed contract.*
- (5) *The cabinet shall not agree to become party to a proposed contract pursuant to this program if the corresponding financial obligation would cause the fund to accrue a negative balance.*
- (6) *The cabinet shall maintain a waitlist of contracts submitted after available funds were committed. The cabinet shall become party to a proposed contract from the waitlist as new funds become available and according to the order in which it was received.*
- (7) *The cabinet shall issue a state match directly to the child-care provider or through a third-party vendor for the duration of the contract.*
- (8) *The cabinet shall not disclose an employee's personal information without that individual's express written consent.*
- (9) *In the first fiscal year of the program, the cabinet shall administer the program according to the following:*
 - (a) *The cabinet shall begin administering the program after the effective date of this Act, including but not limited to:*
 - 1. *Promulgating the required administrative regulations as described in Section 4 of this Act; and*
 - 2. *Soliciting third-party vendor contracts, if deemed necessary;*
 - (b) *The cabinet shall not begin accepting proposed contracts from employers pursuant to this program prior to ninety (90) calendar days before July 1, 2023; and*
 - (c) *The cabinet shall not disperse state matches from the fund as a party to a contract with an employer, employee, and child-care provider pursuant to this program prior to July 1, 2023.*
- (10) *Beginning in 2024 and every year thereafter, the cabinet shall begin accepting proposed contracts from employers, employees, and child-care providers for the next fiscal year according to the following:*
 - (a) *Ninety (90) calendar days before July 1st for employers with existing approved contracts pursuant to the program; and*

- (b) *Forty-five (45) calendar days before July 1st for all other employers.*
- (11) *Beginning in 2024 and every year thereafter, the cabinet shall publish reports detailing the efficacy of the program by July 15th and December 15th of each year and shall submit the report to the Legislative Research Commission. The report shall include at least the following information about the program:*
- (a) *Any appropriation made in the past fiscal year to the fund;*
 - (b) *The total number of standardized contracts submitted by employers;*
 - (c) *The total amount of state matches paid out of the fund by the cabinet;*
 - (d) *The breakdown of the state matches paid by county;*
 - (e) *Information on the size, geographical location, and industry type of employers who participated in the program;*
 - (f) *The number, license type, quality rating, and geographical distribution of participating child-care providers;*
 - (g) *The average cost for services charged by child-care providers participating in the program and information on how these costs have increased or decreased during the most recent reporting period and previous reporting periods;*
 - (h) *The number and total dollar value of contracts not approved by the cabinet; and*
 - (i) *The demographic information of employees participating in the program.*
- (12) *Prior to one hundred twenty (120) calendar days before July 1, 2023, the cabinet shall publish a report detailing implementation plans for the program and submit the report to the Legislative Research Commission.*

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 199 IS CREATED TO READ AS FOLLOWS:

The cabinet, or its designated department, shall promulgate administrative regulations in accordance with KRS Chapter 13A to effectuate the provisions of Sections 1 to 8 of this Act including:

- (1) *Creating a standardized agreement for employers, employees, and providers wishing to participate in the program, to be completed and agreed to by each respective party that includes:*
- (a) *Name, physical location, size, and industry of the employer;*
 - (b) *Name and phone number of the employer's point of contact;*
 - (c) *Name and physical location of the child-care provider;*
 - (d) *Name and phone number of the child-care provider's point of contact;*
 - (e) *Name and home address of the employee;*
 - (f) *Total contribution to be paid by the employer to the provider, either directly or through a third-party vendor;*
 - (g) *Total amount of the state match to be paid to the provider, either directly or through a third-party vendor;*
 - (h) *Duration of the contract, which shall not last beyond the end of the state's fiscal year in any given year;*
 - (i) *Frequency of the contribution to be made directly to the child-care provider in accordance with the provider's established billing cycle; and*
 - (j) *Demographic information of the employee.*
- (2) *Establishing eligibility verification procedures for the following parties as a prerequisite for the cabinet entering the agreement as a party and issuing a state match:*
- (a) *Employer's enrollment in the program;*
 - (b) *Employee's eligibility; and*
 - (c) *Child-care provider's eligibility;*

- (3) *Collecting and verifying household income information from eligible employees and determining the amount of the state match for which the employee is eligible in accordance with Section 5 of this Act;*
- (4) *Creating procedures for issuing a notice to all parties to the agreement of their enrollment in the program upon receiving and processing the contract and determining eligibility;*
- (5) *Compiling confidentiality protocols for the cabinet and its designated department or departments to safeguard the personal information of participating employees, employers, and child-care providers;*
- (6) *Introducing reporting requirements for an employer or a child-care provider reporting a lapse or nonpayment of contribution towards eligible child-care services;*
- (7) *Creating procedures for issuing and logging a state match to child-care providers pursuant to the respective contract;*
- (8) *Maintaining records of the fund in the fiscal year and all payments;*
- (9) *Creating criteria for participant disqualification from the program;*
- (10) *Establishing procedures for appeals hearings; and*
- (11) *Establishing procedures for recouping state matches or portions of state matches that result in overpayments to participating child-care providers.*

➔SECTION 5. A NEW SECTION OF KRS CHAPTER 199 IS CREATED TO READ AS FOLLOWS:

- (1) *There is hereby established in the State Treasury a revolving account to be known as the Employee Child Care Assistance Partnership fund. The fund shall consist of moneys appropriated by the General Assembly, contributions, gifts, or grants made available for the purposes of the program.*
- (2) *The fund shall be administered by the cabinet or its designated department.*
- (3) *Notwithstanding KRS 45.229, any moneys remaining in the fund at the close of the fiscal year shall not lapse but shall be carried forward to the next fiscal year.*
- (4) *Any interest earnings of the fund shall become a part of the fund and shall not lapse.*
- (5) *Moneys deposited in the fund are hereby appropriated for the purposes set forth in Sections 1 to 8 of this Act and shall not be appropriated or transferred by the General Assembly for any other purpose.*
- (6) *The cabinet shall issue state matches out of the fund to child-care providers in accordance with the provisions of the respective contracts and in the order that the cabinet processed the contracts.*
- (7)
 - (a) *The state match shall not exceed one hundred percent (100%) of the contribution made by the employer for contracts in which the employee's household income is equal to or less than one hundred percent (100%) of the state median household income.*
 - (b) *The state match shall decrease by ten percent (10%) for each twenty percent (20%) increase in household income over one hundred percent (100%) of the state median household income up to one hundred eighty percent (180%) of the state median household income.*
 - (c) *The state match shall equal fifty percent (50%) for contracts in which the employee's household income exceeds one hundred eighty percent (180%) of the state median household income.*
- (8) *In each fiscal year, twenty-five percent (25%) of the total fund shall be distributed to agreements in which an employer is a small business.*
- (9) *In fiscal year 2022-2023, five percent (5%) of the total fund shall be distributed to the cabinet to administer the program. In every fiscal year thereafter, three percent (3%) of the total fund shall be distributed to the cabinet to administer the program.*
- (10) *A state match issued pursuant to this program and administered by the cabinet is for the promotion of the general welfare and shall not be considered compensation for an employee's service.*

➔SECTION 6. A NEW SECTION OF KRS CHAPTER 199 IS CREATED TO READ AS FOLLOWS:

- (1) *If an employer wishes to provide child-care assistance to an employee as a benefit of employment and participate in this program, the employer may enter into an agreement with its employee and a child-care provider using the standardized contract provided by the cabinet.*
- (2) *To participate in the program, an employer shall do the following:*

- (a) *Obtain the standardized contract created by the cabinet and enter into it with the employee and child-care provider;*
 - (b) *Submit the proposed contract to the cabinet;*
 - (c) *Submit any additional information as deemed necessary by the cabinet pursuant to Section 4 of this Act; and*
 - (d) *Make contributions to the employee's eligible child-care costs directly to the child-care provider or through a third-party vendor in accordance with the amount and frequency agreed to in the final contract.*
- (3) *To participate in the program, an employee shall complete the standardized contract with the employer and the child-care provider and provide any additional information as deemed necessary by the cabinet pursuant to Section 4 of this Act.*
- (4) *In the event that the agreement includes costs of service not covered by the employer's contribution and the state match, the employee shall make payments to the child-care provider according to the amount and frequency determined by the final contract. If another member of the employee's household or family becomes a party to an agreement in accordance with Sections 1 to 8 of this Act, the employer contribution and state match of that agreement may be utilized to pay for costs of service not covered by the employer contribution and state match of the preceding agreement, provided that it does not result in overpayment to the provider.*

➔SECTION 7. A NEW SECTION OF KRS CHAPTER 199 IS CREATED TO READ AS FOLLOWS:

- (1) *Termination of an active contract between an employer, employee, child-care provider, and the cabinet pursuant to this program shall occur in the following circumstances:*
- (a) *If the relationship between the employee and employer is severed, the employer shall notify the child-care provider and the cabinet within three (3) business days of the separation, and the contract is terminated on the calendar date provided by the employer in the notification. If the employer fails to make this notification and the cabinet issues a state match to the provider on behalf of that employer's employee, then the employer shall reimburse the cabinet for the unnecessary state match; or*
 - (b) *If the employer fails to make a contribution or contributions for the eligible child-care costs in accordance to the terms of the contract, the child-care provider shall notify the cabinet within five (5) business days. After receiving notification from the provider, the cabinet shall temporarily cease providing a state match and shall notify the employer that the contract will be terminated unless the employer remedies the nonpayment within five (5) business days of receiving notification from the cabinet. If the provider fails to make this notification and receives a state match from the cabinet on behalf of that employer's employee, the provider shall reimburse the cabinet for the unnecessary state match.*
- (2) *Termination of an active contract between an employer, employee, child-care provider, and the cabinet pursuant to this program may occur in the following circumstances:*
- (a) *If the employee fails to pay the child-care provider for costs not covered by the employer contribution and the state match in accordance to the terms of the contract, the child-care provider may give the employee reasonable time to remedy the nonpayment. The child-care provider may notify the cabinet and terminate the contract on the date that the notification was issued. If the child-care provider voluntarily excuses the employee's nonpayment or the child-care provider does not notify the cabinet within two (2) calendar months from the date of the employee's nonpayment and continues to provide services, then the contract made between all the parties will automatically reflect the reduction in value;*
 - (b) *If the child-care provider ceases participation or otherwise loses its rating in the rating system described in KRS 199.8943, it shall notify all parties to the agreement immediately; and*
 - (c) *Either the employer or employee may terminate the contract at any time and for any reason. The terminating party shall notify all the parties to the contract and specify the desired termination date, which shall occur no sooner than two (2) weeks from the date of notification unless the child-care provider gives its consent to an earlier termination date. All parties to the contract shall be financially obligated, according to the provisions of the contract, up to the termination date.*

➔SECTION 8. A NEW SECTION OF KRS CHAPTER 199 IS CREATED TO READ AS FOLLOWS:

The Cabinet for Economic Development may coordinate with the Cabinet for Health and Family Services to incorporate this program into agreements with employers seeking economic development incentives in Subchapters 31 and 32 of KRS Chapter 154, if the employer agrees to participate in the program.

➔Section 9. KRS 199.990 is amended to read as follows:

- (1) Any person who violates any of the provisions of KRS 199.430, 199.470, 199.473, 199.570, 199.572, and 199.590 except subsection (2), or 199.640 to 199.670, or any rule or regulation under such sections the violation of which is made unlawful shall be fined not less than five hundred dollars (\$500) nor more than two thousand dollars (\$2,000) or imprisoned for not more than six (6) months, or both. Each day such violation continues shall constitute a separate offense.
- (2) Any person who willfully violates any other of the provisions of KRS 199.420 to 199.670 or any rule or regulation thereunder, the violation of which is made unlawful under the terms of those sections, and for which no other penalty is prescribed in those sections, or in any other applicable statute, shall be fined not less than one hundred dollars (\$100) nor more than two hundred dollars (\$200) or imprisoned for not more than thirty (30) days, or both.
- (3) Any violation of the regulations, standards, or requirements of the cabinet under the provisions of KRS 199.896 that poses an immediate threat to the health, safety, or welfare of any child served by the child-care center shall be subject to a civil penalty of no more than one thousand dollars (\$1,000) for each occurrence. Treble penalties shall be assessed for two (2) or more violations within twelve (12) months. All money collected as a result of civil penalties assessed under the provisions of KRS 199.896 shall be paid into the State Treasury and credited to a special fund for the purpose of the Early Childhood Scholarship Program created in accordance with KRS 164.518. The balance of the fund shall not lapse to the general fund at the end of each biennium.
- (4) A person who commits a violation of the regulations, standards, or requirements of the cabinet under the provisions of KRS 199.896 shall be fined not less than one thousand dollars (\$1,000) or imprisoned for not more than twelve (12) months, or be fined and imprisoned, at the discretion of the court.
- (5) Any person who violates any of the provisions of KRS 199.590(2) shall be guilty of a Class D felony.
- (6) Any person who knowingly or intentionally registers false information under KRS 199.503(4) shall be fined not more than one thousand dollars (\$1,000) or imprisoned for not more than twelve (12) months, or be fined and imprisoned, at the discretion of the court.
- (7) Any person who knowingly or intentionally releases or requests confidential information in violation of KRS 199.503(8) or (9) or in violation of KRS 199.505 shall be fined not more than one thousand dollars (\$1,000) or imprisoned for not more than twelve (12) months, or be fined and imprisoned, at the discretion of the court. It is a defense under this subsection if the cabinet releases confidential information while acting in good faith and with reasonable diligence.
- (8) ***Any person who intentionally registers false information under Sections 1 to 8 of this Act with the Cabinet in pursuit of the benefits of this program shall be subject to a civil penalty of no more than five hundred dollars (\$500) per violation. All money collected as a result of penalties assessed under Sections 1 to 8 of this Act shall be paid into the State Treasury and credited to the Employee Child Care Assistance Program fund.***

➔Section 10. This Act may be cited as the "Employee Child Care Assistance Partnership".

➔Section 11. Whereas it is of the utmost importance to the Commonwealth of Kentucky to support employees struggling to access child-care, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 8, 2022.

AN ACT relating to public schools and declaring an emergency.

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

→Section 1. Until June 30, 2024, a local board of education of a district may provide for and commence the funding, financing, design, construction, renovation, or modification of the district's facilities in accordance with the provisions and restrictions established in statute and administrative regulation notwithstanding the requirements for prior approval for the district's plans and specifications from the chief state school officer under KRS 162.060, for the use of the district's capital outlay funds for projects from the commissioner of education under KRS 157.420, and for the district's transactions by the Kentucky Department of Education under KRS 160.160(3) and (4), and notwithstanding any administrative regulation that requires any of those entities to provide prior approval for the funding, financing, design, construction, renovation, or modification of school facilities. A local board that elects to conduct its projects under this section shall adopt a resolution by majority vote and submit the resolution to the Kentucky Department of Education as notice. Such a local board shall still submit BG-1 Project Application forms as appropriate to the Kentucky Department of Education for recordkeeping and data collection. The provisions of KRS 160.160(5) shall remain in full effect and shall be applicable to leases and bonds authorized by a local board without the prior approval of department. Notwithstanding the provisions of KRS 160.160(2) to the contrary, a local board under this section may use the estimates of architects or engineers who prepared the plans or specifications as an alternative to the receipt of advertised, public, and competitive bids for the project to estimate the cost of the project in advance of financing.

→Section 2. Until June 30, 2024, notwithstanding 702 KAR 4:180, 702 KAR 4:050, and 702 KAR 4:090, or any other similar administrative regulation to the contrary, a local board of education that submits a request for approval of a complete district facility plan, a request for acquisition of property, or a request for disposal of surplus property shall submit the request to the commissioner of education or designee who shall approve or disapprove the request within 30 business days. An approved request shall be reported to the Kentucky Board of Education. A denied request may be appealed to the board.

→Section 3. Until June 30, 2024, the Kentucky Department of Education shall provide assistance and guidance to local boards upon request regarding facilities funding, financing, design, construction, renovation, and modification, district facilities plans, and the acquisition and disposal of property.

→Section 4. Sections 1 through 3 of this Act shall also be applicable to submissions and requests that have been made by local boards prior to the effective date of this Act, but have not yet received approval from the appropriate board or official.

→Section 5. The facilities in Sections 1 through 3 of this Act may include extracurricular facilities which may be in any priority in a district facility plan notwithstanding 702 KAR 4:180 or any statute or other administrative regulation to the contrary.

→Section 6. Nothing in this Act shall be deemed to waive prior approval for the use of federal Elementary and Secondary School Emergency Relief Fund moneys or other funds that federal law requires approval from state officials prior to use.

→Section 7. By June 30, 2023, the Kentucky Department of Education shall conduct a review of the administrative regulations, incorporated materials, design manuals, and other guidance the department provides to districts concerning the construction, renovation, and modification of school facilities to identify inefficiencies in the review and approval process. During the review, the department shall also identify updates needed to the administrative regulations and materials due to the changing trends in facilities design, the construction industry, and the economy. This shall include identifying the most commonly granted waivers from administrative regulation and the changes required to reduce or eliminate the need for those waivers. The department shall also review the procedures implemented in the department for conducting the reviews and approvals outlined in Section 1 of this Act and develop a plan to reduce delays and increase efficiency through policy changes. The Kentucky Department of Education and the Department of Housing, Buildings and Construction shall discuss which elements of Kentucky Board of Education administrative regulations may be appropriate to incorporate into the administrative regulations of the Department of Housing, Buildings and Construction and the feasibility of enforcement of the administrative regulations. By September 1, 2023, the Kentucky Department of Education shall submit the results of the reviews, plans, and consultations required by this subsection in a report to the Interim Joint Committee on Appropriations and Revenue and the Interim Joint Committee on Education. The report may include suggested changes in statute for the General Assembly to consider during the 2024 Regular Session.

➔Section 8. Due to the growing financial loss to school districts from the increasing cost of construction and approval delays, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 8, 2022.

CHAPTER 186

(HJR 41)

A JOINT RESOLUTION directing the Department of Revenue and the University of Kentucky's Department of Forestry and Natural Resources to recommend equitable property tax assessment procedures for well-managed forests.

WHEREAS, well-managed, family-owned, non-industrial forests are central to providing the raw material that fuels the \$13 billion in economic contributions from the forest industry sector annually; and

WHEREAS, incentivizing family forest owners, who own the majority of the forestlands in Kentucky, to conduct sound forest practices will help sustain the socio-economic benefits that forest resources provide to Kentucky; and

WHEREAS, pursuant to House Concurrent Resolution 13 of the 2002 Regular Session of the General Assembly, the Legislative Research Commission issued Research Report No. 307, which identified tax and related policies that had the effect of incentivizing or disincentivizing good forest management practices in the Commonwealth; and

WHEREAS, the examination of property tax issues impacting forest management practices in Research Report No. 307 produced conflicting views on how to equitably and constitutionally assess property taxes on well-managed forestlands; and

WHEREAS, this lack of agreement and failure to act upon the report's most important findings resulted in continued poor forest management of many forestlands in the Commonwealth and the potential unconstitutional taxation of forestlands where sound forest management practices were being implemented; and

WHEREAS, significant developments have occurred since the issuance of Research Report No. 307 that would be helpful in finding the best policies for improving the productivity of Kentucky's forests, including the availability of a nationally-recognized standard that could be used by property valuation administrators to define well-managed forests;

NOW, THEREFORE,

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

➔Section 1. The Department of Revenue and the University of Kentucky's Department of Forestry and Natural Resources shall coordinate together to submit a report to the Legislative Research Commission no later than December 1, 2022, detailing their recommendations for establishing property tax assessment procedures for well-managed forests that ensure equitable taxation of these lands and encourage sound forest management practices that will promote the sustainability of Kentucky's forests and maximize the socioeconomic benefits derived from them.

Signed by Governor April 8, 2022.

CHAPTER 187

(SJR 6)

A JOINT RESOLUTION designating honorary names for various roads and bridges.

WHEREAS, from time to time, the General Assembly has seen fit to honor various Kentuckians by naming portions of state highways and erecting commemorative roadway signs in their honor; and

WHEREAS, these Kentuckians have come from all walks of life, held a multitude of jobs, and had a variety of accomplishments that made them deserving of the honor; and

WHEREAS, these individuals have included former Governors, former members of the General Assembly, decorated veterans, slain law enforcement officers, local elected officials, astronauts, doctors, educators, distinguished athletes, and civic leaders; and

WHEREAS, every citizen of the Commonwealth owes a great debt of gratitude to the patriotic men and women killed and wounded in service to their country in times of great need; and

WHEREAS, the General Assembly has often honored the veterans of this state by naming portions of several roads, from interstates to small two-lane country roads, in their honor; and

WHEREAS, the General Assembly again sees fit to honor a group of individuals who have made the lives of their fellow Kentuckians better and brought honor and respect to the Commonwealth;

NOW, THEREFORE,

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

➔Section 1. The Transportation Cabinet shall designate Kentucky Route 2827 in Jessamine County as the "Senator Tom Buford Memorial Highway" and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage denoting this designation.

➔Section 2. The Transportation Cabinet shall designate Kentucky Route 2155 South in Daviess County, from 5th Street to its intersection with United States Highway 231, as the "Senator Joe R. Bowen Memorial Highway" and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 3. The Transportation Cabinet shall designate Interstate 64 in Jefferson County, from mile point 0 to its intersection with United States Highway 150, as the "Representative Darryl T. Owens Memorial Highway" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 4. The Transportation Cabinet shall designate Kentucky Route 144 in Daviess County, from the intersection with Knottsville-Mt. Zion Road (mile point 10.453) to the Hancock County line, as the "Warren Lanham Memorial Highway" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation. This designation shall supersede any previous honorary designation for this portion of Kentucky Route 144.

➔Section 5. The Transportation Cabinet shall designate Kentucky Route 8 in Boone County, from mile point 7.7 to its intersection with Anderson Ferry, as the "SP5 Edward 'Eddie' A. Barlow Memorial Highway," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 6. The Transportation Cabinet shall designate the bridge on Kentucky Route 44 in Spencer County, just west of Taylorsville over Brashers Creek (Bridge Number 108B00045), as the "Deputy Frank Dulin Memorial Bridge" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 7. The Transportation Cabinet shall designate the bridge on Kentucky Route 2447, near its intersection with Kentucky Route 7 in Perry County, as the "Arthur & Bill Caudill WWII Memorial Bridge" and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 8. The Transportation Cabinet shall designate the bridge on Kentucky Route 3 in Martin County, near mile point 7.75, in honor and memory of the Davis brothers. The Transportation Cabinet shall, within 30 days of the effective date of this Resolution, erect the signage that reads:

"Davis Brothers Memorial Bridge

Homer, Herman, Curtis, & Ted."

➔Section 9. The Transportation Cabinet shall designate Kentucky Route 3260 in Pulaski County as the "Jerry S. Ikerd Memorial Highway" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 10. The Transportation Cabinet shall designate Interstate 64 in Jefferson County, from the Story Avenue overpass to the Grinstead Drive overpass, as the "Officer Zachary Cottongim Memorial Highway" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 11. The Transportation Cabinet shall designate Kentucky Route 1674 in Pulaski County as the "SPC Jakob Cole Aton Memorial Highway" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 12. The Transportation Cabinet shall designate the bridge on Kentucky Route 40 in Martin County, near mile point 10.153, as the "PFC Jacob Andrew 'Jake' Horn Memorial Bridge" and shall, within 30 days of the effective date of this Resolution, erect the appropriate signs denoting this designation.

➔Section 13. The Transportation Cabinet shall designate the overpass on Kentucky Route 92 in Whitley County as the "Charles William 'Bill' Nighbert Memorial Overpass" and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage denoting this designation.

➔Section 14. The Transportation Cabinet shall designate Kentucky Route 3 in Lawrence County, from its intersection with Kentucky Route 32 (near mile point 15.52) to its intersection with United States Highway 23 (near mile point 17.054), as "Louisa Trace" and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 15. The Transportation Cabinet shall designate Kentucky Route 210 in LaRue County, from the intersection of Kentucky Route 1618 to the Green/Taylor county line, as the "Officer Mark Taulbee Memorial Highway" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 16. The Transportation Cabinet shall designate Bridge Number 045B00050N on United States Highway 23 in Greenup County, as the "Dr. Adrian N. Collins Memorial Bridge," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 17. The Transportation Cabinet shall designate Kentucky Route 57 in Fleming County, from the intersection with Penny Patch Lane (mile point 6.131) to the Lewis County line (mile point 9.183) as the "PFC David L. Johnson Memorial Highway" and shall, within 30 days of the effective date of this Resolution, erect appropriate signage denoting this designation.

➔Section 18. The Transportation Cabinet shall designate Kentucky Route 28 in Breathitt County as the "Roy Darrell Herald Memorial Highway" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 19. The Transportation Cabinet shall designate Kentucky Route 3332 in Lee County as the "Edna Thomas Memorial Highway," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 20. The Transportation Cabinet shall designate Kentucky Route 61 in Bullitt County, from the Jefferson County line to the intersection with Kentucky Route 1526, as the "Chief Robert Orkies and Battalion Chief Garry Key Memorial Highway" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation. This designation shall supersede any previous designation for this portion of Kentucky Route 61.

➔Section 21. The Transportation Cabinet shall designate the bridge on Taylorsville Road in Spencer County, over Brashears Creek (Bridge Number 108B0029N), as the "Private Clarence 'Joe' Aubrey Memorial Bridge" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 22. The Transportation Cabinet shall designate the bridge on Kentucky Route 80 over Buck Creek in Pulaski County (Bridge Number 100B00080N) as the "Sheriff Sam Catron Memorial Bridge" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 23. The Transportation Cabinet shall designate a portion of United States Highway 60, in Shelby County, from the Jefferson/Shelby County line, to its intersection with Montclair School Road in Simpsonville, as the "Whitney M. Young, Jr. Memorial Highway" and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 24. The Transportation Cabinet shall designate the bridge on Kentucky Route 92 in Whitley County, over Jellico Creek (Bridge Number 118B00126N), milepoint 2.879, as the "Henry Porch Memorial Bridge" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 25. The Transportation Cabinet shall designate Kentucky Route 1410 in Knott County as the "Lester Banks Memorial Highway" and shall, within 30 days of the effective date of this Resolution, erect signage denoting this designation.

➔Section 26. The Transportation Cabinet shall designate the set of twin bridges on United States Route 23 in Johnson County, at mile point 4.364, over Jenny's Creek (Bridge Number 058B00070R), as the "Wallace and Betty Jo Conley Memorial Bridge" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 27. The Transportation Cabinet shall designate Kentucky Route 1426 in Floyd County from mile-point 10 to mile-point 13 as the "Adron and Virgil Justice Memorial Highway" and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 28. The Transportation Cabinet shall designate Kentucky Route 302 in Johnson County, at the foot of Richman Hill, just east of Van Lear (mile point 3.500), to the intersection of Kentucky Route 302 and Kentucky Route 1107 (mile point 5.247), as the "Jimmy Lee Memorial Highway" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 29. The Transportation Cabinet shall designate the new bridge currently under construction on United States Highway 60 that spans the Cumberland River near Smithland, as the "Jim R. Smith Memorial Bridge" and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 30. The Transportation Cabinet shall designate Kentucky Route 237 in Boone County, from the intersection with United States Route 42 to the intersection of Kentucky Route 18, as the "John Bauerle Memorial Highway" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 31. The Transportation Cabinet shall designate United States Highway 60 in Henderson County, from Corydon/Geneva Road (mile point 5.598) to Kentucky Route 136 (mile point 8.706) as the "Spc. David W. Taylor Memorial Highway" and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 32. The Transportation Cabinet shall designate Kentucky Route 3352 in Powell County as the "Frank Wagner Memorial Highway," and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 33. The Transportation Cabinet shall designate the bridge on Kentucky Route 80 in Metcalfe County over Leatherwood Creek (Bridge Number 085B00007N) as the "Richard and James C. Duncan Memorial Bridge" and shall, within 30 days of the effective date of this Resolution, erect appropriate signage.

➔Section 34. The Transportation Cabinet shall designate United States Highway 25 in Grant County, from the end of Williamstown (Savoy-Clear Creek Road) to its intersection with Mason Cordova Road, as the "Captain Dale Fortner Memorial Highway" and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 35. The Transportation Cabinet shall designate Kentucky Route 167 in Wayne County, from mile point 18.772 to mile point 20.037, as the "SP4 Harold Dean Dishman Memorial Highway" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 36. The Transportation Cabinet shall designate Kentucky Route 38 in Harlan County, from mile point 9.355 to mile point 10.215, as the "SP5 Samuel Oliver Small Memorial Highway" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 37. The Transportation Cabinet shall designate Kentucky Route 18 in Boone County, from the Kentucky Route 237 underpass (mile point 11.776) to Kentucky Route 842 (mile point 14.63) as the "Dr. Floyd G. Poore Memorial Highway" and shall, within 30 days of the effective date of this Resolution, erect the appropriate signage.

➔Section 38. The Transportation Cabinet shall designate the bridge on United States Route 25 in Kenton County over Interstate 75 (Bridge Number 059B00099N) as the "Clyde and Mary Middleton Memorial Bridge" and shall, within 30 days of the effective date of this Resolution, erect appropriate signage.

➔Section 39. The Transportation Cabinet shall designate the bridge on Kentucky Route 159 in Pendleton County over North Little Kincaid Creek (Bridge Number 096B00046N) as the "Steele Veterans Memorial Bridge" and shall, within 30 days of the effective date of this Resolution, erect appropriate signage.

➔Section 40. The Transportation Cabinet shall designate Kentucky Route 169 in Madison County, from Main Street (mile point 0) to Goggins Lane (mile point 2.215), as the "Forniss R. Park Memorial Highway" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

➔Section 41. The Transportation Cabinet shall designate Kentucky Route 1638 in Meade County, from Kentucky Route 313 (mile point 0) to Allen Road (mile point 3.693), as the "Major Michael L. Mundell Memorial Highway" and shall, within 30 days of the effective date of this Resolution, erect appropriate signs denoting this designation.

Signed by Governor April 8, 2022.

CHAPTER 188

(HB 590)

AN ACT relating to jails.

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

➔Section 1. KRS 441.265 is amended to read as follows:

- (1) (a) A prisoner in a county jail shall be required ***beginning from the prisoner's booking date***~~[by the sentencing court]~~ to reimburse the county for expenses incurred by reason of the prisoner's confinement as set out in this section, except for good cause shown.
 - (b) ***If the prisoner is not convicted of any charges brought as a result of the prisoner's arrest, the county jail shall waive any outstanding expenses owed by the prisoner and reimburse the prisoner for any expenses already paid to the county jail for confinement due to that arrest, but the county jail shall not be required to waive or reimburse any expenses incurred by the prisoner for confinement related to a prior arrest, or for property damage or injury caused by the prisoner while confined to the jail.***
- (2) (a) The jailer may adopt, with the approval of the county's governing body, a prisoner fee and expense reimbursement policy, which may include, but not be limited to, the following:
 1. An administrative processing or booking fee;
 2. A per diem for room and board of not more than fifty dollars (\$50) per day or the actual per diem cost, whichever is less, for the entire period of time the prisoner is confined to the jail. ***Not later than the second Friday in February of each year, the Department of Corrections shall adjust the fifty dollar (\$50) maximum per diem for room and board at a rate accounting for any percentage increase or decrease in the nonseasonally adjusted annual average Consumer Price Index for All Urban Consumers, U.S. City Average, All Items, as published by the United States Bureau of Labor Statistics, using 2022 as the base year;***
 3. Actual charges for medical and dental treatment; and
 4. Reimbursement for county property damaged or any injury caused by the prisoner while confined to the jail.
 - (b) Rates charged may be adjusted in accordance with the fee and expense reimbursement policy based upon the ability of the prisoner confined to the jail to pay, giving consideration to any legal obligation of the prisoner to support a spouse, minor children, or other dependents. The prisoner's interest in any jointly owned property and the income, assets, earnings, or other property owned by the prisoner's spouse or family shall not be used to determine a prisoner's ability to pay.
- (3) The jailer or his ***or her*** designee may bill and attempt to collect any amount owed which remains unpaid. The governing body of the county may, upon the advice of the jailer, contract with one (1) or more public agencies or private vendors to perform this billing and collection. Within twelve (12) months after the date of the prisoner's release from confinement, the county attorney, jailer, or the jailer's designee, may file a civil action to seek reimbursement from that prisoner for any amount owed which remains unpaid.
- (4) Any fees or reimbursement received under this section shall be forwarded to the county treasurer for placement in the jail's budget.
- (5) The governing body of the county may require a prisoner who is confined in the county jail to pay a reasonable fee, not exceeding actual cost, for any medical treatment or service received by the prisoner. However, no prisoner confined in the jail shall be denied any necessary medical care because of inability to pay.

- (6) Payment of any required fees may be automatically deducted from the prisoner's property or canteen account. If the prisoner has no funds in his *or her* account, a deduction may be made creating a negative balance. If funds become available or if the prisoner reenters the jail at a later date, the fees may be deducted from the prisoner's property or canteen account. ***Automatic deductions from a prisoner's canteen account shall be made as follows:***
- (a) ***Up to one hundred percent (100%) of an initial deposit in the prisoner's account may be deducted for:***
1. ***Any amount owed by the prisoner that is associated with a confinement for a prior arrest; and***
 2. ***Fees and expenses incurred pursuant to subsection (2)(a)4. of this section; and***
- (b) ***Up to fifty percent (50%) of any subsequent deposit in the prisoner's account for all expenses incurred by reason of the prisoner's confinement as set out in this section.***
- (7) Prior to the prisoner's release, the jailer or his *or her* designee may work with the confined prisoner to create a reimbursement plan to be implemented upon the prisoner's release. At the end of the prisoner's incarceration, the prisoner shall be presented with a billing statement produced by the jailer or designee. After the prisoner's release, the jailer or his *or her* designee may, after negotiation with the prisoner, release the prisoner from all or part of the prisoner's repayment obligation if the jailer believes that the prisoner will be unable to pay the full amount due.
- (8) No per diem shall be charged to any prisoner who is required to pay a work release fee pursuant to KRS 439.179, a prisoner that has been ordered to pay a reimbursement fee by the court pursuant to KRS 534.045, or that the Department of Corrections is financially responsible for housing.
- (9) No medical reimbursement, except that provided for in KRS 441.045, shall be charged to any prisoner that the Department of Corrections is financially responsible for housing.

Signed by Governor April 8, 2022.

CHAPTER 189

(HB 63)

AN ACT relating to school security.

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

➔Section 1. KRS 158.4414 is amended to read as follows:

- (1) Local boards of education, school district superintendents, administrators of state-controlled facilities, and local and state law enforcement agencies shall cooperate to assign, ***by August 1, 2022***, one (1) or more certified school resource officers to serve each campus where one (1) or more school buildings are used to deliver instruction to students on a continuous basis ~~[as funds and qualified personnel become available]~~.
- (2) ***Local boards of education shall ensure, for each campus in the district, that at least one (1) certified school resource officer is assigned to and working on-site full-time in the school building or buildings on the campus. If sufficient funds and qualified personnel are not available for this purpose for every campus, the local board of education shall fulfill the requirements of this subsection on a per campus basis, as approved in writing by the state school security marshal, until a certified school resource officer is assigned to and working on-site full-time on each campus in the district.***
- (3) Local boards of education utilizing a school resource officer employed by a law enforcement agency or the Department of Kentucky State Police shall enter into a memorandum of understanding with the law enforcement agency or the Department of Kentucky State Police that specifically states the purpose of the school resource officer program and clearly defines the roles and expectations of each party involved in the program. The memorandum shall provide that the school resource officer shall not be responsible for school discipline matters that are the responsibility of school administrators or school employees.

- ~~(4)(3)~~ Local boards of education utilizing a school resource officer employed directly by the local board of education shall adopt policies and procedures that specifically state the purpose of the school resource officer program and clearly define the roles and expectations of school resource officers and other school employees.
- ~~(5)(4)~~ In accordance with KRS 61.926, 527.020, and 527.070, as applicable, each school resource officer shall be armed with a firearm, notwithstanding any provision of local board policy, local school council policy, or memorandum of agreement.
- ~~(6)(5)~~ On or before January 1, 2020, the Kentucky Law Enforcement Council, in collaboration with the Center for School Safety, shall promulgate administrative regulations in accordance with KRS Chapter 13A to establish three (3) levels of training for certification of school resource officers first employed as a school resource officer on or after March 11, 2019: School Resource Officer Training I (SRO I), School Resource Officer Training II (SRO II), and School Resource Officer Training III (SRO III). Each level shall consist of forty (40) hours of training, with SRO I to be completed within one (1) year of the date of the officer's employment and SRO II and SRO III within the subsequent two (2) years.
- ~~(7)(6)~~ Course curriculum for school resource officers employed on or after March 11, 2019, shall include but not be limited to:
- (a) Foundations of school-based law enforcement;
 - (b) Threat assessment and response;
 - (c) Youth drug use and abuse;
 - (d) Social media and cyber security;
 - (e) School resource officers as teachers and mentors;
 - (f) Youth mental health awareness;
 - (g) Diversity and bias awareness training;
 - (h) Trauma-informed action;
 - (i) Understanding students with special needs; and
 - (j) De-escalation strategies.
- ~~(8)(7)~~ Effective January 1, 2020, all school resource officers with active school resource officer certification status shall successfully complete forty (40) hours of annual in-service training that has been certified or recognized by the Kentucky Law Enforcement Council for school resource officers.
- ~~(9)(8)~~ In the event of extenuating circumstances beyond the control of an officer that prevent the officer from completing the in-service training within one (1) year, the commissioner of the Department of Criminal Justice Training or a designee may grant the officer an extension of time, not to exceed one hundred eighty (180) days, in which to complete the training.
- ~~(10)(9)~~ Any school resource officer who fails to successfully complete training requirements within the specified time periods, including any approved time extensions, shall lose his or her school resource officer certification and shall no longer serve in the capacity of a school resource officer in a school.
- ~~(11)(10)~~ When a school resource officer is deficient in required training, the commissioner of the Department of Criminal Justice Training or his or her designee shall notify the council, which shall notify the officer and the officer's employing agency.
- ~~(12)(11)~~ A school resource officer who has lost school resource officer certification due solely to the officer's failure to meet the training requirements of this section may regain certification status as a school resource officer and may resume service in the capacity of a school resource officer in a school setting upon successful completion of the training deficiency.
- ~~(13)(12)~~ No later than November 1 of each year, the local school district superintendent shall report to the Center for School Safety the number and placement of school resource officers in the district. The report shall include the source of funding and method of employment for each position.
- (14) Nothing in this section shall be interpreted or construed to require a local government or any of its agencies or offices to fund the school resource officer positions required of local boards of education under this section. For purposes of this subsection, "local government" has the same meaning as in KRS 65.8840.**

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

Pursuant to the authority granted to them under KRS 160.160 and 160.290, local boards of education are authorized to establish a police department for local school districts, appoint police officers and other employees, prescribe distinctive uniforms for the police officers of the school district, and designate and operate emergency vehicles. Police officers appointed under this section shall take an appropriate oath of office in the form and manner consistent with the Constitution of Kentucky. Police officers appointed pursuant to this section shall be granted with the protections provided in KRS 15.520 and shall be certified in accordance with KRS 15.380(1)(e).

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

(1) *Police officers appointed by the local board of education pursuant to Section 2 of this Act shall be peace officers and conservators of the peace. They shall have general police powers including the power to arrest, without process, all persons who within their view commit any crime or misdemeanor. They shall possess all of the common law and statutory powers, privileges, and immunities of sheriffs, except that they shall be empowered to serve civil process to the extent authorized by the local board of education authorizing and employing them. Without limiting the generality of the foregoing, such police officers are hereby specifically authorized and empowered, and it shall be their duty:*

(a) *To preserve the peace, maintain order, and prevent unlawful use of force or violence or other unlawful conduct on all property owned by or being used by the school district for appropriate educational services and extracurricular activities, and to protect all persons and property located thereon from injury, harm, and damage;*

(b) *If permitted by and in accordance with local board of education policy, to enforce, and to assist the school district in the enforcement of, the lawful rules, regulations, and code of conduct of the school district; and*

(c) *To assist and cooperate with other law enforcement agencies and officers.*

Provided, however, that such police officers shall exercise the powers herein granted upon any real property owned or occupied by the local board of education, including any streets passing through and adjacent thereto. Said powers may be exercised where the local board of education owns, uses, or occupies property. Additional jurisdiction may be established by agreement with the chief of police of the municipality or sheriff of the county or the appropriate law enforcement agency where the property is located, dependent upon the jurisdiction involved.

(2) *Police officers may exercise their powers away from the locations described in subsection (1) of this section only when:*

(a) *In immediate pursuit of an actual or suspected violator of the law;*

(b) *Authorized to do so pursuant to the agreement authorized by subsection (1) of this section;*

(c) *Requested to act by the chief of police of the city or county in which the school district's property is located;*

(d) *Requested to act by the sheriff of the county in which the school district's property is located;*

(e) *Requested to act by the commissioner of the Department of Kentucky State Police;*

(f) *Requested to act by the authorized delegates of those persons or agencies listed in paragraph (c), (d), or (e) of this subsection;*

(g) *Requested to assist a state, county, or municipal police officer, sheriff, or other peace officer in the performance of his or her lawful duties; or*

(h) *Operating under an interlocal cooperation agreement pursuant to KRS Chapter 65.*

(3) *Police officers appointed pursuant to Section 2 of this Act shall have, in addition to the other powers enumerated herein, the power to conduct investigations anywhere in this Commonwealth, provided the investigation relates to criminal offenses which occurred on property owned, leased, or controlled by the employing school district. At the discretion of the local school board's police officials, the school board's police department may coordinate said investigations with any law enforcement agency of this Commonwealth or with agencies of the federal government.*

(4) *Police departments created and operated by the local board of education shall for all purposes, be deemed public police departments, and its sworn police officers are deemed public police officers.*

- (5) *Nothing in Sections 2 to 8 of this Act shall be construed as a diminution or modification of the authority or responsibility of any city or county police department, the Department of Kentucky State Police, sheriff, constable, or other peace officer, either on the property of a local school district or otherwise.*

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

All persons appointed as police officers pursuant to Section 2 of this Act shall, at the time of their employment:

- (1) *Comply with the requirements of KRS 61.300; and*
- (2) *Possess whatever other requirements as may be set by the local board of education which employs them.*

➔SECTION 5. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

The local board of education may provide for the appointment or promotion to the ranks and grades and positions of the department officers and civilians as are considered by the board to be necessary for the efficient administration of the department. The officers and civilians shall receive compensation as shall be fixed and paid by the board.

➔SECTION 6. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

- (1) *Vehicles used for emergency purposes by the police department of a school district shall be considered emergency vehicles, be equipped with blue lights and sirens, and be operated in conformance with the requirements of KRS Chapter 189.*
- (2) *Police officers directly employed by the board of education of a local school district pursuant to Section 2 of this Act shall have the rights accorded to peace officers provided under KRS 527.020.*
- (3) *Police departments established by boards of education may install, maintain, and operate radio systems on police or other radio frequencies under licenses issued by the Federal Communications Commission, or its successor, KRS 432.570 to the contrary notwithstanding.*
- (4) *Police departments of local school districts shall comply with the requirements of the Kentucky Revised Statutes and the Justice and Public Safety Cabinet with regard to reporting of criminal and other statistics.*

➔SECTION 7. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

- (1) *Each board of education of a local school district, having the power and authority to govern and control the method and purpose of use of property owned or occupied by its respective local school district, including travel over that property, is hereby confirmed in its authority to regulate the traffic and parking of motor vehicles, bicycles, or other vehicles as well as the traffic of pedestrians on, over, and across the streets, roads, paths, and grounds of real property owned, used, or occupied by the local school district. The regulations applicable to traffic and parking may include but are not limited to the following provisions:*
 - (a) *Provisions governing the registration, speed, operation, parking and times, places, and manner of use of motor vehicles, bicycles, and other vehicles;*
 - (b) *Provisions prescribing penalties for the violation of those regulations, which penalties may include the imposition of reasonable charges, the removing and impounding, at the expense of the violator, of vehicles which are operated or parked in violation of the regulations, and the denial of permission to operate vehicles on the property of the local school district; and*
 - (c) *Provisions establishing reasonable charges and fees for the registration of vehicles and for the use of parking spaces or facilities owned or occupied by the local school district. Provided, however, that nothing in this section shall be deemed to limit or restrict the powers of any other governmental authority having jurisdiction over public streets, roads, alleys, or ways.*
- (2) *Motor vehicle moving violations of regulations issued under this section shall be deemed violations of the appropriate equivalent sections of the motor vehicle laws of the Commonwealth and may be prosecuted in the courts having territorial jurisdiction over the physical location of the offense.*

➔SECTION 8. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

No person shall falsely represent himself or herself to be a police officer, agent, or employee of a police department of a local school district and in that assumed character arrest or detain, search, or question, in any manner the person or property of any person, nor shall any person without the authority of the board of education of the local school district wear the official uniform, insignia, badge, or identification of the department.

➔Section 9. KRS 158.441 is amended to read as follows:

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

- (1) "Intervention services" means any preventive, developmental, corrective, supportive services or treatment provided to a student who is at risk of school failure, is at risk of participation in violent behavior or juvenile crime, or has been expelled from the school district. Services may include, but are not limited to, screening to identify students at risk for emotional disabilities and antisocial behavior; direct instruction in academic, social, problem solving, and conflict resolution skills; alternative educational programs; psychological services; identification and assessment of abilities; counseling services; medical services; day treatment; family services; work and community service programs;
- (2) "Kentucky State Police school resource officer" or "KSPSRO" means a Kentucky State Police officer, CVE R Class, or Trooper R Class, as defined in KRS 16.010, who is employed by a school district as a school resource officer, as defined in this section, through a contract as secondary employment for the officer;
- (3) "School activities" means official school functions held on school property, including student attendance days as defined in KRS 158.070, athletic events, and graduation;
- (4) "School property" means any public school building, public school vehicle, public school campus, grounds, recreational area, or athletic field in the charge of the school district;
- (5) "School resource officer" or "SRO" means an officer whose primary job function is to work with youth at a school site as described in KRS 158.4414, who has specialized training to work with youth at a school site pursuant to KRS 158.4414, and who is:
 - (a)
 1. A sworn law enforcement officer;~~or~~
 2. A special law enforcement officer appointed pursuant to KRS 61.902; ~~or~~~~and~~
 3. ***A police officer appointed pursuant to Section 2 of this Act; and***
 - (b) Employed:
 1. Through a contract between a local law enforcement agency and a school district;
 2. Through a contract as secondary employment for an officer, as defined in KRS 16.010, between the Department of Kentucky State Police and a school district; or
 3. Directly by a local board of education;
- (6) "School safety" means a program of prevention that protects students and staff from substance abuse, violence, bullying, theft, the sale or use of illegal substances, exposure to weapons and threats on school grounds, and injury from severe weather, fire, and natural disasters; and
- (7) "School security" means procedures followed and measures taken to ensure the security of school buildings, classrooms, and other school facilities and properties.

Signed by Governor April 8, 2022.

CHAPTER 190

(SB 60)

AN ACT relating to preschool education.

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

➔Section 1. KRS 157.3175 is amended to read as follows:

- (1) Each local school district shall ***ensure***~~assure~~ that a developmentally appropriate half-day preschool education program is provided for each child who is at risk of educational failure and who is four (4) years of age:
 - (a) By October 1, for any year prior to 2017; or
 - (b) By August 1, for 2017 or any year thereafter.

All other four (4) year old children shall be served to the extent placements are available. The Kentucky Board of Education, upon the recommendation of the chief state school officer, shall adopt administrative regulations establishing the guidelines for the program. Administrative regulations shall establish eligibility criteria, program guidelines, and standards for personnel.

- (2) "Developmentally appropriate preschool program" means a program which focuses on the physical, intellectual, social, and emotional development of young children. The preschool program shall help children with their interpersonal and socialization skills.
- (3) Funds appropriated by the General Assembly for the preschool education programs shall be granted to local school districts according to a grant allotment system approved by the Kentucky Board of Education. Children who are at risk shall be identified based on the Federal School Lunch Program eligibility criteria for free lunch. Appropriations shall be separate from all other funds appropriated to the Department of Education and shall be administered in accordance with applicable federal and state statutes and administrative regulations. Eligible local school districts shall receive funds based on the average number of preschool children being served on December 1 and March 1 of the prior academic year who are appropriately identified as:
 - (a) Three (3) and four (4) years of age with disabilities; and
 - (b) Four (4) years of age identified as at risk of educational failure.

Local school districts may develop cooperative arrangements with other school districts or organizations in accordance with KRS 157.280.

- (4) A child shall be eligible for a free and appropriate preschool education and related services if:
 - (a)
 1. The child has been identified as a child with a disability in accordance with the Individuals with Disabilities Education Act, 20 U.S.C. secs. 1400 et seq.; or
 2. The child has been identified in accordance with the definitions and procedures for exceptional children and youth in accordance with KRS 157.200(1)(a) to (m); and
 - (b) The child is three (3) or four (4) years of age:
 1. By October 1, for any year before 2017; or
 2. By August 1, for 2017 or any year thereafter.
- (5) The chief state school officer shall receive and review proposals from local school districts for grants to operate or oversee the operation of developmentally appropriate preschool education programs. Districts may submit proposals for implementing new services, enhancing existing preschool education services, or contracting for services. In designing a local early childhood education program, each district shall work with existing preschool programs to avoid duplication of programs and services, to avoid supplanting federal funds, and to maximize Head Start funds in order to serve as many four (4) year old children as possible.
- (6) Each program proposal shall include, at a minimum:
 - (a) A description of the process conducted by the district to ~~ensure~~ assure that the parents or guardians of all eligible participants have been made aware of the program and of their right to participate;
 - (b) A description of the planned educational programming and related services;
 - (c) The estimated number of children participating in the program;
 - (d) Strategies for involving children with disabilities;
 - (e) Estimated ratio of staff to children with the maximum being one (1) adult for each ten (10) children;
 - (f) The estimated percentage of children participating in the program who are at risk of educational failure;
 - (g) Information on the training and qualifications of program staff and documentation that the staff meet required standards;
 - (h) A budget and per-child expenditure estimate;
 - (i) A plan to facilitate active parental involvement in the preschool program, including provisions for complementary parent education when appropriate;
 - (j) Facilities and equipment which are appropriate for young children;
 - (k) The days of the week and hours of a day during which the program shall operate;

- (l) A plan for coordinating the program with existing medical and social services, including a child development and health screening component;
 - (m) Assurances that participants shall receive breakfast or lunch;
 - (n) Program sites which meet state and local licensure requirements;
 - (o) A plan for coordinating program philosophy and activities with the local district's primary school program;
 - (p) An evaluation component; and
 - (q) Certification from the *local* Head Start director that the Head Start program is fully utilized pursuant to subsection (4) of this section.
- (7) *If the superintendent and local Head Start director are unable to reach an agreement on whether a Head Start program is fully utilized, the superintendent or local Head Start director shall notify the chief state school officer. The local Head Start director shall provide the chief state school officer all information relevant to the utilization of the Head Start program. Within thirty (30) days of notification from the superintendent or local Head Start director, the chief state school officer shall make a determination of whether a Head Start program is fully utilized and may execute the certification required by subsection (6)(q) of this section on behalf of the local Head Start director.*
- (8) Programs shall reflect an equitable geographic distribution representative of all areas of the Commonwealth.

Returned to Secretary of State April 11, 2022, and became law without Governor's signature April 12, 2022.

CHAPTER 191

(HB 414)

AN ACT relating to public safety personnel.

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

➔Section 1. KRS 90.330 is amended to read as follows:

- (1) The civil service commission shall examine all applicants as to their physical and mental qualification for the particular classification wherein they seek employment. To be eligible for examination a person *shall be at least*~~[must not be less than]~~ eighteen (18) *years of age*~~[nor have passed his or her forty sixth birthday]~~, *be* a law-abiding citizen of sobriety and integrity, and must be able to read and write and understand the English language~~}; provided, however, that any present employee who is over forty five (45) years of age and who is otherwise qualified shall be eligible to take any promotional examinations[.].~~
- (2) ~~[Except for those members whose qualifications are determined under KRS 95.440, no person shall be appointed to a position under civil service until that person is a resident of the Commonwealth of Kentucky.]~~
- ~~(3)]~~Any city legislative body that operates under this chapter may by ordinance require persons appointed to civil service positions to be a resident of the county in which the city is located.

➔Section 2. KRS 95.010 is amended to read as follows:

- (1) As used in KRS 95.160 to 95.290 and in KRS 95.830 to 95.845, unless the context requires otherwise:
 - (a) "Dismissal" means the discharge of an employee by the division or department head, civil service board, or other lawful authority;
 - (b) "Eligible list" means a list of names of persons who have been found qualified through suitable competitive examinations for positions or classes of positions;
 - (c) "Fire department" means the officers, firefighters, and clerical or maintenance employees, including the chief of the fire department;
 - (d) "Member" means any person in the police or fire department, other than the chief or assistant chief of the department;

- (e) "Police department" means the officers, policemen, and clerical or maintenance employees, including the chief of police;
 - (f) "Police force" means the officers and policemen of the police department, other than the chief of police;
 - (g) "Policeman" means a member of the police department below the rank of officer, other than a clerical or maintenance employee;
 - (h) "Salary" means any compensation received for services; and
 - (i) "Suspension" means the separation of an employee from the service for a temporary or fixed period of time, by his appointing authority, as a disciplinary measure.
- (2) As used in KRS 95.440 to 95.629, the following words and terms shall have the following meaning, unless the context requires otherwise:
- (a) "Dismissal" means the discharge of an employee by the division or department head, civil service board, or other lawful authority;
 - (b) "Eligible list" means a list of names of persons who have been found qualified through suitable competitive examinations for positions or classes of positions;
 - (c) "Fire department" means and includes all officers, firefighters, and clerical or maintenance employees of the fire department;
 - (d) "Police department" means and includes all officers, policemen, and clerical or maintenance employees of the police department;
 - (e) "Member" means any and all officers, firefighters, policemen, clerical or maintenance employees in the police or fire department, except:
 1. As used in subsections (1) and (3) of KRS 95.440~~{,}~~ and KRS ~~{95.450,}~~ 95.460, 95.470, 95.550, 95.560, 95.565, 95.570 and 95.580~~{,}~~ it shall not include the chief of police in an urban-county government;
 2. *As used in Section 4 of this Act, it shall not include the chiefs of police or fire departments or the clerical and maintenance employees of the police or fire departments; and*
 3. *As used in Section 6 of this Act, it shall not include the clerical and maintenance employees of the police or fire departments;*
 - (f) "Police force" means and includes all officers and policemen in the police department;
 - (g) "Policeman" means a member of the police department below the rank of officer, other than a clerical or maintenance employee;
 - (h) "Firefighter" means a member of the fire department below the rank of officer, other than a clerical or maintenance employee;
 - (i) "Salary" means any compensation received for services;
 - (j) "Suspension" means the separation of an employee from the service for a temporary or fixed period of time, by his appointing authority, as a disciplinary measure; and
 - (k) "Pension fund" shall mean the moneys derived from the members of the police and fire departments' salary or salaries and appropriations by the legislative body, or any other means derived from whatever source by gift or otherwise to be used for the retirement of members of the police and fire departments after the prescribed number of years of service, and for the benefit of disabled members of police and fire departments, and for the benefit of surviving spouses and dependent children or dependent fathers or mothers in the case of death of any member of the police or fire department within the scope of his employment.
- (3) As used in KRS 95.761 to 95.784, the following words and terms shall have the following meaning:
- (a) "Regular police department." For the purpose of KRS 95.761 to 95.784, a "regular police department" is defined as one having a fixed headquarters, where police equipment is maintained and where a policeman or policemen are in constant and uninterrupted attendance to receive and answer police calls, and execute regular police patrol duties;

- (b) "Regular fire department." For the purpose of KRS 95.761 to 95.784, a "regular fire department" is defined as one having a fixed headquarters where firefighting apparatus and equipment are maintained, and where firefighters are in constant and uninterrupted attendance to receive and answer fire alarms;
- (c) "Legislative body." Wherever in KRS 95.761 to 95.784 the term "body" or "legislative body" is employed, it shall be construed to mean the legislative branch of the city government or urban-county government;
- (d) "Commission." The word "commission" shall mean the board of civil service commissioners, as established under the terms of KRS 95.761 to 95.784;
- (e) "Trustees." The word "trustees" shall mean the board of pension fund trustees, as established under the terms of KRS 95.761 to 95.784; and
- (f) "Pension fund." The term "pension fund" shall mean the moneys derived from the policeman or policemen and firefighter or firefighters salary or salaries, and appropriations by the legislative body, or any other sums derived from whatever source by gifts or otherwise to be used for the retirement of policeman or policemen and firefighter or firefighters after the prescribed number of years of service and for the benefit of disabled policeman or policemen and firefighter or firefighters, and for the benefit of surviving spouses and dependent children or dependent fathers or mothers in the case of death of a policeman or firefighter within the scope of his employment, according to the terms of KRS 95.761 to 95.784.

➔Section 3. KRS 95.022 is amended to read as follows:

- (1) As used in this section:
 - (a) "City" means any incorporated city, consolidated local government, unified local government, urban-county government, or charter county government, operating under the law of this Commonwealth, and the offices and agencies thereof; and
 - (b) "Police officer" has the same meaning as "police officer" in KRS 15.420 and as "officer" in KRS 16.010.
- (2) Subject to the limitations of subsection (7) of this section, a city may employ individuals as police officers under this section who have retired from the Kentucky Employees Retirement System, the County Employees Retirement System, or the State Police Retirement System.
- (3) To be eligible for employment under this section, an individual shall have:
 - (a) Participated in the Law Enforcement Foundation Program fund under KRS 15.410 to 15.510 or retired as a commissioned officer pursuant to KRS Chapter 16;
 - (b) Retired with at least twenty (20) years of service credit;
 - (c) Been separated from service for the period required by KRS 61.637 and 78.5540 so that the member's retirement is not voided;
 - (d) Retired with no administrative charges pending; and
 - (e) Retired with no preexisting agreement between the individual and the city prior to the individual's retirement for the individual to return to work for the city.
- (4) Individuals employed under this section shall:
 - (a) Serve for a term not to exceed one (1) year. The one (1) year employment term may be renewed annually at the discretion of the employing city;
 - (b) Receive compensation according to the standard procedures applicable to the employing city; and
 - (c) Be employed based upon need as determined by the employing city.
- (5) Notwithstanding any provisions of KRS 16.505 to 16.652, 18A.225 to 18A.2287, 61.510 to 61.705, or 78.510 to 78.852 to the contrary:
 - (a) Individuals employed under this section shall continue to receive all retirement and health insurance benefits to which they were entitled upon retiring in the applicable system administered by Kentucky Retirement Systems or the County Employees Retirement System;

- (b) Individuals employed under this section shall not be eligible to receive health insurance coverage through the employing city;
 - (c) The city shall not pay any employer contributions or retiree health expense reimbursements to the Kentucky Retirement Systems required by KRS 61.637 for individuals employed under this section; and
 - (d) The city shall not pay any insurance contributions to the state health insurance plan, as provided by KRS 18A.225 to 18A.2287, for individuals employed under this section.
- (6) Individuals employed under this section shall be subject to any merit system, civil service, or other legislative due process provisions applicable to the employing city. A decision not to renew a one (1) year appointment term under this section shall not be considered a disciplinary action or deprivation subject to due process.
- (7) A city government shall be limited in the number of retired police officers that it may hire under this section as follows:
- (a) A city government that employed an average of five (5) or fewer police officers over the course of *the immediately preceding* calendar year ~~2015~~ shall not be limited in the number of officers that they may hire under this section;
 - (b) A city government that employed an average of more than five (5) but fewer than one hundred (100) police officers over the course of *the immediately preceding* calendar year ~~2015~~ shall not hire more than five (5) police officers or a number equal to twenty-five percent (25%) of the police officers employed by the city in *the immediately preceding* calendar year ~~2015~~, whichever is greater; and
 - (c) A city government that employed an average of one hundred (100) or more police officers over the course of calendar year 2015 shall not hire more than twenty-five (25) police officers or a number equal to ten percent (10%) of the police officers employed by the city in *the immediately preceding* calendar year ~~2015~~, whichever is greater.
- (8) Retired police officers employed by a city government for purposes of KRS 158.4414 shall not apply against the limitations provided by subsection (7) of this section.
- ➔Section 4. KRS 95.450 is amended to read as follows:
- (1) (a) The provisions of this section shall only apply to members of police and fire departments in urban-county governments and those cities that are included in the Department for Local Government registry created pursuant to subsection (9) of this section.
 - (b) *This section shall only apply to a member of the police department when the provisions of KRS 15.520 do not apply.*
- (2) Except as provided in subsection (6) of this section no member of the police or fire department in cities listed on the registry pursuant to subsection (9) of this section or an urban-county government shall be reprimanded *in writing*, dismissed, suspended, or reduced in grade or pay for any reason except inefficiency, misconduct, insubordination, or violation of law or of the rules adopted by the legislative body, and only after charges are preferred and a hearing conducted as provided in this section.
- (3) (a) Any person may *file a complaint*~~prefer charges~~ against a member of the ~~police or~~ fire department by filing ~~it~~~~them~~ with the clerk of the legislative body who shall immediately communicate the same to the legislative body. *Any person may file a complaint against a member of the police department pursuant to KRS 15.520.*
 - (b) *Subject to the provisions of KRS 15.520*, the mayor, *city manager, or legislative body* shall, whenever probable cause appears, prefer charges against any member *the mayor, city manager, or legislative body believes to be*~~whom he believes~~ guilty of conduct justifying his dismissal or punishment. The charges shall be written and shall set out clearly the charges made.
 - (c) The *mayor, city manager, or legislative body*~~person~~ preferring the charges may withdraw them at any time prior to the conclusion of the hearing. The charges may thereupon be dismissed.
- (4) (a) Upon the hearing all charges shall be considered traversed and put in issue, and the trial shall be confined to matters related to the issues presented. *Unless otherwise agreed by the legislative body and the member charged, the legislative body*~~Within three (3) days after the charges have been filed with the legislative body, that body~~ shall proceed to hear the charges *within ten (10) days after the charges were filed.*

- (b) At least **five (5)**~~two (2)~~ days before the hearing the member accused shall be served with a copy of the charges and a statement of the day, place, and hour at which the hearing of the charges will begin.
- (c) The **member**~~person~~ accused may, in writing, waive the service of charges and demand trial within **ten (10)**~~three (3)~~ days after the charges are filed with the clerk.
- (5) The legislative body may summon and compel attendance of witnesses at hearings by subpoena issued by the clerk of that body and served upon the witnesses by any officer authorized to serve court subpoenas. If any witness fails to appear in response to a summons or refuses to testify concerning any matter on which he may lawfully be interrogated, any District Judge, on application of the commission, may compel obedience by proceedings for contempt as in the case of disobedience of a subpoena issued from the District Court. The member accused may have subpoenaed any witnesses he may desire, upon furnishing their names to the clerk. The action and decision of the body on the charges shall be reduced to writing and entered in a book kept for that purpose, and the written charges filed in the matter shall be attached to the book containing the decision.
- (6) When the appointing authority or the head of the department has probable cause to believe a member of the police or fire department has been guilty of conduct justifying dismissal or punishment, he **or she** or it may suspend the member from duty or from both pay and duty, pending trial, and the member shall not be placed on duty, or allowed pay, until the charges are heard. If the member is suspended, there shall be no continuances granted without the consent of the member accused.
- (7) The legislative body shall fix the punishment of a member of the police or fire department found guilty, by a reprimand **in writing**, suspension for any length of time not to exceed six (6) months, by reducing the grade if the accused is an officer, or by combining any two (2) or more of those punishments, or by dismissal from the service.
- (8) A member of a police or fire department found guilty pursuant to the provisions of this section shall have the right to appeal to the Circuit Court under KRS 95.460.
- (9) On or before January 1, 2015, the Department for Local Government shall create a registry of cities that shall be required to comply with the provisions of this section. The Department for Local Government shall include each of those cities on the registry that were classified as cities of the second or third class as of January 1, 2014. The Department for Local Government shall make the information included on the registry available to the public by publishing it on its Web site.

➔Section 5. KRS 95.460 is amended to read as follows:

- (1) Any member of the police or fire department found guilty by the legislative body of any charge, as provided by KRS 95.450, may appeal to the Circuit Court of the county in which the city or urban-county government is located, but the enforcement of the judgment of the body shall not be suspended pending appeal. The notice of the appeal shall be filed not later than thirty (30) days after the date the legislative body makes its determination on the charge.
- (2) Upon request of the accused, the clerk of the legislative body shall file a certified copy of the charges and the judgment of that body in the Circuit Court. Upon the transcript being filed, the case shall be docketed in the Circuit Court. **The Circuit Court review of the case shall be based solely upon the administrative record created before the legislative body and any new evidence offered by the member regarding alleged arbitrariness on the part of the legislative body**~~and tried as an original action~~.
- (3) If the clerk fails to certify the transcript to the Circuit Court within seven (7) days after the request is made, the party aggrieved may file an affidavit in the Circuit Court setting out as fully as possible the charges made, the time of the hearing, and the judgment of the legislative body, together with a statement that demand for transcript was made upon the clerk more than five (5) days before the filing of the affidavit. Upon the filing of the affidavit in the Circuit Court, the case shall be docketed, and the Circuit Court may compel the filing of the transcript by the clerk by entering the proper mandatory order, and by fine and imprisonment for contempt. The appeal shall have precedence over other business, and be determined speedily.
- (4) An appeal will lie from the judgment of the Circuit Court to the Court of Appeals as in other cases.

➔Section 6. KRS 95.495 is amended to read as follows:

- (1) **Except as provided in Section 9 of this Act**, in cities listed on the registry pursuant to subsection (3) of this section or urban-county governments, except those in which, by ordinance, the patrolmen are employed or paid by the day, the members of the police department shall not be required to work more than eight (8) hours per day, for five (5) days each week or ten (10) hours per day, for four (4) days each week, except in the event

of an emergency. Each member of the police department shall have an annual leave of fifteen (15) working days with full pay. Nothing in this section shall prohibit a member of the police department from voluntarily agreeing to work a different work schedule provided that the officer is paid overtime for any work performed in excess of forty (40) hours per week.

- (2) The salary of the members of the police department shall not be reduced by reason of the enactment of this section.
- (3) On or before January 1, 2015, the Department for Local Government shall create a registry of cities that shall comply with the provisions of this section. The Department for Local Government shall include each of those cities on the registry that were classified as cities of the second or third class on August 1, 2014. The Department for Local Government shall make the information included on the registry available to the public by publishing it on its Web site.

➔Section 7. KRS 95.762 is amended to read as follows:

- (1) The commission shall require all applicants for appointments as members of the police or fire departments to be examined as to their qualifications to fill the office of policeman or firefighter, and as to their knowledge of the English language, and as to the law and rules governing the duties of policemen and firefighters. Every member of the police or fire department shall be able to read and write and understand the English language, and have such other general qualifications as may be prescribed.
- (2) No person shall be appointed a member of the police or fire departments unless he is well known to be a person of sobriety and integrity, and has been and is an orderly, law-abiding citizen, nor shall any person be appointed as a member of said police or fire departments on account of any political, partisan service rendered by him or on account of political sentiments or affiliations~~[-, or who is under twenty one (21) years of age or over forty (40), unless the applicant has had as much as five (5) years' experience as a regular policeman or firefighter and is not over fifty five (55) years of age].~~ No member of the police or fire departments shall be removed or discharged or reduced in grade or pay for any political partisan opinion. The appointment and continuance upon the police and fire departments shall depend solely upon the ability and willingness of a person to comply with the rules of the said departments and to perform the duties of said departments. No appointment to or continuance as a member of a police or fire department shall be as a reward for political activity nor be obtained by political services or contributions to campaign funds.
- (3) The examination and qualifications provided for in this section shall not apply to the members of the regular police and fire departments at this time, who have been continuously in the service for a period of three (3) years.
- (4) Members of police and fire departments otherwise qualified under this law shall hold their positions during good behavior, provided, however, that the provisions of KRS 95.761 to 95.784 shall not prevent the said city legislative body from increasing or decreasing the number of policemen or firefighters, as may be deemed proper from time to time, and provided further, that in the event the said city legislative body decreases the number of policemen or firefighters, the youngest member in point of service shall be the first to be reduced and returned to the eligible list and to advance according to the rules and regulations of said department.
- (5) The civil service commission may provide that appointments for initial permanent employment may be probationary appointments for a period of not more than twelve (12) months, after which probationary period regular appointments shall be given to all probationary employees who are deemed to be satisfactory by the respective appointing authority.

➔Section 8. KRS 95.765 is amended to read as follows:

- (1) (a) No member of the police or fire departments shall be removed from the department or reduced in grade upon any reason except inefficiency, misconduct, insubordination or violation of law, or violation of the rules adopted for the departments.
- (b) Any person may *file a complaint*~~[prefer charges]~~ against a member of the *fire department*~~[police or fire departments]~~, which *shall*~~[must]~~ be filed in the office of the mayor, who shall *notify*~~[thereupon communicate said charges without delay to]~~ the legislative body *without delay*. *Any person may file a complaint against a member of the police department under KRS 15.520.*
- (c) *Any complaint shall*~~[Said charges must]~~ be written, signed by the person making *the allegations*,~~[such charges]~~ and *shall*~~[must]~~ set out with clearness and distinctness each and every *allegation*~~[charge]~~.

- (d) **Subject to the provisions of KRS 15.520**, it shall be the duty of the mayor and ~~each member of~~ the legislative body, whenever probable cause appears, to prefer charges against any member of the police or fire departments whom he or she believes to have been guilty of any conduct justifying his **or her** removal or punishment in the interest of public order.
- (e) The charges ~~thus~~ filed shall be written and shall set out with distinctness and clearness the charges made, and upon the hearing of any charges, as hereinafter provided, all ~~said~~ charges shall be considered traversed, and put in issue, and the trial shall be confined to matters related to the issue so presented.
- (f) All charges against members of the police or fire departments shall be filed with the clerk of the legislative body. ~~and~~ Within **ten (10)**~~three (3)~~ days after ~~said~~ filing, the legislative body shall proceed to hear and examine **the** ~~said~~ charges **unless otherwise agreed by the legislative body and the member charged**; provided **five (5)**~~two (2)~~ days before **the** ~~said~~ hearing the member ~~of the police or fire departments, accused,~~ has been served with a copy of **the** ~~said~~ charges, and a statement of the day, place, and hour at which and when the hearing of **the** ~~said~~ charges shall begin.
- (g) The **member** ~~person~~ accused may ~~however, in writing,~~ waive ~~the~~ service of **the** ~~said~~ charges **in writing**, and demand trial within **ten (10)**~~three (3)~~ days after **the** ~~said~~ charges are filed with the clerk of **the** ~~said~~ legislative body.
- (h) The legislative body **shall** ~~will~~ have the power to summon and compel the attendance of witnesses at all hearings or sittings by **the** ~~said~~ body, upon subpoena issued by the clerk of **the** ~~said~~ body, and served upon **the** ~~said~~ witnesses by any officer authorized to serve subpoenas from any court of justice in the county. If any witness fails to appear in response to a summons or refuses to testify concerning any matter on which he **or she** may lawfully be interrogated, any District Judge, on application of the commission, may compel obedience by proceedings for contempt as in the case of disobedience of a subpoena issued from the District Court.
- (i) The **member accused** ~~member of the police or fire department, the accused,~~ shall have the right to have subpoenaed, **on his or her** ~~in his~~ behalf, any witness he **or she** may desire, upon furnishing their names to the clerk of **the** ~~said~~ body, and the action and decision of **the** ~~said~~ body on **the** ~~said~~ charges shall be reduced to writing and shall be entered in a book to be kept for that purpose by the clerk of **the** ~~said~~ legislative body, and the written charges filed in this matter shall be preserved and securely attached to the book containing the legislative body's decisions.
- (2) (a) In cases where the mayor or chief has probable cause to believe that a member of the police or fire department has been guilty of any conduct justifying removal or punishment, he **or she** may suspend **the** ~~said~~ member from duty, or from both pay and duty, pending ~~said~~ trial, and **the** ~~said~~ member shall not be placed on duty or allowed pay thereafter until the charges are heard by the legislative body.
- (b) **The** ~~said~~ body shall fix punishment against a member of the police or fire departments found guilty of any charge under KRS 95.761 to 95.784, by reprimand **in writing** or suspension for any length of time in their judgment, not to exceed six (6) months, or by reducing the grade, if the accused be chief or other officer, or by combining any two (2) or more of **the** ~~said~~ punishments, or by removal or dismissal from the service of any such member of the police or fire department.
- (c) No member of the police or fire department except as provided in KRS 95.761 to 95.784 shall be reprimanded **in writing**, removed, suspended, or dismissed from the department until written charges have been made, or preferred against him, and a trial had as herein provided.
- (3) **This section shall only apply to a member of the police department when the provisions of KRS 15.520 do not apply.**

➔Section 9. KRS 337.285 is amended to read as follows:

- (1) No employer shall employ any of his employees for a work week longer than forty (40) hours, unless such employee receives compensation for his employment in excess of forty (40) hours in a work week at a rate of not less than one and one-half (1-1/2) times the hourly wage rate at which he is employed.
- (2) This provision shall not apply to the following:
- (a) Employees of retail stores engaged in work connected with selling, purchasing, and distributing merchandise, wares, goods, articles, or commodities;
- (b) Employees of restaurant, hotel, and motel operations;

- (c) Employees as defined and exempted from the overtime provision of the Fair Labor Standards Act in Sections 213(b)(1), 213(b)(6), 213(b)(10), and 213(b)(17) of Title 29, U.S.C.;
 - (d) Employees whose function is to provide twenty-four (24) hour residential care on the employer's premises in a parental role to children who are primarily dependent, neglected, and abused and who are in the care of private nonprofit childcaring facilities licensed by the Cabinet for Health and Family Services under KRS 199.640 to 199.670; or
 - (e) Any individual who is employed by a third-party employer or agency other than the family or household using his or her services to provide in-home companionship services for a sick, convalescing, or elderly person.
- (3) As used in subsection (2) of this section, "companionship services" means those services which provide in-home fellowship, care, and protection for a person who, because of advanced age or physical or mental infirmity, cannot care for his or her own needs. These services may include household work related to the care of the aged or infirm person such as meal preparation, bed making, washing of clothes, and other similar services. They may also include the performance of general household work, provided that the household work is incidental, i.e., does not exceed twenty percent (20%) of the total weekly hours worked. The term "companionship services" does not include services relating to the care and protection of the aged or infirm which require and are performed by trained personnel, such as a registered or practical nurse.
- (4) Notwithstanding the provisions of subsection (1) of this section or any other chapter of the KRS to the contrary, upon written request by a county or city employee or a Trooper R Class or CVE R Class, made freely and without coercion, pressure, or suggestion by the employer, and upon a written agreement reached between the employer and the county or city employee or the Trooper R Class or CVE R Class before the performance of the work, a county or city employee or a Trooper R Class or CVE R Class who is authorized to work one (1) or more hours in excess of the prescribed hours per week may be granted compensatory leave on an hour-for-hour basis. Upon the written request by a county or city employee or a Trooper R Class or CVE R Class, made freely and without coercion, pressure, or suggestion by the employer, and upon a written agreement reached between the employer and the county or city employee or the Trooper R Class or CVE R Class, before the performance of the work, a county or city employee or a Trooper R Class or CVE R Class who is not exempt from the provisions of the Federal Fair Labor Standards Act of 1938, as amended, 29 U.S.C. secs. 201 et seq., may be granted compensatory time in lieu of overtime pay, at the rate of not less than one and one-half (1-1/2) hours for each hour the county or city employee or the Trooper R Class or CVE R Class is authorized to work in excess of forty (40) hours in a work week.
- (5) (a) Upon the request of the county or city employee or the Trooper R Class or CVE R Class, and as provided in subsection (4) of this section, compensatory time shall be awarded as follows:
- 1. A county or city employee who provided work in excess of forty (40) hours in a public safety activity, an emergency response activity, or a seasonal activity as described in 29 C.F.R. sec. 553.24, may accrue not more than four hundred eighty (480) hours of compensatory time; or
 - 2. A county or city employee or a Trooper R Class or CVE R Class engaged in other work in excess of forty (40) hours, may accrue not more than two hundred forty (240) hours of compensatory time.
- (b) A county or city employee or a Trooper R Class or CVE R Class who has accrued four hundred eighty (480) hours of compensatory time off pursuant to paragraph (a)1. of this subsection, or two hundred forty (240) hours of compensatory time off pursuant to paragraph (a)2. of this subsection, shall for additional overtime hours of work, be paid overtime compensation.
- (6) A county or city employee or a Trooper R Class or CVE R Class who has accrued compensatory time off as provided in subsection (4) of this section, and who requested the use of compensatory time, shall be permitted by the employer to use the compensatory time within a reasonable period after making the request if the use of the compensatory time does not unduly disrupt the operations of the employer. Mere inconvenience to the employer shall not constitute a sufficient basis for denial of a county or city employee's request or a Trooper R Class or CVE R Class request for compensatory time off.
- (7) If compensation is paid to a county or city employee or a Trooper R Class or CVE R Class for accrued compensatory time off, the compensation shall be paid at the regular rate earned by the county or city employee or the Trooper R Class or CVE R Class at the time the county or city employee or the Trooper R Class or CVE R Class receives the payment.

- (8) Upon a county or city employee's termination of employment or the termination of employment of a Trooper R Class or CVE R Class, all unused accrued compensatory time shall be paid at a rate of compensation not less than:
- (a) The average regular rate received by the county or city employee or the Trooper R Class or CVE R Class during the last three (3) years of the employment of the county or city employee or Trooper R Class or CVE R Class; or
 - (b) The final regular rate received by the county or city employee or Trooper R Class or CVE R Class, whichever is higher.
- (9) Compensatory time shall not be used as a means to avoid statutory overtime compensation. A county or city employee or a Trooper R Class or CVE R Class shall have the right to use compensatory time earned and shall not be coerced to accept more compensatory time than an employer can realistically and in good faith expect to be able to grant within a reasonable period upon the county or city employee or the Trooper R Class or CVE R Class making the request for compensatory time off.
- (10) Nothing in subsections (4) to (9) of this section shall be construed to supersede any collective bargaining agreement, memorandum of understanding, or any other agreement between the employer and representative of the county or city employees or the Trooper R Class or CVE R Class.
- (11) As used in subsections (4) to (9) of this section:
- (a) "County or city employee" means an employee of any county, city, charter county, consolidated local government, unified local government, or urban-county government, including an employee of a county or city elected official;
 - (b) "CVE R Class" has the same meaning as in KRS 16.010; and
 - (c) "Trooper R Class" has the same meaning as in KRS 16.010.
- (12) In addition to the designation of a work week under subsection (1) of this section, local governments, as defined in KRS 95A.210(5), may designate a work period for professional firefighter employees as defined in KRS 95A.210. The designated work period shall be not less than one (1) work week of seven (7) consecutive days and not more than four (4) work weeks of twenty-eight (28) consecutive days for purposes of complying with the requirements of the Federal Labor Standards Act of 1938, as amended, 29 U.S.C. secs. 201 et seq. This subsection shall not exempt local governments from complying with the overtime requirements set forth in subsection (1) of this section and is intended to:
- (a) Clarify the option to designate both a work week for compliance with Kentucky law and a work period for compliance with the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. secs. 201 et seq.; and
 - (b) Allow for the application of the partial exemption set forth in 29 U.S.C. sec. 207(k) in determining overtime pay under the Fair Labor Standards Act of 1938, as amended, 29 U.S.C. secs. 201 et seq., only.
- (13) (a) A law enforcement department of a consolidated local government organized under KRS Chapter 67C *or a city of the home rule class* shall not be deemed to have violated subsection (1) of this section with respect to the employment of a peace officer if:
1. The officer works eighty (80) hours or less in a work period of fourteen (14) consecutive days; and
 2.
 - a. *For a law enforcement department of a consolidated local government organized under KRS Chapter 67C*, the law enforcement department and a representative of a collective bargaining unit certified under KRS 67C.408 that includes the officer agree to the exception; *or*
 - b. *For a law enforcement department of a city of the home rule class, the law enforcement department and a representative of a collective bargaining unit recognized by the city to collectively bargain for the officer, if there is a collective bargaining unit, agree to the exception. If there is no collective bargaining unit representing the officer in a city of the home rule class, only the requirement in subparagraph 1. of this paragraph shall be met.*
- (b) It is the intent of this subsection to allow the employment of a peace officer for longer than forty (40) hours in any seven (7) consecutive days within a fourteen (14) day work period without incurring the

obligation to pay a rate of not less than one and one-half (1-1/2) times the officer's hourly wage under subsection (1) of this section.

Returned to Secretary of State April 11, 2022, and became law without Governor's signature April 12, 2022.

CHAPTER 192

(HB 668)

AN ACT relating to Kentucky Employees Retirement System employers and declaring an emergency.

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

➔Section 1. KRS 61.5991 is amended to read as follows:

Except as otherwise provided by this section, the following shall apply to nonhazardous employers in the Kentucky Employees Retirement System, who contributed to the system in fiscal year 2019-2020 except in the case of county attorneys, who are local and district health departments governed by KRS Chapter 212, state-supported universities and community colleges, county attorneys, mental health/mental retardation boards, domestic violence shelters, rape crisis centers, child advocacy centers, or any other agency that is eligible to voluntarily cease participation in the Kentucky Employees Retirement System as provided by KRS 61.522:

- (1) (a) Each employer, except for county attorneys, shall report to the Authority for each fiscal year occurring on or after July 1, 2021, the following persons for which no employer contributions were paid by the employer to the system during the fiscal year for services provided to the employer:
 1. ***Except as provided by paragraph (b)3. of this subsection***, persons employed as an independent contractor, a leased employee, or via any other employment arrangement as determined by the Authority, who if employed directly by the employer would qualify as a regular full-time employee in accordance with KRS 61.510(21); and
 2. Persons employed directly by the employer who meet the definition of a regular full-time employee in accordance with KRS 61.510(21), who are not being reported to the system in accordance with KRS 61.675.
- (b) The reporting required by this paragraph shall:
 1. Be reported in a format, detail, and frequency as determined solely by the Authority;
 2. ***Except as provided by subparagraph 3. of this paragraph***, include persons providing services to the employer as an independent contractor, a leased employee, or via any other employment arrangement as determined by the Authority, and those services have historically been provided or are currently being provided by employees eligible to participate in the system through the employer; and
 3. Exclude:
 - a. Contracts for professional services that have not historically been provided by employees of the employer; ~~and~~
 - b. Any contracts entered into prior to January 1, 2021, with a person or company to provide services as an independent contractor, a leased employee, or other employment arrangement as determined by the Authority, but only for the duration of the original contract, excluding any renewal periods, and only for those services and persons included in the original contract, ***except as provided in subdivision c. of this subparagraph; and***
 - c. ***Contracts providing services through a non-core services independent contractor as defined in subsection (9) of this section, regardless of whether or not the contract was initiated before January 1, 2021, or on or after January 1, 2021.***
- (c) In any case of doubt, the Authority shall determine whether data should be reported on a specific person providing services to the employer and the Authority may by promulgation of administrative regulation provide guidance on which persons should be included for reporting purposes~~;~~

- ~~(d) If the Kentucky Public Pensions Authority determines a person who was not reported to the system under this subsection should be reported to the system as a regular full-time employee, the system shall require the employer covered by this section to report the employee on or after July 1, 2021, and pay employer contributions prospectively but shall not, notwithstanding any other statute to the contrary, bill the employer for any contributions or penalties for any service occurring prior to July 1, 2021, for that specific employee;~~
- (2) (a) Notwithstanding any other provision of statute to the contrary, the Authority shall:
1. Have full power, including any authority under KRS 61.685, to audit an employer who is subject to the provisions of this section to ensure compliance and accuracy of the data required to be reported by the employer in accordance with this section; *and*
 2. ***Perform audits on a percentage of employers who are subject to the reporting requirements of this subsection, as determined by the board, for the purpose of ensuring that all eligible employees are being reported and contributions are being paid in accordance with KRS 61.510 to 61.705. The system shall have full power and authority, including any authority and power granted under KRS 61.675 and 61.685, to accomplish the audits required by this subparagraph. An audit time frame and schedule shall be adopted by the board, made available to impacted employers, and reported to the Public Pension Oversight Board.***
- (b) If the Authority determines an employer has knowingly falsified data required to be reported under this section:
1. The Authority shall indicate in the annual report submitted in accordance with subsection (3) of this section that the employer has knowingly falsified data and shall include a brief summary of the reasons for the Authority's determination;
 2. The employer shall no longer be eligible to receive any future appropriations or subsidies from the state to assist in paying employer contributions to the system; and
 3. The employer shall be required to pay back to the state any appropriations or subsidies provided in the biennial executive branch budget that were used to directly assist the employer in paying employer contributions to the system on or after July 1, 2021.
- (c) If an employer fails to submit the information required by this section or does not comply with requests from the Authority regarding ***this subsection and subsection***~~subsections~~ (1) ~~and (2)~~ of this section to verify or audit the employer's information:
1. The Authority shall indicate in the annual report submitted in accordance with subsection (3) of this section that the employer is noncompliant with the Authority's requests and shall include a brief summary of the reasons for the Authority's determination; and
 2. The employer may lose eligibility to receive any future appropriations or subsidies from the state to assist in paying employer contributions to the system, ***except that if an employer does not comply with requests from the Authority pursuant to an audit conducted in accordance with paragraph (a)2. of this subsection the employer shall lose eligibility to receive any future appropriations or subsidies from the state to assist in paying employer contributions to the system until such time the employer complies with the audit;***
- (3) The Authority shall within sixty (60) days following the close of each fiscal year occurring on or after July 1, 2021, determine and report the following to the state budget director's office and the Legislative Research Commission for each employer subject to this section, except for county attorneys:
- (a) The number of regular full-time employees of the employer who were reported to the system during the prior fiscal year for which contributions were reported in accordance with KRS 61.675;
 - (b) The number of persons providing services to the employer under subsection (1) of this section during the prior fiscal year who were not reported to the system and for which no contributions were reported;
 - (c) A percentage computed by dividing the number of employees reported in paragraph (a) of this subsection by the combined sum of the number of employees and persons reported in paragraphs (a) and (b) of this subsection and multiplying by one hundred (100); and

- (d) The information required by subsection (2) of this section for any employer who has been determined by the Authority to have knowingly falsified data or is noncompliant in submitting the data required by this section to the Authority;
- (4) It is the intent of the General Assembly in fiscal years occurring on or after July 1, 2021, to provide appropriations for county attorneys for retirement costs in the Kentucky Employees Retirement System that is equal to the difference between the dollar value of actual contributions paid by the employer in fiscal year 2019-2020 to the system and the dollar value of contributions projected to be paid by the employer to the system in fiscal year 2021-2022;
- (5) For fiscal year 2021-2022, it is the intent of the General Assembly to provide a subsidy towards the retirement costs of employers covered by this section, except for county attorneys who are provided a subsidy by subsection (4) of this section, that is equal to the difference between the dollar value of actual contributions paid by the employer to the system in fiscal year 2019-2020 and the dollar value of contributions projected to be paid by the employer to the system in fiscal year 2021-2022;
- (6) It is the intent of the General Assembly that for fiscal years occurring on or after July 1, 2022:
- (a) To provide a subsidy towards the retirement costs of each employer subject to this section, except for county attorneys who are provided a subsidy by subsection (4) of this section, who has made efforts to increase or maintain the number of employees reported to the system. Specifically, it is the intent of the General Assembly to provide subsidies only to those employers who have a percentage of employees reported to the system as specified by subsection (3)(c) of this section, equal to or greater than:
1. Sixty percent (60%) for any subsidies provided in fiscal years occurring on or after July 1, 2022, to June 30, 2024; and
 2. Eighty percent (80%) for any subsidies provided in fiscal years occurring on or after July 1, 2024.
- Eligibility for a subsidy provided in each fiscal year of the budget shall be based upon the most recent percentage of employees reported by the Authority;
- (b) For those employers eligible for a subsidy under paragraph (a) of this subsection, to provide a subsidy that is equal to the dollar value of the subsidy provided to the employer in fiscal year 2021-2022 multiplied by the following percentage:
1. For local and district health departments governed by KRS Chapter 212, state-supported universities and community colleges, and any other employer subject to this section that has taxing or fee authority:
 - a. Ninety percent (90%) in fiscal year 2022-2023;
 - b. Eighty percent (80%) in fiscal year 2023-2024;
 - c. Seventy percent (70%) in fiscal year 2024-2025;
 - d. Sixty percent (60%) in fiscal year 2025-2026; and
 - e. Fifty percent (50%) in fiscal years occurring on or after July 1, 2026; and
 2. For any other employer who does not have taxing or fee authority:
 - a. Ninety percent (90%) in fiscal years 2022-2024; and
 - b. Seventy-five percent (75%) in fiscal years occurring on or after July 1, 2024; and
- (c) The subsidy provided by this subsection shall be adjusted to reflect the assignment of liabilities based upon the appeal process in KRS 61.565(1)(d)5.;
- (7) The Council on State Governments (CSG), the Kentucky Educational Television (KET) Foundation, Association of Commonwealth's Attorneys, the Kentucky High School Athletic Association (KHSAA), the Municipal Power Association of Kentucky, the Kentucky Office of Bar Admissions, the Nursing Home Ombudsman, the Kentucky Association of Regional Programs (KARP), and the Kentucky Association of Sexual Assault Programs are, notwithstanding the provisions of subsections (1) to (6) of this section, exempt from the reporting requirements and from receiving a subsidy to assist in paying employer contribution rates; and

- (8) The provisions of this section shall not obligate the General Assembly to provide any specific level of subsidy to assist in paying employer contributions of any employer covered by this section, and employers shall be responsible for any and all future retirement contributions payable by the employer regardless of the actual amount of subsidy included in future executive branch budgets.
- (9) ***For purposes of this section, "non-core services independent contractor" means a company or business that is not owned or controlled, in whole or in part, by an employer participating in the system, whose business is not limited to providing services to one (1) or more employers participating in the system, but instead also provides services to the general public or other public agencies not participating in the system, which are limited to facilities services, grounds services, custodial services, bookstore services, dining services, construction services, trade or maintenance services, health services for university students and employees of the employer, information technology services, public relation services, photography services, design services, safety services at universities, hospitality services, entertainment production services, mail services, printing and copier services, sports arena and stadium management, farrier services, assistive services at universities such as interpreters or sign language services, or delivery services.***

➔Section 2. KRS 61.565 is amended to read as follows:

- (1) (a) Each employer participating in the State Police Retirement System as provided for in KRS 16.505 to 16.652 and the Kentucky Employees Retirement System as provided for in KRS 61.510 to 61.705 shall contribute annually to the respective retirement system an amount determined by the actuarial valuation completed in accordance with KRS 61.670 and as specified by this section. Employer contributions for each respective retirement system shall be equal to the sum of the "normal cost contribution" and the "actuarially accrued liability contribution."
- (b) For purposes of this section, the normal cost contribution shall be computed as a percentage of pay and shall be an annual amount that is sufficient when combined with employee contributions to fund benefits earned during the year in the respective system. The amount shall be:
1. Paid as a percentage of creditable compensation reported for each employee participating in the system and accruing benefits; and
 2. The same percentage of pay for all employees who are participating in the same retirement system, except that separate percentage rates shall be developed in each system for those employers whose employees are participating in hazardous duty retirement coverage as provided by KRS 61.592.
- (c) For purposes of this section, the actuarially accrued liability contribution for all employers, except for contributions paid by nonhazardous employers in the Kentucky Employees Retirement System on or after July 1, 2021, shall be:
1. Computed by amortizing the total unfunded actuarially accrued liability of each system over a closed period of thirty (30) years beginning with the 2019 actuarial valuation using the level percentage of payroll amortization method, except that any increase or decrease in the unfunded actuarially accrued liability occurring after the completion of the 2019 actuarial valuation shall be amortized over a closed period of twenty (20) years beginning with the actuarial valuation in which the increase or decrease in the unfunded actuarially accrued liability is recognized. An increase or decrease in the unfunded actuarially accrued liability may result from, but not be limited to, legislative changes to benefits, changes in actuarial methods or assumptions, or actuarial gains or losses;
 2. Paid as a percentage of payroll on the creditable compensation reported for each employee participating in the system and accruing benefits; and
 3. The same percentage of pay for all employees who are participating in the same retirement system, except that separate percentage rates shall be developed in each system for those employers whose employees are participating in hazardous duty retirement coverage as provided by KRS 61.592.
- (d) 1. For purposes of this section, the actuarially accrued liability contribution for nonhazardous employers in the Kentucky Employees Retirement System on or after July 1, 2021:
- a. Shall be an annual dollar amount that is sufficient to amortize the total unfunded actuarially accrued liability of the system over a closed period of thirty (30) years beginning with the 2019 actuarial valuation using the level percentage of payroll

amortization method, except that any increase or decrease in the unfunded actuarially accrued liability occurring after the completion of the 2019 actuarial valuation shall be amortized over a closed period of twenty (20) years beginning with the actuarial valuation in which the increase or decrease in the unfunded actuarially accrued liability is recognized. An increase or decrease in the unfunded actuarially accrued liability may result from but not be limited to legislative changes to benefits, changes in actuarial methods or assumptions, or actuarial gains or losses;

- b. Shall be prorated to each individual nonhazardous employer in the Kentucky Employees Retirement System by multiplying the annual dollar amount of the actuarially accrued liability contribution for the system as determined by subdivision a. of this subparagraph by the individual employer's percentage of the system's total actuarially accrued liability as of the June 30, 2019, actuarial valuation which shall be determined solely by the system's consulting actuary and assigned to each employer based upon the last participating employer of the member or retiree as of June 30, 2019. The individual employer's percentage of the system's total actuarially accrued liability as of the June 30, 2019, actuarial valuation shall be used to determine the individual employer's prorated dollar amount of the system's actuarially accrued liability contribution in all future fiscal years of the amortization period or periods, except that the employer's percentage shall be adjusted to reflect any employer who voluntarily or involuntarily ceases participation as provided by KRS 61.522 and except as provided by subparagraphs 4. and 5. of this paragraph. For purposes of this subdivision, all executive branch departments, program cabinets and their respective departments, and administrative bodies enumerated in KRS 12.020, and any other executive branch agencies administratively attached to a department, program cabinet, or administrative body enumerated in KRS 12.020, shall be considered a single individual employer and only one (1) value shall be computed for these executive branch employers. For purposes of this subdivision, all employers of the legislative branch, including the Legislative Research Commission and the General Assembly that covers legislators and staff who participate in the Kentucky Employees Retirement System, shall be considered a single individual employer and only one (1) value shall be computed for these employers. For purposes of this subdivision, all employers of the judicial branch, including the Administrative Office of the Courts, the Judicial Form Retirement System, and all master commissioners, shall be considered a single individual employer and only one (1) value shall be computed for these employers. ***Upon request by any nonhazardous employer covered by this paragraph, the system shall, within ninety (90) days of the employer's request, provide the requesting employer with any:***
- i. ***Identifying, demographic, financial, or any other information that was provided to the system's actuary to determine the employer's share of the system's total actuarially accrued liability, including individual data provided to the actuary on each member, retiree, or recipient whose cost was assigned to the employer. The data shall also include identifying information that will allow the employer to match its records to the members, retirees, and recipients that resulted in the cost that has been assigned to the employer; and***
 - ii. ***Calculations produced by the actuary on each member, retiree, or recipient during the completion of the valuation that resulted in the cost assigned to the employer under this paragraph. The data shall include identifying information that will allow the employer to match its records to the members, retirees, and recipients that resulted in the cost that has been assigned to the employer;***
- c. Shall be payable by an individual employer in equal monthly dollar installments during the fiscal year in accordance with the reporting requirements specified by KRS 61.675 so that the individual employer pays its full prorated dollar amount of the actuarially accrued liability contribution as determined by subdivision b. of this subparagraph; and
- d. Notwithstanding subdivision b. of this subparagraph for those individual participating employers who are local and district health departments governed by KRS Chapter 212, community mental health centers, and employers whose employees are not subject to KRS 18A.005 to 18A.200, who received or were eligible to receive a distribution of general fund appropriations in the 2018-2020 biennial executive branch budget to assist in

paying retirement costs under 2018 Ky. Acts ch. 169, Part I, G., 4., (5); 2018 Ky. Acts ch. 169, Part I, G., 5., (2); or 2018 Ky. Acts ch. 169, Part I, G., 9., (2), shall not, once the initial dollar amounts are established in accordance with this paragraph, be adjusted in terms of dollars paid by the individual employer, except that adjustments shall be made by the system upon completion of an actuarial investigation as provided by KRS 61.670, so long as at least four (4) years have passed since the last adjustment to the actuarially accrued liability contribution for these employers. The provisions of this subdivision shall not be interpreted to mean that employers described by this subdivision may continue paying the dollar value of contributions or employer contribution rates established or paid by the employer in budget periods occurring prior to July 1, 2021.

2. Individual employers, solely for purposes of collecting employer contributions from various fund sources during the fiscal year, may convert the actuarially accrued liability contribution established by this paragraph to a percentage of pay and may adjust the percent of pay during the fiscal year in order to pay the required dollar value of actuarially accrued liability contribution required by this paragraph. No provision of this subparagraph shall be construed to reduce an individual employer's actuarially accrued liability contribution as otherwise provided by this paragraph.
3. The provisions of this paragraph shall not apply to those employers who cease participation as provided by KRS 61.522.
4. In the event an individual Kentucky Employees Retirement System nonhazardous employer who is required to pay an actuarially accrued liability contribution as provided by this paragraph and as calculated from the 2019 actuarial valuation or subsequent valuations, merges with another employer or entity, forms a new or separate employer or entity, or splits or separates operations into multiple employers or entities, the system shall, except for those employers or entities who pay the costs to cease participation as provided by KRS 61.522, have full authority to assign a portion or all of the total actuarially accrued liability contribution to the merged, new, split, or separate employers or entities, regardless of whether or not the merged, new, split, or separate employers or entities participate in the system. In the case of a district health department established pursuant to KRS Chapter 212, which ceases to operate or which has a county or counties that withdraw from the district health department, the systems shall assign the total actuarially accrued liability contribution based upon the proportion of taxable property of each county as certified by the Department for Public Health in the Cabinet for Health and Family Services in accordance with KRS 212.132. The system shall establish by administrative regulations the process of assigning actuarially accrued liability contributions as authorized by this subparagraph.
5.
 - a. An employer who is not in the executive, legislative, or judicial branch of Kentucky state government as enumerated in subparagraph 1.b. of this paragraph may on or before July 1, 2021, appeal to the board regarding any current or former employees or retirees the employer believes should not be used to determine the employer's percentage of the system's total actuarially accrued liability. The only appeals that shall be submitted by the employer or considered by the board shall be potential errors where the last participating employer is in dispute, situations where employees of the employer were hired through a contract between the executive branch and the employer for the employee to provide services to the executive branch, or situations where a community mental health center was contracted to provide services at a facility previously operated by the executive branch. The employer shall submit the information required by the board to verify potential errors or contract employees with employers.
 - b. The board shall review and issue a final determination regarding any appeals by December 31, 2021. In situations where the board determines the last participating employer was incorrect and should be assigned to another employer, the system shall, effective for employer contributions payable on or after July 1, 2022, assign the cost to the executive branch until such time ownership of the liability can be determined and assigned to the correct employer. In situations where the board determines certain employees of employers were hired through a contract between the executive branch and the employer for an employee or employees to provide services to the executive branch, those liabilities shall, effective for employer contributions payable on or after July 1, 2022, be assigned to the executive branch. In situations where the board determines the

community mental health center was contracted to provide services at a facility previously operated by the executive branch, the liabilities for employees providing services at that facility shall be assigned to the executive branch.

- c. No appeal shall be submitted by the employer or considered by the board regarding the assumptions or methodology used by the actuary to determine a particular employer's percentage of the system's total actuarially accrued liability or the use of the last participating employer to assign liabilities to an employer, except as otherwise provided by this subparagraph.
 - d. The board shall within thirty (30) days following the final determinations submit to the Public Pension Oversight Board the list of appeals that were approved, the number of employees involved, and any costs that will be transferred to the executive branch effective July 1, 2022.
- (e) The employer contributions computed under this section shall be determined using:
- 1. The entry age normal cost funding method;
 - 2. An asset smoothing method that smooths investment gains and losses over a five (5) year period; and
 - 3. Other funding methods and assumptions established by the board in accordance with KRS 61.670.
- (2) (a) Except as limited by subsection (1)(d)1.d. of this section as it relates to the Kentucky Employees Retirement System, normal cost contribution rates and the actuarially accrued liability contribution shall be determined by the board on the basis of the annual actuarial valuation last preceding the July 1 of a new biennium.
- (b) The board shall not have the authority to amend contribution rates as of July 1 of the second year of the biennium for the Kentucky Employees Retirement System and the State Police Retirement System.
- (3) The system shall advise each employer prior to July 1 of any change in the employer contribution rate. Based on the employer contribution rate, each employer shall include in the budget sufficient funds to pay the employer contributions as determined by the board under this section.
- (4) All employers, including the General Assembly, shall pay the full actuarially required contributions, as prescribed by this section, to the Kentucky Employees Retirement System and the State Police Retirement System in fiscal years occurring on or after July 1, 2020.

➔Section 3. KRS 61.661 is amended to read as follows:

- (1) (a) Each current, former, or retired member's account shall be administered in a confidential manner, and specific data regarding a current, former, or retired member shall not be released for publication, except that:
- 1. The member or recipient may authorize the release of his or her account information;
 - 2. Kentucky Retirement Systems may release account information to the employer or to other state and federal agencies as it deems necessary or in response to a lawful subpoena or order issued by a court of law, ***except that Kentucky Retirement Systems shall be required to release account information to the employer as required by subsection (1)(d)1.b. of Section 2 of this Act;*** or
 - 3. a. Upon request by any person, the systems shall release the following information from the accounts of any member or retired member of the Kentucky Employees Retirement System, the County Employees Retirement System, or the State Police Retirement System, if the member or retired member is a current or former officeholder in the Kentucky General Assembly:
 - i. The first and last name of the member or retired member;
 - ii. The system or systems in which the member has an account or from which the retired member is receiving a monthly retirement allowance;
 - iii. The status of the member or retired member, including but not limited to whether he or she is a contributing member, a member who is not currently contributing to the systems but has not retired, a retired member, or a retired member who has

- returned to work following retirement with an agency participating in the systems;
- iv. If the individual is a retired member, the monthly retirement allowance that he or she was receiving at the end of the most recently completed fiscal year;
 - v. If the individual is a member who has not yet retired, the estimated monthly retirement allowance that he or she is eligible to receive at his or her normal retirement date based upon his or her service credit, final compensation, and accumulated account balance at the end of the most recently completed fiscal year; and
 - vi. The current employer or last participating employer of the member or retired member, if applicable.
- b. No information shall be disclosed under this subparagraph from an account that is paying benefits to a beneficiary due to the death of a member or retired member.
- (b) A current, former, or retired member's account shall be exempt from the provisions of KRS 171.410 to 171.990.
 - (c) The release of information under paragraph (a)3. of this subsection shall not constitute a violation of the Open Records Act, KRS 61.870 to 61.884.
- (2) (a) When a subpoena is served upon any employee of the Kentucky Retirement Systems, requiring production of any specific data regarding a current, former, or retired member, it is sufficient if the employee of the Kentucky Retirement Systems charged with the responsibility of being custodian of the original delivers within five (5) working days, by certified mail or by personal delivery, legible and durable copies of records, certified by the employee, or an affidavit stating the information required by the subpoena to the person specified in the subpoena. The production of documents or an affidavit shall be in lieu of any personal testimony of any employee of the Kentucky Retirement Systems unless, after the production of documents or affidavit, a separate subpoena is served upon the systems specifically directing the testimony of an employee of the systems. When a subpoena is served on any employee of the systems requiring the employee to give deposition for any purpose, in the absence of a court order requiring the deposition of a specific employee, the systems may designate an employee to be deposed upon the matter referred to in the subpoena.
- (b) The certification required by this subsection shall be signed before a notary public by the employee and shall include the full name of the member or recipient, the member's or recipient's Social Security number, and a legend substantially to the following effect: "The records are true and complete reproductions of the original or microfiched records which are housed in the retirement systems office. This certification is given in lieu of his or her personal appearance."
 - (c) When an affidavit or copies of records are personally delivered, a receipt shall be presented to the person receiving the records for his signature and shall be immediately signed and returned to the person delivering the records. When an affidavit or copies of records are sent via certified mail, the receipt used by the postal authorities shall be sufficient to prove delivery and receipt of the affidavit or copies of records.
 - (d) When the affidavit or copies of records are delivered to a party for use in deposition, they shall, after termination of the deposition, be delivered personally or by certified mail to the clerk of the court or other body before which the action or proceeding is pending. It shall be the responsibility of the party or attorney to transmit the receipt obtained to the employee of the Kentucky Retirement Systems charged with responsibility of being custodian of the original. Upon issuance of a final order terminating the case and after the normal retention period for court records expires, the affidavit or copies of records shall be permanently disposed of by the clerk in a manner that protects the confidentiality of the information contained therein.
 - (e) Records of the Kentucky Retirement Systems that are susceptible to photostatic reproduction may be proved as to foundation, identity, and authenticity without any preliminary testimony, by use of legible and durable copies, certified in accordance with the provisions of this subsection.

➔Section 4. The amendments to Sections 1 to 3 of this Act shall be retroactive to July 1, 2021.

➔Section 5. Whereas ensuring the efficient operation of the Kentucky Employees Retirement System is critical to the Commonwealth of Kentucky and to members, retirees, and employers of the system, an emergency is

declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming law.

Returned to Secretary of State April 11, 2022, and became law without Governor's signature April 12, 2022.

CHAPTER 193

(HB 242)

AN ACT relating to road projects and declaring an emergency.

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

➔Section 1. Notwithstanding KRS 48.100, 48.110, 48.300, and 176.430, the projects authorized by the General Assembly in this Act constitute the official 2022-2024 Biennial Highway Construction Plan.

➔Section 2. The General Assembly acknowledges that the project authorizations contained within this Act are based on the Transportation Cabinet's estimates. The Transportation Cabinet shall have the authority to expend funds necessary to complete the projects as authorized in this Act, amended only by variations dictated by bid or unforeseen circumstances.

➔Section 3. The Secretary of the Transportation Cabinet shall produce a single document that shall detail the enacted fiscal biennium 2022-2024 Biennial Highway Construction Program and the 2024-2028 Highway Preconstruction Program.

➔Section 4. This Act in conjunction with 2022 Regular Session HJR 82 shall constitute the Six-Year Road Plan.

➔Section 5. Whereas the funding for these projects is provided by the Transportation Cabinet Budget Bill, which takes effect upon its passage and approval by the Governor or upon otherwise becoming law, an emergency is declared to exist and this Act takes effect upon its passage and approval by the Governor or upon otherwise becoming law.

➔Section 6. The 2022-2024 biennial highway construction plan is as follows:

Signed by Governor April 11, 2022.

2022-2024 BIENNIAL HIGHWAY CONSTRUCTION PLAN

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Adair	22206	LN-9008	ADDRESS CONDITION OF LOUI B NUNN CUMBERLAND PARKWAY FROM MILEPOINT 36.159 TO MILEPOINT 43.02	PL				
				DN	NHPM			182,000
				RW				
				UT				
				CN	NHPM			1,820,000
				Project Cost:		0	0	2,002,000
Adair	80003	KY-55	KY 55 NEW TURNING LANE AT BETTY'S OK COUNTRY COOKING. (18CCN)(2020CCR)	PL				
				DN	SPP		260,000	
				RW	SPP			110,000
				UT	SPP			110,000
				CN	SPP			400,000
				Project Cost:		0	260,000	620,000
Adair	80200	KY-55	IMPROVE SAFETY AND MOBILITY ALONG KY 55 NEAR DOC'S MARKET.	PL				
				DN	SPP			249,600
				RW				
				UT				
				CN				
				Project Cost:		0	0	249,600
Total for Adair county				PL				
				DN			260,000	431,600
				RW				110,000
				UT				110,000
				CN				2,220,000
				Total Amounts:		0	260,000	2,871,600
Allen	320	KY-100	IMPROVEMENTS TO KY 100: CURVE, BRIDGE, AND INTERSECTION IMPROVEMENTS FROM NEAR THE STONY POINT ROAD INTERSECTION TO EAST OF THE ALONZO LONG HOLLOW ROAD INTERSECTION (12CCR)(18CCN) (2020CCR)	PL				
				DN				
				RW	SPP		1,970,000	
				UT	SPP			1,410,000
				CN				
				Project Cost:		0	1,970,000	1,410,000

2022-2024 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Allen	4309	KY-1578	INSTALL GUARDRAIL ON KY-1578 IN ALLEN COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			79,000
Project Cost:						0	0	79,000
Allen	4310	KY-1533	INSTALL GUARDRAIL ON KY-1533 IN ALLEN COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			43,000
Project Cost:						0	0	43,000
Allen	8802	KY-100	WIDENING OF KY 100 (FRANKLIN ROAD) TO 3 LANES WITH URBAN SECTION FROM OLIVER STREET TO US 31E TO INCREASE CAPACITY/SAFETY. MP 11.800-12.700 (14CCN)(18CCN) (2020CCR)	PL				
				DN	STP2		380,000	
				RW				
				UT				
				CN				
Project Cost:						0	380,000	0
Allen	8901	KY-3499	IMPROVE ACCESS ROAD ON EACH END OF INDUSTRIAL ACCESS ROAD IN SCOTTSVILLE. (16CCN)(18CCN) (2020CCR)	PL				
				DN				
				RW				
				UT				
				CN	SPP	320,000		
Project Cost:						320,000	0	0
Allen	8902	KY-98	RECONSTRUCT 1.0 MILE EAST OF BRIDGE OVER BARREN RIVER LAKE TO CORRECT VERTICAL AND HORIZONTAL DEFICIENCIES. (2020CCN)	PL				
				DN				
				RW	SPP		440,000	
				UT	SPP		330,000	
				CN	SPP			1,460,000
Project Cost:						0	770,000	1,460,000

2022-2024 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Allen	10027	CR-1239	BRIDGE PROJECT IN ALLEN COUNTY ON (002C00019N) OLD BUCK CREEK RD AT BUCK CREEK	PL				
				DN	BRZ		44,000	
				RW				
				UT				
				CN	BRZ			440,000
				Project Cost:		0	44,000	440,000
Allen	10028	CR-1220	BRIDGE PROJECT IN ALLEN COUNTY ON (002C00033N) PETROLEUM RD AT LITTLE TRAMMEL CREEK	PL				
				DN	BRZ		54,000	
				RW				
				UT				
				CN	BRZ		540,000	
				Project Cost:		0	594,000	0
Allen	80206	ky-100	RECONSTRUCT KY-100 FROM KY-622 IN SIMPSON COUNTY TO EST OF SULPHUR FORK CREEK IN ALLEN COUNTY (2012CCR)	PL				
				DN	SPP		300,000	
				RW	SPP		2,440,000	
				UT				
				CN				
				Project Cost:		0	2,740,000	0
Allen	80207	ky-101	Improve safety on KY 101 from KY 234 to the Warren County Line.	PL				
				DN	STP			810,000
				RW				
				UT				
				CN				
				Project Cost:		0	0	810,000
Total for Allen county				PL				
				DN			778,000	810,000
				RW			4,850,000	
				UT			330,000	1,410,000
				CN		320,000	540,000	2,022,000
				Total Amounts:		320,000	6,498,000	4,242,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Anderson	806	KY-151	RECONSTRUCT KY 151 FROM US 127 AT LAWRENCEBURG TO I-64 IN FRANKLIN COUNTY. (2020CCN)	PL				
				DN	SPP		1,750,000	
				RW	SPP			5,000,000
				UT				
				CN				
				Project Cost:		0	1,750,000	5,000,000
Anderson	10017	CR-1305	ADDRESS DEFICIENCIES ON HYATT ROAD (CR 1305) OVER EAST PRONG CROOKED CREEK. (003C00050N)	PL				
				DN	BRZ		62,000	
				RW				
				UT				
				CN	BRZ		620,000	
				Project Cost:		0	682,000	0
Anderson	22179	BG-9002	ADDRESS CONDITION OF MARTHA LAYNE COLLINS BLUEGRASS PARKWAY FROM MILEPOINT 44.807 TO MILEPOINT 47.2	PL				
				DN	NHPM		170,000	
				RW				
				UT				
				CN	NHPM		1,700,000	
				Project Cost:		0	1,870,000	0
Anderson	22180	BG-9002	ADDRESS CONDITION OF MARTHA LAYNE COLLINS BLUEGRASS PARKWAY FROM MILEPOINT 47.2 TO MILEPOINT 51.838	PL				
				DN	NHPM		1,100,000	
				RW				
				UT				
				CN	NHPM		11,000,000	
				Project Cost:		0	12,100,000	0
Anderson	80001	US-62	IMPROVE US-62 (VERSAILLES RD.) FROM HILLTOP DR. TO WEST END OF BRIDGE OVER KENTUCKY RIVER AT TYRONE(18CCN) (2020CCR)	PL				
				DN				
				RW	STP2			3,830,000
				UT				
				CN				
				Project Cost:		0	0	3,830,000
Total for Anderson county				PL				
				DN			3,082,000	
				RW				8,830,000
				UT				
				CN			13,320,000	
				Total Amounts:		0	16,402,000	8,830,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Ballard	115	US-60	PADUCAH-WICKLIFFE RD: IMPROVE US-60 FROM STAFFORD ROAD TO BETHEL CHURCH ROAD (INCLUDES KEVIL BYPASS)(TO BE LET WITH 1-115.10) (06CCR)(12CCR)(14CCR)(18CCR). (2020CCR)	PL DN RW UT CN	STP	0	0	10,000,000
Project Cost:						0	0	10,000,000
Ballard	118	US-60	IMPROVE US-60 FROM PROPOSED SOUTHERN BYPASS OF LA CENTER TO EAST OF DENIS JONES ROAD. (02CCR) (2020CCR)	PL DN RW UT CN	NH	0	4,400,000	0
Project Cost:						0	4,400,000	0
Ballard	80250	US-60	CONDUCT A PLANNING STUDY FOR EXTENDING US 60 FROM BARLOW, KY WEST TO I 57 NEAR FUTURE CITY, IL.	PL DN RW UT CN	SPP	0	0	2,000,000
Project Cost:						0	0	2,000,000
Total for Ballard county				PL DN RW UT CN		0	4,400,000	10,000,000
Total Amounts:						0	4,400,000	12,000,000
Barren	8819	KY-90	MAJOR WIDENING FROM SANDERS STREET IN CAVE CITY TO US 68 (GLASGOW OUTER LOOP) IN GLASGOW. (14CCN) (2020CCN)	PL DN RW UT CN	SPP SPP	0	440,000 1,500,000	0
Project Cost:						0	1,940,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Barren	8821	CR-1366, KY-1297	IMPROVE KY-1297 FROM CR-1366 (DONNELLY DRIVE) TO US-31E (ROGER WELLS), AND IMPROVE CR-1366 (DONNELLY DRIVE) FROM KY-1297 TO US-68 IN GLASGOW. (14CCN) (16CCN) (2020CCR)	PL DN RW UT CN	SPP			4,000,000
Project Cost:						0	0	4,000,000
Barren	10001	US-31	ADDRESS DEFICIENCIES OF US 31EX BRIDGE OVER WATER STREET (005B00058N)	PL DN RW UT CN	BRX BRX		100,000 550,000	
Project Cost:						0	650,000	0
Barren	22058	I-65	ADDRESS CONDITION OF I-65 FROM MILEPOINT 45.935 TO MILEPOINT 49.65 (48.3 NON-CARDINAL)	PL DN RW UT CN	NHPM NHPM			325,000 3,250,000
Project Cost:						0	0	3,575,000
Barren	22300	US-68	ADDRESS CONDITION OF US-68X FROM MILEPOINT 2.753 TO MILEPOINT 4.145	PL DN RW UT CN	STP3 STP3		500,000 4,500,000	
Project Cost:						0	5,000,000	0
Barren	80002	LN-9008	NEW INTERCHANGE ON THE LOUIE NUNN CUMBERLAND PARKWAY AT KY (CONTINGENT ON ECONOMIC DEVELOPMENT PROJECTS)-249 IN GLASGOW(18CCN)	PL DN RW UT CN	SPP SPP SPP		1,830,000	2,790,000 1,020,000
Project Cost:						0	1,830,000	3,810,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Barren	80150	LN-9008	UPGRADE THE LOUIE B. NUNN CUMBERLAND EXPRESSWAY TO INTERSTATE STANDARDS IN ORDER TO ESTABLISH THE I 65 SPUR ROUTE BETWEEN I 65 AND SOMERSET (2020CCN)	PL DN RW UT CN	SPP		500,000	
Project Cost:						0	500,000	0
Total for Barren county				PL DN RW UT CN			500,000 2,330,000 540,000 2,050,000 4,500,000	325,000 2,790,000 1,020,000 7,250,000
Total Amounts:						0	9,920,000	11,385,000
Bath	8404	KY-965	RECONSTRUCT CURVE AT .8 MILE SOUTH OF KY-36 (08CCN)(12CCR) MILEPOINT 7.147 TO 7.247)	PL DN RW UT CN	SPP		1,470,000	
Project Cost:						0	1,470,000	0
Bath	80101	KY-36	IMPROVE SAFETY ON KY 36 FROM THE INTERSECTION WITH I-64 TO THE INTERSECTION OF KY 965 INCLUDING THE CURVES KNOWN AS CLEAR CREEK FURNACE AND THOMAS HILL (2020CCN) MILEPOINT 13.394 TO MILEPOINT 17.104	PL DN RW UT CN	SPP		2,250,000	
Project Cost:						0	2,250,000	0
Bath	80102	KY-36	IMPROVE SAFETY AND OPERATIONAL EFFICIENCY ON KY 36 FROM NORTH OF MARIELLA DR TO THE INTERSECTION OF OLD KY 36 (2020 CCN)	PL DN RW UT CN	SPP SPP		425,000	1,320,000
Project Cost:						0	425,000	1,320,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Bath	80250	US-60	REALIGN ROADWAY ON US 60 NEAR OWINGSVILLE BEGINNING IN THE VICINITY OF ROSE BUSH LN AND ENDING AT WELLS ROAD NEAR I 64 EXIT 123	PL DN RW UT CN	SPP		1,000,000	
Project Cost:						0	1,000,000	0
Total for Bath county				PL DN RW UT CN			1,000,000 2,675,000 1,320,000 1,470,000	
Total Amounts:						0	5,145,000	1,320,000
Bell	167	KY-74	ENHANCING CUMBERLAND AVENUE FROM US 25E TO 18TH STREET WITH STREET IMPROVEMENTS FOR VEHICLE AND PEDESTRIANS, AS WELL AS STORM WATER MANAGEMENT TO IMPROVE SAFETY, CONGESTION, AND ENVIRONMENTAL IMPACT. (2020CCR)	PL DN RW UT CN	SPP			990,000
Project Cost:						0	0	990,000
Bell	4314	KY-190	INSTALL GUARDRAIL ON KY-190 IN BELL COUNTY	PL DN RW UT CN	GR	68,000		
Project Cost:						68,000	0	0
Bell	4315	KY-2394	INSTALL GUARDRAIL ON KY-2394 IN BELL COUNTY	PL DN RW UT CN	GR	69,000		
Project Cost:						69,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Bell	4316	KY-987	INSTALL GUARDRAIL ON KY-987 IN BELL COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR	119,000		
				Project Cost:		119,000	0	0
Bell	4317	KY-987	INSTALL GUARDRAIL ON KY-987 IN BELL COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR	70,000		
				Project Cost:		70,000	0	0
Bell	4318	KY-987	INSTALL GUARDRAIL ON KY-987 IN BELL COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR	68,000		
				Project Cost:		68,000	0	0
Bell	4342	KY-188	INSTALL GUARDRAIL ON KY-188 IN BELL COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		23,000	
				Project Cost:		0	23,000	0
Bell	4349	KY-1491	INSTALL GUARDRAIL ON KY-1491 IN BELL COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			11,000
				Project Cost:		0	0	11,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Bell	4350	KY-188	INSTALL GUARDRAIL ON KY-188 IN BELL COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			16,000
				Project Cost:		0	0	16,000
Bell	4351	KY-188	INSTALL GUARDRAIL ON KY-188 IN BELL COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			37,000
				Project Cost:		0	0	37,000
Bell	4365	KY-190	INSTALL GUARDRAIL ON KY-190 IN BELL COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			47,000
				Project Cost:		0	0	47,000
Bell	4366	KY-987	INSTALL GUARDRAIL ON KY-987 IN BELL COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			84,000
				Project Cost:		0	0	84,000
Bell	8702	US-119	PROVIDE PASSING OPPORTUNITIES ON US 119 IN THE VICINITY OF MP 4.5 IN BELL COUNTY. (12CCN)(14CCR) (2020CCN)	PL				
				DN				
				RW	SPP	990,000		
				UT	SPP	520,000		
				CN				
				Project Cost:		1,510,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Bell	10101	CS-2222	BRIDGE PROJECT IN BELL COUNTY ON (007C00072N) 17TH STREET at YELLOW CREEK	PL DN RW UT CN	BRZ		40,000	400,000
Project Cost:						0	40,000	400,000
Bell	80050	PF-9999	CONSTRUCT A NEW ROADWAY ON PAGE SPUR RD.(18CCN) (2020CCR)	PL DN RW UT CN	SPP		2,800,000	
Project Cost:						0	2,800,000	0
Bell	80150	KY-74	IMPROVE SAFETY ALONG E. CUMBERLAND AVE. (KY 74) BETWEEN MP 16.234 AND 16.753 FOR PEDESTRIAN TRAFFIC BY REPLACING DETERIORATED SIDEWALKS AND UPDATING RAMPS (2020CCN)	PL DN RW UT CN	STP1	50,000	400,000	
Project Cost:						50,000	400,000	0
Bell	80151	KY-74	IMPROVE SAFETY ALONG W. CUMERLAND AVE. (KY 74) FROM MP 15.190 TO MP 16.234 FOR PEDESTRIAN TRAFFIC BY REPLACING DETERIORATED SIDEWALKS AND UPDATING RAMPS (2020CCN)	PL DN RW UT CN	STP1	50,000		
Project Cost:						800,000	0	0
Bell	80152	KY-2402	IMPROVE SAFETY ALONG N 25TH STREET (KY 2402) FOR PEDESTRIAN TRAFFIC BY REPLACING DETERIORATED SIDEWALKS AND UPDATING RAMPS FROM MP 0 TO 0.353 (2020CCN)	PL DN RW UT CN	STP1	50,000		
Project Cost:						800,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Bell	80201	US-25	Fill in existing depressed median to install a two-way left turn lane from the intersection of KY 441 to intersection of Tim Short Automotive.	PL				
				DN	NH	200,000		
				RW				
				UT				
				CN	NH		495,000	
				Project Cost:		200,000	495,000	0
Total for Bell county				PL				
				DN		200,000	40,000	990,000
				RW		990,000		
				UT		670,000		
				CN		1,894,000	3,718,000	595,000
				Total Amounts:		3,754,000	3,758,000	1,585,000
Boone	80	I-75	REDUCE CONGESTION AND IMPROVE TRAFFIC MOBILITY AT THE INTERCHANGE OF I-75 AND KY-14 IN WALTON. (2020CCR)	PL				
				DN	NH			1,500,000
				RW				
				UT				
				CN				
				Project Cost:		0	0	1,500,000
Boone	105	US-25	CONDUCT PLANNING STUDY TO EVALUATE OPTIONS FOR RECONSTRUCTING US 25 BETWEEN KY 14 (MARY GRUBBS HIGHWAY) AND KY 338 (RICHWOOD ROAD).	PL	STPF	500,000		
				DN				
				RW				
				UT				
				CN				
				Project Cost:		500,000	0	0
Boone	113	KY-338	CONDUCT PLANNING STUDY TO EVALUATE OPTIONS FOR RECONSTRUCTING KY 338 (RICHWOOD ROAD) FROM TRIPLE CROWL BLVD TO US 42.	PL	STPF	500,000		
				DN				
				RW				
				UT				
				CN				
				Project Cost:		500,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Boone	444	KY-236	IMPROVE SAFETY AND REDUCE CONGESTION ALONG KY-236 (DONALDSON ROAD) FROM KY-842 (HOUSTON ROAD) TO KY-3076 (MINEOLA PIKE). (18CCR) (2020CCR)	PL DN RW UT CN	STPF		8,500,000	
Project Cost:						0	8,500,000	0
Boone	445	KY-3076	IMPROVE FREIGHT MOBILITY AND REDUCE CONGESTION ON KY-307 (MINEOLA PIKE) FROM KY-1017 TO I-275. (18CCR) (2020CCR)	PL DN RW UT CN	STPF	7,100,000		
Project Cost:						7,100,000	0	0
Boone	447	US-25	IMPROVE MOBILITY AND REDUCE CONGESTION ON US-25 FROM WINNING COLORS DRIVE TO THE NORFOLK SOUTHERN RAILROAD CROSSING SOUTH OF KY-1829 (INDUSTRIAL ROAD); EXCLUDES GRADE SEPARATION AT KY-536. (2020CCR)	PL DN RW UT CN	STPF		3,720,000	
Project Cost:						0	3,720,000	0
Boone	966.0800	CO-0	DEDICATED FEDERAL-AID STP FUNDS EARMARKED FOR NKY URBANIZED AREA AND SUBJECT TO MPO CONTROL FOR FY 2022 THROUGH FY 2028. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP) (2020CCR)	PL DN RW UT CN	SNK	7,914,163	8,072,447	8,233,896
Project Cost:						7,914,163	8,072,447	8,233,896
Boone	1087	KY-842	ADDRESS DEFICIENCIES OF BRIDGE OVER NS (CNO&TP)RR ON RICHARDSON ROAD (KY 842) 0.14 MI E OF US 25 NEAR INDEPENDENCE (008B00092N) (2020CCN)	PL DN RW UT CN	BRX BRX BRX	3,000,000 1,000,000	5,200,000	
Project Cost:						4,000,000	5,200,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Boone	10028	I-275	BRIDGE PROJECT IN BOONE COUNTY ON (008B00052N) I-275 AT OHIO RIVER	PL				
				DN	FBP	400,000		
				RW				
				UT				
				CN	FBP		4,000,000	
				Project Cost:		400,000	4,000,000	0
Boone	20006	I-275	ADDRESS CONDITION OF I-275 FROM MILEPOINT 1.054 (1.582 CARDINAL) TO MILEPOINT 7.25	PL				
				DN	NHPM			1,250,000
				RW				
				UT				
				CN	NHPM			12,500,000
				Project Cost:		0	0	13,750,000
Boone	20008	KY-18	ADDRESS CONDITION OF KY-18 FROM MILEPOINT 15.256 TO MILEPOINT 16.632	PL				
				DN	STP5		250,000	
				RW				
				UT				
				CN	STP5		2,250,000	
				Project Cost:		0	2,500,000	0
Boone	22305	US-25	ADDRESS CONDITION OF US-25 FROM MILEPOINT 10.603 TO MILEPOINT 10.922	PL				
				DN	STP5		94,000	
				RW				
				UT				
				CN	STP5		846,000	
				Project Cost:		0	940,000	0
Boone	80000	KY-237	RECONSTRUCT GUNPOWDER RD. FROM US-42 TO KY-536. (18CCN) (2020CCR)	PL				
				DN				
				RW	SPP			9,270,000
				UT	SPP			3,380,000
				CN				
				Project Cost:		0	0	12,650,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Boone	80001	KY-237	EXPANSION OF ROUNDABOUTS ALONG KY-237 AT CARDINAL COVE AND GRAVES RD(18CCN) (2020CCR)	PL				
				DN				
				RW	STPF	1,930,000		
				UT	STPF	1,000,000		
				CN				
				Project Cost:		2,930,000	0	0
Boone	80100	KY-1017, KY-717	CONVERT TURFWAY RD AND THOROUGHbred BLVD FROM 2 WAY TO ONE WAY AND CONSTRUCT NEW I-75 ACCESS (2020CCN)	PL				
				DN	STPF		2,500,000	
				RW				
				UT				
				CN				
				Project Cost:		0	2,500,000	0
Boone	80101	KY-18	CONVERT KY 18 (BURLINGTON PIKE) TO A SUPER STREET (2020CCN)	PL				
				DN				
				RW	STP	3,000,000		
				UT	STP	1,500,000		
				CN	STP		12,840,000	
				Project Cost:		4,500,000	12,840,000	0
Boone	80102	KY-3060	Reconstruct KY 3060 (Frogtown Road) from US 42 to US 25.	PL				
				DN				
				RW	STP		13,000,000	
				UT				
				CN				
				Project Cost:		0	13,000,000	0
Boone	80150	KY-717	Reconstruct Turfway Road (KY 717) from Aero Parkway (MP 0.0) to Donaldson Road (MP 1.67). (2020CCN)	PL				
				DN				
				RW	STPF		5,000,000	
				UT	STPF			2,000,000
				CN	STPF			4,000,000
				Project Cost:		0	5,000,000	6,000,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Boone	80202		Conduct a planning study to evaluate potential improvement options to promote economic growth through central Boone County as well as improving safety and modernizing existing roadways	PL DN RW UT CN	SPP			750,000
				Project Cost:		0	0	750,000
Boone	80204		PLANNING STUDY TO IMPROVE EXISTING ALLIGNMENTS AND NEW CONSTRUCTION BETWEEN KY 536 (HATHAWAY ROAD) AND KY 14 (VERONA MUDLICK ROAD)	PL DN RW UT CN	SPP		750,000	
				Project Cost:		0	750,000	0
Boone	80205	ky-2951	CONDUCT A PLANNING STUDY TO EVALUATE POTENTIAL IMPROVEMENT OPTIONS FOR SAFETY AND MOBILITY ON CHAMBERS ROAD AS WELL AS FLOOD MITIGATION ALONG EXISTING ROADWAY	PL DN RW UT CN	SPP		600,000	
				Project Cost:		0	600,000	0
Boone	80207	CR-1001	Improve safety & mobility, reduce congestion and address geometric deficiencies along Camp Ernst Road (CR 1001) from KY 536 (Hathaway Rd) to Longbranch Rd (CR 1002).	PL DN RW UT CN	STPF		2,110,000	
				Project Cost:		0	2,110,000	0
Boone	80208	CR-1001	Improve safety & mobility, reduce congestion and address geometric deficiencies along Camp Ernst Road (CR 1001) from Long Branch Rd. to KY 237 (Pleasant Valley Rd.)	PL DN RW UT CN	SPP	2,400,000		
				Project Cost:		2,400,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Boone	80209	ky-237	Improve access to KY 237 for Litton Lane.	PL				
				DN	STPF	541,000		
				RW	SPP			2,894,000
				UT				
				CN				
				Project Cost:		541,000	0	2,894,000
Boone	80212	i-75	Expand I-71 to 6 lanes from the interchange of I-75 to Boone-Gallatin County Line (MP 69.9 to MP 76.3)	PL				
				DN	NH			6,000,000
				RW				
				UT				
				CN				
				Project Cost:		0	0	6,000,000
Boone	80213	i-75	Conduct Planning study evaluating Interstate 75 Interchange options at KY 14 to enhance mobility and stimulate economic growth while improving safety on existing roadways.	PL	NH			900,000
				DN				
				RW				
				UT				
				CN				
				Project Cost:		0	0	900,000
Boone	80214		Conduct planning study evaluating potential improvement options to improve mobility and promote economic growth through central Boone County as well as improving safety and modernizing existing roadways.	PL	SPP		750,000	
				DN				
				RW				
				UT				
				CN				
				Project Cost:		0	750,000	0
Boone	80215	ky-2951	Conduct Planning study evaluating potential improvement options to improve safety and mobility on Chambers Road as well as mitigation of severe flooding along the existing roadway	PL				
				DN	STP1		600,000	
				RW				
				UT				
				CN				
				Project Cost:		0	600,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Boone	80257	i-75	PLANNING STUDY TO EXPAND NORTHBOUND AND SOUTHBOUND REST AREAS ON I-71/I-75 IN BOONE COUNTY	PL DN RW UT CN	SPP		1,100,000	
Project Cost:						0	1,100,000	0
Total for Boone county				PL DN RW UT CN		1,000,000 3,341,000 7,930,000 3,500,000 15,014,163	3,200,000 9,274,000 18,000,000 5,380,000 41,708,447	1,650,000 8,750,000 12,164,000 5,380,000 24,733,896
Total Amounts:						30,785,163	72,182,447	52,677,896
Bourbon	916	us-27	ADDRESS SAFETY AND CONGESTION AT THE INTERSECTION OF US 27 AND KY 1939 IN PARIS	PL DN RW UT CN	STP STP		230,000	370,000
Project Cost:						0	230,000	370,000
Bourbon	80104	US-460	IMPROVE US 460 FROM RUSSELL CAVE RD TO I 75 (2ND PART OF 7-8705) (2020CCN)(SEE 7-8705.10)	PL DN RW UT CN	STP2 STP2 STP2	8,000,000	7,000,000	15,000,000
Project Cost:						8,000,000	7,000,000	15,000,000
Bourbon	80155	KY-537	IMPROVE SAFETY OF CANE RIDGE ROAD (KY 537) FROM THE INTERSECTION WITH 460 TO THE ENTRANCE PAST COLOR POINT (2020CCN)	PL DN RW UT CN	SPP		925,000	
Project Cost:						0	925,000	0

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Bourbon	80203	KY-1939	MODERNIZE ROADWAY, IMPROVE CONGESTION, SAFETY AND PEDESTRIAN ACCESS FROM US 27 ALONG Y 1939 FOR .212 MILES INCLUDING IMPROVEMENTS TO THE INTERSECTION OF MATLACK ST AND THE BOURBON COUNTY SCHOOL BUS BARN	PL DN RW UT CN	STPF STPF STPF		200,000	200,000 400,000
Project Cost:						0	200,000	600,000
Total for Bourbon county				PL DN RW UT CN			1,355,000	570,000 400,000 15,000,000
Total Amounts:						8,000,000	8,355,000	15,970,000
Boyd	125	KY-168	IMPROVE SAFETY AND OPERATIONAL EFFICIENCY OF KY 168 (BLACKBURN AVE/WHEATLEY RD) FROM MILEPOINT 5.8 (US 60) TO MILEPOINT 7.4 (HOODS CREEK ROAD). (2020CCR)	PL DN RW UT CN	STP1			520,000
Project Cost:						0	0	520,000
Boyd	180	KY-716	IMPROVE SAFETY AND DECREASE CONGESTION ON KY 716 FROM MP 0.0 (US 60) TO MP 0.56 (KY 3293) (2020CCR)	PL DN RW UT CN	STP1		150,000	
Project Cost:						0	150,000	0
Boyd	208.0600	CO-0	FEDERAL 'STP' FUNDS DEDICATED TO HUNTINGTON-ASHLAND MPO FOR FY 2022-2028. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP) (2020CCR)	PL DN RW UT CN	SAH	1,685,126	1,718,828	1,753,205
Project Cost:						1,685,126	1,718,828	1,753,205

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Boyd	4306	KY-1012	INSTALL GUARDRAIL ON KY-1012 IN BOYD COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR	70,000		
				Project Cost:		70,000	0	0
Boyd	4310	KY-5	INSTALL GUARDRAIL ON KY-5 IN BOYD COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		31,000	
				Project Cost:		0	31,000	0
Boyd	10016	I-64	ADDRESS DEFICIENCIES ON PERRY GENTRY BRIDGES OVER THE BI SANDY RIVER. JOINT PROJECT WITH WEST VIRGINIA. (010B00046L AND 010B00046R)(SD)	PL				
				DN				
				RW				
				UT				
				CN	BRO	1,500,000		
				Project Cost:		1,500,000	0	0
Total for Boyd county				PL			150,000	520,000
				DN				
				RW				
				UT				
				CN		3,255,126	1,749,828	1,753,205
				Total Amounts:		3,255,126	1,899,828	2,273,205
Boyle	4309	KY-37	INSTALL GUARDRAIL ON KY-37 IN BOYLE COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		15,000	
				Project Cost:		0	15,000	0

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Boyle	80204	KY-52	RECONSTRUCT KY 52 FROM KY 1805 (Goggin Ln) TO KY 590	PL				
				DN	STP2			250,000
				RW				
				UT				
				CN				
				Project Cost:		0	0	250,000
Boyle	80211	KY-2168	IMPROVE SAFETY BY DEMOLISHING AND REBUILDING THE BUSTER PIKE BRIDGE IN THE SAME LOCATION (BY MOA, NORFOLK-SOUTHERN WILL PROVIDE \$200,000)	PL				
				DN				
				RW				
				UT				
				CN	BRZ			1,600,000
				Project Cost:		0	0	1,600,000
Boyle	80250	KY-34	IMPROVE THE SAFETY AND MOBILITY OF KY 34 FROM ALUM SPRINGS CROSSPIKE (MP 10.391) TO APPROX. 1,000 FEET WEST OF CORPORATE DRIVE (MP 10.800)	PL				
				DN	SPP		150,000	
				RW	SPP		100,000	
				UT	SPP			800,000
				CN	SPP			1,000,000
				Project Cost:		0	250,000	1,800,000
Total for Boyle county				PL				
				DN			150,000	250,000
				RW			100,000	
				UT				800,000
				CN			15,000	2,600,000
				Total Amounts:		0	265,000	3,650,000
Bracken	355.2200	KY-8	OPERATION OF AUGUSTA FERRY FOR FY 2022 THROUGH FY 2028. (12CCR)(14CCR) (2020CCR)	PL				
				DN				
				RW				
				UT				
				CN	SPP	282,000	282,000	282,000
				Project Cost:		282,000	282,000	282,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Bracken	10031	KY-539	BRIDGE PROJECT IN BRACKEN COUNTY ON (012B00023N) KY-539 AT WILLOW CREEK	PL				
				DN	BRX		198,000	
				RW				
				UT				
				CN	BRX			1,980,000
Project Cost:						0	198,000	1,980,000
Total for Bracken county				PL				
				DN			198,000	
				RW				
				UT				
				CN		282,000	282,000	2,262,000
Total Amounts:						282,000	480,000	2,262,000
Breathitt	172	KY-15	Panbowl Lake drainage and safety improvements along KY 15.	PL				
				DN				
				RW				
				UT				
				CN	PROT		4,000,000	
					SPP		2,500,000	
Project Cost:						0	6,500,000	0
Breathitt	375	KY-205	IMPROVE KY-205 FROM NORTH OF KY-1812 TO SOUTH OF PEGGS FORK RD. (2020CCR)	PL				
				DN				
				RW	STPF			3,050,000
				UT				
				CN				
Project Cost:						0	0	3,050,000
Breathitt	4309	KY-28	INSTALL GUARDRAIL ON KY-28 IN BREATHITT COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		72,000	
Project Cost:						0	72,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Breathitt	5014	KY-15	ROCKFALL MITIGATION ON KY 15 FROM 0.593 MILE NORTH OF BEAVERLY ROAD (MP 13.750) TO KY 1098/KY 1813 (MP 14.644). (2018BOP)	PL				
				DN	PROT		600,000	
				RW	PROT			250,000
				UT	PROT			50,000
				CN				
				Project Cost:		0	600,000	300,000
Breathitt	10011	CR-1104	BRIDGE PROJECT IN BREATHITT COUNTY ON (013C00008N) BIG BRANCH ROAD AT BIG BRANCH CREEK	PL				
				DN	BRZ		34,000	
				RW				
				UT				
				CN	BRZ		340,000	
				Project Cost:		0	374,000	0
Breathitt	80107	CR-1125	REPLACE BRIDGE OVER PUNCHEON CREEK ON MAX ROARK RD (2020CCN)	PL				
				DN	SPP	125,000		
				RW	SPP			5,000
				UT				
				CN				
				Project Cost:		125,000	0	5,000
Total for Breathitt county				PL				
				DN		125,000	634,000	
				RW				3,305,000
				UT				50,000
				CN			6,912,000	
				Total Amounts:		125,000	7,546,000	3,355,000
Breckinridge	4315	KY-259	INSTALL GUARDRAIL ON KY-259 IN BRECKINRIDGE COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			13,000
				Project Cost:		0	0	13,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Breckinridge	8702	KY-79	ADDRESS SAFETY AND GEOMETRIC DEFICIENCIES ON KY 79 FROM KY 477 TO KY 144 (12CCN)(14CCR)(18CCN)(2020 CCR) (COMBINED W/ 4-8703)	PL				
				DN				
				RW	SPP			1,700,000
				UT				
				CN				
				Project Cost:		0	0	1,700,000
Breckinridge	8902	KY-261	REPLACE LOW WATER STRUCTURE ON KY 261 AT MP 15.74. (18CCN)	PL				
				DN	BRX		100,000	
				RW	BRX			25,000
				UT	BRX			25,000
				CN				
				Project Cost:		0	100,000	50,000
Total for Breckinridge county				PL				
				DN			100,000	
				RW				1,725,000
				UT				25,000
				CN				13,000
				Total Amounts:		0	100,000	1,763,000
Bullitt	43	KY-44	RECONSTRUCT KY 44 FROM KY 1319 KINGS CHURCH HIGHWAY TO SPENCER COUNTY LINE (2020CCN)	PL				
				DN	SPP	1,200,000		
				RW	SPP		1,000,000	
				UT	SPP			850,000
				CN				
				Project Cost:		1,200,000	1,000,000	850,000
Bullitt	150.5000	KY-44	SECTION 5 FROM US 31EX TO US 31E BYPASS (2008BOPC)	PL				
				DN				
				RW	SPP		1,630,000	
				UT	SPP			580,000
				CN				
				Project Cost:		0	1,630,000	580,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Bullitt	347.5000	KY-44	MT. WASHINGTON-TAYLORSVILLE RD; RECONSTRUCT KY 44 FROM US31E BYPASS TO KY 1319 KINGS CHURCH HIGHWAY (2020CCN)	PL DN RW UT CN	SPP	1,300,000		
				Project Cost:		1,300,000	0	0
Bullitt	347.5100	KY-44	NEW TURN LANES IN FRONT OF BULLITT EAST HIGH SCHOOL. (BREAKOUT FROM 347.50) (18CCN)	PL DN RW UT CN	STPF	1,022,000		
				Project Cost:		1,022,000	0	0
Bullitt	391.2000	KY-480	WIDEN CEDAR GROVE ROAD (KY-480) FROM CEDAR GROVE ELEMENTARY SCHOOL TO VALLEY VIEW DRIVE. (12CCR)(14CCR) (SEE 5-391.3 FOR INTERCHANGE IMPROVEMENTS)	PL DN RW UT CN	STPF			7,900,000
				Project Cost:		0	0	7,900,000
Bullitt	391.3000	I-65, KY-480	IMPROVE OPERATIONAL PERFORMANCE OF THE I-65/KY-480 INTERCHANGE INCLUDING RAMP IMPROVEMENTS AND TURNING LANES. (12CCR)(14CCR)(2014BOP)(16CCR)(2020CCR)	PL DN RW UT CN	NH			9,490,000
				Project Cost:		0	0	9,490,000
Bullitt	578	I-65	EXPAND TRUCK PARKING AT I-65 SB WELCOME CENTER.	PL DN RW UT CN	NH			1,000,000
				Project Cost:		0	0	1,000,000

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Bullitt	4307	KY-1319	INSTALL GUARDRAIL ON KY-1319 IN BULLITT COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			11,000
				Project Cost:		0	0	11,000
Bullitt	8509	KY-245	WIDEN KY-245 FROM BERNHEIM FOREST TO THE COMMUNITY COLLEGE. (08CCN)(10CCR)(14CCR)(16CCR) (2020CCR)	PL				
				DN				
				RW				
				UT				
				CN	STPF			6,140,000
				Project Cost:		0	0	6,140,000
Bullitt	8856	I-65	SOUND BARRIERS ON EAST SIDE OF I-65 ACROSS FROM CONESTOGA INDUSTRIAL AREA. LOCALS WILL PROVIDE \$100,000 FOR CONSTRUCTION (14CCN)(16CCR)(18CCN) (2020CCR)	PL				
				DN				
				RW				
				UT				
				CN	SPP	1,800,000		
				Project Cost:		1,800,000	0	0
Bullitt	10035	KY-1526	BRIDGE PROJECT IN BULLITT COUNTY ON (015B00057N) KY 1526 AT FLOYDS FORK	PL				
				DN	FBP	235,000		
				RW				
				UT				
				CN	FBP	2,350,000		
				Project Cost:		2,585,000	0	0
Bullitt	10036	KY-1116	BRIDGE PROJECT IN BULLITT COUNTY ON (015B00059N) KY 1116 AT CEDAR CREEK	PL				
				DN	FBP	125,000		
				RW				
				UT				
				CN	FBP	1,250,000		
				Project Cost:		1,375,000	0	0

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Bullitt	22066	I-65	ADDRESS CONDITION OF I-065 FROM MILEPOINT 104.7 TO MILEPOINT 110.7	PL				
				DN	NHPM		5,400,000	
				RW				
				UT				
				CN	NHPM		54,000,000	
				Project Cost:		0	59,400,000	0
Bullitt	80100	KY-61	ACCESS, SAFETY AND ECONOMIC DEVELOPMENT IMPROVEMENT STUDY ALONG KY 61 IN LEBANON JUNCTION FROM LEBANON JUNCTION MIDDLE SCHOOL TO NELSON COUNTY LINE 9 (MP 0.0 TO 3.7) (2020CCN)	PL	SPP	250,000		
				DN				
				RW				
				UT				
				CN				
				Project Cost:		250,000	0	0
Bullitt	80101	KY-1450	IMPROVE SAFETY AND REDUCE CONGESTION ON KY 1450 (BLUE LICK RD.) BETWEEN THE INTERSECTIONS WITH KY 1526 (JOHN HARPER HIGHWAY) AND CR 1512A (JEFFIE LANE) (2020CCN)	PL	SPP	1,045,000		
				DN				
				RW				
				UT				
				CN				
				Project Cost:		1,045,000	0	0
Bullitt	80103	KY-44	RECONSTRUCT KY 44 FROM BOGARD LANE TO ARMSTRONG LANE (2020CCN)	PL	SPP	2,300,000		
				DN				
				RW				
				UT				
				CN				
				Project Cost:		2,300,000	0	0
Total for Bullitt county				PL		250,000		
				DN		6,205,000	5,400,000	
				RW			2,630,000	
				UT				1,430,000
				CN		6,422,000	54,000,000	24,541,000
				Total Amounts:		12,877,000	62,030,000	25,971,000

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Butler	125.1500	KY-269	OPERATION OF REED'S FERRY AT LOGANSFORT FOR FY 2022 THROUGH FY 2028.(12CCR) (2020CCR)	PL				
				DN				
				RW				
				UT				
				CN	SPP	158,400	158,400	158,400
				Project Cost:		<u>158,400</u>	<u>158,400</u>	<u>158,400</u>
Butler	8504.1000	KY-369	OPERATION OF THE ROCHESTER FERRY BY THE BUTLER AND OHIO COUNTY FERRY AUTHORITY FOR FY 2020.(12CCR) (2020CCR)	PL				
				DN				
				RW				
				UT				
				CN	SPP	158,400	158,400	158,400
				Project Cost:		<u>158,400</u>	<u>158,400</u>	<u>158,400</u>
Butler	10037	I-165	BRIDGE PROJECT IN BUTLER COUNTY ON (016B00061N) I-165 AT GREEN RIVER	PL				
				DN	FBP2		1,588,000	
				RW				
				UT				
				CN	FBP2		15,880,000	
				Project Cost:		<u>0</u>	<u>17,468,000</u>	<u>0</u>
Butler	20009	I-165	ADDRESS CONDITION OF I 165 FROM MILEPOINT 26.48 TO MILEPOINT 32.645	PL				
				DN	NHPM			700,000
				RW				
				UT				
				CN	NHPM			7,000,000
				Project Cost:		<u>0</u>	<u>0</u>	<u>7,700,000</u>
Total for Butler county				PL				
				DN			1,588,000	700,000
				RW				
				UT				
				CN		316,800	16,196,800	7,316,800
				Total Amounts:		<u>316,800</u>	<u>17,784,800</u>	<u>8,016,800</u>

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Caldwell	187.6000	US-641	RELOCATE US-641 FROM SOUTH OF THE LYON/CALDWELL COUNTY LINE TO FREDONIA, 4.5 MILES. (2020CCN)	PL				
				DN				
				RW	STPF		3,000,000	
				UT	STPF			1,500,000
				CN				
				Project Cost:		0	3,000,000	1,500,000
Caldwell	4314	KY-139	INSTALL GUARDRAIL ON KY-139 IN CALDWELL COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			50,000
				Project Cost:		0	0	50,000
Caldwell	10061	KY-126	BRIDGE PROJECT IN CALDWELL COUNTY ON (017B00024N) KY-126 AT BURNS CREEK	PL				
				DN	FBP	112,000		
				RW				
				UT				
				CN	FBP			1,120,000
				Project Cost:		112,000	0	1,120,000
Caldwell	10065	KY-1592	BRIDGE PROJECT IN CALDWELL COUNTY ON (017B00076N) KY-1592 AT TOWERY BRANCH	PL				
				DN	FBP	50,000		
				RW				
				UT				
				CN	FBP			500,000
				Project Cost:		50,000	0	500,000
Total for Caldwell county				PL				
				DN		162,000		
				RW			3,000,000	
				UT				1,500,000
				CN				1,670,000
				Total Amounts:		162,000	3,000,000	3,170,000

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Calloway	8502	PF-9999	CITY OF MURRAY BUSINESS LOOP FROM GLENDALE TO INDUSTRIAL ROAD. (SEE 1-120 FOR D, R, U FUNDING) (08CCN)(10CCR)(LET BY CITY)	PL DN RW UT CN	SPP			3,000,000
Project Cost:						0	0	3,000,000
Calloway	8952	CS-1047, KY-748	IMPROVE N 16TH STREET FROM KY 1327 (5 POINTS) TO KY 121 (2020CCN)	PL DN RW UT CN	SPP SPP		2,210,000	2,170,000
Project Cost:						0	2,210,000	2,170,000
Calloway	10099	KY-121	BRIDGE PROJECT IN CALLOWAY COUNTY ON (018B00018N) KY-121 AT CLAYTON CREEK	PL DN RW UT CN	FBP2 FBP2			78,000 780,000
Project Cost:						0	0	858,000
Calloway	10100	KY-121	BRIDGE PROJECT IN CALLOWAY COUNTY ON (018B00023N) KY-121 AT BLOOD RIVER	PL DN RW UT CN	FBP FBP	447,000		
Project Cost:						447,000	4,470,000	0
Calloway	10101	KY-783	BRIDGE PROJECT IN CALLOWAY COUNTY ON (018B00045N) KY-783 AT Middle fork Clarks River	PL DN RW UT CN	FBP FBP	226,000		
Project Cost:						226,000	2,260,000	0

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Calloway	10102	KY-1346	BRIDGE PROJECT IN CALLOWAY COUNTY ON (018B00066N) KY-1346 AT BRANCH OF JONATHAN CREEK	PL DN RW UT CN	FBP	155,000		
				Project Cost:		155,000	1,550,000	0
Calloway	22312	US-641	ADDRESS CONDITION OF US-641X FROM MILEPOINT 0 TO MILEPOINT 2.873	PL DN RW UT CN	STP4		1,700,000	
				Project Cost:		0	1,700,000	0
Calloway	80100	PF-9999	PLANNING STUDY FOR SCENIC BYWAY ALONG KENTUCKY LAKE (2020CCN)	PL DN RW UT CN	SPP		250,000	
				Project Cost:		0	250,000	0
Calloway	80200	cs-1047	Address congestion, geometric deficiencies, and access issues from KY121 to Utterback Road in Murray.	PL DN RW UT CN	STP		750,000	
				Project Cost:		0	750,000	0
Total for Calloway county				PL			250,000	
				DN		828,000	750,000	78,000
				RW			2,210,000	
				UT				2,170,000
				CN			9,980,000	3,780,000
				Total Amounts:		828,000	13,190,000	6,028,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Campbell	23	I-471	ADD LANE ON RAMP FROM EASTBOUND I-275 TO NORTHBOUND I-471.	PL DN RW UT CN	NH			200,000
Project Cost:						0	0	200,000
Campbell	81	I-471	REDUCE CONGESTION ALONG THE I-471 CORRIDOR FROM US-27 TO OHIO STATE LINE.	PL DN RW UT CN	NH			1,000,000
Project Cost:						0	0	1,000,000
Campbell	352	PF-9999	EXTEND PROPOSED POND CREEK ROAD FROM US-27 TO AA HIGHWAY VIA PORTION OF KY 10/KY 1997 CORRIDOR (NEW KY-536)(04CCN)(12CCR)(14CCR) (2020CCN)	PL DN RW UT CN	SPP	1,500,000		
Project Cost:						1,500,000	0	0
Campbell	1086	KY-8	Replace 4th Street Bridge over the Licking River between Covington and Newport; Bridge Number 059B00037N	PL DN RW UT CN	BRO BRO BRO		2,690,000 1,270,000	15,000,000
Project Cost:						0	3,960,000	15,000,000
Campbell	4308	KY-547	INSTALL GUARDRAIL ON KY-547 IN CAMPBELL COUNTY	PL DN RW UT CN	GR		32,000	
Project Cost:						0	32,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Campbell	8104	I-471, KY-8	CONSTRUCT NEW I-471 SOUTHBOUND OFF-RAMP AT KY-8 (SEE ALSO 6-183.00). (02CCN)(06CCN) (2020CCN)	PL				
				DN	SPP	3,500,000		
				RW	SPP		5,000,000	
				UT	SPP			1,000,000
				CN				
Project Cost:						3,500,000	5,000,000	1,000,000
Campbell	8105		CONSTRUCT A NEW CONNECTOR BETWEEN I-275 AND THE AA HIGHWAY. (02CCN)	PL				
				DN				
				RW				
				UT				
				CN	STP			6,200,000
Project Cost:						0	0	6,200,000
Campbell	8105.0700	PF-9999	TRANSPORTATION IMPROVEMENTS TO AA I 275; CONSTRUCT A NEW CONNECTOR RD FROM THE KY 9 TO THE END OF NEW CONSTRUCTION JUST SOUTH OF JOHN'S HILL RD. (2020CCN)	PL				
				DN				
				RW	STPF		1,900,000	
				UT				
				CN				
Project Cost:						0	1,900,000	0
Campbell	10007	US-27	SAFETY CABLE REPAIR AND PREVENTIVE MAINTENANCE ON TAYLOR SOUTHGATE BRIDGE OVER THE OHIO RIVER. JOINT PROJECT WITH OHIO. (019B00076N)(BSBP)	PL				
				DN				
				RW				
				UT				
				CN	BRX	250,000		
Project Cost:						250,000	0	0
Campbell	20011	I-471	ADDRESS CONDITION OF I-471 FROM MILEPOINT 0 TO MILEPOINT 4.7	PL				
				DN	NHPM			635,000
				RW				
				UT				
				CN	NHPM			6,350,000
Project Cost:						0	0	6,985,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Campbell	20013	KY-9	ADDRESS PAVEMENT CONDITION OF AC PAVEMENT.	PL				
				DN	STP5			225,000
				RW				
				UT				
				CN				
				Project Cost:		0	0	225,000
Campbell	80220	KY-709	ADD RIGHT TURN LANES FROM AA HIGHWAY ONTO KY 709, AND FROM KY 709 ONTO AA HIGHWAY	PL				
				DN				
				RW				
				UT				
				CN	SPP		950,000	
				Project Cost:		0	950,000	0
Total for Campbell county				PL				1,200,000
				DN		5,000,000		860,000
				RW			9,590,000	
				UT			1,270,000	1,000,000
				CN		250,000	982,000	27,550,000
				Total Amounts:		5,250,000	11,842,000	30,610,000
Carlisle	333	US-51, US-62	CORRECT GEOMETRIC DEFICIENCIES AT INTERSECTION OF US-51/US-62/Front St/Elm St in Bardwell to address flow, safety, and access issues.(12CCR)(18CCN)	PL				
				DN				
				RW				
				UT				
				CN	SPP		340,000	
				Project Cost:		0	340,000	0
Carlisle	10104	US-51	BRIDGE PROJECT IN CARLISLE COUNTY ON (020B00002N) US-51 AT GADDIE CREEK	PL				
				DN	FBP	41,000		
				RW				
				UT				
				CN	FBP		410,000	
				Project Cost:		41,000	410,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Carlisle	10105	US-51	BRIDGE PROJECT IN CARLISLE COUNTY ON (020B00004N) US-51 AT LITTLE MAYFIELD CREEK	PL				
				DN	FBP	20,000		
				RW				
				UT				
				CN	FBP		200,000	
				Project Cost:		20,000	200,000	0
Total for Carlisle county				PL				
				DN		61,000		
				RW				
				UT				
				CN			950,000	
				Total Amounts:		61,000	950,000	0
Carroll	1084	US-42	BRIDGE PROJECT IN CARROLL COUNTY ON (021B00043N) US-42 at KENTUCKY RIVER & CITY ST	PL				
				DN	BRX		2,262,000	
				RW				
				UT				
				CN	BRX			10,000,000
				Project Cost:		0	2,262,000	10,000,000
Carroll	10037	KY-36	BRIDGE PROJECT IN CARROLL COUNTY ON (021B00009N) KY-36 AT LICK CREEK	PL				
				DN	BRX		259,000	
				RW				
				UT				
				CN	BRX			590,000
				Project Cost:		0	259,000	590,000
Carroll	20020	I-71	ADDRESS CONDITION OF I-71 FROM MILEPOINT 46.1205 TO MILEPOINT 53.433	PL				
				DN	NHPM			1,600,000
				RW				
				UT				
				CN	NHPM			16,000,000
				Project Cost:		0	0	17,600,000

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Carroll	20050	KY-467	ADDRESS PAVEMENT CONDITION ON KY-467 FROM MILEPOINT 0.00 TO MILEPOINT 4.52	PL DN RW UT CN	STP4	365,000		
Project Cost:						365,000	0	0
Carroll	22101	I-71	ADDRESS CONDITION OF I-71 FROM MILEPOINT 38.808 TO MILEPOINT 46.121	PL DN RW UT CN	NHPM		1,600,000	
Project Cost:						0	1,600,000	0
Carroll	80219	KY-36	Improve safety and mobility and address geometric deficiencies at the intersection of KY 36 & KY 1492 (Locust Road).	PL DN RW UT CN	SPP		658,000	
Project Cost:						0	658,000	0
Total for Carroll county				PL DN RW UT CN		365,000	4,779,000	1,600,000
Total Amounts:						365,000	4,779,000	26,590,000
Carter	4307	US-60	INSTALL GUARDRAIL ON US-60 IN CARTER COUNTY	PL DN RW UT CN	GR	66,000		
Project Cost:						66,000	0	0

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Carter	4313	KY-1947	INSTALL GUARDRAIL ON KY-1947 IN CARTER COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		28,000	
				Project Cost:		0	28,000	0
Carter	8311	KY-1	IMPROVE SAFETY AT THE EAST CARTER HIGH SCHOOL. (06CCN) (08CCR)(12CCR) (2020CCR)	PL				
				DN				
				RW				
				UT				
				CN	STP1			1,930,000
				Project Cost:		0	0	1,930,000
Carter	8401	US-60	RECONSTRUCT US-60 FROM WEST OF GLENWOOD HOLLOW ROAD TO EAST OF KY-3296. THE PROJECT SHALL INCLUDE 12' LANES, WIDE PAVED SHOULDERS, UNOBSTRUCTED CLEAR ZONES, FLATTER VERTICAL GRADES, AND GENTLY HORIZONTAL CURVES. (08CCN)(12CCR)(14CCR)(18CCN) (2020CCR)	PL				
				DN				
				RW	SPP		2,000,000	
				UT	SPP		2,000,000	
				CN				
				Project Cost:		0	4,000,000	0
Carter	10077	KY-1	BRIDGE PROJECT IN CARTER COUNTY ON (022B00012N) KY-1 AT LIT.FK.LITTLE SANDY RIVE	PL				
				DN	BRX		293,000	
				RW				
				UT				
				CN	BRX			2,930,000
				Project Cost:		0	293,000	2,930,000
Carter	10080	CR-1197	BRIDGE PROJECT IN CARTER COUNTY ON (022C00030N) GOLLIHUE RD AT LITTLE FORK CREEK	PL				
				DN	BRZ		101,000	
				RW				
				UT				
				CN	BRZ		1,010,000	
				Project Cost:		0	1,111,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Carter	22053	I-64	ADDRESS CONDITION OF I-64 FROM MILEPOINT 154.26 TO MILEPOINT 166.217	PL				
				DN	NHPM			908,732
				RW				
				UT				
				CN	NHPM			9,087,320
				Project Cost:		0	0	9,996,052
Carter	22054	I-64	ADDRESS CONDITION OF I-64 FROM MILEPOINT 166.217 TO 171.2	PL				
				DN	NHPM			378,708
				RW				
				UT				
				CN	NHPM			3,787,080
				Project Cost:		0	0	4,165,788
Carter	80050	US-60	IMPROVE US-60 GEOMETRY BEGINNING TERMINI AT NEW CONSTRUCTION AT OLIVE HILL MP 12.4 EXTENDING 1.1 MILES TO I-6 EXIT 161.(18CCN)	PL				
				DN	STP2		1,440,000	
				RW				
				UT				
				CN				
				Project Cost:		0	1,440,000	0
Carter	80200	ky-1025	Geometric improvements on KY 1025 from US 60 (MP 0.0),East of Olive Hill extending North 0.30 miles providing access to West Carter Middle and High Schools and facilities. Project will include bike/ped facilities.	PL				
				DN	STP2			500,000
				RW				
				UT				
				CN				
				Project Cost:		0	0	500,000
Carter	80201	ky-3297	Improve safety and operational efficiency of KY 3297 near East Carter Middle School and the new sports complex.	PL				
				DN	SPP			150,000
				RW				
				UT				
				CN				
				Project Cost:		0	0	150,000

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Carter	80202	ky-1	Construct a two lane roadway from KY 3297 to the intersection of US 60 and KY 1 to mitigate congestion along Carol Malone Boulevard. (Phase III of proposed bypass project.)	PL				
				DN	STP1		1,000,000	
				RW	STP1			1,501,000
				UT				
				CN				
				Project Cost:		0	1,000,000	1,501,000
Total for Carter county				PL				
				DN			2,834,000	1,937,440
				RW			2,000,000	1,501,000
				UT			2,000,000	
				CN		66,000	1,038,000	17,734,400
				Total Amounts:		66,000	7,872,000	21,172,840
Casey	164	US-127	IMPROVE SAFETY AND GEOMETRIC DEFICIENCIES ALONG US 127 A1 DUNNVILLE	PL				
				DN	NH		520,000	
				RW				
				UT				
				CN				
				Project Cost:		0	520,000	0
Casey	8701	KY-70	NEW ALIGNMENT ON KY-70 FROM MP 16.8 TO 19 (12CCN)	PL				
				DN	SPP		780,000	
				RW				
				UT				
				CN				
				Project Cost:		0	780,000	0
Casey	8703	KY-70	RECONSTRUCT BELL HILL FROM MP 10.4 TO MP 11.9.(12CCN) (16CCR)(18CCN) (2020CCR)	PL				
				DN				
				RW	SPP			3,420,000
				UT				
				CN				
				Project Cost:		0	0	3,420,000

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Casey	8704	KY-49	RECONSTRUCT BRUSH CREEK HILL FROM MP 1.8 TO MP 2.8.(12CCN) (16CCR)(18CCN) (2020CCR)	PL DN RW UT CN	SPP			1,350,000
Project Cost:						0	0	1,350,000
Casey	8705	KY-501	REALIGN KY 501 TO INTERSECT KY 70 EAST OF EXISTING LOCATION AND CORRECT VERTICAL ALIGNMENT OF KY 70 NEAR EXISTING INTERSECTION.(12CCN) (2020CCN)	PL DN RW UT CN	SPP SPP		1,050,000	1,000,000
Project Cost:						0	1,050,000	1,000,000
Casey	10050	CR-1037	BRIDGE PROJECT IN CASEY COUNTY ON (023C00094N) BASTIN CREEK RD AT CRANE CREEK	PL DN RW UT CN	BRZ BRZ		33,000	330,000
Project Cost:						0	33,000	330,000
Casey	80150	US-127	ADD LANES (TWO PLUS ONE) TO US 127 FROM LIBERTY TO THE LINCOLN CO LINE (2020CCN)	PL DN RW UT CN	NH			2,880,000
Project Cost:						0	0	2,880,000
Total for Casey county				PL DN RW UT CN			1,333,000 1,050,000	2,880,000 4,770,000
Total Amounts:						0	2,383,000	8,980,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Christian	180.2000	KY-911	WIDEN KY 911 TO A 3 LANE FROM THE DEPARTMENT OF DEFENSE RAILROAD TO KY 115.(SECTION 2)(D,R,U UNDER 2-180)(2018BOP)	PL DN RW UT CN	STPF			6,400,000
Project Cost:						0	0	6,400,000
Christian	227	KY-1007	RECONSTRUCT KY 1007 FROM US 68 TO SANDERSON ROAD IN HOPKINSVILLE. (SEE NORTHERN EXTENSION UNDER 2-227.10) (2020CCR)	PL DN RW UT CN	STP1	400,000		
Project Cost:						400,000	0	0
Christian	381	PF-9999	CONSTRUCT NEW CONNECTOR FROM US 41 NEAR THE INDUSTRIAL PARK TO KY 115 SOUTH OF PEMBROKE. (16CCR)(18CCN) (2020CCR)	PL DN RW UT CN	STP2 STP2		1,000,000	950,000
Project Cost:						0	1,000,000	950,000
Christian	898	EB-9004	RECONSTRUCT THE BREATHITT PARKWAY INTERCHANGE AT KY 1682 NORTH OF HOPKINSVILLE USING DESIGN BUILD. (BREATHITT PARKWAY/FUTURE INTERSTATE SPUR PROJECT)(16CCR)(18CCN) (2020CCR)	PL DN RW UT CN	NH NH NH	250,000		1,000,000 1,200,000
Project Cost:						250,000	0	2,200,000
Christian	899	US-68	ADDRESS CONGESTION AND MOBILITY OF US 68 FROM KY 91 TO KY 1007 IN HOPKINSVILLE. (18CCN) (2020CCR)	PL DN RW UT CN	NH			5,850,000
Project Cost:						0	0	5,850,000

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Christian	8953	KY-115	IMPROVE AND WIDEN KY 115 FROM ANDERSON ROAD (MP 6.87) TO JUST SOUTH OF PEMBROKE (MP 9.625)(16CCN)(18CCN)	PL DN RW UT CN	STP2			2,750,000
Project Cost:						0	0	2,750,000
Christian	8954	KY-115	IMPROVE AND WIDEN KY 115 FROM I-24 (MP 2.901) TO ANDERSON ROAD (MP 687). (16CCN)	PL DN RW UT CN	SPP		1,360,000	
Project Cost:						0	1,360,000	0
Christian	10075	US-41	BRIDGE PROJECT IN CHRISTIAN COUNTY ON (024B00112N) WALNUT STREET AT CSX RAILROAD	PL DN RW UT CN	BRO BRO			307,000
Project Cost:						0	0	3,377,000
Christian	20005	EB-9004	ADDRESS CONDITION OF EDWARD T. BREATHITT PENNYRILE PARKWAY FROM MILEPOIINT 0 TO MILEPOINT 4.719	PL DN RW UT CN	NHPM NHPM		350,000	
Project Cost:						0	3,850,000	0
Christian	20008	EB-9004	ADDRESS CONDITION OF EDWARD T BREATHITT PENNYRILE PARKWAY FROM MILEPOINT 4.719 TO MILEPOINT 6.77	PL DN RW UT CN	NHPM NHPM		180,000	
Project Cost:						0	1,980,000	0

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Christian	20010	I-24	ADDRESS PAVEMENT CONDITION OF PCC PAVEMENT ON I-24 CARDINAL DIRECTION(S) FROM MILEPOINT 69.83 TO 76.142	PL				
				DN	NHPM	325,000		
				RW				
				UT				
				CN	NHPM		3,250,000	
Project Cost:						325,000	3,250,000	0
Christian	20013	I-24	ADDRESS CONDITION OF I-24 FROM MILEPOINT 85.563 TO MILEPOINT 92	PL				
				DN	NHPM	1,850,000		
				RW				
				UT				
				CN	NHPM	18,500,000		
Project Cost:						20,350,000	0	0
Christian	22016	I-24	ADDRESS CONDITION OF I-24 FROM MILEPOINT 91.978 TO MILEPOINT 93.373	PL				
				DN	NHPM			150,000
				RW				
				UT				
				CN	NHPM			1,500,000
Project Cost:						0	0	1,650,000
Christian	22191	EB-9004	ADDRESS CONDITION OF EDWARD T. BREATHITT PENNYRILE PARKWAY FROM MILEPOINT 6.77 TO MILEPOINT 12.053	PL				
				DN	NHPM			425,000
				RW				
				UT				
				CN	NHPM			4,250,000
Project Cost:						0	0	4,675,000
Christian	80001	US-41	US 41A NEW TURNING LANE NORTHBOUND AT EXISTING MEDIAN CROSSOVER NEAR MILEPOST 11.4. CITY TO CONSTRUCT AND BE REIMBURSED. (18CCN) (2020CCR)	PL				
				DN	SPP		30,000	
				RW				
				UT				
				CN	SPP			110,000
Project Cost:						0	30,000	110,000

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Christian	80103	I-24	ADDRESS SAFETY ISSUES BY INSTALLING INTERCHANGE LIGHTING (2020CCN)	PL				
				DN				
				RW				
				UT				
				CN	SPP	700,000		
				Project Cost:		700,000	0	0
Christian	80250	KY-107	IMPROVE SAFETY AND MOBILITY BY WIDENING AND CORRECTING GEOMETRIC DEFICIENCIES ON KY 107 FROM MILEPOINT 15.0 TO MILEPOINT 15.6	PL				
				DN	SPP		700,000	
				RW	SPP		800,000	
				UT	SPP		600,000	
				CN	SPP			1,200,000
				Project Cost:		0	2,100,000	1,200,000
Total for Christian county				PL				
				DN		2,825,000	2,620,000	882,000
				RW			1,800,000	3,750,000
				UT			600,000	2,150,000
				CN		19,200,000	8,550,000	22,380,000
				Total Amounts:		22,025,000	13,570,000	29,162,000
Clark	8401	KY-1958	EXTEND THE WINCHESTER EAST BYPASS (KY 1958) FROM IRVINE ROAD (KY 89) TO KY 627 SOUTH OF WINCHESTER. (08CCN)(10CCR) (18CCN)	PL				
				DN				
				RW				
				UT				
				CN	NH			5,000,000
				Project Cost:		0	0	5,000,000
Clark	8639	PF-9999	EXTEND FULTON ROAD. (BY COUNTY)(10CCN)(18CCN) (2020CCR)	PL				
				DN				
				RW				
				UT				
				CN	SPP		1,780,000	
				Project Cost:		0	1,780,000	0

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Clark	10040	KY-3369	BRIDGE PROJECT IN CLARK COUNTY ON (025B00092N) KY-3369 AT LOG LICK CREEK	PL DN RW UT CN	BRX		43,000	430,000
Project Cost:						0	43,000	430,000
Clark	20004	I-64	ADDRESS CONDITION OF I 64 FROM MILEPOINT 89.48 TO MILEPOINT 94.851	PL DN RW UT CN	NHPM	600,000		
Project Cost:						6,600,000	0	0
Clark	20005	I-64	ADDRESS CONDITION OF I 64 FROM MILEPOINT 94.851 TO MILEPOINT 98.096	PL DN RW UT CN	NHPM			400,000
Project Cost:						0	0	4,400,000
Clark	22040	I-64	ADDRESS CONDITION OF I 64 FROM MILEPOINT 98.096 TO MILEPOINT 101.7	PL DN RW UT CN	NHPM			273,904
Project Cost:						0	0	3,012,944
Clark	80100	KY-627	ADD A LEFT TURN LANE BY THE ENTRANCE OF 1520 BOONESBORO RD. (2020CCN)	PL DN RW UT CN	SPP	20,000		
Project Cost:						90,000	100,000	0

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Clark	80151	US-60	MODERNIZE AND IMPROVE CAPACITY ON US 60 FROM KY 859 (HALEY RD) TO KY 1958 (BYPASS RD) IN CLARK COUNTY. (2020CCN)	PL DN RW UT CN	SPP			3,786,000
Project Cost:						0	0	3,786,000
Total for Clark county				PL DN RW UT CN		600,000 20,000 70,000 6,000,000	43,000 1,880,000	4,459,904 12,169,040
Total Amounts:						6,690,000	1,923,000	16,628,944
Clay	4352	KY-11	INSTALL GUARDRAIL ON KY-11 IN CLAY COUNTY	PL DN RW UT CN	GR			126,000
Project Cost:						0	0	126,000
Clay	4367	KY-11	INSTALL GUARDRAIL ON KY-11 IN CLAY COUNTY	PL DN RW UT CN	GR			92,000
Project Cost:						0	0	92,000
Clay	4368	KY-11	INSTALL GUARDRAIL ON KY-11 IN CLAY COUNTY	PL DN RW UT CN	GR			51,000
Project Cost:						0	0	51,000

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Clay	8003.1000	US-421	IMPROVE US 421 FROM GOOSE CREEK BRIDGE (MP 15.4) TO CHOP BOTTOM RD (MP 14.3) INCLUDING RECONSTRUCTION OF HIGHWAY/RAIL GRADE CROSSING ON KY-1999 AT THE INTERSECTION WITH US-421 AND KY-80	PL DN RW UT CN	NH		10,000,000	
Project Cost:						0	10,000,000	0
Clay	8861	KY-638	IMPROVE SAFETY AND SIGHT DISTANCE ALONG KY 638 (MP 6.7 TO MP 7.1) AND ITS INTERSECTION WITH KY 3476. (14CCN)(18CCN) (2020CCR)	PL DN RW UT CN	SPP	2,000,000		
Project Cost:						2,000,000	0	0
Clay	8864	CR-1286	IMPROVE GEOMETRICS ALONG URBAN CREEK ROAD (CR 1286) AND, INCLUDING INTERSECTIONS AT HAL ROGERS PARKWAY AND KY 687. (14CCN)(18CCN) (2020CCR)	PL DN RW UT CN	SPP SPP	445,000	6,600,000	
Project Cost:						445,000	6,600,000	0
Clay	20001	HR-9006	ADDRESS CONDITION OF HAL ROGERS DANIEL BOONE PARKWAY FROM MILEPOINT 14.345 TO MILEPOINT 15.606	PL DN RW UT CN	NHPM			60,000
Project Cost:						0	0	660,000
Clay	22199	HR-9006	ADDRESS CONDITION OF HAL ROGERS DANIEL BOONE PARKWAY FROM MILEPOINT 22.88 TO MILEPOINT 23.305	PL DN RW UT CN	NHPM			30,000
Project Cost:						0	0	330,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Clay	22200	HR-9006	ADDRESS CONDITION OF HAL ROGERS DANIEL BOONE PARKWAY FROM MILEPOINT 27.068 TO MILEPOINT 27.785	PL DN RW UT CN	NHPM			40,000 400,000
Project Cost:						0	0	440,000
Clay	80251	US-421	CONSTRUCT NEW CONNECTOR ROAD BETWEEN US 421 AT MP 17.51 TO RAILROAD AVE. AT MP 0.1. THIS WILL REQUIRE APPROXIMATELY 300' OF NEW ROADWAY ALONG THE CONNECTOR, A 450' 3-LANE BRIDGE, NEW RIGHT TURN LANE ON US 421 AND NEW TRAFFIC SIGNALS AT PROPOSED INTERSECTION. THIS IS CONTINGENT ON	PL DN RW UT CN	SPP		354,000 354,000	354,000 3,540,000
Project Cost:						0	708,000	3,894,000
Clay	80252		CONSTRUCT NEW PEDESTRIAN BRIDGE IN CITY OF MANCHESTER TO CONNECT TO BRIDGE STREET	PL DN RW UT CN	SPP		750,000	
Project Cost:						0	750,000	0
Clay	80253	KY-3472	IMPROVE GEOMETRIC ALIGNMENT FROM KY 3472 AT MP 1.7 CONTINUING PAST THE BERT. T. COMBS PARK TO THE INTERSECTION OF BEECH CREEK ROAD AND WHITE OAK ROAD. (APPROXIMATELY 1.5 MILES OF ROADWAY TO IMPROVE)	PL DN RW UT CN	SPP		1,300,000	2,000,000
Project Cost:						0	1,300,000	2,000,000
Clay	80254	CR-1004	IMPROVE GEOMETRIC ALIGNMENT FROM THE INTERSECTION OF BEECH CREEK ROAD AND WHITE OAK ROAD TO KY-11 AT MP 14.24. (APPROXIMATELY 4.0 MILES OF ROAD WAY TO IMPROVE)	PL DN RW UT CN	SPP		1,600,000	2,000,000
Project Cost:						0	1,600,000	2,000,000
Total for Clay county				PL DN RW UT CN			3,254,000 354,000 445,000	130,000 4,000,000 354,000
Total Amounts:						2,445,000	20,958,000	9,593,000

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Clinton	4309	KY-553	INSTALL GUARDRAIL ON KY-553 IN CLINTON COUNTY	PL DN RW UT CN	GR	15,000		
Project Cost:						15,000	0	0
Clinton	8601.2600	US-127	RELOCATE US-127 FROM NORTH OF THE KY-3063 AND OLD US-127 INTERSECTION, AND EXTENDING NORTHERLY TO EAST OF KY-1730 AND MANTOWN INTERSECTION. (SEE 8-108 & 8-115 FOR PE&ENV) (12CCR)(14CCR) (2020CCR)	PL DN RW UT CN	NH	27,200,000		
Project Cost:						27,200,000	0	0
Clinton	8601.3000	US-127	RELOCATION OF US-127 FROM EAST OF THE AARON RIDGE RD AND OLD US-127 INTERSECTION, EXTENDING NORTHERLY TO NORTH OF THE KY-3063 AND OLD US-127 INTERSECTION. (SEE 8-108 AND 8-115 FOR PE&ENV)(12CCR) (2020CCR)	PL DN RW UT CN	NH NH	2,370,000 730,000		
Project Cost:						3,100,000	0	0
Clinton	10051	KY-1576	BRIDGE PROJECT IN CLINTON COUNTY ON (027B00026N) KY-1576 AT SPRING CREEK	PL DN RW UT CN	BRX BRX		162,000	
Project Cost:						0	162,000	1,620,000
Total for Clinton county				PL DN RW UT CN		2,370,000 730,000 27,215,000	162,000	1,620,000
Total Amounts:						30,315,000	162,000	1,620,000

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Crittenden	326.1700	KY-91	OPERATION OF CAVE-IN-ROCK FERRY AT OHIO RIVER FOR FY 2022 THROUGH FY 2028 USING AUDITED COSTS AS THE BASIS.(12CCR) (2020CCR)	PL				
				DN				
				RW				
				UT				
				CN	SPP	831,000	831,000	831,000
				Project Cost:		831,000	831,000	831,000
Crittenden	10108	KY-120	BRIDGE PROJECT IN CRITTENDEN COUNTY ON (028B00010N) KY-120 AT SLOUGH OF TRADEWATER RIV	PL				
				DN	BRX		100,000	
				RW				
				UT				
				CN	BRX		1,000,000	
				Project Cost:		0	1,100,000	0
Crittenden	10109	KY-135	BRIDGE PROJECT IN CRITTENDEN COUNTY ON (028B00024N) KY-135 AT HURRICANE CREEK	PL				
				DN	FBP	108,000		
				RW				
				UT				
				CN	FBP		1,080,000	
				Project Cost:		108,000	1,080,000	0
Crittenden	10110	KY-506	BRIDGE PROJECT IN CRITTENDEN COUNTY ON (028B00030N) KY-506 AT PINEY CREEK	PL				
				DN	FBP	68,000		
				RW				
				UT				
				CN	FBP	680,000		
				Project Cost:		748,000	0	0
Crittenden	10112	KY-387	BRIDGE PROJECT IN CRITTENDEN COUNTY ON (028B00051N) KY-387 AT CROOKED CREEK	PL				
				DN	FBP	246,000		
				RW				
				UT				
				CN	FBP		2,460,000	
				Project Cost:		246,000	2,460,000	0

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Crittenden	80101	US-60	ADD A LEFT TURN LANE ON GUM ST. BY THE ENTRANCE OF THE MIDDLE SCHOOL AND HIGH SCHOOL (2020CCN)	PL				
				DN				
				RW				
				UT				
				CN	SPP	500,000		
				Project Cost:		500,000	0	0
Crittenden	80102	CR-1085	ADDRESS DEFICIENCIES ON THE COTTON PATCH RD BRIDGE (2020CCN)	PL				
				DN				
				RW				
				UT				
				CN	SPP	850,000		
				Project Cost:		850,000	0	0
Crittenden	80201	ky-295	Reconstruct and elevate a 0.12 mile section of KY 295 above the floodplain from M.P. 1.038 to M.P. 1.605 just south of Dycusburg	PL				
				DN	SPP	150,000		
				RW	SPP		100,000	
				UT	SPP			75,000
				CN				
				Project Cost:		150,000	100,000	75,000
Total for Crittenden county				PL				
				DN		572,000	100,000	
				RW			100,000	
				UT				75,000
				CN		2,861,000	5,371,000	831,000
				Total Amounts:		3,433,000	5,571,000	906,000
Cumberland	10052	KY-90	BRIDGE PROJECT IN CUMBERLAND COUNTY ON (029B00019N) KY-90 AT ALLEN CREEK	PL				
				DN	FBP	197,000		
				RW				
				UT				
				CN	FBP		1,970,000	
				Project Cost:		197,000	1,970,000	0

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Cumberland	10053	KY-90	BRIDGE PROJECT IN CUMBERLAND COUNTY ON (029B00020N) KY-90 AT DUTCH CREEK	PL				
				DN	FBP	263,000		
				RW				
				UT				
				CN	FBP		2,630,000	
				Project Cost:		263,000	2,630,000	0
Total for Cumberland county				PL				
				DN		460,000		
				RW				
				UT				
				CN			4,600,000	
				Total Amounts:		460,000	4,600,000	0
Daviess	229	KY-298	RECONSTRUCT INTERSECTION AT FAIRVIEW DRIVE (KY 3143) AND KY 298. (12CCR) (16CCR)(18CCN) (2020CCR)	PL				
				DN				
				RW	STP1		1,200,000	
				UT	STP1			1,300,000
				CN				
				Project Cost:		0	1,200,000	1,300,000
Daviess	4317	KY-144	INSTALL GUARDRAIL ON KY-144 IN DAVIESS COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR	43,000		
				Project Cost:		43,000	0	0
Daviess	8300.1000	KY-54	IMPROVE KY-54 FROM WEST OF THE US-60 BYPASS TO BOLD FORBES WAY. DESIGN AND RIGHT OF WAY UNDER PARENT 2-8300.00. (2018BOP)	PL				
				DN				
				RW				
				UT	STP1	7,170,000		
				CN	STP1			5,000,000
				Project Cost:		7,170,000	0	5,000,000

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Daviess	8300.2000	ky-54	IMPROVE KY-54 FROM BOLD FORBES WAY TO KY 1456 (THRUSTON-DERMONT RD). DESIGN UNDER PARENT 2-8300.00. (2018BOP)	PL					
				DN					
				RW	SPP		3,000,000		
				UT	SPP				4,600,000
				CN					
			Project Cost:			0	3,000,000	4,600,000	
Daviess	8300.3000	KY-54	IMPROVE KY-54 FROM BOLD FORBES WAY TO COUNTRYSIDE DRIVE; DESIGN UNDER PARENT 2-8300.00. (2018BOP)	PL					
				DN					
				RW	SPP		3,000,000		
				UT	SPP				4,400,000
				CN					
			Project Cost:			0	3,000,000	4,400,000	
Daviess	8300.4000	KY-54	IMPROVE KY-54 FROM COUNTRYSIDE DRIVE TO JACK HINTON RD. DESIGN UNDER PARENT 2-8300.00. (2018BOP)	PL					
				DN					
				RW	SPP		5,000,000		
				UT	SPP				6,400,000
				CN					
			Project Cost:			0	5,000,000	6,400,000	
Daviess	8801	ky-1456	ADDRESS SUBSTANDARD ROADWAY GEOMETRICS AND SAFETY CONCERNS ON KY 1456 FROM KY 54 TO HAYDEN ROAD. MP 2.778 TO 4.714 (SEE 2-8709.00)(14CCN)(16CCR)	PL					
				DN	STP		400,000		
				RW	STP				2,500,000
				UT					
				CN					
			Project Cost:			0	400,000	2,500,000	
Daviess	8813	CR-1053	GRAVES LANE BRIDGE REPLACEMENT-0.2 MI E JCT KY 405 (MM 1.005-1.009) OVER ALLGOOD DITCH. (14CCN) 030C00016N	PL					
				DN					
				RW					
				UT					
				CN	BRZ		500,000		
			Project Cost:			500,000	0	0	

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Daviess	8854	KY-3143	IMPROVE KY-3143 FROM KY-3335 TO KY 54. (14CCN) (2020CCR)	PL				
				DN				
				RW	STP			4,500,000
				UT				
				CN				
				Project Cost:		0	0	4,500,000
Daviess	10004	CR-1257	ADDRESS DEFICIENCIES OF LYDANNE BRIDGE S BRIDGE OVER FLA1 LICK CREEK. (030C00069N)	PL				
				DN	BRZ	100,000		
				RW	BRZ		5,000	
				UT				
				CN	BRZ			36,500
				Project Cost:		100,000	5,000	36,500
Daviess	10020	KY-2262	ADDRESS DEFICIENCIES WITH GLOVER CARY BRIDGE OVER OHIO RIVER. JOINT PROJECT WITH INDIANA. (030B00118N)(BSBP)	PL				
				DN	BRO	200,000		
				RW				
				UT				
				CN	BRO	4,250,000		
				Project Cost:		4,450,000	0	0
Daviess	10021	US-231	ADDRESS DEFICIENCIES WITH NATCHER BRIDGE OVER OHIO RIVER JOINT PROJECT WITH INDIANA. (030B00164N)(BSBP)	PL				
				DN				
				RW				
				UT				
				CN	BRO	7,500,000		
				Project Cost:		7,500,000	0	0
Daviess	10079	US-431	BRIDGE PROJECT IN DAVIESS COUNTY ON (030B00049N) US-431 AT PANTHER CREEK	PL				
				DN	FBP	436,000		
				RW				
				UT				
				CN	FBP			4,360,000
				Project Cost:		436,000	0	4,360,000

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Daviess	10081	US-60	BRIDGE PROJECT IN DAVIESS COUNTY ON (030B00096N) US-60 AT KATIE MEADOW SLOUGH	PL				
				DN	FBP	264,000		
				RW				
				UT				
				CN	FBP		2,640,000	
				Project Cost:		264,000	2,640,000	0
Daviess	22325	US-431	ADDRESS CONDITION OF US-431 FROM MILEPOINT 10.719 TO MILEPOINT 11.216	PL				
				DN	STP3			550,000
				RW				
				UT				
				CN	STP3			4,950,000
				Project Cost:		0	0	5,500,000
Daviess	80150	KY-144	ADDRESS SAFETY, CONGESTION, AND MOBILITY ISSUES ON KY 144 FROM MP 2.5 TO MP 3.75 INCLUDING 12 FOOT DRIVING LANES AND TURNING LANES WHERE NEEDED. (2020CCN)	PL				
				DN	SPP		600,000	
				RW				
				UT				
				CN				
				Project Cost:		0	600,000	0
Total for Daviess county				PL				
				DN		1,000,000	1,000,000	550,000
				RW			12,205,000	7,000,000
				UT		7,170,000		16,700,000
				CN		12,293,000	2,640,000	14,346,500
				Total Amounts:		20,463,000	15,845,000	38,596,500
Edmonson	7030.1000	KY-259, KY-70	RECONSTRUCT KY-70/KY-259 FROM 0.36 MILE NORTH GREEN RIVER BRIDGE AT BROWNSVILLE TO 0.42 MILE NORTH OF THE KY-70/KY-259 INTERSECTION.(06CCR)(2004BOPC)(12CCR)(14CCR) (18CCN) (2020CCR)	PL				
				DN				
				RW	STP2	2,170,000		
				UT	STP2		1,930,000	
				CN	STP1			6,930,000
				Project Cost:		2,170,000	1,930,000	6,930,000

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Edmonson	10039	KY-70	BRIDGE PROJECT IN EDMONSON COUNTY ON (031B00008N) KY-70 AT BEAR CREEK	PL				
				DN	FBP	159,000		
				RW				
				UT				
				CN	FBP	1,590,000		
				Project Cost:		<u>1,749,000</u>	<u>0</u>	<u>0</u>
Edmonson	10040	KY-187	BRIDGE PROJECT IN EDMONSON COUNTY ON (031B00019N) KY-187 AT WHETSTONE CREEK	PL				
				DN	FBP2			33,000
				RW				
				UT				
				CN	FBP2			330,000
				Project Cost:		<u>0</u>	<u>0</u>	<u>363,000</u>
Edmonson	20012	I-65	ADDRESS CONDITION OF I 65 FROM MILEPOINT 4.618 TO MILEPOINT 45.935	PL				
				DN	NHPM			264,138
				RW				
				UT				
				CN	NHPM			2,641,380
				Project Cost:		<u>0</u>	<u>0</u>	<u>2,905,518</u>
Edmonson	80107	KY-259	IMPROVE SAFETY AND MOBILITY ON KY 259 FROM NORTH OF KYROCK ROAD TO THE GRAYSON COUNTY LINE. (2020CCN)	PL				
				DN				
				RW	SPP		320,000	
				UT	SPP		310,000	
				CN	SPP			2,050,000
				Project Cost:		<u>0</u>	<u>630,000</u>	<u>2,050,000</u>
Total for Edmonson county				PL				
				DN		159,000		297,138
				RW		2,170,000	320,000	
				UT			2,240,000	
				CN		1,590,000		11,951,380
				Total Amounts:		<u>3,919,000</u>	<u>2,560,000</u>	<u>12,248,518</u>

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Elliott	192.0100	KY-32	IMPROVE KY-32 FROM WEST OF STEGALL COLD SPRING ROAD TO KY-7 NEAR NEWFOUNDLAND. (PRIORITY SECTION I)(06CCR) (08CCR) (10CCR)(12CCR)(14CCR)(16CCR)(18CCR) (2020CCR)	PL				
				DN				
				RW				
				UT	STP2	5,000,000		
				CN	STP2			5,000,000
				Project Cost:		5,000,000	0	5,000,000
Elliott	228.3000	KY-7	3-LANE CURB AND GUTTER IN THE VICINITY OF ELLIOT COUNTY SCHOOLS IN SANDY HOOK. (2020CCR)	PL				
				DN				
				RW				
				UT				
				CN	SPP			3,120,000
				Project Cost:		0	0	3,120,000
Elliott	228.4000	KY-7	Reconstruct KY 7 from Sandy Hook to the Morgan County Line.	PL				
				DN	STP2			2,500,000
				RW				
				UT				
				CN				
				Project Cost:		0	0	2,500,000
Elliott	8802	KY-32	KY-32 FROM 9.2 MILE MARKER TO 10.2 MILE MARKER WIDENING. (14CCN)(16CCR)(18CCN)(2020CCR)	PL				
				DN				
				RW	STP2		1,050,000	
				UT	STP2			1,000,000
				CN				
				Project Cost:		0	1,050,000	1,000,000
Total for Elliott county				PL				
				DN				2,500,000
				RW			1,050,000	
				UT		5,000,000		1,000,000
				CN				8,120,000
				Total Amounts:		5,000,000	1,050,000	11,620,000

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Estill	205	KY-82	IMPROVE LEVEL OF SERVICE, SAFETY, AND CONNECTIVITY ON KY-82 FROM KY-89 IN ESTILL CO. TO NEW CONSTRUCTION LOCATED NORTH OF HUDSON MILL ROAD IN ESTILL COUNTY.	PL DN RW UT CN	STP2		2,500,000	
Project Cost:						0	2,500,000	0
Estill	206	KY-2459	IMPROVE SAFETY ON KY-2459 (CARHARTT AVE.) FROM KY-89 TO THE RAILROAD BRIDGE. (2020CCR)	PL DN RW UT CN	STP2		520,000	
Project Cost:						0	520,000	0
Estill	10050	KY-52	BRIDGE PROJECT IN ESTILL COUNTY ON (033B00017N) KY-52 AT DROWNING CREEK	PL DN RW UT CN	FBP	402,000		
Project Cost:						402,000	4,020,000	0
Total for Estill county				PL DN RW UT CN		402,000	3,020,000	
Total Amounts:						402,000	7,040,000	0
Fayette	113.0200	KY-4	IMPROVE NEW CIRCLE ROAD FROM LEESTOWN ROAD TO NEAR GEORGETOWN ROAD, INCLUDING CONSTRUCTION OF SOUND WALLS. (12CCR)(14CCR)(18CCR)(2020CCR)	PL DN RW UT CN	NH	2,750,000	8,000,000	5,000,000
Project Cost:						2,750,000	8,000,000	5,000,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Fayette	122.3000	US-25	Lexington-Georgetown; Reconstruct/Widen US 25 from Kearney Road to Ironworks Road. (Section 2)	PL				
				DN				
				RW	SPP		2,200,000	
				UT	SPP			9,640,000
				CN				
				Project Cost:		0	2,200,000	9,640,000
Fayette	227.0900	CO-0	VARIOUS 'SLX' CONTINUING PROGRAM PROJECTS (RIDESHARE/MOBILITY, AIR QUALITY PLANNING, TRAFFIC SIGNAL) FOR FY 2020. (LOCAL MATCH) (ALL WORK BY LFUCG) (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP). (2020CCR)	PL				
				DN				
				RW				
				UT				
				CN	SLX	756,000	756,000	756,000
				Project Cost:		756,000	756,000	756,000
Fayette	227.1400	CO-0	DEDICATED FEDERAL-AID STP FUNDS EARMARKED FOR LEXINGTON URBANIZED AREA AND SUBJECT TO MPO CONTROL FOR FY 2022 THROUGH FY 2028. (FUNDING SUBJECT TO FISCAL CONTRAINT PENDING MPO TIP) (2020CCR)	PL				
				DN				
				RW				
				UT				
				CN	SLX	6,516,387	6,661,834	6,810,191
				Project Cost:		6,516,387	6,661,834	6,810,191
Fayette	252	KY-922	IMPROVE NEWTOWN PIKE FROM KY-4 TO I-75. (16CCR)(18CCR) (2020CCR)	PL				
				DN				
				RW				
				UT				
				CN	STPF		3,500,000	3,500,000
				Project Cost:		0	3,500,000	3,500,000
Fayette	264	I-75	PLANNING STUDY TO EVALUATE POTENTIAL DETOUR ROUTES FOR THE CLAYS FERRY BRIDGE.	PL	SPP			200,000
				DN				
				RW				
				UT				
				CN				
				Project Cost:		0	0	200,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Fayette	265	CO-0	CONSTRUCT CITATION BOULEVARD FROM RUSSELL CAVE ROAD TO NEWTOWN PIKE.	PL DN RW UT CN	STPF			3,500,000
Project Cost:						0	0	3,500,000
Fayette	357.1700	KY-169, PF-9999	OPERATION OF VALLEY VIEW FERRY AT KY RIVER FOR FY 2022 THROUGH FY 2028. (12CCR)(18CCR) (2020CCR)	PL DN RW UT CN	SPP	332,900	332,900	332,900
Project Cost:						332,900	332,900	332,900
Fayette	412	US-27	REPLACE RJ CORMAN RAILROAD BRIDGE OVERPASS (MP 8.378), IMPROVE DRAINAGE AND TYPICAL SECTION ON US 27 (NORTH BROADWAY)(12CCR)(14CCR)(16CCR)(18CCN) (2020CCR)	PL DN RW UT CN	NH			3,100,000
Project Cost:						0	0	3,100,000
Fayette	438	KY-4	REDUCE CONGESTION ON KY-4 (NEW CIRCLE RD) FROM TRADE CENTER DR TO WOODHILL DR.	PL DN RW UT CN	NH		2,000,000	
Project Cost:						0	2,000,000	0
Fayette	577	I-64	PLANNING STUDY TO EVALUATE THE POTENTIAL FOR DEDICATED AUTOMATED OR CONNECTED VEHICLE (C/AV) LANES ON I-64 BETWEEN LEXINGTON AND LOUISVILLE.	PL DN RW UT CN	NH			750,000
Project Cost:						0	0	750,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Fayette	8901		EXTEND CITATION BLVD. (16CCN)	PL				
				DN	NH	900,000		
				RW	NH			2,440,000
				UT				
				CN				
				Project Cost:		900,000	0	2,440,000
Fayette	8902	KY-1927	IMPROVE LIBERTY ROAD FROM GRAFTONS MILL LANE TO NEW CIRCLE ROAD AND IMPROVE INTERSECTION WITH NEW CIRCLE ROAD. (16CCN)(18CCR) (2020CCR)	PL				
				DN				
				RW	STPF			2,520,000
				UT				
				CN				
				Project Cost:		0	0	2,520,000
Fayette	8909.1000	I-75	REDUCE CONGESTION ON I-64/I-75 FROM NORTHERN SPLIT TO NEWTOWN PIKE (MP 115.200 – 117.665). SECTION 1	PL				
				DN				
				RW				
				UT	NH			25,000
				CN				
				Project Cost:		0	0	25,000
Fayette	8909.2000	I-75	REDUCE CONGESTION ON I-64/I-75 FROM NEWTOWN PIKE TO PARIS PIKE (MP 112.900 – 115.200). SECTION 2	PL				
				DN				
				RW				
				UT	NH		110,000	
				CN	NH		5,000,000	5,000,000
				Project Cost:		0	5,110,000	5,000,000
Fayette	8909.3000	I-75	REDUCE CONGESTION ON I-64/I-75 FROM PARIS PIKE TO THE SOUTHERN SPLIT (MP 111.000 – 112.900). SECTION 3	PL				
				DN				
				RW				
				UT	NH	800,000		
				CN	NH		5,000,000	5,000,000
				Project Cost:		800,000	5,000,000	5,000,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Fayette	10045	I-75	BRIDGE PROJECT IN FAYETTE COUNTY ON (034B00150R) I-75 AT DAVID FK-ELKHORN CREEK	PL				
				DN	FBP2		163,000	
				RW				
				UT				
				CN	FBP2		1,630,000	
				Project Cost:		0	1,793,000	0
Fayette	20011	I-64	ADDRESS CONDITION OF I-64 FROM MILEPOINT 82.2 TO MILEPOINT 89.480	PL				
				DN	NHPM	870,000		
				RW				
				UT				
				CN	NHPM	8,700,000		
				Project Cost:		9,570,000	0	0
Fayette	22116	I-75	ADDRESS CONDITION OF I-75 FROM MILEPOINT 97.85 TO MILEPOINT 105.36	PL				
				DN	NHPM			850,000
				RW				
				UT				
				CN	NHPM			8,500,000
				Project Cost:		0	0	9,350,000
Fayette	22117	I-75	ADDRESS CONDITION OF I-75 FROM MILEPOINT 105.36 TO MILEPOINT 107.453	PL				
				DN	NHPM			250,000
				RW				
				UT				
				CN	NHPM			2,500,000
				Project Cost:		0	0	2,750,000
Fayette	80112	US-27	CONSTRUCT A RIGHT TURN LANE HEADED WESTBOUND ON VIRGINIA AVE FROM US 27 AND CONSTRUCT A BUS TURNOUT SOUTH OF VIRGINIA AVE (2020CCN)	PL				
				DN				
				RW				
				UT				
				CN	SPP	163,000		
				Project Cost:		163,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Fayette	80150	US-60	ADDRESS CONGESTION AND IMPROVE SAFETY ON US 60 FROM MILEPOINT 12.41 TO MILEPOINT 16.37 BY WIDENING AND MODERNIZING US 60 FROM THE END OF THE FOUR-LANE SECTION NEAR POLO CLUB BLVD TO KY 859 (HALEY RD). (2020CCN)	PL DN RW UT CN	STPF STPF		1,400,000	1,410,000
Project Cost:						0	1,400,000	1,410,000
Fayette	80205	US-27	ACCESS MANAGEMENT IMPROVEMENT ON US 27 (NICHOLASVILLE RD) AT KY 4 (NEW CIRCLE) INTERCHANGE.	PL DN RW UT CN	STPF		1,000,000	
Project Cost:						0	1,000,000	0
Fayette	80207		Provide a safe and efficient connection with access to I-64 from US 60 near the Hamburg area.	PL DN RW UT CN	SPP	310,000		
Project Cost:						310,000	0	0
Total for Fayette county				PL		310,000		950,000
				DN		1,770,000	3,163,000	1,100,000
				RW		2,750,000	3,600,000	8,060,000
				UT		800,000	8,110,000	11,075,000
				CN		16,468,287	22,880,734	40,899,091
Total Amounts:						22,098,287	37,753,734	62,084,091
Fleming	4305	KY-111	INSTALL GUARDRAIL ON KY-111 IN FLEMING COUNTY	PL DN RW UT CN	GR	64,000		
Project Cost:						64,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Fleming	8804	PF-9999	RESTORATION OF GRANGE CITY COVERED BRIDGE LOCATED ON KY-111 BETWEEN FLEMINGSBURG AND GRANGE CITY. (14CCN) (2020CCN)	PL DN RW UT CN	BRZ	650,000		
Project Cost:						650,000	0	0
Fleming	8903	KY-32	SAFETY IMPROVEMENTS AND PAVEMENT REHAB EAST OF FLEMINGSBURG BYPASS TO KY 156. (2020CCN)	PL DN RW UT CN	SPP SPP		1,440,000	2,400,000
Project Cost:						0	1,440,000	2,400,000
Fleming	8915	KY-801	WIDEN KY 801 FROM NEAR MMRC REGIONAL PARK TO KY 158 IN FLEMING CO. (16CCN)(18CCN) (2020CCR)	PL DN RW UT CN	STP2 STP2		2,320,000	1,130,000
Project Cost:						0	2,320,000	1,130,000
Fleming	80051	KY-32	IMPROVE SAFETY AND SIGHT DISTANCE ON KY-32 BEGINNING AT 0.4 MILES WEST OF FLEMING/ROWAN CO LINE AND ENDING 0.3 MILES EAST OF THE LINE.(18CCN) (2020CCR)	PL DN RW UT CN	SPP SPP			1,400,000 990,000
Project Cost:						0	0	2,390,000
Fleming	80103	KY-57	RECONSTRUCT KY 57 TO PROVIDE BETTER HORIZONTAL AND VERTICAL ALIGNMENT, WIDER SHOULDERS, AND EXTEND CLEAR ZONES (2020CCN)	PL DN RW UT CN	SPP		2,500,000	
Project Cost:						0	2,500,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Fleming	80104	KY-801	RECONSTRUCT KY 801 TO IMPROVE ALIGNMENT AND WIDEN IT TO A 2 LANE HIGHWAY WITH PASSING LANES (2020CCN)	PL DN RW UT CN	SPP		2,500,000	
Project Cost:						0	2,500,000	0
Total for Fleming county				PL DN RW UT CN			5,000,000 3,760,000	1,400,000 4,520,000
Total Amounts:						714,000	8,760,000	5,920,000
Floyd	1.0200	KY-114	PRELIMINARY ENGINEERING AND ENVIRONMENTAL - MOUNTAIN PARKWAY EXTENSION: SALYERSVILLE TO PRESTONBURG; US-460 TO KY 404. (14CCN)	PL DN RW UT CN	NH		10,000,000	
Project Cost:						0	10,000,000	0
Floyd	1.2000	KY-114	MOUNTAIN PARKWAY CORRIDOR: EXTEND THE FOUR LANE MOUNTAIN PARKWAY FROM THE MAGOFFIN/FLOYD COUNTY LINE TO THE HEAD OF LEFT FORK OF ABBOTT CREEK.	PL DN RW UT CN	NH		3,750,000	
Project Cost:						0	3,750,000	0
Floyd	1.3000	KY-114	MOUNTAIN PARKWAY CORRIDOR: EXTEND THE FOUR LANE MOUNTAIN PARKWAY FROM THE HEAD OF LEFT FORK OF ABBOTT CREEK TO NEELEY BRANCH ROAD. (SEE 12-1.01 FOR PE & ENV) (14CCR)(16CCR)	PL DN RW UT CN	NH		4,270,000	
Project Cost:						0	4,270,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Floyd	1.4000	KY-114	MOUNTAIN PARKWAY CORRIDOR: EXTEND THE FOUR LANE MOUNTAIN PARKWAY FROM NEELEY BRANCH ROAD TO COUNTY ROAD 1386 AT PRESTONSBURG ELEMENTARY SCHOOL. (SEE 12-1.01 FOR PE & ENV)(14CCR)(16CCR)	PL DN RW UT CN	NH			2,080,000
Project Cost:						0	0	2,080,000
Floyd	1.6000	CO-0	MOUNTAIN PARKWAY CORRIDOR: EXTEND THE FOUR LANE MOUNTAIN PARKWAY FROM SALYERSVILLE TO PRESTONSBURG. (FEDERAL GRANT FUNDING)	PL DN RW UT CN	IF			25,000,000
Project Cost:						0	0	25,000,000
Floyd	1119	KY-2557	BRIDGE PROJECT IN FLOYD COUNTY ON (036B00040N) KY-2557 at Levisa Fork	PL DN RW UT CN	BRX BRX		140,000	
Project Cost:						0	1,400,000	0
Floyd	4336	KY-1929	INSTALL GUARDRAIL ON KY-1929 IN FLOYD COUNTY	PL DN RW UT CN	GR		18,000	
Project Cost:						0	18,000	0
Floyd	4337	KY-777	INSTALL GUARDRAIL ON KY-777 IN FLOYD COUNTY	PL DN RW UT CN	GR		49,000	
Project Cost:						0	49,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>			
Floyd	4354	KY-194	INSTALL GUARDRAIL ON KY-194 IN FLOYD COUNTY	PL							
				DN							
				RW							
				UT							
				CN	GR		16,000				
				Project Cost:					0	16,000	0
Floyd	4355	KY-404	INSTALL GUARDRAIL ON KY-404 IN FLOYD COUNTY	PL							
				DN							
				RW							
				UT							
				CN	GR		115,000				
				Project Cost:					0	115,000	0
Floyd	4356	KY-404	INSTALL GUARDRAIL ON KY-404 IN FLOYD COUNTY	PL							
				DN							
				RW							
				UT							
				CN	GR		55,000				
				Project Cost:					0	55,000	0
Floyd	4371	KY-1100	INSTALL GUARDRAIL ON KY-1100 IN FLOYD COUNTY	PL							
				DN							
				RW							
				UT							
				CN	GR			14,000			
				Project Cost:					0	0	14,000
Floyd	4372	KY-1427	INSTALL GUARDRAIL ON KY-1427 IN FLOYD COUNTY	PL							
				DN							
				RW							
				UT							
				CN	GR			85,000			
				Project Cost:					0	0	85,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Floyd	4373	KY-1427	INSTALL GUARDRAIL ON KY-1427 IN FLOYD COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			90,000
				Project Cost:		0	0	90,000
Floyd	4374	KY-850	INSTALL GUARDRAIL ON KY-850 IN FLOYD COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			20,000
				Project Cost:		0	0	20,000
Floyd	4385	KY-1086	INSTALL GUARDRAIL ON KY-1086 IN FLOYD COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			86,000
				Project Cost:		0	0	86,000
Floyd	4386	KY-1750	INSTALL GUARDRAIL ON KY-1750 IN FLOYD COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			54,000
				Project Cost:		0	0	54,000
Floyd	4387	KY-3385	INSTALL GUARDRAIL ON KY-3385 IN FLOYD COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			64,000
				Project Cost:		0	0	64,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Floyd	4388	KY-404	INSTALL GUARDRAIL ON KY-404 IN FLOYD COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			99,000
				Project Cost:		0	0	99,000
Floyd	4389	KY-680	INSTALL GUARDRAIL ON KY-680 IN FLOYD COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			84,000
				Project Cost:		0	0	84,000
Floyd	4472	KY-1498	INSTALL GUARDRAIL ON KY-1498 IN FLOYD COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR	12,000		
				Project Cost:		12,000	0	0
Floyd	10096	KY-3	BRIDGE PROJECT IN FLOYD COUNTY ON (036B00135N) KY-3 AT CSX RR & Levisa Fork	PL				
				DN	FBP2		615,000	
				RW				
				UT				
				CN	FBP2		6,150,000	
				Project Cost:		0	6,765,000	0
Floyd	10098	CR-1655	BRIDGE PROJECT IN FLOYD COUNTY ON (036C00074N) Martha's Vineyard AT Bull Creek	PL				
				DN	BRZ		38,000	
				RW				
				UT				
				CN	BRZ			380,000
				Project Cost:		0	38,000	380,000

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Floyd	80000	US-23	CONSTRUCT NEW INTERSECTION ON US-23 AT THE ENTRANCE TO BETSY LANE HIGH SCHOOL(18CCN)	PL				
				DN				
				RW	NH	400,000		
				UT	NH	350,000		
				CN	NH	1,650,000		
				Project Cost:		2,400,000	0	0
Total for Floyd county				PL				
				DN			18,813,000	2,080,000
				RW		400,000		
				UT		350,000		
				CN		1,662,000	7,803,000	25,976,000
				Total Amounts:		2,412,000	26,616,000	28,056,000
Franklin	551	I-64	IMPROVE SAFETY, TRUCK MOBILITY, AND REDUCE CONGESTION ALONG I-64 FROM DIRECTLY EAST OF US-127 TO US-60 SOUTH OF FRANKFORT.	PL				
				DN	NH	1,500,000		
				RW	NH		750,000	
				UT	NH		300,000	
				CN				
				Project Cost:		1,500,000	1,050,000	0
Franklin	805	KY-3506	CONSTRUCT NEW PEDESTRIAN BRIDGE AT LOCATION OF OLD BROADWAY BRIDGE IN FRANKFORT.	PL				
				DN				
				RW				
				UT				
				CN	STPF			3,500,000
				Project Cost:		0	0	3,500,000
Franklin	2035.4000	I-64	WIDEN I-64 TO 6 LANES FROM KY-395 TO KY-151.	PL				
				DN	NH	1,000,000		
				RW	NH			250,000
				UT	NH			250,000
				CN				
				Project Cost:		1,000,000	0	500,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Franklin	10041	KY-1665	BRIDGE PROJECT IN FRANKLIN COUNTY ON (037B00038N) KY 1665 AT S BENSON CREEK	PL				
				DN	FBP2		125,000	
				RW				
				UT				
				CN	FBP2		1,250,000	
Project Cost:						0	1,375,000	0
Franklin	10042	I-64	BRIDGE PROJECT IN FRANKLIN COUNTY ON (037B00052L) I-64 WB AT KENTUCKY RIVER	PL				
				DN	FBP2			700,000
				RW				
				UT				
				CN	FBP2			7,000,000
Project Cost:						0	0	7,700,000
Franklin	10043	I-64	BRIDGE PROJECT IN FRANKLIN COUNTY ON (037B00052R) I-64 EB AT KENTUCKY RIVER	PL				
				DN	FBP2			700,000
				RW				
				UT				
				CN	FBP2			7,000,000
Project Cost:						0	0	7,700,000
Franklin	10045	KY-676	BRIDGE PROJECT IN FRANKLIN COUNTY ON (037B00074N) KY 676 (E-W CONN) AT KENTUCKY RIVER & KY 1263	PL				
				DN	FBP2			4,435,000
				RW				
				UT				
				CN				
Project Cost:						0	0	4,435,000
Franklin	10046	KY-12	BRIDGE PROJECT IN FRANKLIN COUNTY ON (037B00080N) KY 12 AT FLAT CREEK	PL				
				DN	BRX		318,000	
				RW				
				UT				
				CN	BRX		3,180,000	
Project Cost:						0	3,498,000	0

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Franklin	80105	US-60	ADD A TURN LANE AT THE INTERSECTION OF KY 676 AND US 60 (2020CCN)	PL				
				DN	SPP	160,000		
				RW	SPP		150,000	
				UT	SPP		100,000	
				CN	SPP			1,600,000
Project Cost:						160,000	250,000	1,600,000
Franklin	80201	us-127	Improve safety and reduce congestion on US 127 in Frankfort from I-64 to US 60	PL	NH			470,000
				DN				
				RW				
				UT				
				CN				
Project Cost:						0	0	470,000
Franklin	80212		Provide a new roadway from the I-64 WB off-ramp at US 127 to the East-West Connector (KY 676) to reduce congestion, improve safety and enhance mobility.	PL	STP		200,000	
				DN	STP		1,380,000	
				RW	STP			1,110,000
				UT	STP			710,000
				CN				
Project Cost:						0	1,580,000	1,820,000
Total for Franklin county				PL			200,000	470,000
				DN		2,660,000	1,823,000	5,835,000
				RW			900,000	1,360,000
				UT			400,000	960,000
				CN			4,430,000	19,100,000
				Total Amounts:		2,660,000	7,753,000	27,725,000
Fulton	25	JC-9003	IMPROVE THE PURCHASE PARKWAY AT THE KENTUCKY/TENNESSEE LINE TO SOUTHWEST OF THE US-51 INTERCHANGE.(I-69 CORRIDOR IMPROVEMENT)	PL				
				DN				
				RW	NH		2,500,000	
				UT	NH		1,000,000	
				CN	NH			10,000,000
Project Cost:						0	3,500,000	10,000,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Fulton	26	JC-9003	IMPROVE THE PURCHASE PARKWAY FROM SOUTHWEST OF THE US-51 INTERCHANGE TO CARDINAL ROAD NEAR MAYFIELD INCLUDING THE KY-339 INTERCHANGE IN WINGO, KY. (I-69 CORRIDOR IMPROVEMENT)	PL DN RW UT CN	NH		20,000,000	
Project Cost:						0	20,000,000	0
Fulton	320.1700	KY-1354	OPERATION OF HICKMAN FERRY AT MISSISSIPPI RIVER FOR FY 2022 THROUGH FY 2028. (12CCR) (2020CCR)	PL DN RW UT CN	SPP	144,000	144,000	144,000
Project Cost:						144,000	144,000	144,000
Fulton	8853	KY-1099	SAFETY IMPROVEMENT AT INTERSECTION OF KY-1099 AND KY-125. (14CCN)(18CCN)	PL DN RW UT CN	STP2	500,000	750,000	1,700,000
Project Cost:						500,000	750,000	1,700,000
Fulton	10115	KY-166	BRIDGE PROJECT IN FULTON COUNTY ON (038B00022N) KY-166 AT BAYOU DE CHIEN	PL DN RW UT CN	FBP	81,000		
Project Cost:						81,000	810,000	0
Fulton	10116	KY-166	BRIDGE PROJECT IN FULTON COUNTY ON (038B00023N) KY-166 AT MUD CREEK	PL DN RW UT CN	FBP	82,000		
Project Cost:						82,000	820,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Fulton	20002	JC-9003	ADDRESS CONDITION OF JULIAN M CARROLL PURCHASE PARKWAY FROM MILEPOINT 0 TO MILEPOINT 1.78	PL				
				DN	NHPM			180,000
				RW				
				UT				
				CN	NHPM			1,800,000
				Project Cost:		0	0	1,980,000
Total for Fulton county				PL				
				DN		163,000		180,000
				RW		500,000	2,500,000	
				UT			1,750,000	
				CN		144,000	21,774,000	13,644,000
				Total Amounts:		807,000	26,024,000	13,824,000
Gallatin	20021	I-71	ADDRESS CONDITION OF I-71 FROM MILEPOINT 53.433 TO MILEPOIN 56.673	PL				
				DN	NHPM		950,000	
				RW				
				UT				
				CN	NHPM		9,500,000	
				Project Cost:		0	10,450,000	0
Total for Gallatin county				PL				
				DN			950,000	
				RW				
				UT				
				CN			9,500,000	
				Total Amounts:		0	10,450,000	0
Garrard	196.2000	US-27	CONSTRUCT WEST LANCASTER BYPASS. (2020CCN)	PL				
				DN	NH	1,500,000		
				RW	NH			4,750,000
				UT				
				CN				
				Project Cost:		1,500,000	0	4,750,000

2022-2024 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Garrard	196.3000	US-27	IMPROVE US-27 FROM WEST LANCASTER BYPASS TO KY-34. (2006BOPC) (16CCN)(18CCR) (2020CCR)	PL DN RW UT CN	NH			2,000,000
Project Cost:						0	0	2,000,000
Garrard	80212	KY-52	CONDUCT A PLANNING STUDY ON KY 52 FROM LANCASTER TO DANVILLE TO ASSIST WITH ROAD RECONSTRUCTION	PL DN RW UT CN	SPP		750,000	
Project Cost:						0	750,000	0
Total for Garrard county				PL DN RW UT CN		1,500,000	750,000	2,000,000 4,750,000
Total Amounts:						1,500,000	750,000	6,750,000
Grant	8716	CR-1142	ADDRESS DEFICIENCIES OF BRIDGE ON NORTH END OF DELANEY ROAD 0.1 MILE NORTH OF THE JUNCTION WITH US 25. 041C00016N (12CCN) (2020CCR)	PL DN RW UT CN	BRZ			3,500,000
Project Cost:						0	0	3,500,000
Grant	10001	KY-22	ADDRESS DEFICIENCIES OF KY-22 BRIDGE OVER CLARKS CRK+BATON ROUGE R. (041B00011N)	PL DN RW UT CN	BRX			50,000
Project Cost:						0	0	50,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Grant	10038	KY-491	BRIDGE PROJECT IN GRANT COUNTY ON (041B00017N) KY-491 AT BULLOCK CREEK	PL				
				DN	BRX		92,000	
				RW				
				UT				
				CN	BRX			920,000
				Project Cost:		0	92,000	920,000
Grant	20024	I-75	ADDRESS CONDITION OF I-75 FROM MILEPOINT 145.5 TO MILEPOINT 152.112	PL				
				DN	NHPM		1,100,000	
				RW				
				UT				
				CN	NHPM		11,000,000	
				Project Cost:		0	12,100,000	0
Grant	20028	I-75	ADDRESS CONDITION OF I 75 FROM MILEPOINT 164.4 TO MILEPOINT 166.263	PL				
				DN	NHPM			225,000
				RW				
				UT				
				CN	NHPM			2,250,000
				Project Cost:		0	0	2,475,000
Grant	80216	US-25	Updating US-25 from KY 1994 to KY 491 north junction.	PL				
				DN	SPP		4,606,000	
				RW				
				UT				
				CN				
				Project Cost:		0	4,606,000	0
Total for Grant county				PL				
				DN			5,798,000	275,000
				RW				
				UT				
				CN			11,000,000	6,670,000
				Total Amounts:		0	16,798,000	6,945,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Graves	10002	CR-1214	ADDRESS DEFICIENCIES OF MARTIN ROAD BRIDGE OVER BRANCH-OBION CREEK. (042C00250N)	PL				
				DN	BRZ	25,000		
				RW				
				UT				
				CN	BRZ	50,000		
				Project Cost:		75,000	0	0
Graves	10128	US-45	BRIDGE PROJECT IN GRAVES COUNTY ON (042B00090N) US-45 AT JACKSON CREEK	PL				
				DN	FBP2			29,000
				RW				
				UT				
				CN	FBP2			290,000
				Project Cost:		0	0	319,000
Graves	80103	KY-303	WIDEN KY 303 FROM MP 16.034 (EAST FARTHING ST) TO MP 16.807 (CHARLES DR) (2020CCN)	PL				
				DN				
				RW	SPP		850,000	
				UT	SPP			3,500,000
				CN				
				Project Cost:		0	850,000	3,500,000
Graves	80104	KY-131	WIDEN KY 131 FROM MP 0 (KY 58) TO MP 4.555 (KY 483) (2020CCN)	PL				
				DN	SPP		1,500,000	
				RW				
				UT				
				CN				
				Project Cost:		0	1,500,000	0
Graves	80202	ky-121	Upgrade/Widen KY 121 bypass in Mayfield to four lanes.	PL				
				DN	SPP	500,000		
				RW	SPP		250,000	
				UT	SPP			500,000
				CN				
				Project Cost:		500,000	250,000	500,000
Total for Graves county				PL				
				DN		525,000	1,500,000	29,000
				RW			1,100,000	
				UT				4,000,000
				CN		50,000		290,000
				Total Amounts:		575,000	2,600,000	4,319,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Grayson	4308	US-62	INSTALL GUARDRAIL ON US-62 IN GRAYSON COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR	18,000		
Project Cost:						18,000	0	0
Grayson	8502.2000	US-62	IMPROVE US 62 FROM JUST EAST OF BEEHIVE CURVE TO KY224. CONSTRUCTION SEGMENT 2.	PL				
				DN				
				RW				
				UT				
				CN	SPP			5,250,000
Project Cost:						0	0	5,250,000
Grayson	8954	PF-9999	EXTEND THE WILLIAM THOMASON BYWAY (KY 3155) FROM THE SOUTHERN INTERSECTION AT KY 259 WESTERLY TO KY 54. (16CCN)(18CCN)(2020CCR)	PL				
				DN				
				RW				
				UT				
				CN	STP		10,500,000	
Project Cost:						0	10,500,000	0
Grayson	10047	KY-259	BRIDGE PROJECT IN GRAYSON COUNTY ON (043B00001N) KY-259 AT ROUGH RIVER	PL				
				DN	FBP2			410,000
				RW				
				UT				
				CN	FBP2			4,100,000
Project Cost:						0	0	4,510,000
Grayson	10048	KY-79	BRIDGE PROJECT IN GRAYSON COUNTY ON (043B00053N) KY-79 AT ROUGH RIVER LAKE	PL				
				DN	FBP		80,000	
				RW				
				UT				
				CN	FBP		800,000	
Project Cost:						0	880,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Grayson	20001	WK-9001	ADDRESS PAVEMENT CONDITION OF WENDELL H. FORD WESTERN KY PARKWAY CARDINAL DIRECTION(S) FROM MILEPOINT 111.25 TO MILEPOINT 114.80. (COMBINED W/4-20002)	PL				
				DN	NHPM	100,000		
				RW				
				UT				
				CN	NHPM	1,000,000		
Project Cost:						1,100,000	0	0
Grayson	20002	WK-9001	ADDRESS CONDITION OF WENDELL H. FORD WESTERN KENTUCKY PARKWAY FROM MILEPOINT 111.25 (112.400 NON-CARDINAL) TO MILEPOINT 114.80.	PL				
				DN	NHPM	670,000		
				RW				
				UT				
				CN	NHPM	6,700,000		
Project Cost:						7,370,000	0	0
Grayson	20003	WK-9001	ADDRESS CONDITION OF WENDELL H. FORD WESTERN KENTUCKY PARKWAY FROM MILEPOINT 114.8 TO MILEPOINT 116.949	PL				
				DN	NHPM		150,000	
				RW				
				UT				
				CN	NHPM		1,500,000	
Project Cost:						0	1,650,000	0
Grayson	80100	PF-9999	ADDRESS CONNECTIVITY, MOBILITY, AND SAFETY CONCERNS ON THE WEST SIDE OF LEITCHFIELD FROM KY 54 TO THE NORTHERN INTERSECTION OF KY 259 AND KY 3155 (2020CCN)	PL				
				DN	SPP		2,000,000	
				RW				
				UT				
				CN				
Project Cost:						0	2,000,000	0
Grayson	80101	KY-259	ADDRESS SAFETY, GOMETRIC DEFICIENCIES, AND MAINTENANCE ISSUES ALONG KY 259 FROM BEAR CREEK ROAD (MP 9.217) TO THE NORTHERN INTERSECTION OF BLOOMINGTON ROAD (MP 11.761) SOUTH OF LEITCHFIELD (2020CCN)	PL				
				DN	SPP		1,560,000	
				RW	SPP			1,730,000
				UT				
				CN				
Project Cost:						0	1,560,000	1,730,000

2022-2024 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Grayson	80150	CS-1136	ADDRESS SAFETY AND TURN MOVEMENTS ALONG WALLACE AVENUE (CS 1136) IN LEITCHFIELD FROM THE INTERSECTION WITH EAST CARROLL GIBSON BLVD TO THE WILLIAM THOMASON BYWAY (2020CCN)	PL DN RW UT CN	SPP SPP		500,000	650,000
Project Cost:						0	500,000	650,000
Total for Grayson county				PL DN RW UT CN		770,000	4,290,000	410,000 2,380,000
Total Amounts:						7,718,000	12,800,000	9,350,000
						8,488,000	17,090,000	12,140,000
Green	397.1100	US-68	ADDRESS SAFETY, GEOMETRIC DEFICIENCIES AND MAINTENANCE ISSUES ALONG US 68 FROM THE METCALFE COUNTY LINE (MP 0.000) TO 1600 FEET WEST OF SOUTH THURLOW ROAD (MP 9.682) (2020CCN)	PL DN RW UT CN	STP2		250,000	
Project Cost:						0	250,000	0
Green	397.1200	US-68	ADDRESS SAFETY, GEOMETRIC DEFICIENCIES AND MAINTENANCE ISSUES ALONG US 68 FROM 1600 FEET WEST OF SOUTH THURLOW RD (MP 9.682) EXTENDING TO THE RUSSELL CREEK BRIDGE (MP 10.775) (3-203.00 STUDY RECOMMENDATION #11)(DESIGN UNDER 4-397)(2016BOP)(18CCN) (2020CCR)	PL DN RW UT CN	STPF	4,100,000		
Project Cost:						4,100,000	0	0
Green	398	PF-9999	CONSTRUCT NEW CONNECTOR ON THE EAST SIDE OF GREENSBUR BEGINNING NEAR THE US-61 AND US-68 INTERSECTION SOUTH OF TOWN AND EXTENDING TO KY 3535 ON THE NORTH SIDE OF GREENSBURG. (2020CCR)	PL DN RW UT CN	STP		1,040,000	
Project Cost:						0	1,040,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Green	8706.2000	US-68	Horizontal and vertical alignment spot improvement on US 68 in Metcalfe and Green Counties, north of Edmonton, between the intersections of US 68/745 and US 68/KY 729. (2020BOP)	PL				
				DN				
				RW	STPF	600,000		
				UT	STPF		500,000	
				CN	STPF			7,725,000
				Project Cost:		600,000	500,000	7,725,000
Green	8712	KY-61	IMPROVE SAFETY AND MOBILITY ON KY-61 FROM PITMAN CREEK BRIDGE TO JUST NORTH OF KY323. (12CCN)(14CCR)(16CCR) (2020CCR)	PL				
				DN				
				RW	STPF		1,250,000	
				UT	STPF		2,000,000	
				CN	STPF			8,500,000
				Project Cost:		0	3,250,000	8,500,000
Green	8853	KY-88	SPOT IMPROVEMENTS & IMPROVE EXISTING ALIGNMENT ON KY 88 FROM 0.20 MILES WEST OF AKIN NARROWS OF PITMAN RD (MP 8.996) TO KY 61 (MP 11.232). (14CCN)(16CCR)(18CCN) (2020CCR)	PL				
				DN	SPP		1,000,000	
				RW	SPP			4,200,000
				UT				
				CN				
				Project Cost:		0	1,000,000	4,200,000
Green	10143	KY-487	BRIDGE PROJECT IN GREEN COUNTY ON (044B00029N) KY-487 AT SOUTH FK RUSSELL CREEK	PL				
				DN	FBP2			37,000
				RW				
				UT				
				CN	FBP2			370,000
				Project Cost:		0	0	407,000
Green	80102	US-68	IMPROVE SAFETY AND PASSING OPPORTUNITIES ALONG US 68 FROM KY 61 IN GREEN COUNTY TO KY 323 IN TAYLOR COUNTY. (2020CCN)	PL				
				DN				
				RW	SPP		60,000	
				UT	SPP		520,000	
				CN	SPP			10,800,000
				Project Cost:		0	580,000	10,800,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Green	80154	KY-210	ADDRESS SAFETY BY IMPROVING EXISTING ALIGNMENT IN SPOTS AND ADD PASSING LANES ALONG KY 210 FROM CAMPBELLSVILLE TO HODGENVILLE. MILEPOINTS 0-14.148 AND 6.994-16.613 AND 0-0.750 IN TAYLOR, LARUE, AND GREEN. (2020CCN)	PL DN RW UT CN	STPF			500,000
Project Cost:						0	0	500,000
Green	80260	US-61	IMPROVE SAFETY AT THE INTERSECTION OF US-61 AND US-68 SOUTH OF GREENSBURG	PL DN RW UT CN	SPP		250,000	
Project Cost:						0	250,000	0
Total for Green county				PL DN RW UT CN			2,290,000	37,000
Total Amounts:						4,700,000	6,870,000	32,132,000
Greenup	132	KY-2	RECONSTRUCT KY-2 FROM MP 13.2 TO US-23 (MP 17.2)(08CCN) (14CCR)(16CCR)(18CCN)	PL DN RW UT CN	STPF			5,780,000
Project Cost:						0	0	5,780,000
Greenup	4314	KY-827	INSTALL GUARDRAIL ON KY-827 IN GREENUP COUNTY	PL DN RW UT CN	GR		19,000	
Project Cost:						0	19,000	0

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Greenup	4316	KY-7	INSTALL GUARDRAIL ON KY-7 IN GREENUP COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			53,000
				Project Cost:		0	0	53,000
Greenup	4317	KY-7	INSTALL GUARDRAIL ON KY-7 IN GREENUP COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			32,000
				Project Cost:		0	0	32,000
Greenup	10087	KY-8	BRIDGE PROJECT IN GREENUP COUNTY ON (045B00064N) KY-8S AT OHIO RVR-CSX RR-CO.RD.	PL				
				DN	FBP			330,000
				RW				
				UT				
				CN				
				Project Cost:		0	0	330,000
Total for Greenup county				PL				
				DN				330,000
				RW				5,780,000
				UT				
				CN			19,000	85,000
				Total Amounts:		0	19,000	6,195,000
Hancock	226	US-60	IMPROVE THE WESTBOUND LANES OF US-60 FROM KY-1957 TO 0.2 MILE WEST OF KY-6106 (12CCR)(14CCR)(18CCR)(2020CCR)	PL				
				DN				
				RW				
				UT				
				CN	STP2		7,880,000	
				Project Cost:		0	7,880,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Hancock	4305	KY-261	INSTALL GUARDRAIL ON KY-261 IN HANCOCK COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		24,000	
				Project Cost:		0	24,000	0
Hancock	4309	KY-69	INSTALL GUARDRAIL ON KY-69 IN HANCOCK COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR	33,000		
				Project Cost:		33,000	0	0
Hancock	4318	KY-69	INSTALL GUARDRAIL ON KY-69 IN HANCOCK COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR	17,000		
				Project Cost:		17,000	0	0
Total for Hancock county				PL				
				DN				
				RW				
				UT				
				CN		50,000	7,904,000	
				Total Amounts:		50,000	7,904,000	0
Hardin	153.0100	KY-251	KY 251 IMPROVEMENTS FROM KY 3005 TO KY 434.	PL				
				DN				
				RW				
				UT				
				CN	SPP		4,000,000	
				Project Cost:		0	4,000,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Hardin	154.3000	US-31	ADDRESS CONGESTION, SAFETY, AND MOBILITY ALONG US 31W FROM VETERANS WAY IN ELIZABETHTOWN TO THE NORTH WILSON ROAD OVERPASS IN RADCLIFF. (2018BOP)	PL DN RW UT CN	SPP	1,750,000		
Project Cost:						1,750,000	0	0
Hardin	171	KY-1136	Reconstruction of KY 1136 from KY 1868 to US 31W in Hardin County.	PL DN RW UT CN	STP2	1,250,000	2,100,000 2,080,000	4,000,000
Project Cost:						1,250,000	4,180,000	4,000,000
Hardin	198	PF-9999	EXTEND RING ROAD FROM THE WESTERN KENTUCKY PARKWAY TO I-65. (REQUIRES RELOCATION OF I-65 SOUTHBOUND COMMERCIAL VEHICLE MONITORING STATION, PROJECT 4-286.10) (12CCR)(14CCR) (2020CCN)	PL DN RW UT CN	STP2			4,000,000 2,000,000
Project Cost:						0	0	6,000,000
Hardin	286.1000	I-65	I-65 SOUTHBOUND PORT OF ENTRY FOR A COMMERCIAL VEHICLE MONITORING STATION.	PL DN RW UT CN	NH		1,000,000	100,000
Project Cost:						0	1,000,000	100,000
Hardin	4311	KY-210	INSTALL GUARDRAIL ON KY-210 IN HARDIN COUNTY	PL DN RW UT CN	GR		18,000	
Project Cost:						0	18,000	0

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Hardin	8801	KY-1357	IMPROVE SAFETY, GEOMETRICS, DRAINAGE AND MAINTENANCE ISSUES ALONG KY-1357 (ST. JOHNS RD) FROM US-31W BYPASS TO KY-3005 (RING ROAD). (14CCN)	PL				
				DN				
				RW				
				UT				
				CN	STP1			4,000,000
Project Cost:						0	0	4,000,000
Hardin	10052	US-62	BRIDGE PROJECT IN HARDIN COUNTY ON (047B00022N) US-62 AT SLOUGH OFF ROLLING FORK	PL				
				DN	BRX		402,000	
				RW				
				UT				
				CN	BRX		4,020,000	
Project Cost:						0	4,422,000	0
Hardin	10055	I-65	BRIDGE PROJECT IN HARDIN COUNTY ON (047B00133L) INTERSTATE 65 NC AT ROLLING FORK RIVER	PL				
				DN				
				RW				
				UT				
				CN	FBP			750,000
Project Cost:						0	0	750,000
Hardin	10056	I-65	BRIDGE PROJECT IN HARDIN COUNTY ON (047B00133R) I-65 AT ROLLING FORK RIVER	PL				
				DN				
				RW				
				UT				
				CN	FBP			750,000
Project Cost:						0	0	750,000
Hardin	20013	US-31	ADDRESS CONDITION OF US-31W FROM MILEPOINT 27.745 TO MILEPOINT 30.263	PL				
				DN	NHPM		100,000	
				RW				
				UT				
				CN	NHPM		1,000,000	
Project Cost:						0	1,100,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Hardin	80200	US-62	Address safety, mobility, and access management, along with potentially reconfiguring the interchange to I 65.	PL				
				DN	SPP			2,000,000
				RW				
				UT				
				CN				
				Project Cost:		0	0	2,000,000
Hardin	80250	KY-3005	EXTEND RING ROAD FROM US 31W TO KY 61 (LINCOLN PARKWAY)	PL				
				DN	STPF		1,000,000	
				RW				
				UT				
				CN				
				Project Cost:		0	1,000,000	0
Total for Hardin county				PL				
				DN		3,000,000	2,502,000	2,000,000
				RW			2,100,000	4,100,000
				UT			2,080,000	2,000,000
				CN			9,038,000	9,500,000
				Total Amounts:		3,000,000	15,720,000	17,600,000
Harlan	269.1100	US-421	IMPROVE MOBILITY ON US 421 FROM MILEPOINT 1.5 TO THE VIRGINI. STATE LINE. (2020CCR)	PL				
				DN				
				RW				
				UT				
				CN	NH			7,000,000
				Project Cost:		0	0	7,000,000
Harlan	1101	US-119	ADDRESS DEFICIENCIES OF BRIDGE ON US 119 OVER KY 160/MAIN ST IN HARLAN COUNTY, KY. 048B00126N (2020CCR)	PL				
				DN	BRO	800,000		
				RW	BRO		200,000	
				UT	BRO		100,000	
				CN	BRO			6,000,000
				Project Cost:		800,000	300,000	6,000,000

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Harlan	4323	KY-3449	INSTALL GUARDRAIL ON KY-3449 IN HARLAN COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR	318,000		
				Project Cost:		318,000	0	0
Harlan	4331	KY-1601	INSTALL GUARDRAIL ON KY-1601 IN HARLAN COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		19,000	
				Project Cost:		0	19,000	0
Harlan	4332	KY-1601	INSTALL GUARDRAIL ON KY-1601 IN HARLAN COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		69,000	
				Project Cost:		0	69,000	0
Harlan	4343	KY-522	INSTALL GUARDRAIL ON KY-522 IN HARLAN COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		634,000	
				Project Cost:		0	634,000	0
Harlan	4344	KY-522	INSTALL GUARDRAIL ON KY-522 IN HARLAN COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		634,000	
				Project Cost:		0	634,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Harlan	4353	KY-2007	INSTALL GUARDRAIL ON KY-2007 IN HARLAN COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			239,000
				Project Cost:		0	0	239,000
Harlan	4354	KY-840	INSTALL GUARDRAIL ON KY-840 IN HARLAN COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			37,000
				Project Cost:		0	0	37,000
Harlan	10015	KY-2007	BRIDGE PROJECT IN HARLAN COUNTY ON (048B00179N) KY-2007 at WALLINS CREEK	PL				
				DN	BRX		25,000	
				RW				
				UT				
				CN	BRX			250,000
				Project Cost:		0	25,000	250,000
Harlan	10018	CS-1041	BRIDGE PROJECT IN HARLAN COUNTY ON (048C00067N) KENTUCKY AV at MARTINS FK CUMBERLAND RV	PL				
				DN	BRZ		136,000	
				RW				
				UT				
				CN				
				Project Cost:		0	136,000	0
Harlan	10099	KY-840	BRIDGE PROJECT IN HARLAN COUNTY ON (048B00053N) KY-840 AT WATTS CREEK	PL				
				DN	FBP2		59,000	
				RW				
				UT				
				CN	FBP2		590,000	
				Project Cost:		0	649,000	0

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Harlan	10190	KY-2007	BRIDGE PROJECT IN HARLAN COUNTY ON (048B00075N) KY-2007 AT CUMBERLAND RIVER	PL				
				DN	FBP	321,000		
				RW				
				UT				
				CN	FBP	3,210,000		
				Project Cost:		3,531,000	0	0
Harlan	10191	KY-1254	BRIDGE PROJECT IN HARLAN COUNTY ON (048B00091N) KY-1254 AT POOR FK CUMBERLAND RVR	PL				
				DN	FBP	351,000		
				RW				
				UT				
				CN	FBP	3,510,000		
				Project Cost:		3,861,000	0	0
Harlan	10192	KY-72	BRIDGE PROJECT IN HARLAN COUNTY ON (048B00095N) KY-72 AT CLOVER FK CUMBERLAND RVR	PL				
				DN	FBP2	594,000		
				RW				
				UT				
				CN	FBP2	5,940,000		
				Project Cost:		6,534,000	0	0
Harlan	10194	US-119	BRIDGE PROJECT IN HARLAN COUNTY ON (048B00107N) US-119 AT POOR FK CUMBERLAND RVR	PL				
				DN				
				RW				
				UT				
				CN	FBP			5,000,000
				Project Cost:		0	0	5,000,000
Harlan	10195	US-119	BRIDGE PROJECT IN HARLAN COUNTY ON (048B00117N) US-119 AT POOR FK CUMBERLAND RVR	PL				
				DN				
				RW				
				UT				
				CN	FBP			4,000,000
				Project Cost:		0	0	4,000,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Harlan	10196	KY-72	BRIDGE PROJECT IN HARLAN COUNTY ON (048B00138N) KY-72 AT POOR FK CUMBERLAND RVR	PL DN RW UT CN	FBP2	258,000		
					FBP2	2,580,000		
				Project Cost:		2,838,000	0	0
Harlan	80255	KY-221	CONSTRUCT A LEFT AND RIGHT TURN LANE ON KY 221 AT THE ENTRANCE OF GREEN HILLS ELEMENTARY SCHOOL (MILEPOINT 8.6 TO MILEPOINT 8.8)	PL DN RW UT CN	SPP			150,000
				Project Cost:		0	0	150,000
Harlan	80256	KY-522	CONSTRUCT A RIGHT TURNING LANE AT INTERSECTION OF KY 522 AND US 199W TO IMPROVE SAFETY AND ACCESS TO ROSS POINT SCHOOL	PL DN RW UT CN	SPP		22,000	
				Project Cost:		0	22,000	0
Harlan	80258	KY-38	IMPROVE SAFETY ALONG KY 38 BY REMOVING TRESS ALONG MILEPOINT 8.6 TO MILEPOINT 9.6	PL DN RW UT CN	SPP		100,000	
					SPP		1,200,000	
				Project Cost:		0	1,300,000	0
Harlan	80259	US-421	SPOT IMPROVEMENTS TO IMPROVE GEOMETRICS AT PARTICULAR LOCATIONS OF US 421 CROSSING OVER PINE MOUNTAIN BETWEEN US 119 AND KY 221 IN HARLAN COUNTY TO ADDRESS SAFETY CONCERNS. MILEPOINT 17.2 TO MILEPOINT 23.0	PL DN RW UT CN	STP		750,000	
				Project Cost:		0	750,000	0
Total for Harlan county				PL DN RW UT CN		2,324,000	970,000	
						15,558,000	3,168,000	22,676,000
				Total Amounts:		17,882,000	4,538,000	22,676,000

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Harrison	1093	CR-1124	BRIDGE PROJECT IN HARRISON COUNTY ON (049C00035N) OLD LAIR RD at S FK LICKING RIVER	PL				
				DN	BRZ		280,000	
				RW				
				UT				
				CN	BRZ		2,800,000	
Project Cost:						0	3,080,000	0
Harrison	4307	KY-32	INSTALL GUARDRAIL ON KY-32 IN HARRISON COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		43,000	
Project Cost:						0	43,000	0
Harrison	4309	US-27	INSTALL GUARDRAIL ON US-27 IN HARRISON COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		11,000	
Project Cost:						0	11,000	0
Harrison	4310	US-27	INSTALL GUARDRAIL ON US-27 IN HARRISON COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		11,000	
Project Cost:						0	11,000	0
Harrison	4311	US-27	INSTALL GUARDRAIL ON US-27 IN HARRISON COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		11,000	
Project Cost:						0	11,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Harrison	4312	US-27	INSTALL GUARDRAIL ON US-27 IN HARRISON COUNTY	PL DN RW UT CN	GR	0	11,000	0
Project Cost:						0	11,000	0
Harrison	8708	US-27	RECONSTRUCT US 27 FROM MP 11.9 TO MP 12.4. (12CCN)(14CCR) (18CCN)	PL DN RW UT CN	SPP	0	0	480,000
Project Cost:						0	0	480,000
Harrison	80251	PF-9999	CONSTRUCT A CONNECTOR ROAD BETWEEN OLD LAIR ROAD AND KY 982 (NEW LAIR ROAD) NEAR THE HARRISON COUNTY HIGH SCHOOL.	PL DN RW UT CN	SPP	0	1,250,000	0
Project Cost:						0	1,250,000	0
Harrison	80252	CS-1071	CONSTRUCT A ROUNDABOUT AT THE INTERSECTION OF WEBSTER AVENUE (CS-1071) AND EDUCATION DRIVE.	PL DN RW UT CN	SPP	0	125,000	0
Project Cost:						0	125,000	0
Total for Harrison county				PL DN RW UT CN		0	1,655,000	480,000
Total Amounts:						0	2,887,000	480,000
Total Amounts:						0	4,542,000	480,000

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Hart	441	KY-335	IMPROVE MOBILITY, CONNECTIVITY AND SAFETY BY ADDRESSING COMMERCIAL AND INDUSTRIAL TRAFFIC MOVEMENT FROM US-31W SOUTH OF KY-218 TO I-65. (16CCR)(18CCR)	PL DN RW UT CN	STP2		6,240,000	
Project Cost:						0	6,240,000	0
Hart	4312	KY-1140	INSTALL GUARDRAIL ON KY-1140 IN HART COUNTY	PL DN RW UT CN	GR			43,000
Project Cost:						0	0	43,000
Total for Hart county				PL DN RW UT CN			6,240,000	43,000
Total Amounts:						0	6,240,000	43,000
Henderson	383.1000	CS-1372	Improve the intersection of Watson Lane (CS-1372) and US 41.	PL DN RW UT CN	STP1			2,840,000
Project Cost:						0	0	2,840,000
Henderson	383.2000	CS-1372	Address safety and congestion along Watson Lane (CR-1372).	PL DN RW UT CN	STP1		2,000,000	
Project Cost:						0	2,000,000	0

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Henderson	700.1500	CO-0	FEDERAL 'STP' FUNDS DEDICATED TO HENDERSON FOR FY 2022-2028. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP). (2020CCR)	PL DN RW UT CN	SHN	851,078	868,100	885,462
Project Cost:						<u>851,078</u>	<u>868,100</u>	<u>885,462</u>
Henderson	1088.5000	PF-9999	WORK WITH INDOT TO DEVELOP A BI-STATE PACKAGE FOR THE DELIVERY OF THE PORTION OF THE PROJECT FROM US 60 NORTH TO I-69 IN EVANSVILLE. (COSTS SHARED BY KY AND IN)(KY FEDERAL GRANT FUNDING)	PL DN RW UT CN	NH			5,000,000
Project Cost:						<u>0</u>	<u>0</u>	<u>5,000,000</u>
Henderson	2091.1000	US-41	BRIDGE PROJECT IN HENDERSON COUNTY ON (051B00002R/051B00007L) US-41 AT OHIO RIVER	PL DN RW UT CN	BRX			2,000,000
Project Cost:						<u>0</u>	<u>0</u>	<u>2,000,000</u>
Henderson	4306	KY-2183	INSTALL GUARDRAIL ON KY-2183 IN HENDERSON COUNTY	PL DN RW UT CN	GR		63,000	
Project Cost:						<u>0</u>	<u>63,000</u>	<u>0</u>
Henderson	10091	KY-145	BRIDGE PROJECT IN HENDERSON COUNTY ON (051B00119N) KY-145 AT BEAVER DAM CREEK	PL DN RW UT CN	FBP2			39,000
Project Cost:						<u>0</u>	<u>0</u>	<u>390,000</u>
Project Cost:						<u>0</u>	<u>0</u>	<u>429,000</u>

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Henderson	10092	KY-812	BRIDGE PROJECT IN HENDERSON COUNTY ON (051B00128N) KY-812 AT NORTH FORK CANOE CREEK	PL				
				DN	FBP2		143,000	
				RW				
				UT				
				CN	FBP2		1,430,000	
				Project Cost:		0	1,573,000	0
Henderson	20023	I-69	ADDRESS CONDITION OF I 69 FROM MILEPOINT 142.33 TO MILEPOINT 148.090	PL				
				DN	NHPM	980,000		
				RW				
				UT				
				CN	NHPM	9,800,000		
				Project Cost:		10,780,000	0	0
Henderson	80104	CO-0	EXTEND I-69 TO KY 351 AND AUDUBON PARKWAY INTERCHANGE UPGRADE AT HEBBARDSVILLE. (2020CCN)	PL	SPP	250,000		
				DN				
				RW				
				UT				
				CN				
				Project Cost:		250,000	0	0
Total for Henderson county				PL		250,000		
				DN		980,000	143,000	5,039,000
				RW				
				UT				
				CN		10,651,078	4,361,100	6,115,462
				Total Amounts:		11,881,078	4,504,100	11,154,462
Henry	10049	KY-1861	BRIDGE PROJECT IN HENRY COUNTY ON (052B00062N) KY 1861 AT JACKSON CREEK	PL				
				DN	FBP2			36,000
				RW				
				UT				
				CN	FBP2			360,000
				Project Cost:		0	0	396,000

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Henry	22099	I-71	ADDRESS CONDITION OF I-71 FROM MILEPOINT 29.112 TO MILEPOINT 38.086	PL				
				DN	NHPM			700,000
				RW				
				UT				
				CN	NHPM			7,000,000
				Project Cost:		0	0	7,700,000
Henry	80260	KY-146	Bridge repairs on five (5) KY 146 bridges between KY 153 (MP 2.169) and US 421 (MP 9.80) at New Castle, Kentucky."(Bridge Numbers: 052B00068N; 052B00030N; 052B00074N; 052B00065N; 052B00027N)	PL				
				DN				
				RW				
				UT				
				CN	FBP			2,000,000
				Project Cost:		0	0	2,000,000
Total for Henry county				PL				
				DN				736,000
				RW				
				UT				
				CN				9,360,000
				Total Amounts:		0	0	10,096,000
Hickman	10144	US-51	BRIDGE PROJECT IN HICKMAN COUNTY ON (053B00002N) US-51 AT BRUSH CREEK	PL				
				DN	FBP2			45,000
				RW				
				UT				
				CN	FBP2			450,000
				Project Cost:		0	0	495,000
Hickman	10146	US-51	BRIDGE PROJECT IN HICKMAN COUNTY ON (053B00029N) US-51 AT CANE CREEK	PL				
				DN	FBP2			43,000
				RW				
				UT				
				CN	FBP2			430,000
				Project Cost:		0	0	473,000

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Hickman	10151	KY-1283	BRIDGE PROJECT IN HICKMAN COUNTY ON (053B00102N) KY-1283 AT JACKSON PURCHASE PARKWAY	PL				
				DN	FBP	471,000		
				RW				
				UT				
				CN	FBP			4,710,000
				Project Cost:		471,000	0	4,710,000
Hickman	80203	us-51	Correct geometric deficiencies and improve safety, access, and regional connectivity from Clayton Street to KY-703 in Clinton.	PL				
				DN	STP	1,000,000		
				RW	STP			1,500,000
				UT				
				CN				
				Project Cost:		1,000,000	0	1,500,000
Total for Hickman county				PL				
				DN		1,471,000		88,000
				RW				1,500,000
				UT				
				CN				5,590,000
				Total Amounts:		1,471,000	0	7,178,000
Hopkins	384	KY-281	IMPROVE KY-281 FROM ISLAND PARK DRIVE TO 0.25 MI NORTH OF CARRIAGE LANE (KY-2281).	PL				
				DN	STP2		750,000	
				RW				
				UT				
				CN				
				Project Cost:		0	750,000	0
Hopkins	804.3000	PF-9999	Extend Midtown Blvd from CSX Railroad to Whittington Drive, 500' south of Commerce Drive.	PL				
				DN	SPP	700,000		
				RW	SPP		500,000	
				UT	SPP			1,200,000
				CN				
				Project Cost:		700,000	500,000	1,200,000

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Hopkins	804.4000	CS-1287	Reconstruct Whittington Drive beginning 500' south of Commerce Drive and ending at the intersection of Whittington Drive and Island Ford Road (KY 281), including the reconstruction of the KY 281 intersection.	PL				
				DN				
				RW	SPP		2,000,000	
				UT	SPP			1,500,000
				CN				
				Project Cost:		0	2,000,000	1,500,000
Hopkins	4311	KY-85	INSTALL GUARDRAIL ON KY-85 IN HOPKINS COUNTY (2020CCR)	PL				
				DN				
				RW				
				UT				
				CN	GR	64,000		
				Project Cost:		64,000	0	0
Hopkins	4316	US-41	INSTALL GUARDRAIL ON US-0041 IN HOPKINS COUNTY (2020CCR)	PL				
				DN				
				RW				
				UT				
				CN	GR	64,000		
				Project Cost:		64,000	0	0
Hopkins	8305	US-41	IMPROVE NORTH MAIN STREET FROM HOSPITAL DRIVE TO KY-281. (06CCN)(12CCR)(18CCR)	PL				
				DN				
				RW	STP1	2,000,000		
				UT	STP1	1,280,000		
				CN	SPP			4,000,000
				Project Cost:		3,280,000	0	4,000,000
Hopkins	10024	KY-138	BRIDGE PROJECT IN HOPKINS COUNTY ON (054B00009N) KY-138 at POND RIVER	PL				
				DN	FBP	730,000		
				RW				
				UT				
				CN	FBP			7,300,000
				Project Cost:		730,000	0	7,300,000

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Hopkins	10099	KY-70	BRIDGE PROJECT IN HOPKINS COUNTY ON (054B00089N) KY-70 AT RICHLAND CREEK	PL				
				DN	FBP	239,000		
				RW				
				UT				
				CN	FBP			2,390,000
				Project Cost:		239,000	0	2,390,000
Hopkins	10100	KY-1033	BRIDGE PROJECT IN HOPKINS COUNTY ON (054B00118N) KY-1033 AT BR OF OTTER CREEK	PL				
				DN	FBP	39,000		
				RW				
				UT				
				CN	FBP		390,000	
				Project Cost:		39,000	390,000	0
Hopkins	10101	KY-1033	BRIDGE PROJECT IN HOPKINS COUNTY ON (054B00119N) KY-1033 AT OTTER CREEK	PL				
				DN	FBP	150,000		
				RW				
				UT				
				CN	FBP			1,500,000
				Project Cost:		150,000	0	1,500,000
Hopkins	10104	KY-502	BRIDGE PROJECT IN HOPKINS COUNTY ON (054B00126N) KY-502 AT CLEAR CREEK OVERFLOW	PL				
				DN	BRX		144,000	
				RW				
				UT				
				CN	BRX			1,440,000
				Project Cost:		0	144,000	1,440,000
Hopkins	10105	KY-502	BRIDGE PROJECT IN HOPKINS COUNTY ON (054B00127N) KY-502 AT CLEAR CREEK OVERFLOW	PL				
				DN	BRX		142,000	
				RW				
				UT				
				CN	BRX			1,420,000
				Project Cost:		0	142,000	1,420,000

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Hopkins	10106	KY-502	BRIDGE PROJECT IN HOPKINS COUNTY ON (054B00128N) KY-502 AT CLEAR CREEK OVERFLOW	PL				
				DN	BRX		144,000	
				RW				
				UT				
				CN	BRX			1,440,000
				Project Cost:		0	144,000	1,440,000
Hopkins	10108	KY-2280	BRIDGE PROJECT IN HOPKINS COUNTY ON (054B00204N) KY-2280 AT ROSE CREEK	PL				
				DN	FBP2		155,000	
				RW				
				UT				
				CN	FBP2		1,550,000	
				Project Cost:		0	1,705,000	0
Hopkins	20029	I-69	ADDRESS CONDITION OF I-69 FROM MILEPOINT 113.81 (114.240 CARDINAL) TO MILEPOINT 118.15	PL				
				DN	NHPM			950,000
				RW				
				UT				
				CN	NHPM			9,500,000
				Project Cost:		0	0	10,450,000
Hopkins	20034	I-69	ADDRESS CONDITION OF I-69 FROM MILEPOINT 95.604 TO MILEPOINT 105.046	PL				
				DN	NHPM	1,720,000		
				RW				
				UT				
				CN	NHPM	17,200,000		
				Project Cost:		18,920,000	0	0
Hopkins	22086	I-69	ADDRESS CONDITION OF I-69 FROM MILEPOINT 105.046 TO MILEPOINT 107.08	PL				
				DN	NHPM			150,000
				RW				
				UT				
				CN	NHPM			1,500,000
				Project Cost:		0	0	1,650,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Hopkins	80102	PF-9999	CONSTRUCT A 3 LANE CURB, GUTTER AND SIDEWALK ROADWAY FROM THE END OF MIDTOWN BLVD. TO THE INTERSECTION OF COMMERCE DR. AND WHITTINGTON DR. (2020CCN)	PL DN RW UT CN	SPP		400,000	
Project Cost:						0	400,000	0
Hopkins	80105	CO-0, US-41	IMPROVE US 41A BEGINNING AT INDUSTRIAL DR AT HOPKINS CO ENDING AT PROVIDENCE	PL DN RW UT CN	SPP		2,600,000	
Project Cost:						0	2,600,000	0
Total for Hopkins county				PL DN RW UT CN		3,578,000 2,000,000 1,280,000 17,328,000	4,335,000 2,500,000 1,940,000	1,100,000 2,700,000 30,490,000
Total Amounts:						24,186,000	8,775,000	34,290,000
Jackson	4324	US-421	INSTALL GUARDRAIL ON US-421 IN JACKSON COUNTY	PL DN RW UT CN	GR	31,000		
Project Cost:						31,000	0	0
Jackson	8953	CR-1340, CR-1414	REPLACE BRIDGE (063C00044N) ON MT ZION CHURCH ROAD (CR 1414). (16CCN) (2020CCR)	PL DN RW UT CN	BRZ BRZ BRZ	100,000 100,000	1,300,000	
Project Cost:						200,000	1,300,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Jackson	10198	US-421	BRIDGE PROJECT IN JACKSON COUNTY ON (055B00001N) US-421 AT INDIAN CREEK	PL				
				DN	FBP2			46,000
				RW				
				UT				
				CN	FBP2			460,000
				Project Cost:		0	0	506,000
Jackson	80104	US-421	ADDRESS SUBSTARNDARD HORIZONTAL AND VERTICAL ALIGNMENT OF US 421 IN THE CLOVER BOTTOM AREA NEAR THE STONE QUARRY. (2020CCN)	PL				
				DN				
				RW	SPP	495,000		
				UT	SPP	417,000		
				CN	SPP		3,032,000	
				Project Cost:		912,000	3,032,000	0
Jackson	80105	US-421	ADDRESS SAFETY ISSUES WITH VERTICAL AND HORIZONTAL ALIGNMENT ON US 421 FROM MP 11.6 EAST OF PILGRIMS REST RD TO MP 12.6 (2020CCN)	PL				
				DN	SPP		1,000,000	
				RW	SPP			1,000,000
				UT				
				CN				
				Project Cost:		0	1,000,000	1,000,000
Jackson	80106	US-421	ADDRESS SAFETY AND HORIZONTAL ALIGNMENT OF THE CURVE ON US 421 WITH ITS INTERSECTION AT KY 3443 (2020CCN)	PL				
				DN				
				RW	SPP	64,000		
				UT	SPP		547,000	
				CN				
				Project Cost:		64,000	547,000	0
Jackson	80202	KY-290	Address congestion, capacity, connectivity, and safety issues on KY 290 from McKee to Ky 30.	PL	SPP	748,800		
				DN				
				RW				
				UT				
				CN				
				Project Cost:		748,800	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Jackson	80261	KY-578	MOVE KY 578 OVER 10FT FOR IMPROVED SIGHT DISTANCE AND CREATE A BETTER APPROACH FOR MOORE CREEK GREEN HILL ROAD	PL DN RW UT CN	SPP SPP SPP		40,000 30,000	793,370
Project Cost:						0	70,000	793,370
Total for Jackson county				PL DN RW UT CN		748,800	1,000,000	46,000 1,000,000
Total Amounts:						1,955,800	5,949,000	2,299,370
Jefferson	48.1000	I-71	ADDITION OF NB AND SB AUXILIARY LANES ON I-71 NEAR KENNEDY, INCLUDING OPERATIONAL IMPROVEMENTS TO THE ZORN INTERCHANGE. (2004BOPC)	PL DN RW UT CN	NH			150,000
Project Cost:						0	0	150,000
Jefferson	64	I-64	BRIDGE PROJECT IN JEFFERSON COUNTY ON (056B00279N) I-64 SHERMAN MINTON BRIDGE OVER OHIO RIVER. (JOINT PROJECT WIT INDIANA)	PL DN RW UT CN	BRO BRO		1,600,000 16,000,000	1,600,000 16,000,000
Project Cost:						0	17,600,000	17,600,000
Jefferson	122	CR-1005, KY-1065, KY-864	MAJOR REVISION OF THE INTERSECTION LOCATED AT THE OUTER LOOP, FEGENBUSH LANE, AND BEULAH CHURCH ROAD. TURN LANE TO BE COMPLETED BY TRANSPORTATION CABINET PER AGREEMENT. (04CCN)(08CCR)(10CCR)(12CCR) (2020CCN)	PL DN RW UT CN	STPF	6,222,400		
Project Cost:						6,222,400	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Jefferson	136	PF-9999	CLEAN AND PAINT ALL STEEL BRIDGES AND STEEL BEARINGS ON THE GENE SNYDER FREEWAY(10CCR)(SD)	PL DN RW UT CN	BRO	6,000,000		
Project Cost:						6,000,000	0	0
Jefferson	193	CO-0	TRAFFIC CALMING MEASURES FOR SHELBY PARK AND SMOKETOWN NEIGHBORHOODS IN LOUISVILLE. (2020CCR)	PL DN RW UT CN	SPP	3,000,000		
Project Cost:						3,000,000	0	0
Jefferson	323.0100	KY-1931	WIDEN GREENWOOD ROAD FROM GREENBELT HWY TO DIXIE HWY (US-31W) (3-LANE IMPROVEMENT) FROM MP 0.54 TO MP 3.148. (98CCR)(R-04DEOB)(04CCR)(BOP2006P)(10CCR)(12CCR) (2020CCR)	PL DN RW UT CN	STPF			4,000,000
Project Cost:						0	0	4,000,000
Jefferson	367.2000	CO-0, KY-146, PF-9999	EXTENSION OF OLD HENRY ROAD EAST TO ASH AVENUE (KY362). (12CCR)(18CCN) (2020CCR)	PL DN RW UT CN	STPF			6,700,000
Project Cost:						0	0	6,700,000
Jefferson	371.1000	KY-22	RECONSTRUCT KY-22 AT SPRINGCREST DRIVE. (06CCN) (2004BOPC)(14CCR) (EMERGENCY CULVERT REPLACEMENT AWARDED UNDER 5-371.12) (2020CCR)	PL DN RW UT CN	STPF	2,020,000		
Project Cost:						2,020,000	0	0

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Jefferson	379	CO-0	Study traffic patterns in the vicinity of the new VA Medical Center at the I-264/US-42 interchange in Louisville.	PL DN RW UT CN	SPP		250,000	
Project Cost:						0	250,000	0
Jefferson	804	I -264	RECONSTRUCT/WIDEN I-264 (WATTERSON EXPRESSWAY) FROM WESTPORT ROAD (KY-1447) TO I-71, INCLUDING THE US-42 INTERCHANGE AS A SPUI.(PROJECT INCLUDES 5-594)	PL DN RW UT CN	NH			10,000,000
Project Cost:						0	0	10,000,000
Jefferson	808	KY-155	SAFETY PROJECT FOR RECONSTRUCTION OF TAYLORSVILLE ROAD AND SOUTH POPE LICK ROAD INTERSECTION AND BRIDGE OVER POPE LICK CREEK. (2016BOP) (2020CCR)	PL DN RW UT CN	BRX		6,450,000	
Project Cost:						0	6,450,000	0
Jefferson	965.1900	CO-0	DEDICATED FEDERAL AID STP FUNDS EARMARKED FOR LOUISVILLE URBANIZED AREA AND SUBJECT TO MPO CONTROL FOR FY 2022-2028. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP). (2020CCR)	PL DN RW UT CN	SLO	24,784,266	25,279,952	25,785,551
Project Cost:						24,784,266	25,279,952	25,785,551
Jefferson	1070	CS-1017	ADDRESS DEFICIENCIES OF BRIDGE ON E KENTUCKY ST (CS 1017G) OVER SOUTH FORK BEARGRASS CREEK 0.01 MILE E OF SCHILLER AVE (CS 1138G) 056C00083N (2020CCR)	PL DN RW UT CN	BRX	3,600,000		
Project Cost:						3,600,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Jefferson	1079	CR-1001	BRIDGE PROJECT IN JEFFERSON COUNTY ON (056C00130N) RIVER RD AT GOOSE CREEK	PL DN RW UT CN	BRZ		380,000	
Project Cost:						0	380,000	0
Jefferson	8001	CR-1007	WIDEN BUECHEL BANK ROAD TO 3 LANES FROM GE APPLIANCE PARK TO BUECHEL BY-PASS (00CCN) (FUNDING MOVED FROM 5-8105 IN 2010 ENACTED HIGHWAY PLAN FOR R, U, AND C PHASES.)(12CCR)	PL DN RW UT CN	SPP	800,000		
Project Cost:						800,000	0	0
Jefferson	8203	KY-1819	RECONSTRUCT BILTOWN ROAD FROM NORTH OF COLONNADES PLACE TO SOUTH OF EASUM ROAD. (04CCN)(06CCN)(08CCR)(10CCR)(12CCR) (2020CCR)	PL DN RW UT CN	SPP		3,280,000	
Project Cost:						0	3,280,000	0
Jefferson	8810	KY-1931	THREE LANE WIDENING ALONG KY-1931 FROM THE DOSS HIGH SCHOOL ENTRANCE TO PALATKA ROAD, INCLUDING INTERSECTION IMPROVEMENTS WITH PALATKA ROAD AND TURN LANES. (14CCN) (2020CCR)	PL DN RW UT CN	STPF STPF		2,770,000	4,330,000
Project Cost:						0	2,770,000	4,330,000
Jefferson	8908	KY-155	WIDEN TAYLORSVILLE ROAD TO 3 LANES FROM I-265 TO KY-148. (18CCN)	PL DN RW UT CN	STPF STPF STPF	580,000		2,500,000 500,000
Project Cost:						580,000	0	3,000,000

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Jefferson	8952	US-60	WIDEN US 60 INCLUDING REALIGNMENT OF GILLILAND ROAD AND EASTWOOD CUTOFF (MP 14.7) TO ROCKCREST WAY (MP 15.1). LOCALS WILL DO DESIGN FOR \$330,000. (16CCN)(18CCR)(2020CCR)	PL				
				DN	NH	200,000		
				RW	NH	975,000		
				UT	NH	605,000		
				CN	NH		1,050,000	
Project Cost:						1,780,000	1,050,000	0
Jefferson	8954	KY-155, KY-55	CONSTRUCT A 2+1 ROAD ON KY 55/155 (TAYLORSVILLE ROAD) IN SPENCER COUNTY AND KY 155 (TAYLORSVILLE LAKE ROAD) IN JEFFERSON COUNTY BY ADDING A CONTINUOUS THIRD LANE THAT SERVES AS AN ALTERNATING PASSING LANE.(16CCN)(18CCN)(2020CCR)	PL				
				DN	STPF	470,000		
				RW	STPF		40,000	
				UT	STPF		820,000	
				CN	STPF			5,000,000
Project Cost:						470,000	860,000	5,000,000
Jefferson	10007	CR-1004	BRIDGE PROJECT IN JEFFERSON COUNTY ON (056C00091N) CLARK STATION RD AT S LONG RUN	PL				
				DN	BRZ		95,000	
				RW				
				UT				
				CN	BRZ		950,000	
Project Cost:						0	1,045,000	0
Jefferson	10008	CS-1079	ADDRESS DEFICIENCIES OF OLD WESTPORT RD BRIDGE OVER GOOSE CREEK. (056C00113N) (2020CCR)	PL				
				DN				
				RW				
				UT				
				CN	BRX	750,000		
Project Cost:						750,000	0	0
Jefferson	10016	I-64	BRIDGE PROJECT IN JEFFERSON COUNTY ON (056B00142N) I-64 AT KY 3077 (RIVER RD). (BRIDGE PAINTING OF I-64 RIVERSIDE EXPRESSWAY BRIDGES)	PL				
				DN				
				RW				
				UT				
				CN	FBP			8,500,000
Project Cost:						0	0	8,500,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Jefferson	10019	CS-1003	ADDRESS DEFICIENCIES OF SCENIC LOOP BRIDGE OVER MID FK BEARGRASS CREEK. (056C00027N) (2020CCR)	PL				
				DN	BRX	60,000		
				RW				
				UT				
				CN	BRX	913,000		
Project Cost:						973,000	0	0
Jefferson	10022	CS-1004	ADDRESS DEFICIENCIES OF OLD CLARK STATION BRIDGE OVER BRUSH RUN. (056C00167N) (2020CCR)	PL				
				DN				
				RW				
				UT				
				CN	BRZ	357,000		
Project Cost:						357,000	0	0
Jefferson	10057	I-64	BRIDGE PROJECT IN JEFFERSON COUNTY ON (056B00039L) I-64 WB AT TUCKER STATION RD	PL				
				DN	BRO			634,000
				RW				
				UT				
				CN	BRO			6,340,000
Project Cost:						0	0	6,974,000
Jefferson	10058	I-64	BRIDGE PROJECT IN JEFFERSON COUNTY ON (056B00052L) I-64 WB AT MID FK BEARGRASS CREEK	PL				
				DN	FBP	148,000		
				RW				
				UT				
				CN	FBP	1,480,000		
Project Cost:						1,628,000	0	0
Jefferson	10059	I-64	BRIDGE PROJECT IN JEFFERSON COUNTY ON (056B00052R) I-64 EB AT MID FK BEARGRASS CREEK	PL				
				DN	FBP	146,000		
				RW				
				UT				
				CN	FBP	1,460,000		
Project Cost:						1,606,000	0	0

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Jefferson	10063	KY-265	BRIDGE PROJECT IN JEFFERSON COUNTY ON (056B00087R) I-265 NB AT KY 22 (BROWNSBORO RD)	PL				
				DN	FBP2	452,000		
				RW				
				UT				
				CN	FBP2	4,520,000		
				Project Cost:		4,972,000	0	0
Jefferson	10064	I-65	BRIDGE PROJECT IN JEFFERSON COUNTY ON (056B00179N) I-65 AT HILL, CSX RR & BURNETT (POTENTIAL CMGC DELIVERY PROJECT)	PL				
				DN	BRO		2,288,000	
				RW				
				UT				
				CN	BRO		22,880,000	
				Project Cost:		0	25,168,000	0
Jefferson	10066	I-65	BRIDGE PROJECT IN JEFFERSON COUNTY ON (056B00183N) I-65 AT E KENTUCKY & S BROOK ST (POTENTIAL CMGC DELIVERY PROJECT)	PL				
				DN	BRO		2,877,000	
				RW				
				UT				
				CN	BRO		28,770,000	
				Project Cost:		0	31,647,000	0
Jefferson	10070	I-65	BRIDGE PROJECT IN JEFFERSON COUNTY ON (056B00205N) I-65 AT NS RAILROAD (POTENTIAL CMGC DELIVERY PROJECT)	PL				
				DN	FBP2		1,204,000	
				RW				
				UT				
				CN	FBP2		12,040,000	
				Project Cost:		0	13,244,000	0
Jefferson	10074	I-65	BRIDGE PROJECT IN JEFFERSON COUNTY ON (056B00214L) I-65 SB AT OHIO RIVER	PL				
				DN	BRO		120,000	
				RW				
				UT				
				CN	BRO		1,200,000	
				Project Cost:		0	1,320,000	0

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Jefferson	10075	I-264	BRIDGE PROJECT IN JEFFERSON COUNTY ON (056B00250N) I-264 AT P&L RAILWAY	PL				
				DN	FBP2	2,789,000		
				RW				
				UT				
				CN	FBP2	27,890,000		
				Project Cost:		30,679,000	0	0
Jefferson	20009	I-64	ADDRESS CONDITION OF I 64 FROM MILEPOINT 6.581 TO 11.574	PL				
				DN	NHPM			500,000
				RW				
				UT				
				CN	NHPM			5,000,000
				Project Cost:		0	0	5,500,000
Jefferson	20014	I-71	ADDRESS CONDITION OF I 71 FROM MILEPOINT 3.706 TO MILEPOINT 8.34	PL				
				DN	NHPM		800,000	
				RW				
				UT				
				CN	NHPM		8,000,000	
				Project Cost:		0	8,800,000	0
Jefferson	20017	I-264	ADDRESS CONDITION OF I 264 FROM MILEPOINT 20.7 TO MILEPOINT 22.927	PL				
				DN	NHPM		155,890	
				RW				
				UT				
				CN	NHPM		1,558,900	
				Project Cost:		0	1,714,790	0
Jefferson	20019	I-265	ADDRESS CONDITION OF I 265 FROM MILEPOINT 15.66 TO MILEPOINT 18.8	PL				
				DN	NHPM		376,800	
				RW				
				UT				
				CN	NHPM		3,768,000	
				Project Cost:		0	4,144,800	0

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Jefferson	20021	I-265	ADDRESS PAVEMENT CONDITION OF I 265 BOTH DIRECTIONS FROM MILEPOINT 23.364 TO MILEPOINT 26.6	PL				
				DN	NHPM	350,000		
				RW				
				UT				
				CN	NHPM	3,500,000		
				Project Cost:		3,850,000	0	0
Jefferson	22017	I-64	ADDRESS CONDITION OF I 64 FROM MILEPOINT 4.935 TO MILEPOINT 6.612	PL				
				DN	NHPM			180,000
				RW				
				UT				
				CN	NHPM			1,800,000
				Project Cost:		0	0	1,980,000
Jefferson	22019	I-64	ADDRESS CONDITION OF I 64 FROM MILEPOINT 8.213 TO MILEPOINT 8.491	PL				
				DN	NHPM			200,000
				RW				
				UT				
				CN	NHPM			2,000,000
				Project Cost:		0	0	2,200,000
Jefferson	22025	I-64	ADDRESS CONDITION OF I 64 FROM MILEPOINT 19.146 TO MILEPOINT 23.204	PL				
				DN	NHPM			500,000
				RW				
				UT				
				CN	NHPM			5,000,000
				Project Cost:		0	0	5,500,000
Jefferson	22026	I-64	ADDRESS CONDITION OF I 64 FROM MILEPOINT 23.204 TO MILEPOINT 23.974	PL				
				DN	NHPM			110,000
				RW				
				UT				
				CN	NHPM			1,100,000
				Project Cost:		0	0	1,210,000

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Jefferson	22069	I-65	ADDRESS CONDITION OF I 65 FROM MILEPOINT 123.18 TO MILEPOINT 127.57	PL				
				DN	NHPM			1,053,600
				RW				
				UT				
				CN	NHPM			10,536,000
Project Cost:						0	0	11,589,600
Jefferson	80000	KY-1531	EASTWOOD FISHERSVILLE CONNECTOR TO I-64 (18CCN) (2020CCR)	PL	SPP	750,000		
				DN				
				RW				
				UT				
				CN				
Project Cost:						750,000	0	0
Jefferson	80001	US-60	WIDEN US-60 TO 6 LANES FROM OLD SHELBYVILLE RD. TO NORTH ENGLISH STATION RD.(18CCN) (2020CCR)	PL				
				DN	NH			620,000
				RW				
				UT				
				CN				
Project Cost:						0	0	620,000
Jefferson	80003	PF-9999	EXTEND PLANTSIDE DRIVE FROM REHL ROAD TO TAYLORSVILLE ROAD. (18CCN)(2020CCR)	PL				
				DN	STPF	1,000,000		
				RW	STPF		200,000	
				UT	STPF		800,000	
				CN	STPF			5,000,000
Project Cost:						1,000,000	1,000,000	5,000,000
Jefferson	80053	US-31	RECONSTRUCT EAST MARKET (US 31E) FROM FIRST ST TO JOHNSON ST TO IMPROVE PEDESTRIAN SAFETY AND ENHANCE ECONOMIC DEVELOPMENT. (2020CCR)	PL				
				DN				
				RW				
				UT				
				CN	SPP			2,500,000
Project Cost:						0	0	2,500,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Jefferson	80109	KY-1703	REPAIR AND REHABILITATE THE BRIDGE AND DRAINAGE STRUCTURES ACROSS TYLER PARK (2020CCN)	PL DN RW UT CN	SPP	2,516,950		
Project Cost:						2,516,950	0	0
Jefferson	80110	KY-2055	CONSTRUCT A SIDEWALK ALONG MT HOLLY RD FROM CHARLENE DR TO FOX AVE FOR CORAL RIDGE ELEMENTARY (2020CCN)	PL DN RW UT CN	SPP SPP		150,000	30,000
Project Cost:						0	150,000	30,000
Jefferson	80151	US-31	RECONSTRUCT THE INTERSECTION OF BARDSTOWN ROAD (US 31E) AND BAXTER AVENUE (KY 1703) FOR PEDESTRIAN SAFETY	PL DN RW UT CN	SPP	150,000		
Project Cost:						150,000	0	0
Jefferson	80200	ky-2050	Reduce congestion, improve safety, and enhance mobility on KY 2050 (Herr Lane) from Prince Valiant Drive/Westmar Terrace to Bedford Lane.	PL DN RW UT CN	SPP			350,000
Project Cost:						0	0	350,000
Jefferson	80203	ky-1065	Improve safety and reduce congestion on KY 1065 (Outer Loop) from I-65 to KY 2052 (Shepherdsville Road). Project will evaluate the addition of one travel lane in each direction and consider accommodations for bicyclists and pedestrians	PL DN RW UT CN	STPF		2,180,000	
Project Cost:						0	2,180,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Jefferson	80204	KY-1931	Improve safety and reduce congestion on KY 1931 (Manslick Road) from KY 1931 (St. Andrews Church Road) to I-264 (Henry Watterson Expressway). Project will evaluate 3-lane widening and consider accommodations for bicyclists and pedestrians.	PL DN RW UT CN	STPF			1,557,500
Project Cost:						0	0	1,557,500
Jefferson	80205	KY-61	Improve safety, reduce congestion, and improve multi-modal transportation options along KY 61 from Commerce Crossings Dr (BMP 1.395) to Briden Avenue (EMP 8.400) including the I-264 (Watterson Expressway) and I-265 (Gene Snyder Freeway) interchanges.	PL DN RW UT CN	STPF			400,000
Project Cost:						0	0	400,000
Jefferson	80214	-1021, US-150, US-31	Reconstruction of Broadway to improve safety for vehicles and pedestrians. (MATCHING FUNDS FOR FEDERAL GRANT PROGRAM)	PL DN RW UT CN	SPP		500,000	
Project Cost:						0	500,000	0
Jefferson	80250	CR-1006	DESIGN AND CONSTRUCTION OF A REALIGNED OLD BARDSTOWN ROAD TO ALIGN WITH THE ENTRANCE TO WALGREENS AT HILLOCK. (MILEPOINT 0.0 TO MILEPOINT 0.01) WITH A MEMORANDUM OF AGREEMENT WITH THE LOUISVILLE METRO GOVERNMENT.	PL DN RW UT CN	SPP SPP SPP		70,000 40,000	400,000
Project Cost:						0	110,000	400,000
Jefferson	80251	I-65	IMPROVE ALIGNMENT OF THE I 65 SOUTHBOUND RAMP TO BROOK/JEFFERSON THROUGH THE ADDITION OF LANES AND IMPROVED GEOMETRY.	PL DN RW UT CN	NH		500,000	
Project Cost:						0	500,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Jefferson	80252	CS-1046	RECONSTRUCT 9TH STREET TO IMPROVE SAFETY AND CONNECTIVITY TO THE NEW BEECHER TERRACE AND RUSSELL NEIGHBORHOOD. MILEPOINT 0.0 TO MILEPOINT 0.748 (STATE FUNDS FOR FEDERAL GRANT MATCH).	PL DN RW UT CN	SPP			500,000
Project Cost:						0	0	500,000
Jefferson	80261	us-31	Reduce congestion, improve safety and enhance mobility along the US 31E (Bardstown Road) corridor from the Bullitt/Jefferson County line to KY 1065 (Beulah Church/Seatonville Road). (MP 0.0 – MP 5.6)	PL DN RW UT CN	SPP		450,000	
Project Cost:						0	450,000	0
Total for Jefferson county				PL DN RW UT CN		750,000 6,195,000 975,000 1,405,000 89,163,616	700,000 13,296,690 3,010,000 1,660,000 131,226,852	400,000 7,305,100 2,680,000 4,830,000 116,161,551
Total Amounts:						98,488,616	149,893,542	131,376,651
Jessamine	87.2000	PF-9999	EAST NICHOLASVILLE BYPASS SECTION IA: IMPROVE CONNECTIVITY AND MOBILITY EAST AROUND NICHOLASVILLE FROM SOUTH OF KY-39 TO NORTH OF KY-169. (2020CCR)	PL DN RW UT CN	SPP		19,610,000	
Project Cost:						0	19,610,000	0
Jessamine	103	KY-1980	MINOR WIDENING OF ASHGROVE ROAD (KY 1980) FROM US 27 TO YOUNG DRIVE TO ACCOMODATE PROPOSED SCHOOL SITE TRAFFIC (2020CCR)	PL DN RW UT CN	SPP	1,000,000		
Project Cost:						1,000,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Jessamine	414	KY-1980	IMPROVE ROADWAY GEOMETRICS, TYPICAL SECTION, AND ROADWAY HAZARDS ON KY 1980 (BRANNON RD) FROM US 68 (HARRODSBURG RD) TO US 27 (NICHOLASVILLE RD)(12CCR) (18CCN)	PL DN RW UT CN	STPF			5,000,000
Project Cost:						0	0	5,000,000
Jessamine	1144	CR-1238	BRIDGE PROJECT IN JESSAMINE COUNTY ON (057R00605N) DRAKE LANE AT NS (CNO&TP) SYSTEM	PL DN RW UT CN	BRZ BRZ		210,000	2,100,000
Project Cost:						0	210,000	2,100,000
Jessamine	4308	KY-1268	INSTALL GUARDRAIL ON KY-1268 IN JESSAMINE COUNTY	PL DN RW UT CN	GR	18,000		
Project Cost:						18,000	0	0
Jessamine	8851	KY-169	ADDRESS DEFICIENCIES OF RAILROAD BRIDGE ON KY 169 (NORTH 3RD STREET) BETWEEN MEADOWLARK LANE & ILHARDT AVENUE. (057R00603N)(14CCN)(16CCR)(SD)	PL DN RW UT CN	BRX		1,000,000	
Project Cost:						0	1,000,000	0
Jessamine	80108	KY-169	IMPROVE KY-169 FROM NORTH OF CLEAR CREEK RD IN JESSAMINE COUNTY TO NORTH OF KY-1967 IN WOODFORD COUNTY. (2020CCN)	PL DN RW UT CN	SPP SPP		910,000	2,020,000
Project Cost:						0	910,000	2,020,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>	
Jessamine	80251	US-68	SAFETY IMPROVEMENTS: FEASIBILITY STUDY TO IMPROVE THE SAFETY AND DRIVER EXPECTATION ON US 68IN MERCER AND JESSAMINE COUNTIES NEAR THE KY RIVER. (MP 14.45 IN MERCER COUNTY TO MP 1.38 IN JESSAMINE COUNTY)	PL	NH		250,000		
				DN					
				RW					
				UT					
				CN					
				Project Cost:			0	250,000	0
Total for Jessamine county				PL			250,000		
				DN			1,120,000		
				RW				2,020,000	
				UT				5,000,000	
				CN		1,018,000	20,610,000	2,100,000	
				Total Amounts:		1,018,000	21,980,000	9,120,000	
Johnson	149	KY-40	IMPROVE ROADWAY GEOMETRICS AND CAPACITY FROM GARBAGE HOLLOW TO EAST OF MILL STREET. (2020CCR)	PL					
				DN	SPP				1,000,000
				RW					
				UT					
				CN					
				Project Cost:			0	0	1,000,000
Johnson	194	KY-40	ADDRESS GEOMETRIC AND SAFETY ISSUES AND FUTURE CONGESTION MITIGATION ON KY 40 FROM 0.10 MILE WEST OF TEAYS BR. ROAD TO 0.10 MILE EAST OF TEAYS BR. ROAD.(12CCR) (2020CCN)	PL					
				DN					
				RW	SPP			500,000	
				UT	SPP			500,000	
				CN					
				Project Cost:			0	1,000,000	0
Johnson	4307	KY-172	INSTALL GUARDRAIL ON KY-172 IN JOHNSON COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR		106,000		
				Project Cost:			106,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Johnson	4308	KY-1750	INSTALL GUARDRAIL ON KY-1750 IN JOHNSON COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR	106,000		
				Project Cost:		106,000	0	0
Johnson	4309	KY-1750	INSTALL GUARDRAIL ON KY-1750 IN JOHNSON COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR	106,000		
				Project Cost:		106,000	0	0
Johnson	4316	KY-172	INSTALL GUARDRAIL ON KY-172 IN JOHNSON COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR	106,000		
				Project Cost:		106,000	0	0
Johnson	4317	KY-825	INSTALL GUARDRAIL ON KY-825 IN JOHNSON COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR	53,000		
				Project Cost:		53,000	0	0
Johnson	4321	KY-825	INSTALL GUARDRAIL ON KY-825 IN JOHNSON COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR	25,000		
				Project Cost:		25,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Johnson	4322	KY-825	INSTALL GUARDRAIL ON KY-825 IN JOHNSON COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR	69,000		
				Project Cost:		69,000	0	0
Johnson	4338	KY-172	INSTALL GUARDRAIL ON KY-172 IN JOHNSON COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		106,000	
				Project Cost:		0	106,000	0
Johnson	4339	KY-2039	INSTALL GUARDRAIL ON KY-2039 IN JOHNSON COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		106,000	
				Project Cost:		0	106,000	0
Johnson	4340	KY-3224	INSTALL GUARDRAIL ON KY-3224 IN JOHNSON COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		71,000	
				Project Cost:		0	71,000	0
Johnson	4341	KY-3224	INSTALL GUARDRAIL ON KY-3224 IN JOHNSON COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		71,000	
				Project Cost:		0	71,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Johnson	4401	KY-1107	INSTALL GUARDRAIL ON KY-1107 IN JOHNSON COUNTY	PL DN RW UT CN	GR	74,000		
Project Cost:						74,000	0	0
Johnson	80100	KY-40	IMPROVE ROADWAY GEOMETRICS AND CAPACITY ON KY 40 FROM KY 321 TO GARBAGE HOLLOW (2020CCN)	PL DN RW UT CN	SPP		811,000	
Project Cost:						0	811,000	0
Johnson	80101	US-460	IMPROVE US 460 FROM THE INTERSECTION WITH KY 114 TO THE INTERCHANGE WITH US 23 (2020CCR)	PL DN RW UT CN	SPP	1,000,000		
Project Cost:						1,000,000	7,950,000	7,212,000
Johnson	80116	KY-321	ADDRESS CONGESTION AND SAFETY ISSUES ON KY 321 FROM THE 6TH STREET TO THE JUNCTION OF KY 321 AND KY 40 (2020CCN) (SAME AS 12-8102 IN 2020 HIGHWAY PLAN)	PL DN RW UT CN	SPP			324,000
Project Cost:						0	0	324,000
Johnson	80250		CONSTRUCT ACCESS ROAD TO PROPOSED JOHNSON COUNTY HIGH SCHOOL AND MIDDLE SCHOOL CAMPUS. TO INTERSECT WITH KY 40 AT MILEPOINT 8.85	PL DN RW UT CN	SPP		1,500,000	
Project Cost:						0	1,500,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Total for Johnson county				PL		1,000,000		324,000
				DN			10,261,000	1,000,000
				RW			500,000	7,212,000
				UT			500,000	
				CN		645,000	354,000	
				Total Amounts:		1,645,000	11,615,000	8,536,000
Kenton	17	I-75	INITIATE PRELIMINARY ENGINEERING, ENVIRONMENTAL STUDIES AND OTHER PRECONSTRUCTION ACTIVITIES TO UPGRADE THE EXISTING I-71/75 BRENT SPENCE BRIDGE CORRIDOR AT THE OHIO RIVER BETWEEN COVINGTON, KY AND CINCINNATI, OHIO. (02KYD)	PL				
				DN	NH	5,000,000	20,000,000	20,000,000
				RW	NH	5,000,000	15,000,000	25,000,000
				UT	NH			5,000,000
				CN				
				Project Cost:		10,000,000	35,000,000	50,000,000
Kenton	17.3000	CO-0	CONSTRUCT A COMPANION BRIDGE TO THE EXISTING I-71/75 BRENT SPENCE BRIDGE OVER THE OHIO RIVER BETWEEN COVINGTON, KY AND CINCINNATI, OH. (FEDERAL GRANT FUNDING)	PL				
				DN				
				RW				
				UT				
				CN	IF		180,000,000	180,000,000
				Project Cost:		0	180,000,000	180,000,000
Kenton	17.3100	CO-0	CONSTRUCT A COMPANION BRIDGE TO THE EXISTING I-71/75 BRENT SPENCE BRIDGE OVER THE OHIO RIVER BETWEEN COVINGTON, KY AND CINCINNATI, OH. (DEDICATED STATE GENERAL FUNDS)	PL				
				DN				
				RW				
				UT				
				CN	IF		250,000,000	
				Project Cost:		0	250,000,000	0
Kenton	17.3200	CO-0	CONSTRUCT A COMPANION BRIDGE TO THE EXISTING I-71/75 BRENT SPENCE BRIDGE OVER THE OHIO RIVER BETWEEN COVINGTON, KY AND CINCINNATI, OH. (GARVEE BONDS)	PL				
				DN				
				RW				
				UT				
				CN	IF			150,000,000
				Project Cost:		0	0	150,000,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Kenton	162.3000	KY-536	IMPROVE SAFETY AND REDUCE CONGESTION ON KY-536 FROM KY 1303 TO WILLIAMSWOOD ROAD/CALVARY DRIVE (PRIORITY SECTION 2). DESIGN PHASE UNDER PARENT NO. 6-162.01. (2012BOP)(18CCN) (2020CCR)	PL DN RW UT CN	STPF		6,300,000	5,000,000
Project Cost:						0	6,300,000	5,000,000
Kenton	162.4000	KY-536	IMPROVE SAFETY AND REDUCE CONGESTION ON KY-536 FROM WILLIAMSWOOD ROAD/CALVARY DRIVE TO KY-17 (PRIORITY SECTION 3). DESIGN PHASE UNDER PARENT NO. 6-162.01. (2012BOP)(18CCR) (2020CCR)	PL DN RW UT CN	STPF			5,000,000
Project Cost:						0	0	5,000,000
Kenton	449	KY-17	IMPROVE SAFETY AND REDUCE CONGESTION ON KY-17 AT THE I-275 INTERCHANGE. (18CCR) (2020CCR)	PL DN RW UT CN	STPF STPF		1,500,000	2,000,000
Project Cost:						0	1,500,000	2,000,000
Kenton	450	KY-1303	IMPROVE SAFETY AND REDUCE CONGESTION ALONG KY-1303 (TURKEYFOOT RD) FROM DUDLEY RD TO US-25 (DIXIE HWY). (18CCR) (2020CCR)	PL DN RW UT CN	STPF		3,500,000	
Project Cost:						0	3,500,000	0
Kenton	1069	I-75	Federal grant applications associated with Brent Spence Bridge mitigation.	PL DN RW UT CN	IF		10,000,000	
Project Cost:						0	10,000,000	0

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Kenton	1070	CS-2097	WEST 15TH STREET; ADDRESS DEFICIENCIES OF BRIDGE AND APPROACHES OVER CSX RR IN COVINGTON (Funds to be provided by the City as per Memorandum of Agreement). (059C00029N) (12CCR)(SD)	PL DN RW UT CN	SPP		2,250,000	
Project Cost:						0	2,250,000	0
Kenton	4313	KY-3716	INSTALL GUARDRAIL ON KY-3716 IN KENTON COUNTY	PL DN RW UT CN	GR			11,000
Project Cost:						0	0	11,000
Kenton	8916	CS-3000	EXTEND HOUSTON ROAD TO CINEMA PROPERTY. (16CCN)(18CCN) (2020CCR)	PL DN RW UT CN	SPP SPP SPP	530,000 520,000	3,790,000	
Project Cost:						1,050,000	3,790,000	0
Kenton	8951	US-25	IMPROVE EXISTING ALIGNMENT WITH BUTTERMILK PIKE, ORPHANAGE ROAD, AND US 25. FT. MITCHELL WILL PAY \$50,000 TOWARD DESIGN. (16CCN)(18CCN) (2020CCR)	PL DN RW UT CN	STPF		570,000	
Project Cost:						0	570,000	0
Kenton	10006	US-25	JOINT REPLACEMENT AND PREVENTIVE MAINTENANCE ON CLAY WADE BAILEY BRIDGE OVER THE OHIO RIVER. JOINT PROJECT WITH OHIO. (059B00049N)	PL DN RW UT CN	BRX	1,000,000		
Project Cost:						1,000,000	0	0

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Kenton	10043	I-75	BRIDGE PROJECT IN KENTON COUNTY ON (059B00040N) I-75 NC AT 3RD-4TH-5TH STS COVINGTO	PL DN RW UT CN	FBP2			1,900,000
Project Cost:						0	0	1,900,000
Kenton	10046	CR-1021	BRIDGE PROJECT IN KENTON COUNTY ON (059C00048N) ERNEST BRIDGE DR AT CSX RAILROAD	PL DN RW UT CN	FBP FBP		121,000	
Project Cost:						0	1,331,000	0
Kenton	20031	I-75	ADDRESS CONDITION OF I-75 FROM MILEPOINT 166.263 TO MILEPOINT 169.439	PL DN RW UT CN	NHPM NHPM		1,100,000	
Project Cost:						0	12,100,000	0
Kenton	80002	KY-236	RECONSTRUCT KY 236 (STEVENSON ROAD) FROM ALICE STREET TO JACQUELINE DRIVE. (18CCN) (2020CCR) Kenton Co. government will allocate \$250,000 to sanitary sewer and waterline relocation. The City of Erlanger up to \$350,000. The City of Erlanger is es eligible to apply to SD1 for up to 50% of the total cost of storm water	PL DN RW UT CN	NH NH NH	1,660,000	1,630,000	6,450,000
Project Cost:						1,660,000	1,630,000	6,450,000
Kenton	80104	KY-17	RESURFACE AND REPAIR MEDIAN ON KY 17 FROM PIONEER PARK TO KYLES LANE (2020CCN)	PL DN RW UT CN	SPP SPP	50,000	2,010,000	
Project Cost:						50,000	2,010,000	0

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Kenton	80105	KY-2373	WIDEN KENTON LANDS ROAD FROM US 25 TO RIGGS ROAD (2020CCN)	PL DN RW UT CN	SPP		3,000,000	
Project Cost:						0	3,000,000	0
Kenton	80203	KY-536	Reconstruct KY 536 to a 4-lane urban section from KY 17 to the Campbell County line.	PL DN RW UT CN	NH		3,000,000	
Project Cost:						0	3,000,000	0
Kenton	80217	KY-536	Provide connectivity, improve mobility, and reduce congestion along KY 536 from KY 17 to KY 16; include multi-modes.	PL DN RW UT CN	SPP			1,996,800
Project Cost:						0	0	1,996,800
Kenton	80254	US-25	REHABILITATE/RECONSTRUCT US 25 FROM BUTTERMILK PIKE (KY371) TO I-75 (MP 8.58 TO MP 9.86)	PL DN RW UT CN	SPP SPP		211,200	5,000,000
Project Cost:						0	211,200	5,000,000
Kenton	80255		CONSTRUCT PAVEMENT, SLOPE STABILITY, DRAINAGE, AND SIGHT DISTANCE IMPROVEMENTS ALONG THE ROUTE BETWEEN HOLLYHOCK ROAD AND DECOURSEY PIKE (KY 177). KENTON COUNTY FISCAL COURT WILL SERVE AS PROJECT MANAGER	PL DN RW UT CN	SPP		600,000	
Project Cost:						0	600,000	0

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Kenton	80256	KY-3716	CONSTRUCT PAVEMENT, SLOPE STABILITY, DRAINAGE AND SIGHT DISTANCE IMPROVEMENTS ALONG THE ROUTE BETWEEN HANDS PIKE AND HIGHRIDGE DRIVE. (MP 0.0 TO MP 1.320)	PL DN RW UT CN	SPP		500,000	
Project Cost:						0	500,000	0
Total for Kenton county				PL DN RW UT CN		5,050,000 7,190,000 520,000 1,000,000	31,502,200 16,500,000 1,630,000 467,660,000	23,896,800 30,000,000 7,000,000 346,461,000
Total Amounts:						13,760,000	517,292,200	407,357,800
Knott	158	KY-80	Eliminate rockfall hazards from KY 2029 to Rock Fork Road.	PL DN RW UT CN	PROT PROT PROT		541,000	221,000 649,000
Project Cost:						0	541,000	870,000
Knott	4310	KY-1231	INSTALL GUARDRAIL ON KY-1231 IN KNOTT COUNTY	PL DN RW UT CN	GR	53,000		
Project Cost:						53,000	0	0
Knott	4323	KY-1088	INSTALL GUARDRAIL ON KY-1088 IN KNOTT COUNTY	PL DN RW UT CN	GR	73,000		
Project Cost:						73,000	0	0

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Knott	4324	KY-1088	INSTALL GUARDRAIL ON KY-1088 IN KNOTT COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR	55,000		
				Project Cost:		55,000	0	0
Knott	4325	KY-1231	INSTALL GUARDRAIL ON KY-1231 IN KNOTT COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR	63,000		
				Project Cost:		63,000	0	0
Knott	4342	KY-1088	INSTALL GUARDRAIL ON KY-1088 IN KNOTT COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		50,000	
				Project Cost:		0	50,000	0
Knott	4357	KY-160	INSTALL GUARDRAIL ON KY-160 IN KNOTT COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			5,000
				Project Cost:		0	0	5,000
Knott	4375	KY-1088	INSTALL GUARDRAIL ON KY-1088 IN KNOTT COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			63,000
				Project Cost:		0	0	63,000

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Knott	4376	KY-3391	INSTALL GUARDRAIL ON KY-3391 IN KNOTT COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			82,000
				Project Cost:		0	0	82,000
Knott	4377	KY-550	INSTALL GUARDRAIL ON KY-550 IN KNOTT COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			32,000
				Project Cost:		0	0	32,000
Knott	4378	KY-582	INSTALL GUARDRAIL ON KY-582 IN KNOTT COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			82,000
				Project Cost:		0	0	82,000
Knott	8200	KY-1231	NEW CONSTRUCTION OF ONE MILE STRETCH OF KY-1231 BEGINNING AT BRIDGE AFTER LEAVING KY-550. (04CCN)(06CCR)(08CCR)(10CCR)(12CCR) (2020CCN)	PL				
				DN				
				RW				
				UT				
				CN	SPP			4,920,000
				Project Cost:		0	0	4,920,000
Knott	10105	KY-550	BRIDGE PROJECT IN KNOTT COUNTY ON (060B00026N) KY-550 AT OGDEN CREEK	PL				
				DN	FBP2		16,000	
				RW				
				UT				
				CN	FBP2		160,000	
				Project Cost:		0	176,000	0

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Knott	10107	KY-1102	BRIDGE PROJECT IN KNOTT COUNTY ON (060B00059N) KY-1102 AT Montgomery Creek	PL				
				DN	FBP2		48,000	
				RW				
				UT				
				CN	FBP2		480,000	
Project Cost:						0	528,000	0
Knott	10109	CS-1018	BRIDGE PROJECT IN KNOTT COUNTY ON (060C00060N) FROGTOWN RD AT R FRK TROUBLESOME CRK	PL				
				DN	BRZ		16,000	
				RW				
				UT				
				CN	BRZ			160,000
Project Cost:						0	16,000	160,000
Knott	10110	CS-1016	BRIDGE PROJECT IN KNOTT COUNTY ON (060C00088N) Fieldwood Dr AT R Frk Troublesome Crk	PL				
				DN	BRZ		22,000	
				RW				
				UT				
				CN	BRZ			220,000
Project Cost:						0	22,000	220,000
Total for Knott county				PL				
				DN			643,000	
				RW				221,000
				UT				649,000
				CN		244,000	690,000	5,564,000
				Total Amounts:		244,000	1,333,000	6,434,000
Knox	4309	KY-229	INSTALL GUARDRAIL ON KY-229 IN KNOX COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR	58,000		
Project Cost:						58,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Knox	4310	KY-3441	INSTALL GUARDRAIL ON KY-3441 IN KNOX COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR	55,000		
Project Cost:						55,000	0	0
Knox	4333	KY-11	INSTALL GUARDRAIL ON KY-11 IN KNOX COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		39,000	
Project Cost:						0	39,000	0
Knox	4345	KY-2418	INSTALL GUARDRAIL ON KY-2418 IN KNOX COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			22,000
Project Cost:						0	0	22,000
Knox	4355	KY-11	INSTALL GUARDRAIL ON KY-11 IN KNOX COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			17,000
Project Cost:						0	0	17,000
Knox	4356	KY-11	INSTALL GUARDRAIL ON KY-11 IN KNOX COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			33,000
Project Cost:						0	0	33,000

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Knox	4357	KY-3438	INSTALL GUARDRAIL ON KY-3438 IN KNOX COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			13,000
				Project Cost:		0	0	13,000
Knox	8713	KY-459	RAISE KY-459 ABOVE FLOOD PLAIN FROM MP 3 TO MP 5, INCLUDING RAISING THE BULL RUN CREEK BRIDGE (INCLUDES 11-8712).(12CCN)	PL				
				DN				
				RW				
				UT				
				CN	PROT		5,000,000	
				Project Cost:		0	5,000,000	0
Knox	8857	KY-3439	IMPROVE SAFETY OF INTERSECTION AT US 25E AND KY 3439 AND PROVIDE SIDEWALKS TO AN AREA FREQUENTED BY PEDESTRIANS (MP 0.0 - MP 0.9)	PL				
				DN	SPP		300,000	
				RW	SPP		1,300,000	
				UT	SPP		1,000,000	
				CN	SPP			2,000,000
				Project Cost:		0	2,600,000	2,000,000
Knox	10200	KY-225	BRIDGE PROJECT IN KNOX COUNTY ON (061B00035N) KY-225 AT BRUSH CREEK	PL				
				DN	FBP2		36,000	
				RW				
				UT				
				CN	FBP2		360,000	
				Project Cost:		0	396,000	0
Knox	10203	KY-6	BRIDGE PROJECT IN KNOX COUNTY ON (061B00073N) KY-6 AT BR OF INDIAN CREEK	PL				
				DN	FBP2		49,000	
				RW				
				UT				
				CN	FBP2		490,000	
				Project Cost:		0	539,000	0

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Knox	80009	US-25	CONDUCT A TRAFFIC SAFETY STUDY ON US 25E AT HEIDRICK, KY IN KNOX COUNTY.(18CCN) (2020CCR)	PL DN RW UT CN	SPP		50,000	
Project Cost:						0	50,000	0
Knox	80111	US-25	CONSTRUCT VARIOUS TURN LANES ON THE CUMBERLAND GAP PARKWAY AS NEEDED (2020CCN)	PL DN RW UT CN	SPP	48,000		
Project Cost:						48,000	0	0
Knox	80155	KY-1487	IMPROVE SAFETY, ADDRESS GEOMETRIC DEFICIENCIES AND PROVIDE FLOOD MITIGATION ON KY 1487 (MANCHESTER STREET) FROM JUDGE STREET TO US 25E (2020CCN)	PL DN RW UT CN	SPP SPP SPP	850,000 1,150,000		5,500,000
Project Cost:						2,000,000	0	5,500,000
Knox	80156	KY-830	IMPROVE SAFETY AND ADDRESS GEOMETRIC DEFICIENCIES ALONG N KY 830 FROM US 25E TO KY 1629 INCLUDING WIDENING AND NEW TURNING LANES (2020CCN)	PL DN RW UT CN	SPP SPP SPP SPP	300,000	350,000 1,250,000	2,000,000
Project Cost:						300,000	1,600,000	2,000,000
Knox	80203	KY-11	Improve safety and access along KY 11 by raising roadway above Flood X elevation.	PL DN RW UT CN	STP2 STP2 STP2		403,200	57,000 249,600
Project Cost:						0	403,200	306,600

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Knox	80204	KY-225	Install guardrail for safety along KY 225	PL				
				DN				
				RW				
				UT				
				CN	SPP	71,800		
				Project Cost:				
Knox	80263	KY-3041	PROVIDE LEFT AND RIGHT TURN AT NEWLY CONSTRUCTED WINNER'S WAY AND OPPORTUNITY DRIVE. RECONSTRUCTION OF WINNER'S WAY AND OPPORTUNITY DRIVE TO IMPROVE ACCESS TO KY 3041 (MILEPOINT 2.1 TO MILEPOINT 2.5)	PL				
				DN	SPP		550,000	
				RW	SPP		1,000,000	
				UT				
				CN	SPP		2,675,000	
				Project Cost:				
Total for Knox county				PL			50,000	
				DN		300,000	1,338,200	
				RW		850,000	2,650,000	57,000
				UT		1,150,000	2,250,000	249,600
				CN		232,800	8,564,000	9,585,000
				Total Amounts:		2,532,800	14,852,200	9,891,600
Larue	4314	US-31	INSTALL GUARDRAIL ON US-31 IN LARUE COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			10,000
				Project Cost:				
Larue	8909	KY-84	ADDRESS SAFETY AND GEOMETRIC DEFICIENCIES ALONG KY 84 FROM KY 357 TO KY 61 (LINCOLN PARKWAY) NEAR HODGINSVILLE (2020CCR)	PL				
				DN	SPP		100,000	
				RW	SPP		100,000	
				UT	SPP			300,000
				CN	SPP			1,800,000
				Project Cost:				

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Larue	10058	KY-210	BRIDGE PROJECT IN LARUE COUNTY ON (062B00034R) KY-210 AT NORTH FORK NOLIN RIVER	PL				
				DN	FBP	121,000		
				RW				
				UT				
				CN	FBP	1,210,000		
				Project Cost:		1,331,000	0	0
Total for Larue county				PL				
				DN		121,000	100,000	
				RW			100,000	
				UT				300,000
				CN		1,210,000		1,810,000
				Total Amounts:		1,331,000	200,000	2,110,000
Laurel	14.8000	I-75	TENN. STATE LINE-LEXINGTON; PRIORITY SECTION OF WIDENING I-7 FROM MP 20.2 IN WHITLEY COUNTY TO MP 28.85, US-25E NORTH OF CORBIN. (C-COST=\$110,000,000)(18CCR) (2020CCR)	PL				
				DN	NH	2,500,000		
				RW	NH		500,000	
				UT	NH		500,000	
				CN	NH			15,000,000
				Project Cost:		2,500,000	1,000,000	15,000,000
Laurel	147	US-25	REDUCE CONGESTION ON US-25 FROM KY-1006 TO KY-2069; IMPROVE CONNECTIVITY FROM US-25 NEAR KY-2069 TO KY-229; IMPROVE KY-229 FROM THE NEW CONNECTOR NORTH TO KY-192; AND IMPROVE ACCESS TO THE SCHOOL FROM KY-192 BYPASS. (06CCR)(10CCR)(12CCR)(14CCR) (2020CCR)	PL				
				DN				
				RW				
				UT				
				CN	STP1		6,000,000	11,000,000
				Project Cost:		0	6,000,000	11,000,000
Laurel	169	CO-0	Improve Rudy Bear Road and KY 3007 from KY 80 South to KY 3432 West of I-75.	PL				
				DN	SPP		300,000	
				RW	SPP			800,000
				UT	SPP			150,000
				CN				
				Project Cost:		0	300,000	950,000

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Laurel	179	I-75	EXPAND TRUCK PARKING AT I-75 NB TRUCK REST HAVEN.	PL				
				DN				
				RW				
				UT				
				CN	NH			1,000,000
				Project Cost:		0	0	1,000,000
Laurel	180	I-75	EXPAND TRUCK PARKING AT I-75 SB TRUCK REST HAVEN.	PL				
				DN				
				RW				
				UT				
				CN	NH			1,000,000
				Project Cost:		0	0	1,000,000
Laurel	185	US-25	IMPROVE SAFETY, IMPROVE ACCESS MANAGEMENT, AND REDUCE CONGESTION ON US-25E FROM THE KNOX/LAUREL COUNTY LINE TO KY-770 (12CCR)(16CCR) (2020CCR)	PL				
				DN				
				RW				
				UT				
				CN	NH			8,000,000
				Project Cost:		0	0	8,000,000
Laurel	187	KY-192	IMPROVE SAFETY, ACCESS MANAGEMENT, AND FREIGHT MOBILITY; AND REDUCE CONGESTION ON KY-192 NEAR KY-1006 TO US-25 IN LONDON. (12CCR)(LET W/11-8514.10)	PL				
				DN				
				RW				
				UT				
				CN	NH			9,000,000
				Project Cost:		0	0	9,000,000
Laurel	365	HR-9006	REDUCE CONGESTION ON THE HAL ROGERS PARKWAY FROM RELOCATED KY-30 TO KY-192.	PL				
				DN				
				RW	NH		2,000,000	
				UT	NH			1,000,000
				CN				
				Project Cost:		0	2,000,000	1,000,000

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Laurel	4319	KY-472	INSTALL GUARDRAIL ON KY-472 IN LAUREL COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR	86,000		
				Project Cost:		86,000	0	0
Laurel	4325	KY-192	INSTALL GUARDRAIL ON KY-192 IN LAUREL COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR	18,000		
				Project Cost:		18,000	0	0
Laurel	4326	KY-472	INSTALL GUARDRAIL ON KY-472 IN LAUREL COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR	27,000		
				Project Cost:		27,000	0	0
Laurel	4334	KY-312	INSTALL GUARDRAIL ON KY-312 IN LAUREL COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		20,000	
				Project Cost:		0	20,000	0
Laurel	4418	KY-3007	INSTALL GUARDRAIL ON KY-3007 IN LAUREL COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR	49,000		
				Project Cost:		49,000	0	0

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Laurel	8811	CR-1221	REPLACE BRIDGE LOCATED ON LILY ROAD (CR 1221) (MP 1.045) (AREA ADJACENT TO FARISTON INDUSTRIAL PARK WITH NEW ROADWAY ALIGNMENT). (14CCN)(18CCN)	PL DN RW UT CN	STP1	1,520,000		
Project Cost:						1,520,000	0	0
Laurel	8909	HR-9006	IMPROVE THE HAL ROGERS PARKWAY TO INTERSTATE STANDARDS FROM 4.0 MI EAST OF KY 192 TO LAUREL/CLAY CO. LINE. (I-75 TO HAZARD) (16CCN)(18CCR)	PL DN RW UT CN	NH		1,040,000	
Project Cost:						0	1,040,000	0
Laurel	10024	KY-1223	ADDRESS DEFICIENCIES OF KY-1223 BRIDGE OVER HORSE CREEK. (063B00007N)	PL DN RW UT CN	FBP2	60,000		
Project Cost:						510,000	0	0
Laurel	22109	I-75	ADDRESS CONDITION OF I-75 FROM MILEPOINT 27.943 TO MILEPOINT 28.9	PL DN RW UT CN	NHPM		90,000	
Project Cost:						0	900,000	0
Laurel	80154	hr-9006	ADDRESS ACCESS AND SAFETY ISSUES AT THE INTERSECTION OF KY 80 AND PAYNE TRAIL AND BUSH ELEMENTARY SCHOOL BY CONSTRUCTING A CONNECTOR ROAD FROM HAL ROGERS PARKWAY (HR 9006) TO KY 6264 (PAYNE TRAIL). (2020CCN)	PL DN RW UT CN	SPP		100,000	
Project Cost:						0	100,000	710,000 28,000 738,000

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Laurel	80200	US-25	Improve safety and alleviate congestion along US 25 and KY 1006 by adding extended turning lanes.	PL				
				DN	SPP		300,000	
				RW	SPP			500,000
				UT	SPP			600,000
				CN				
				Project Cost:		0	300,000	1,100,000
Laurel	80205	US-25	Construct 3 new left turn lanes between milepoints 7.615 and 7.994.	PL				
				DN				
				RW				
				UT				
				CN	STP1		325,000	
				Project Cost:		0	325,000	0
Total for Laurel county				PL				
				DN		2,560,000	1,830,000	
				RW			2,500,000	2,010,000
				UT			500,000	1,778,000
				CN		2,210,000	7,245,000	45,000,000
				Total Amounts:		4,770,000	12,075,000	48,788,000
Lawrence	4379	KY-201	INSTALL GUARDRAIL ON KY-201 IN LAWRENCE COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			74,000
				Project Cost:		0	0	74,000
Lawrence	8701	KY-581	Replace the Georges Creek Bridge. (12CCN) (2020CCN)	PL				
				DN				
				RW				
				UT				
				CN	BRX		1,950,000	
				Project Cost:		0	1,950,000	0

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Lawrence	10016	KY-644	BRIDGE PROJECT IN LAWRENCE COUNTY ON (064B00038N) KY-644 at Levisa Fork	PL				
				DN	BRX		190,000	
				RW				
				UT				
				CN	BRX		1,900,000	
Project Cost:						0	2,090,000	0
Lawrence	10114	KY-1496	BRIDGE PROJECT IN LAWRENCE COUNTY ON (064B00061N) KY-1496 AT E Frk Little Sandy River	PL				
				DN	FBP	56,000		
				RW				
				UT				
				CN	FBP		560,000	
Project Cost:						56,000	560,000	0
Lawrence	10115	KY-2037	BRIDGE PROJECT IN LAWRENCE COUNTY ON (064B00069N) KY-2037 AT Griffith Creek	PL				
				DN	FBP	83,000		
				RW				
				UT				
				CN	FBP		830,000	
Project Cost:						83,000	830,000	0
Lawrence	80104	KY-32	REPAVE KY 32 FROM MP 21.0 TO 23.0 (2020CCN)	PL				
				DN				
				RW				
				UT				
				CN	STP4		300,000	
Project Cost:						0	300,000	0
Lawrence	80105	KY-3	REPAVE ROUTE 3 SOUTH FROM MP 12.58 TO MP 0 AND PLACE GUARD RAILS ON FALLS HILL (2020CCN)	PL				
				DN				
				RW				
				UT				
				CN	SPP			1,700,000
Project Cost:						0	0	1,700,000

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Lawrence	80110	KY-581	REPLACE BRIDGE ON KY 581 0.5 MILES FROM THE INTERSECTION OF US 23 (2020CCN)	PL				
				DN	SPP		500,000	
				RW	SPP			50,000
				UT				
				CN				
				Project Cost:		0	500,000	50,000
Total for Lawrence county				PL				
				DN		139,000	690,000	
				RW				50,000
				UT				
				CN			5,540,000	1,774,000
				Total Amounts:		139,000	6,230,000	1,824,000
Lee	175	KY-52	Replace or Repair multiple culverts along KY 52 in Lee County.	PL				
				DN	PROT		250,000	
				RW	PROT			300,000
				UT	PROT			300,000
				CN				
				Project Cost:		0	250,000	600,000
Lee	10013	CR-1124	ADDRESS DEFICIENCIES OF GOOSE CREEK RD BRIDGE OVER CSX RAILROAD. (065R00604N)	PL				
				DN	BRZ	90,000		
				RW				
				UT				
				CN	BRZ	1,300,000		
				Project Cost:		1,390,000	0	0
Lee	80102	KY-11	EXTEND TWO WAY LEFT TURNING LANE FROM .047 MILES NORTH OF LEE COUNTY SENIOR CITIZENS CENTER TO .103 MILES SOUTH OF GRAND AVE (2020CCN)	PL				
				DN	SPP		100,000	
				RW	SPP			25,000
				UT	SPP			100,000
				CN	SPP			500,000
				Project Cost:		0	100,000	625,000

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Lee	80103	KY-11	ADD TURN LANE AT THE INTERSECTION OF KY 11 AND KY 498	PL				
				DN	SPP		100,000	
				RW	SPP			25,000
				UT	SPP			50,000
				CN	SPP			250,000
Project Cost:						0	100,000	325,000
Lee	80104	KY-399	RECONSTRUCT ALONG KY 399 BETWEEN MP 5.75 AND 6.2 (2020CCN)	PL				
				DN	SPP		500,000	
				RW	SPP			200,000
				UT	SPP			100,000
				CN				
Project Cost:						0	500,000	300,000
Total for Lee county				PL				
				DN		90,000	950,000	
				RW				550,000
				UT				550,000
				CN		1,300,000		750,000
Total Amounts:						1,390,000	950,000	1,850,000
Leslie	1095	US-421	ADDRESS DEFICIENCIES OF BRIDGE OVER MUNCY CREEK ON US 42 0.5 MILE SOUTH OF TAYLOR MORGAN ROAD (CR 1090). (066B00006N)	PL				
				DN				
				RW				
				UT				
				CN	BRZ	730,000		
Project Cost:						730,000	0	0
Leslie	4320	US-421	INSTALL GUARDRAIL ON US-421 IN LESLIE COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR	36,000		
Project Cost:						36,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Leslie	8516	KY-1482	CONSTRUCT A NEW APPROACH FROM KY-1482 ONTO THE HAL ROGERS PARKWAY AT MP 39. (08CCN)(10CCR)(2011BOPP)(18CCN) (2020CCR)	PL DN RW UT CN	SPP SPP	260,000		1,020,000
Project Cost:						260,000	0	1,020,000
Leslie	8912	HR-9006	UPGRADE ROUTE FROM SOMERSET TO HAZARD TO INTERSTATE STANDARDS: 4 LANE FROM CLAY/LESLIE LINE TO HYDEN SPUR, MP 35.929 TO MP 44.188 (SEGMENT 9). (16CCN)(18CCN)	PL DN RW UT CN	NH			1,000,000
Project Cost:						0	0	1,000,000
Leslie	8951	US-421	CONSTRUCT RIGHT TURN LANE ON US 421 AT INTERSECTION WITH KY 80. (16CCN)(18CCN)	PL DN RW UT CN	SPP SPP SPP		520,000	120,000 280,000
Project Cost:						0	520,000	400,000
Leslie	10214	KY-2057	BRIDGE PROJECT IN LESLIE COUNTY ON (066B00055N) KY-2057 AT CUTSHIN CREEK	PL DN RW UT CN	BRX BRX		103,000	1,030,000
Project Cost:						0	103,000	1,030,000
Leslie	10216	CR-1210	BRIDGE PROJECT IN LESLIE COUNTY ON (066C00090N) _CR-1210 AT _MIDDLE FORK	PL DN RW UT CN	BRZ BRZ		21,000	
Project Cost:						0	231,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Leslie	80003	KY-2009	INSTALL NEW GUARDRAIL ON KY 2009 FROM MP 13.418 TO MP 14.767.(18CCN)	PL DN RW UT CN	SPP		500,000	
Project Cost:						0	500,000	0
Leslie	80004	KY-1482	INSTALL NEW GUARDRAIL ON KY 1482 FROM MP 0 TO MP 1.9. (18CCN)	PL DN RW UT CN	SPP			110,000
Project Cost:						0	0	110,000
Leslie	80005	KY-257	INSTALL NEW GUARDRAIL ON KY 257 FROM MP 5.723 TO MP 5.853. (18CCN)	PL DN RW UT CN	SPP			30,000
Project Cost:						0	0	30,000
Leslie	80006	KY-1807	INSTALL NEW GUARDRAIL ON KY 1807 FROM MP 0.914 TO MP 1.256. (18CCN)	PL DN RW UT CN	SPP			50,000
Project Cost:						0	0	50,000
Leslie	80007	KY-118	CONSTRUCT A SECONDARY RUNAWAY TRUCK RAMP ON KY 118 (HYDEN SPUR) JUST BEFORE THE INTERSECTION WITH KY 80/US 42 TO INCLUDE A NEW BOX CULVERT OR BRIDGE AT THE INTERSECTION(18CCN) (2020CCR)	PL DN RW UT CN	SPP		550,000	
Project Cost:						0	550,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Leslie	80108	KY-1482	GUARD RAIL INSTALLATION ON BULL SKIN RD MP 1.582 TO MP 2 (2020CCN)	PL DN RW UT CN	GR	50,000		
Project Cost:						50,000	0	0
Leslie	80109	KY-1807	GUARD RAIL INSTALLATION ON WOOTEN RD FROM MP 0.089 TO MP 3.567 AS NEEDED (2020CCN)	PL DN RW UT CN	GR	150,000		
Project Cost:						150,000	0	0
Total for Leslie county				PL DN RW UT CN		260,000	1,194,000	1,000,000
Total Amounts:						966,000	710,000	1,220,000
Total Amounts:						1,226,000	1,904,000	3,640,000
Letcher	199.1000	US-119	IMPROVE US-119 FROM NORTH OF KY-15 TO BRASS DRIVE (SOUTH).(16CCN)(18CCR) (2020CCR)	PL DN RW UT CN	SPP SPP	1,300,000		
Project Cost:						1,750,000		
Project Cost:						3,050,000	0	0
Letcher	199.1500	US-119	IMPROVE US-119 FROM KY-2034/COUGAR DRIVE TO BRASS DRIVE (MP 16.731 TO 17.740). THROUGH MAYKING (MP 19.925 TO 20.6) AND AUXILIARY LANE (MP 22.0 TO 22.75) (16CCN)(SEE 12-199.10 FOR D, R, U) (18CCR)	PL DN RW UT CN	NH			6,000,000
Project Cost:						0	0	6,000,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Letcher	1125	CR-1226	ADDRESS DEFICIENCIES OF BRIDGE ON HAMPTON BRANCH (CR 1226) (MP 0.01) OVER COWAN CREEK. 067C00021N	PL DN RW UT CN	BRZ	434,000		
Project Cost:						434,000	0	0
Letcher	4311	KY-463	INSTALL GUARDRAIL ON KY-463 IN LETCHER COUNTY	PL DN RW UT CN	GR	72,000		
Project Cost:						72,000	0	0
Letcher	4318	KY-588	INSTALL GUARDRAIL ON KY-588 IN LETCHER COUNTY	PL DN RW UT CN	GR	102,000		
Project Cost:						102,000	0	0
Letcher	4326	KY-317	INSTALL GUARDRAIL ON KY-317 IN LETCHER COUNTY	PL DN RW UT CN	GR	58,000		
Project Cost:						58,000	0	0
Letcher	4327	KY-931	INSTALL GUARDRAIL ON KY-931 IN LETCHER COUNTY	PL DN RW UT CN	GR	75,000		
Project Cost:						75,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Letcher	4344	KY-588	INSTALL GUARDRAIL ON KY-588 IN LETCHER COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		92,000	
				Project Cost:		0	92,000	0
Letcher	4345	KY-7	INSTALL GUARDRAIL ON KY-7 IN LETCHER COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		44,000	
				Project Cost:		0	44,000	0
Letcher	4346	KY-931	INSTALL GUARDRAIL ON KY-931 IN LETCHER COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		13,000	
				Project Cost:		0	13,000	0
Letcher	4358	KY-1103	INSTALL GUARDRAIL ON KY-1103 IN LETCHER COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			102,000
				Project Cost:		0	0	102,000
Letcher	4359	KY-1103	INSTALL GUARDRAIL ON KY-1103 IN LETCHER COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			102,000
				Project Cost:		0	0	102,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Letcher	4360	KY-7	INSTALL GUARDRAIL ON KY-7 IN LETCHER COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			152,000
				Project Cost:		0	0	152,000
Letcher	4361	KY-931	INSTALL GUARDRAIL ON KY-931 IN LETCHER COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			55,000
				Project Cost:		0	0	55,000
Letcher	4362	KY-931	INSTALL GUARDRAIL ON KY-931 IN LETCHER COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			11,000
				Project Cost:		0	0	11,000
Letcher	4380	KY-588	INSTALL GUARDRAIL ON KY-588 IN LETCHER COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			86,000
				Project Cost:		0	0	86,000
Letcher	10017	KY-7	BRIDGE PROJECT IN LETCHER COUNTY ON (067B00038N) KY-7 at CSX RR & N Frk KY River	PL				
				DN	BRX		570,000	
				RW				
				UT				
				CN	BRX		5,700,000	
				Project Cost:		0	6,270,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Letcher	10117	KY-805	BRIDGE PROJECT IN LETCHER COUNTY ON (067B00023N) KY-805 AT Potter Fork	PL				
				DN	FBP2		29,000	
				RW				
				UT				
				CN	FBP2		290,000	
				Project Cost:		0	319,000	0
Letcher	10123	KY-1862	BRIDGE PROJECT IN LETCHER COUNTY ON (067B00113N) KY-1862 AT NORTH FORK KY RIVER	PL				
				DN	FBP2		75,000	
				RW				
				UT				
				CN	FBP2		750,000	
				Project Cost:		0	825,000	0
Letcher	10124	KY-1862	BRIDGE PROJECT IN LETCHER COUNTY ON (067B00118N) KY-1862 AT PINE CREEK	PL				
				DN	FBP2			19,000
				RW				
				UT				
				CN	FBP2			190,000
				Project Cost:		0	0	209,000
Letcher	80113	KY-3404, PF-9999	RECONSTRUCT THE BRIDGE OVER COLLIER'S CREEK BRIDGE TO CORRECT A DIP (2020CCN)	PL				
				DN	BRZ	100,000		
				RW	BRZ		50,000	
				UT	BRZ		50,000	
				CN	BRZ			175,000
				Project Cost:		100,000	100,000	175,000
Letcher	80114	KY-3401	INSTALL A LEFT TURN AT INTERSECTION OF KY 15 AND KY 3401 (2020CCN)	PL				
				DN	SPP		185,000	
				RW	SPP			30,000
				UT	SPP			20,000
				CN				
				Project Cost:		0	185,000	50,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Letcher	80200	KY-113	Spot improvements along KY 113 from KY 2545 to Landfill Rd where the Letcher County Transfer Station is located.	PL				
				DN	STP2		30,000	
				RW	STP2			25,000
				UT	STP2			130,000
				CN				
				Project Cost:		0	30,000	155,000
Total for Letcher county				PL				
				DN		100,000	889,000	19,000
				RW		1,300,000	50,000	55,000
				UT		1,750,000	50,000	150,000
				CN		741,000	6,889,000	6,873,000
				Total Amounts:		3,891,000	7,878,000	7,097,000
Lewis	231	KY-59	NEW ROUTE FROM VANCEBURG TO KY-59 FROM POLLITT LANE IN VANCEBURG (ALT. 5B1-2 PER PLANNING STUDY). (2020CCR)	PL				
				DN	STP2		3,000,000	
				RW	STP2			2,500,000
				UT				
				CN				
				Project Cost:		0	3,000,000	2,500,000
Lewis	8806.1000	KY-8	RECONSTRUCT KY-8 FROM KY-8C IN GARRISON TO SCAFFOLD LICK ROAD.(16CCN)(18CCN)	PL				
				DN	SPP			500,000
				RW				
				UT				
				CN				
				Project Cost:		0	0	500,000
Lewis	8807	KY-57	RECONSTRUCT KY-57 FROM KY-9 TO FLEMING/LEWIS COUNTY LINE (14CCN) (16CCR) (18CCN) (2020CCR)	PL				
				DN	NH		1,000,000	
				RW				
				UT				
				CN				
				Project Cost:		0	1,000,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Total for Lewis county				PL				
				DN			4,000,000	500,000
				RW				2,500,000
				UT				
				CN				
				Total Amounts:		0	4,000,000	3,000,000
Lincoln	167	US-27	US-27 CORRIDOR FROM SOMERSET TO LEXINGTON. IMPROVE SAFETY AND REDUCE CONGESTION ON US-27 FROM KY-1247 TO EDUCATION WAY.	PL				
				DN				
				RW	NH		3,800,000	4,000,000
				UT				
				CN				
				Project Cost:		0	3,800,000	4,000,000
Lincoln	196	US-27	IMPROVE US-27 FROM KY-590 TO BELL STREET IN STANFORD. (INCLUDES NEW GOSHEN CUT-OFF ROAD)(2005HPP-KY115)(18CCR)	PL				
				DN				
				RW				
				UT				
				CN	NH	6,500,000		
				Project Cost:		6,500,000	0	0
Lincoln	4317	KY-1194	INSTALL GUARDRAIL ON KY-1194 IN LINCOLN COUNTY (2020CCR)	PL				
				DN				
				RW				
				UT				
				CN	GR	11,000		
				Project Cost:		11,000	0	0
Lincoln	4319	KY-1194	INSTALL GUARDRAIL ON KY-1194 IN LINCOLN COUNTY (2020CCR)	PL				
				DN				
				RW				
				UT				
				CN	GR	24,000		
				Project Cost:		24,000	0	0

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Lincoln	4320	KY-39	INSTALL GUARDRAIL ON KY-39 IN LINCOLN COUNTY (2020CCR)	PL				
				DN				
				RW				
				UT				
				CN	GR	28,000		
				Project Cost:		28,000	0	0
Lincoln	10054	KY-78	BRIDGE PROJECT IN LINCOLN COUNTY ON (069B00023N) KY-78 AT HANGING FORK	PL				
				DN	FBP	167,000		
				RW				
				UT				
				CN	FBP		1,670,000	
				Project Cost:		167,000	1,670,000	0
Lincoln	80000	US-127	NEW TURNING LANE AT ARCADIA VIEW DRIVE(18CCN) (2020CCR)	PL				
				DN				
				RW	SPP	60,000		
				UT	SPP	60,000		
				CN	SPP		840,000	
				Project Cost:		120,000	840,000	0
Lincoln	80001	US-150	US 150 NEW TURNING LANE NEAR HUBBLE ROAD AND CRAWFORD LANE(18CCN) (2020CCR)	PL				
				DN	SPP	100,000		
				RW				
				UT	SPP	50,000		
				CN	SPP		350,000	
				Project Cost:		150,000	350,000	0
Lincoln	80009	US-27	Reconstruct US 27 From Bell Street (End of 8-196.00) in Stanford to Lincoln-Garrard County Line. (18CCN) (2020CCR)	PL				
				DN	NH	2,100,000		
				RW	NH			7,500,000
				UT				
				CN				
				Project Cost:		2,100,000	0	7,500,000

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Lincoln	80110	CR-1043	INSTALL GUARD RAIL ON GOSHEN RD AT DIX RIVER BRIDGE (2020CCN)	PL DN RW UT CN	GR	25,000		
Project Cost:						25,000	0	0
Lincoln	80111	US-150	INSTALL TURN LANE AT DOLLAR GENERAL STORE ON US 150 (2020CCN)	PL DN RW UT CN	NH NH	100,000		
Project Cost:						1,000,000	0	0
Lincoln	80201	us-27	Continue ongoing improvements to US 27 Corridor from Somerset to Lexington. Improve Level of Service and safety on US 27 from KY 328 to KY 501 in Lincoln County.	PL DN RW UT CN	NH		2,455,800	
Project Cost:						0	2,455,800	0
Lincoln	80202	KY-300	CONDUCT A PLANNING STUDY TO ASSES HOW TO FURTHER MITIGATE ROCKSLIDE DAMAGE ON KY 300	PL DN RW UT CN	SPP		1,000,000	
Project Cost:						0	1,000,000	0
Lincoln	80203	KY-1194	CONDUCT A PLANNING STUDY FOR NEW ROADWAY FROM THE END OF KY 1194 TO US 27	PL DN RW UT CN	SPP		500,000	
Project Cost:						0	500,000	0
Total for Lincoln county				PL			1,500,000	
				DN		2,467,000	2,455,800	
				RW		60,000	3,800,000	11,500,000
				UT		110,000		
				CN		7,488,000	2,860,000	
Total Amounts:						10,125,000	10,615,800	11,500,000

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Livingston	20007	I-24	ADDRESS CONDITION OF I-24 FROM MILEPOINT 29.543 TO MILEPOINT 33.664	PL				
				DN	NHPM			1,075,000
				RW				
				UT				
				CN	NHPM			10,750,000
Project Cost:						0	0	11,825,000
Total for Livingston county				PL				
				DN				1,075,000
				RW				
				UT				
				CN				10,750,000
Total Amounts:						0	0	11,825,000
Logan	8908	KY-2349	IMPROVE SAFETY BY IMPROVING SIGHT LINES CROSSING RAILROAD BETWEEN STOCKYARDS AND INDUSTRIAL PARK. (16CCN)(18CCN) (2020CCR)	PL				
				DN	SPP	170,000		
				RW	SPP		120,000	
				UT	SPP		170,000	
				CN	SPP			1,000,000
Project Cost:						170,000	290,000	1,000,000
Logan	10010	US-79	REPLACE BRIDGE ON US 79 TO WIDEN FOR FREIGHT MOVEMENT AND IMPROVE SAFETY. BRIDGE ID (071B00025N)(BRIDGE OVER WHIPPOORWILL CREEK) AT MP 4.65 (2020CCR)(BUILD - \$2.344M) (LOGAN COUNTY MATCH - \$300,000)	PL				
				DN				
				RW				
				UT				
				CN	NH	2,930,000		
Project Cost:						2,930,000	0	0
Logan	80050	US-79	WIDEN US-79 TO 4 LANES FROM TODD COUNTY LINE TO INTERSECTION WITH RUSSELLVILLE BYPASS.(18CCN) (2020CCR)	PL				
				DN				
				RW	NH			6,740,000
				UT				
				CN				
Project Cost:						0	0	6,740,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Logan	80100	US-79	Replace and widen bridges on US-79 at MP 2.921 in Logan County, and MP 7.613 in Todd County. (Includes item No. 3-80102) (2020CCN) (BUILD) (To be let with 3-10010 & 3-80001.20)	PL DN RW UT CN	SPP			4,750,000
Project Cost:						0	0	4,750,000
Logan	80101	US-79	REPLACE AND WIDEN TO 4 LANES BRIDGE ON US-79 AT MP 5.950 (BRIDGE OVER DRY FORK) (2020CCN)	PL DN RW UT CN	SPP SPP SPP		150,000 250,000	1,800,000
Project Cost:						0	400,000	1,800,000
Logan	80216	US-68	INTERSECTION IMPROVEMENTS AT US-68X AND KY-103.	PL DN RW UT CN	SPP SPP SPP SPP		20,000 25,000 50,000 150,000	0
Project Cost:						0	245,000	0
Total for Logan county				PL DN RW UT CN		170,000	20,000 295,000 470,000 150,000	6,740,000 7,550,000
Total Amounts:						3,100,000	935,000	14,290,000
Lyon	7	I-24	ADD RESTROOM FACILITY TO I-24 EASTBOUND & WESTBOUND WEIGH STATIONS IN LYON COUNTY (DESIGN FUNDS AUTHORIZED UNDER ITEM NO. 99-44.00)	PL DN RW UT CN	NH			1,900,000
Project Cost:						0	0	1,900,000

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Lyon	187.5000		RELOCATE US-641 FROM US-62 NEAR EDDYVILLE TO SOUTH OF THE LYON/CALDWELL COUNTY LINE (2020CCR)	PL				
				DN	STPF	1,500,000		
				RW				
				UT				
				CN				
				Project Cost:		1,500,000	0	0
Lyon	10154	KY-1943	BRIDGE PROJECT IN LYON COUNTY ON (072B00027N) KY-1943 AT CRAB CREEK	PL				
				DN	FBP	143,000		
				RW				
				UT				
				CN	FBP	1,430,000		
				Project Cost:		1,573,000	0	0
Lyon	20008	I-24	ADDRESS PAVEMENT CONDITION OF I-24 BOTH DIRECTION(S) FROM MILEPOINT 33.988 TO MILEPOINT 45.133 (2020CCR)	PL				
				DN	NHPM			900,000
				RW				
				UT				
				CN	NHPM			9,000,000
				Project Cost:		0	0	9,900,000
Lyon	22075	I-69	ADDRESS CONDITION OF I-69 FROM MILEPOINT 67.53 TO MILEPOINT 68.116	PL				
				DN	NHPM			20,000
				RW				
				UT				
				CN	NHPM			200,000
				Project Cost:		0	0	220,000
Total for Lyon county				PL				
				DN		1,643,000		920,000
				RW				
				UT				
				CN		1,430,000		11,100,000
				Total Amounts:		3,073,000	0	12,020,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Madison	235	KY-52	IMPROVE KY-52 FROM WALLACE MILL ROAD TO INTERSTATE 75 AT THE DUNCANNON ROAD INTERCHANGE. (02CCR)(12CCN)(14CCR) (DESIGN/BUILD)(16CCR)(18CCR) (2020CCR)	PL DN RW UT CN	STP2			5,000,000
Project Cost:						0	0	5,000,000
Madison	251.4000	US-25	PRIORITY SECTION II & III: WIDEN US-25 FROM US-421 TO PUMPKIN RUN.(SEE 7-251.10 FOR SEC III UTIL & CONST) (2006BOPC)(08CCR) (10CCR)(12CCR)(14CCR)	PL DN RW UT CN	NH		4,200,000	4,200,000
Project Cost:						0	4,200,000	4,200,000
Madison	8853	CR-1236, KY-2877, KY-2881	PROPOSED ROADWAY IMPROVEMENTS FROM DUNCANNON RD TO THE MADISON CO AIRPORT TO INCLUDE CALEAST RD (KY 2881 MP.783-MP 2.780), JOHN BALLARD RD (KY 2877 MP0-MP.806 & CR 1236 MP0-MP.429) FROM MENELAUS TO AIRPORT RD, & A NEW BRIDGE OVER SILVER CR.(14CCN)(16CCR) (2020CCR)	PL DN RW UT CN	STP STP		2,440,000	820,000
Project Cost:						0	2,440,000	820,000
Madison	20017	I-75	ADDRESS CONDITION OF I-75 FROM MILEPOINT 73.408 TO MILEPOINT 83.400	PL DN RW UT CN	NHPM NHPM		1,380,000 13,800,000	
Project Cost:						0	15,180,000	0
Madison	80101	US-421	ADD A LEFT TURN LANE ON US 421 INTO THE KINGSTON ELEMENTARY SCHOOL (2020CCN)	PL DN RW UT CN	SPP	240,000		
Project Cost:						240,000	0	0

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Madison	80109	US-25	REHABILITATE THE BRIDGE OVER THE RAILROAD ON US 25 NEAR THE GOLDENLEAF DEVELOPMENT AREA (2020CCN)	PL DN RW UT CN	SPP		350,000	
Project Cost:						0	350,000	0
Madison	80110	CR-1200, CS-1526	EXTEND BOGGS LN TO CONNECT TO PAVILION WAY (2020CCN)	PL DN RW UT CN	SPP			270,000
Project Cost:						0	0	270,000
Madison	80111	KY-374	WIDEN KY 374 (SPEEDWELL RD) FROM KY 25 TO US 421 (2020CCN)	PL DN RW UT CN	SPP		4,000,000	
Project Cost:						0	4,000,000	0
Madison	80201		New road that extends from Menelaus Road (KY 1983) at existing MP 2.851 to Mayde Road in Berea.	PL DN RW UT CN	SPP SPP SPP		450,000	750,000 750,000
Project Cost:						0	450,000	1,500,000
Madison	80210	ky-876	Small urban area study to evaluate potential improvements and land access opportunities on Goggins Lane, Tates Creek, Crutcher Pike, and Barnes Mill Road, with improvements on Barnes Mill Road including the length from Crutcher Pike to the interstate.	PL DN RW UT CN	SPP		150,000	
Project Cost:						0	150,000	0
Total for Madison county				PL DN RW UT CN			6,330,000 2,440,000 1,570,000	270,000 750,000 9,200,000
Total Amounts:						240,000	18,000,000	9,200,000
Total Amounts:						240,000	26,770,000	11,790,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Magoffin	169	KY-114	MOUNTAIN PARKWAY CORRIDOR: EXTEND THE FOUR LANE MOUNTAIN PARKWAY FROM US 460 TO THE MAGOFFIN/FLOYD COUNTY LINE.	PL				
				DN	NH		5,300,000	
				RW				
				UT				
				CN				
Project Cost:						0	5,300,000	0
Magoffin	4307	KY-40	INSTALL GUARDRAIL ON KY-40 IN MAGOFFIN COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR	63,000		
Project Cost:						63,000	0	0
Magoffin	4310	KY-867	INSTALL GUARDRAIL ON KY-867 IN MAGOFFIN COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			60,000
Project Cost:						0	0	60,000
Magoffin	8901	US-460	IMPROVE US-460 IN MAGOFFIN COUNTY AT IVY POINT HILL WEST OF SALYERSVILLE. (16CCN) (2020CCR)	PL				
				DN				
				RW				
				UT				
				CN	STPF			4,280,000
Project Cost:						0	0	4,280,000
Total for Magoffin county				PL				
				DN			5,300,000	
				RW				
				UT				
				CN		63,000		4,340,000
Total Amounts:						63,000	5,300,000	4,340,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Marion	8715	KY-49	ADDRESS SAFETY AND GEOMETRIC DEFICIENCIES ALONG KY 49 FROM RIVERSIDE BRIDGE TO NARROWS RD, APPROXIMATELY 1.3 MILES SOUTH OF KY 337 (12CCN)(2020CCN) MP 6.692 TO 10.5	PL DN RW UT CN	SPP	2,200,000		
Project Cost:						2,200,000	0	0
Marion	8802	KY-49	SPOT IMPROVEMENTS ON KY-49 (MP 20.900 TO MP 21.830) AS PER THE KY-49 PLANNING STUDY. (14CCN)(18CCN) (2020CCR)	PL DN RW UT CN	STP2		3,640,000	
Project Cost:						0	3,640,000	0
Marion	80152	KY-2154, US-68	REDUCE CONGESTION AT MAJOR INTERSECTION IN FRONT OF NEW SCHOOL MP 12.2 TO 12.8 (2020CCN)	PL DN RW UT CN	STPF STPF STPF		1,200,000	1,800,000 3,000,000
Project Cost:						0	1,200,000	4,800,000
Marion	80153	KY-2154	Extend KY2154 Bypass from KY208 to KY49.	PL DN RW UT CN	STP2 STP2 STP2	1,000,000	5,500,000	2,320,000
Project Cost:						1,000,000	5,500,000	2,320,000
Marion	80251	KY-49	IMPROVE THE INTERSECTION OF KY 49 AT KY 52 IN LORETTO AT MP 27.374	PL DN RW UT CN	SPP SPP SPP			150,000 50,000 300,000
Project Cost:						0	0	500,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Marion	80252	CR-1119	REPLACE LOW WATER STRUCTURE ON SILOAM ROAD (CR 1119) OVER NORTH ROLLING FORK NEAR KY 337 INTERSECTION MP 0.089 TO MP 0.122	PL				
				DN	FBP		200,000	
				RW	FBP		25,000	
				UT	FBP		150,000	
				CN	FBP			1,000,000
Project Cost:						0	375,000	1,000,000
Marion	80259	PF-9999	IMPROVE CONNECTIVITY AND CONGESTION BETWEEN US 68 AND KY 55 ON THE EAST SIDE OF LEBANON (APPROXIMATELY 2 MILES)	PL				
				DN	SPP		998,400	
				RW				
				UT				
				CN				
Project Cost:						0	998,400	0
Total for Marion county				PL				
				DN		3,200,000	1,198,400	150,000
				RW			6,725,000	50,000
				UT			150,000	4,420,000
				CN			3,640,000	4,000,000
Total Amounts:						3,200,000	11,713,400	8,620,000
Marshall	398	US-62	IMPROVE ACCESS AND REDUCE CONGESTION ON US-62 FROM KY-95 TO THE EXISTING FOUR-LANE HIGHWAY AT LONE VALLEY RD NEAR I-24 INTERCHANGE AND FUTURE I-69 CONNECTION. (2020CCR)	PL				
				DN				
				RW	STP1		250,000	
				UT	STP1		500,000	
				CN				
Project Cost:						0	750,000	0
Marshall	10018	KY-408	BRIDGE PROJECT IN MARSHALL COUNTY ON (079B00017N) KY-408 AT OVERFLOW STRUCTURE	PL				
				DN	BRX		140,000	
				RW				
				UT				
				CN	BRX		1,400,000	
Project Cost:						0	1,540,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>	
Marshall	10167	KY-408	REPLACE BRIDGE ON EGNERS FERRY RD (KY-408) LOCATED 1.1 MI EAST OF US-641 AT MP 8.94. 079B00018N	PL					
				DN					
				RW	FBP	5,000			
				UT	FBP	5,000			
				CN	FBP		1,600,000		
Project Cost:						10,000	1,600,000	0	
Marshall	10168	KY-408	REPLACE BRIDGE ON EGNERS FERRY RD (KY-408) LOCATED 1.5 MI EAST OF US-641 AT MP 9.79. 079B00020N	PL					
				DN					
				RW	BRZ	5,000			
				UT	BRZ	5,000			
				CN	BRZ		4,000,000		
Project Cost:						10,000	4,000,000	0	
Marshall	10172	KY-408	BRIDGE PROJECT IN MARSHALL COUNTY ON (079B00018N) KY-408 AT TRIB. OF CLARKS RIVER	PL					
				DN	FBP	112,000			
				RW					
				UT					
				CN	FBP		1,120,000		
Project Cost:						112,000	1,120,000	0	
Marshall	10173	KY-408	BRIDGE PROJECT IN MARSHALL COUNTY ON (079B00019N) KY-408 AT CLARKS RIVER	PL					
				DN	FBP	230,000			
				RW					
				UT					
				CN	FBP		2,300,000		
Project Cost:						230,000	2,300,000	0	
Marshall	10174	KY-408	BRIDGE PROJECT IN MARSHALL COUNTY ON (079B00020N) KY-408 AT CLARKS RIVER	PL					
				DN	FBP	575,000			
				RW					
				UT					
				CN	FBP		5,750,000		
Project Cost:						575,000	5,750,000	0	

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Marshall	10175	KY-402	BRIDGE PROJECT IN MARSHALL COUNTY ON (079B00037N) KY-402 AT MARTIN CREEK	PL				
				DN	FBP	101,000		
				RW				
				UT				
				CN	FBP			1,010,000
				Project Cost:		101,000	0	1,010,000
Marshall	10176	KY-402	BRIDGE PROJECT IN MARSHALL COUNTY ON (079B00040N) KY-402 AT EAST FORK CLARKS RIVER	PL				
				DN	FBP	903,000		
				RW				
				UT				
				CN	FBP			9,030,000
				Project Cost:		903,000	0	9,030,000
Marshall	10178	I-24	BRIDGE PROJECT IN MARSHALL COUNTY ON (079B00118L) I 24 NON CARDINAL AT TENNESSEE RIVER	PL				
				DN				
				RW				
				UT				
				CN	BRO			15,000,000
				Project Cost:		0	0	15,000,000
Marshall	10179	I-24	BRIDGE PROJECT IN MARSHALL COUNTY ON (079B00118R) I-24 AT TENNESSEE RIVER	PL				
				DN				
				RW				
				UT				
				CN	BRO			15,000,000
				Project Cost:		0	0	15,000,000
Marshall	10180	KY-2603	BRIDGE PROJECT IN MARSHALL COUNTY ON (079B00138N) KY-2603 AT SOLDIER CREEK	PL				
				DN	FBP	158,000		
				RW				
				UT				
				CN	FBP		1,580,000	
				Project Cost:		158,000	1,580,000	0
Total for Marshall county				PL				
				DN		2,079,000	140,000	
				RW		10,000	250,000	
				UT		10,000	500,000	
				CN			17,750,000	40,040,000
				Total Amounts:		2,099,000	18,640,000	40,040,000

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Martin	154.1100	KY-40	INEZ TO WARFIELD (SECTION 2-1): FROM LITTLE BLACKLOG TO BOOTH FORK. [STA. 190+00 TO STA. 298+00 (ENGLISH)] (2002BOP) (12CCR)(AR/W)(16CCR)	PL				
				DN				
				RW				
				UT	SPP			2,000,000
				CN				
Project Cost:						0	0	2,000,000
Martin	192	KY-40	IMPROVE ALIGNMENT AND GEOMETRICS OF THE CURVE LOCATED JUST BEFORE THE JUNCTION OF KY-2031 AND KY-40 TO .1 MILES BEFORE GORDON HOLLOW ROAD, AND IMPROVE THE CULVERT/SAFETY DESIGN TO INCREASE MOTORIST AND PEDESTRIAN SAFETY. (12CCR) (2020CCR)	PL				
				DN				
				RW	SPP		309,400	
				UT				
				CN				
Project Cost:						0	309,400	0
Martin	4093	CR-1215	SETSER BRANCH ROAD BRIDGE AND APPROACHES OVER MIDDLE FORK OF ROCKCASTLE CREEK (C43) (OFF NHS) (FD04) (2000BOP): (080C00043N)	PL				
				DN				
				RW				
				UT				
				CN	BRX		480,000	
Project Cost:						0	480,000	0
Martin	4312	KY-1224	INSTALL GUARDRAIL ON KY-1224 IN MARTIN COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR	28,000		
Project Cost:						28,000	0	0
Martin	4313	KY-3	INSTALL GUARDRAIL ON KY-3 IN MARTIN COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR	50,000		
Project Cost:						50,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Martin	4328	KY-2032	INSTALL GUARDRAIL ON KY-2032 IN MARTIN COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR	74,000		
				Project Cost:		74,000	0	0
Martin	4329	KY-292	INSTALL GUARDRAIL ON KY-292 IN MARTIN COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR	64,000		
				Project Cost:		64,000	0	0
Martin	4330	KY-292	INSTALL GUARDRAIL ON KY-292 IN MARTIN COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR	24,000		
				Project Cost:		24,000	0	0
Martin	4331	KY-292	INSTALL GUARDRAIL ON KY-292 IN MARTIN COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR	21,000		
				Project Cost:		21,000	0	0
Martin	4332	KY-292	INSTALL GUARDRAIL ON KY-292 IN MARTIN COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR	210,000		
				Project Cost:		210,000	0	0

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Martin	4333	KY-3	INSTALL GUARDRAIL ON KY-3 IN MARTIN COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		38,000	
				Project Cost:		0	38,000	0
Martin	4335	KY-3	INSTALL GUARDRAIL ON KY-3 IN MARTIN COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		83,000	
				Project Cost:		0	83,000	0
Martin	4347	KY-292	INSTALL GUARDRAIL ON KY-292 IN MARTIN COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		37,000	
				Project Cost:		0	37,000	0
Martin	4348	KY-292	INSTALL GUARDRAIL ON KY-292 IN MARTIN COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		20,000	
				Project Cost:		0	20,000	0
Martin	4349	KY-292	INSTALL GUARDRAIL ON KY-292 IN MARTIN COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		7,000	
				Project Cost:		0	7,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Martin	4381	KY-292	INSTALL GUARDRAIL ON KY-292 IN MARTIN COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			47,000
				Project Cost:		0	0	47,000
Martin	4480	KY-908	INSTALL GUARDRAIL ON KY-908 IN MARTIN COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR	89,000		
				Project Cost:		89,000	0	0
Martin	10129	KY-292	BRIDGE PROJECT IN MARTIN COUNTY ON (080B00014N) KY-292 AT LONG BRANCH	PL				
				DN	BRX		34,000	
				RW				
				UT				
				CN	BRX			340,000
				Project Cost:		0	34,000	340,000
Martin	10130	CR-1317	BRIDGE PROJECT IN MARTIN COUNTY ON (080C00057N) Johnson Bottom AT Rockcastle Creek	PL				
				DN	FBP2			98,000
				RW				
				UT				
				CN	FBP2			980,000
				Project Cost:		0	0	1,078,000
Total for Martin county				PL				
				DN			34,000	98,000
				RW			309,400	
				UT				2,000,000
				CN		560,000	665,000	1,367,000
				Total Amounts:		560,000	1,008,400	3,465,000

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Mason	147.2000		NEW FULLY CONTROLLED ACCESS ROUTE FROM US 68 NEAR WASHINGTON EAST TO KY 11 INCLUDING A NEW I-CHNG AT KY 11. (PRIORITY SECTION)(2004BOPC)(06CCR)(18CCN)	PL DN RW UT CN	SPP		2,000,000	
Project Cost:						0	2,000,000	0
Mason	147.6000	PF-9999	NEW FULLY CONTROLLED ACCESS ROUTE FROM KY 11 NORTHEAST TO KY 9 (AA HWY) INCLUDING NEW I-CHNG AT KY 9. (2004BOPC)(06CCR)(18CCN)	PL DN RW UT CN	SPP			2,000,000
Project Cost:						0	0	2,000,000
Mason	4308	US-62	INSTALL GUARDRAIL ON US-62 IN MASON COUNTY	PL DN RW UT CN	GR	96,000		
Project Cost:						96,000	0	0
Mason	4309	US-62	INSTALL GUARDRAIL ON US-62 IN MASON COUNTY	PL DN RW UT CN	GR	106,000		
Project Cost:						106,000	0	0
Mason	4318	KY-1448	INSTALL GUARDRAIL ON KY-1448 IN MASON COUNTY	PL DN RW UT CN	GR			90,000
Project Cost:						0	0	90,000

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Mason	8911	CR-1019	BRIDGE PROJECT IN MASON COUNTY ON (081C00009N) KENNEDY CREEK RD AT KENNEDY CREEK	PL				
				DN	BRZ		52,000	
				RW				
				UT				
				CN	BRZ		520,000	
				Project Cost:		0	572,000	0
Mason	10013.1000US-68		ADDRESS CABLES AND OTHER DEFICIENCIES ON WILLIAM HARSHA BRIDGE OVER THE OHIO RIVER. (JOINT PROJECT WITH OHIO 18%) (081B00069N)(BSBP)(SD)	PL				
				DN				
				RW				
				UT				
				CN	BRO		8,000,000	
				Project Cost:		0	8,000,000	0
Mason	10091	CS-1179	BRIDGE PROJECT IN MASON COUNTY ON (081B00041N) US-62X AT OHIO RIVER-MYVILLE- CSX R	PL				
				DN	BRZ		2,126,000	
				RW				
				UT				
				CN				
				Project Cost:		0	2,126,000	0
Mason	80107	KY-9	IMPROVE SAFETY AND OPERATIONAL EFFICIENCY OF THE INTERSECTION OF KY 9 (AA) AND US 62 LOCATED IN MAYSVILLE. (2020CCN)	PL				
				DN				
				RW	SPP	1,150,000		
				UT	SPP		560,000	
				CN				
				Project Cost:		1,150,000	560,000	0
Total for Mason county				PL				
				DN			4,178,000	2,000,000
				RW		1,150,000		
				UT			560,000	
				CN		202,000	8,520,000	90,000
				Total Amounts:		1,352,000	13,258,000	2,090,000

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McCracken	153.1000	KY-1286	Improve KY 1286 from US 45(MP 3.623) to US 62(MP 5.000)(Priority Section 1).	PL DN RW UT CN	STP1			6,500,000
Project Cost:						0	0	6,500,000
McCracken	153.2000	KY-1286	Extend KY 1286 from KY 998 (MP 6.916) to US 60. (Priority Section 2)	PL DN RW UT CN	STP1		250,000	
Project Cost:						0	3,750,000	250,000
McCracken	153.3000	KY-1286	Improve KY 1286 from US 62(MP 5.000) to Perkins Creek Bridge (MP 5.896, B00167N). (Priority Section 3)	PL DN RW UT CN	STP1	150,000	1,500,000	
Project Cost:						150,000	2,000,000	0
McCracken	153.4000	KY-1286	Improve KY 1286 from Perkins Creek Bridge (MP 5.896, B00167N) to KY 998 (MP 6.916). (Priority Section 4)	PL DN RW UT CN	STP1	150,000	2,500,000	750,000
Project Cost:						150,000	2,500,000	750,000
McCracken	1115.1000	US-60	RELOCATION AND MINOR WIDENING OF US-60 FROM CLARKS RIVER TO US-62 JCT.(10CCR)(14CCR)(LET W/ 1-1115.20)(16CCR)	PL DN RW UT CN	NH			250,000
Project Cost:						0	0	250,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
McCracken	8702		NEW ACCESS ROAD FROM KY-305 NEAR KY-998, EXTENDING WEST TO THE OHIO RIVER MEGAPARK. (2-LANE INITIAL, 4-LANE ULTIMATE) (12CCN)(14CCR)(18CCN)	PL				
				DN	SPP	680,000		
				RW	SPP		2,000,000	
				UT	SPP		500,000	
				CN	SPP			6,500,000
				Project Cost:		680,000	2,500,000	6,500,000
McCracken	8702.1000	KY-305	CONSTRUCT ULTIMATE ACCESS ROAD FROM KY-305 TO THE OHIO RIVER MEGAPARK.	PL				
				DN	SPP			1,040,000
				RW				
				UT				
				CN				
				Project Cost:		0	0	1,040,000
McCracken	10162	KY-3520	BRIDGE PROJECT IN MCCRACKEN COUNTY ON (073B00030N) KY-3520 AT P&L RAILWAY	PL				
				DN	FBP	228,000		
				RW				
				UT				
				CN	FBP	2,280,000		
				Project Cost:		2,508,000	0	0
McCracken	10166	I-24	BRIDGE PROJECT IN MCCRACKEN COUNTY ON (073B00100N) I-24 AT OHIO RIVER	PL				
				DN	FBP2		1,500,000	
				RW				
				UT				
				CN	FBP2			15,000,000
				Project Cost:		0	1,500,000	15,000,000
Total for McCracken county				PL				
				DN		1,208,000	1,750,000	1,290,000
				RW			9,500,000	
				UT			1,000,000	1,000,000
				CN		2,280,000		28,000,000
				Total Amounts:		3,488,000	12,250,000	30,290,000

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McCreary	1065	CR-1236	BRIDGE PROJECT IN MCCREARY COUNTY ON (074C00008N) ROCK CREEK ROAD AR ROCK CREEK	PL				
				DN	BRZ		70,000	
				RW				
				UT				
				CN	BRZ		700,000	
Project Cost:						0	770,000	0
McCreary	10062	CR-1190	BRIDGE PROJECT IN MCCREARY COUNTY ON (074C00020N) JELLICO CREEK RD AT JELLICO CREEK	PL				
				DN	BRZ		102,000	
				RW				
				UT				
				CN	BRZ		1,020,000	
Project Cost:						0	1,122,000	0
McCreary	80004	KY-92	PRELIMINARY ENGINEERING AND ENVIRONMENTAL CORRIDOR STUDY FOR IMPROVING SAFETY AND MAKING KY-92 A SCENIC ROUTE FROM MONTICELLO TO STEARNS (FLEXIBLE SOLUTIONS) (18CCN) (2020CCR)	PL	SPP	1,500,000		
				DN				
				RW				
				UT				
				CN				
Project Cost:						1,500,000	0	0
McCreary	80101	US-27	IMPROVE SAFETY BY CONSTRUCTING TURN LANES INTO COMMUNITY PARK AND WHITLEY CITY ELEMENTARY (2020CCN)	PL				
				DN				
				RW	SPP		752,000	
				UT	SPP			1,053,000
				CN				
Project Cost:						0	752,000	1,053,000
McCreary	80102	US-27	PROVIDE CONNECTIVITY, IMPROVE MOBILITY AND RESPONSE FROM US 27 TO MCCREARY COUNTY HIGH SCHOOL (2020CCN)	PL				
				DN	SPP	700,000		
				RW	SPP			116,000
				UT				
				CN				
Project Cost:						700,000	0	116,000

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McCreary	80103	CR-1199	IMPROVE MOBILITY AND SAFETY RR CROSSING ELIMINATION BY CONSTRUCTING BRIDGE BETWEEN SOUTHERN HIGHWAY AND MURRAY WILSON RD (2020CCN)	PL				
				DN	SPP	550,000		
				RW	SPP		696,000	
				UT				
				CN				
				Project Cost:		550,000	696,000	0
Total for McCreary county				PL		1,500,000		
				DN		1,250,000	172,000	
				RW			1,448,000	116,000
				UT				1,053,000
				CN			1,720,000	
				Total Amounts:		2,750,000	3,340,000	1,169,000
McLean	4304	US-431	INSTALL GUARDRAIL ON US-431 IN MCLEAN COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR	19,000		
				Project Cost:		19,000	0	0
McLean	4312	US-431	INSTALL GUARDRAIL ON US-431 IN MCLEAN COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			41,000
				Project Cost:		0	0	41,000
McLean	4313	US-431	INSTALL GUARDRAIL ON US-431 IN MCLEAN COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			13,000
				Project Cost:		0	0	13,000

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McLean	8400	US-431	SPOT IMPROVEMENTS AT THE INTERSECTION OF US-431 AND KY-250. (08CCN)(12CCR)(18CCN) (2020CCR)	PL DN RW UT CN	SPP SPP	500,000		190,000
Project Cost:						500,000	0	190,000
McLean	8852	KY-56	CORRECT LINE OF SIGHT WITH INTERSECTION OF KY 56 & KY 1233. (14CCN)(18CCN) (2020CCR)	PL DN RW UT CN	SPP SPP	70,000 70,000		
Project Cost:						140,000	0	0
McLean	10109	KY-136	BRIDGE PROJECT IN MCLEAN COUNTY ON (075B00010N) KY-136 AT BUCK CREEK	PL DN RW UT CN	FBP FBP	366,000		3,660,000
Project Cost:						366,000	0	3,660,000
McLean	10110	KY-81	BRIDGE PROJECT IN MCCLEAN COUNTY ON (075B00025N) KY-81 AT SLOUGH	PL DN RW UT CN	FBP2 FBP2			40,000 400,000
Project Cost:						0	0	440,000
McLean	10114	KY-136	BRIDGE PROJECT IN MCLEAN COUNTY ON (075B00034N) KY-136 AT LONG FALLS CREEK	PL DN RW UT CN	FBP2 FBP2			86,000 860,000
Project Cost:						0	0	946,000

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McLean	10115	KY-140	BRIDGE PROJECT IN MCCLEAN COUNTY ON (075B00039N) KY-140 AT STROUD CREEK	PL				
				DN	BRX		117,000	
				RW				
				UT				
				CN	BRX			1,170,000
				Project Cost:		0	117,000	1,170,000
McLean	10118	KY-1412	BRIDGE PROJECT IN MCCLEAN COUNTY ON (075B00053N) KY-1412 AT OVRFLO TRIB-GREEN RIVER	PL				
				DN	FBP	169,000		
				RW				
				UT				
				CN	FBP	1,690,000		
				Project Cost:		1,859,000	0	0
Total for McLean county				PL				
				DN		535,000	117,000	126,000
				RW		570,000		
				UT		70,000		190,000
				CN		1,709,000		6,144,000
				Total Amounts:		2,884,000	117,000	6,460,000
Meade	8705	KY-79	RECONSTRUCT KY 79 FROM KY 144 TO KY 1051. (12CCN)(14CCR) (18CCN) (2020CCR)	PL				
				DN	SPP		250,000	
				RW	SPP			1,250,000
				UT				
				CN				
				Project Cost:		0	250,000	1,250,000
Total for Meade county				PL				
				DN			250,000	
				RW				1,250,000
				UT				
				CN				
				Total Amounts:		0	250,000	1,250,000

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Menifee	80200	US-460	IMPROVE SAFETY, CORRECT GEOMETRICS, AND ENHANCE REGIONAL CONNECTIVITY ON US 460 FROM THE INTERSECTION OF KY 1240 TO 0.7 MILES EAST OF THE MORGAN COUNTY LINE	PL				
				DN	NH	1,500,000		
				RW				
				UT				
				CN				
				Project Cost:		1,500,000	0	0
Menifee	80201	US-460	Improve safety, correct geometrics, and enhance regional connectivity on US 460 from the intersection of KY 713 to Rothwell (MP 4.8).	PL				
				DN	NH		1,000,000	
				RW				
				UT				
				CN				
				Project Cost:		0	1,000,000	0
Total for Menifee county				PL				
				DN		1,500,000	1,000,000	
				RW				
				UT				
				CN				
				Total Amounts:		1,500,000	1,000,000	0
Mercer	417	CS-1237	IMPROVE SYSTEM MOBILITY ALONG MOBERLY ROAD FROM KY 390 TO KY 1989 IN NORTHWEST HARRODSBURG. (12CCR) (2020CCN)	PL				
				DN				
				RW	SPP	250,000		
				UT	SPP	240,000		
				CN	SPP		1,790,000	
				Project Cost:		490,000	1,790,000	0
Total for Mercer county				PL				
				DN				
				RW		250,000		
				UT		240,000		
				CN			1,790,000	
				Total Amounts:		490,000	1,790,000	0

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Metcalfe	4308	KY-70	INSTALL GUARDRAIL ON KY-70 IN METCALFE COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		52,000	
				Project Cost:		0	52,000	0
Metcalfe	8706.1000	US-68	Horizontal and vertical alignment spot improvement on US 68 in Metcalfe County, north of Edmonton, at the KY 70 intersection. (2020BOP)	PL				
				DN				
				RW	STPF	175,000		
				UT	STPF		400,000	
				CN				
				Project Cost:		175,000	400,000	0
Metcalfe	8955	KY-163	IMPROVE HIGHWAY SAFETY AND SYSTEMS MOBILITY IN THE KY 163 CORRIDOR BETWEEN KY 90 (MP 2.907) AND THE PROPOSED WEST EDMONTON BYPASS (MP 9.777). (16CCN)(18CCN)	PL				
				DN	STP2		2,930,000	
				RW				
				UT				
				CN				
				Project Cost:		0	2,930,000	0
Metcalfe	10006	CR-1108	BRIDGE PROJECT IN METCALFE COUNTY ON (085C00005N) MOSBY RIDGE RD at E FORK LITTLE BARREN RVR	PL				
				DN	BRZ		123,000	
				RW				
				UT				
				CN	BRZ			1,230,000
				Project Cost:		0	123,000	1,230,000
Total for Metcalfe county				PL				
				DN			3,053,000	
				RW		175,000		
				UT			400,000	
				CN			52,000	1,230,000
				Total Amounts:		175,000	3,505,000	1,230,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Monroe	128.1100	KY-214	OPERATION OF TURKEY NECK BEND FERRY FOR FY 2022-2028. (12CCR) (2020CCR)	PL DN RW UT CN	SPP	865,000	865,000	865,000
Project Cost:						<u>865,000</u>	<u>865,000</u>	<u>865,000</u>
Monroe	8954	KY-63	RECONSTRUCT INTERSECTION OF KY 63 AND POPLAR LOG CHURCH ROAD (2020CCN)	PL DN RW UT CN	STP2 STP2 STP2	440,000 510,000		960,000
Project Cost:						<u>950,000</u>	<u>0</u>	<u>960,000</u>
Monroe	80003	KY-100	REPLACE BRIDGE ON KY-100 BETWEEN MP 14.7 AND 14.9. (18CCN)	PL DN RW UT CN	BRX BRX		180,000 570,000	
Project Cost:						<u>0</u>	<u>750,000</u>	<u>0</u>
Monroe	80200	KY-214	Turkey Neck Bend Bridge Feasibility	PL DN RW UT CN	SPP		300,000	
Project Cost:						<u>0</u>	<u>300,000</u>	<u>0</u>
Monroe	80208	ky-100	Improve safety and mobility and address deficiencies with Town Creek bridge on KY-100 from KY-163 to KY-3144 in Tompkinsville. Includes Bridge ID 086B00005	PL DN RW UT CN	BRO BRO		930,000	2,600,000
Project Cost:						<u>0</u>	<u>930,000</u>	<u>2,600,000</u>
Total for Monroe county				PL DN RW UT CN			300,000 930,000 180,000 570,000 865,000	2,600,000 1,825,000
Total Amounts:						<u>1,815,000</u>	<u>2,845,000</u>	<u>4,425,000</u>

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Montgomery	240	KY-1991	WIDEN KY-1991 FROM MAYSVILLE ROAD TO MIDLAND TRAIL INDUSTRIAL PARK, MONTGOMERY COUNTY. (SEE 7-8501.00 FOR "SPB" FUNDS) (2005HPP-KY129)	PL				
				DN				
				RW	STP1	1,000,000		
				UT	STP1	1,820,000		
				CN				
				Project Cost:		2,820,000	0	0
Montgomery	411	KY-1991	UPGRADE HINKSTON PIKE IN MT. STERLING FROM NEW MIDLAND TRAIL TO THE NEW INDUSTRIAL PARK ENTRANCE (INCLUDES EXTENSION OF INDUSTRIAL ACCESS ROAD TO HINKSTON PIKE). (12CCR)(18CCN)	PL				
				DN				
				RW	SPP	400,000		
				UT	SPP		715,000	
				CN				
				Project Cost:		400,000	715,000	0
Montgomery	8810	US-60	WIDEN EXISTING PAVEMENT & IMPROVE VERTICAL & HORIZONTAL CURVES FROM EXISTING MT STERLING BYPASS (KY 686) TO 500' W OF BENTBROOK SUBDIVISION. ADD FULL WIDTH SHOULDERS & A CENTER TURNING LANE IN CONGESTION AREAS FROM MP 2.2 TO 4.311.(14CCN)(16CCR)(18CCN) (2020CCR)	PL				
				DN				
				RW	STPF			4,600,000
				UT				
				CN				
				Project Cost:		0	0	4,600,000
Total for Montgomery county				PL				
				DN				
				RW		1,400,000		4,600,000
				UT		1,820,000	715,000	
				CN				
				Total Amounts:		3,220,000	715,000	4,600,000
Morgan	157	PR-1045	PROVIDE ACCESS ROAD TO TRAINING FACILITY IN WEST LIBERTY. (2020CCR)	PL				
				DN				
				RW				
				UT				
				CN	STP2	1,500,000		
				Project Cost:		1,500,000	0	0

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Morgan	8004	PF-9999	WEST LIBERTY BYPASS - CONSTRUCT NEW ROUTE FROM US 460 @ KY 2498 TO US 460 @ KY 172. (00CCN)	PL DN RW UT CN	SPP			1,600,000
Project Cost:						0	0	1,600,000
Morgan	8804	KY-2498	IMPROVE KY-2498 FROM US-460 TO THE ARH HOSPITAL. (14CCN) (16CCN)	PL DN RW UT CN	SPP SPP		1,045,000	560,000
Project Cost:						0	1,045,000	560,000
Morgan	8902	KY-191	ADDRESS DEFICIENCIES OF BRIDGE ON KY 191 OVER CANEY CREEK .5 MILES WEST OF KY 1162. (16CCN)(SD)	PL DN RW UT CN	BRZ BRZ BRZ	70,000 140,000 1,000,000		
Project Cost:						1,210,000	0	0
Morgan	10055	KY-1950	BRIDGE PROJECT IN MORGAN COUNTY ON (088B00039N) KY-1950 AT BLACKWATER CREEK	PL DN RW UT CN	FBP2 FBP2		151,000 1,510,000	
Project Cost:						0	1,661,000	0
Morgan	80202	US-460	Improve safety and substandard geometrics on US 460 from the Menifee County Line to approximately milepoint 0.8.	PL DN RW UT CN	NH	500,000		
Project Cost:						500,000	0	0
Total for Morgan county				PL DN RW UT CN		500,000 70,000 140,000 2,500,000	151,000 1,045,000 1,510,000	1,600,000 560,000
Total Amounts:						3,210,000	2,706,000	2,160,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Muhlenberg	4307	KY-171	INSTALL GUARDRAIL ON KY-171 IN MUHLENBERG COUNTY	PL DN RW UT CN	GR		27,000	
Project Cost:						0	27,000	0
Muhlenberg	4308	US-62	INSTALL GUARDRAIL ON US-62 IN MUHLENBERG COUNTY	PL DN RW UT CN	GR		35,000	
Project Cost:						0	35,000	0
Muhlenberg	8803	KY-2533	STRAIGHTEN DEAN ROAD INTERSECTION OF 189 BYPASS TO KY 181 NORTH NEAR THE INTERSECTION WITH THE WKY PARKWAY, WENDELL FORD NATIONAL GUARD CENTER, AND JOB CORP. (14CCN)(18CCN) (2020CCR)	PL DN RW UT CN	SPP SPP		1,500,000	1,000,000
Project Cost:						0	1,500,000	1,000,000
Muhlenberg	20036	WK-9001	ADDRESS CONDITION OF WENDELL H. FORD WESTERN KY PARKWAY FROM MILEPOINT 43.424 TO MILEPOINT 45.95	PL DN RW UT CN	NHPM		220,000	
Project Cost:						0	2,200,000	0
Muhlenberg	22163	WK-9001	ADDRESS CONDITION OF WENDELL H. FORD WESTERN KY PARKWAY FROM MILEPOINT 52.535 TO MILEPOINT 54.317	PL DN RW UT CN	NHPM			170,000
Project Cost:						0	0	1,700,000
Project Cost:						0	0	1,870,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Muhlenberg	80100	KY-246	ADDRESS SAFETY AND MOBILITY ISSUES AT KY 246 INTERSECTION WITH KY 176 (2020CCN)	PL				
				DN				
				RW	SPP	400,000		
				UT	SPP			420,000
				CN				
				Project Cost:		400,000	0	420,000
Muhlenberg	80101	KY-181, KY-81	ADDRESS SAFETY AND MOBILITY ISSUES AT THE INTERSECTION OF KY 81 AND KY 181 (2020CCN)	PL				
				DN				
				RW	SPP	250,000		
				UT	SPP	180,000		
				CN	SPP		400,000	
				Project Cost:		430,000	400,000	0
Total for Muhlenberg county				PL				
				DN			220,000	170,000
				RW		650,000	1,500,000	
				UT		180,000		1,420,000
				CN			2,662,000	1,700,000
				Total Amounts:		830,000	4,382,000	3,290,000
Nelson	287.5000	US-31	BARDSTOWN-LOUISVILLE WIDENING AND ACCESS MANAGEMENT IMPROVEMENTS ON US-31E BETWEEN NAZARETH DRIVE AND KY 509. (2004BOPC)	PL				
				DN	SPP		2,500,000	
				RW				
				UT				
				CN				
				Project Cost:		0	2,500,000	0
Nelson	396.1000	US-150	IMPROVE SAFETY, MOBILITY, AND GEOMETRICS ON US-150 FROM THE BLUEGRASS PARKWAY TO THE NELSON/WASHINGTON COUNTY LINE. (2016BOP)(18CCR)(D-Auth under 4-396)	PL				
				DN	STPF		1,500,000	
				RW	STPF			4,000,000
				UT	STPF			2,000,000
				CN				
				Project Cost:		0	1,500,000	6,000,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Nelson	8308.1000	us-150	WIDEN US-150 FROM KY-49 TO NEAR KY-245/WAL-MART WIDENING. (06CCN)	PL				
				DN	STP1		1,500,000	
				RW	STP1			2,210,000
				UT				
				CN				
				Project Cost:		0	1,500,000	2,210,000
Nelson	8809	US-31	NEW ROUTE BETWEEN US 62 AND KY 245 WEST OF BARDSTOWN (2020CCN)	PL				
				DN				
				RW	STPF	4,500,000		
				UT	STPF		1,500,000	
				CN	STPF			5,000,000
				Project Cost:		4,500,000	1,500,000	5,000,000
Nelson	10062	US-62	BRIDGE PROJECT IN NELSON COUNTY ON (090B00056N) US-62 AT CEDAR CREEK	PL				
				DN	FBP2			36,000
				RW				
				UT				
				CN	FBP2			360,000
				Project Cost:		0	0	396,000
Nelson	10066	CR-1314	BRIDGE PROJECT IN NELSON COUNTY ON (090C00037N) KING RD AT E FK COX CR @SPENCER CL	PL				
				DN	BRZ		57,000	
				RW				
				UT				
				CN	BRZ		570,000	
				Project Cost:		0	627,000	0
Nelson	80050	US-31, US-62	INTERSECTION IMPROVEMENTS AT US 62 AND US 31E. (18CCN) (2020CCR)	PL				
				DN	SPP	300,000		
				RW	SPP		550,000	
				UT	SPP		200,000	
				CN	SPP			1,900,000
				Project Cost:		300,000	750,000	1,900,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Nelson	80253	KY-52	ADDRESS SAFETY AND GEOMETRIC DEFICIENCIES ON KY 52 (MP 12.009) AND IMPORVE INTERSECTION AT DEE HEAD ROAD.	PL				
				DN	STPF		150,000	
				RW	STPF		50,000	
				UT	STPF		150,000	
				CN	STPF		650,000	
				Project Cost:		0	1,000,000	0
Nelson	80254	PF-9999	IMPROVE CONNECTIVITY WEST OF BARDSTOWN BY CONSTRUCTION OF NEW ROUTE FROM THE BLUEGRASS PARKWAY BEGINNING WEST OF EXIT 21 TO US 31E NEAR COX'S CREEK	PL				
				DN	SPP		6,000,000	
				RW				
				UT				
				CN				
				Project Cost:		0	6,000,000	0
Nelson	80255	PF-9999	IMPROVE MOBILITY AND CONNECTIVITY WEST OF BARDSTOWN FROM KY 245 TO US 31E NEAR COX'S CREEK.	PL				
				DN	STPF		2,500,000	
				RW	SPP			5,000,000
				UT				
				CN				
				Project Cost:		0	2,500,000	5,000,000
Total for Nelson county				PL				
				DN		300,000	14,207,000	36,000
				RW		4,500,000	600,000	11,210,000
				UT			1,850,000	2,000,000
				CN			1,220,000	7,260,000
				Total Amounts:		4,800,000	17,877,000	20,506,000
Nicholas	205	ky-36	IMPROVE THE KY-36/KY-32 INTERSECTION NEAR THE NICHOLAS COUNTY SCHOOL PROPERTY (12CCR)(16CCR)(2020CCR)	PL				
				DN				
				RW	STP			1,500,000
				UT				
				CN				
				Project Cost:		0	0	1,500,000

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Nicholas	8811	KY-36	RECONSTRUCT KY 36/KY 928 INTERSECTION. (14CCN)(16CCR) (18CCN)	PL				
				DN				
				RW	SPP		280,000	
				UT	SPP		220,000	
				CN	SPP			680,000
				Project Cost:		0	500,000	680,000
Nicholas	8812	KY-32	SAFETY IMPROVEMENTS ALONG KY 32 FROM LAKE ROAD (MP 9.5) TO SCRUBGRASS CREEK (MP 12.5) TO CORRECT HORIZONTAL, VERTICAL, PAVEMENT WITH DEFICIENCIES. (14CCN)(18CCN)	PL	SPP			230,000
				DN				
				RW				
				UT				
				CN				
				Project Cost:		0	0	230,000
Nicholas	10094	KY-32	BRIDGE PROJECT IN NICHOLAS COUNTY ON (091B00012N) KY-32 AT FLEMING CREEK	PL				
				DN	BRX		173,000	
				RW				
				UT				
				CN	BRX			1,730,000
				Project Cost:		0	173,000	1,730,000
Total for Nicholas county				PL				230,000
				DN			173,000	
				RW			280,000	1,500,000
				UT			220,000	
				CN				2,410,000
				Total Amounts:		0	673,000	4,140,000
Ohio	4302	KY-69	INSTALL GUARDRAIL ON KY-69 IN OHIO COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR	32,000		
				Project Cost:		32,000	0	0

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Ohio	4303	KY-69	INSTALL GUARDRAIL ON KY-69 IN OHIO COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR	43,000		
				Project Cost:		43,000	0	0
Ohio	4315	US-62	INSTALL GUARDRAIL ON US-62 IN OHIO COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			8,000
				Project Cost:		0	0	8,000
Ohio	8812	ky-136	REPLACE, IMPROVE ALIGNMENTS AND APPROACHES, AND ADDRESS SAFETY ISSUES WITH BRIDGES ON KY-136 IN MCLEAN COUNTY FROM KY-56 TO OHIO COUNTY LINE. (075B00034N, 075B00011N, 075B00009N, 075B00010N)	PL				
				DN				
				RW				
				UT				
				CN	STP2			3,000,000
				Project Cost:		0	0	3,000,000
Ohio	8812.2000	KY-136	REPLACE, IMPROVE ALIGNMENTS AND APPROACHES, AND ADDRESS SAFETY ISSUES WITH BRIDGES ON KY-136 IN OHIO COUNTY FROM THE MCLEAN COUNTY LINE TO US-231.	PL				
				DN				
				RW	STPF	240,000		
				UT	STPF	1,000,000		
				CN				
				Project Cost:		1,240,000	0	0
Ohio	8951	KY-54	IMPROVE SAFETY ON KY 54 BY UPGRADING MP 7.0 TO MP 8.0 TO THREE LANES INCLUDING CURB AND GUTTER AND ADDRESSING TWO SHARP TURNS. (16CCN)(18CCN) (2020CCR)	PL				
				DN				
				RW	SPP		1,750,000	
				UT				
				CN				
				Project Cost:		0	1,750,000	0

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Ohio	10126	WK-9001	BRIDGE PROJECT IN OHIO COUNTY ON (092B00072L) WESTERN KENTUCKY P AT NATCHER PARKWAY	PL				
				DN	FBP	136,000		
				RW				
				UT				
				CN	FBP	1,360,000		
				Project Cost:		1,496,000	0	0
Ohio	10127	KY-136	BRIDGE PROJECT IN OHIO COUNTY ON (092B00085N) KY-136 AT BARNETT CREEK	PL				
				DN	FBP	238,000		
				RW				
				UT				
				CN	FBP		2,380,000	
				Project Cost:		238,000	2,380,000	0
Ohio	10130	KY-2712	BRIDGE PROJECT IN OHIO COUNTY ON (092B00136N) KY-2712 AT WESTERN KENTUCKY PARKWAY	PL				
				DN	FBP2	157,000		
				RW				
				UT				
				CN	FBP2	1,570,000		
				Project Cost:		1,727,000	0	0
Total for Ohio county				PL				
				DN		531,000		
				RW		240,000	1,750,000	
				UT		1,000,000		
				CN		3,005,000	2,380,000	3,008,000
				Total Amounts:		4,776,000	4,130,000	3,008,000
Oldham	234	KY-146, KY-393	KY-393 RECONSTRUCT FROM 140FEET SOUTH OF RAILROAD CROSSING (CSX) EXTENDING NORTHWEST TOWARDS KY 146 ENDING AT STATION 12+00 (DESIGN UNDER 5-230.00). (CONSTRUCTION SEQ.#2) (2020CCN)	PL				
				DN				
				RW				
				UT				
				CN	STPF	14,500,000		
				Project Cost:		14,500,000	0	0

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Oldham	477	KY-329	Railroad crossing safety project on KY 329 in Crestwood.	PL				
				DN	SPP	90,000		
				RW	SPP		120,000	
				UT	SPP		150,000	
				CN	SPP			870,000
				Project Cost:		90,000	270,000	870,000
Oldham	483.1000	I-71	WIDEN I-71 FROM FOUR TO SIX LANES FROM KY-329 (MP 14.1) TO KY-393 (MP 18.0).	PL				
				DN				
				RW	NH	1,900,000		
				UT	NH	1,800,000		
				CN	NH			12,000,000
				Project Cost:		3,700,000	0	12,000,000
Oldham	483.2000	I-71	WIDEN I-71 FROM FOUR TO SIX LANES FROM KY-393 (MP 18.0) TO KY-53 (MP 22.4). (16CCN)	PL				
				DN	NH		5,500,000	
				RW				
				UT				
				CN				
				Project Cost:		0	5,500,000	0
Oldham	483.3000	I-71	CONSTRUCT NEW I-71 INTERCHANGE BETWEEN KY-393 AND KY-53 TO RELIEVE CONGESTION IN LAGRANGE. (2020CCR)	PL				
				DN				
				RW				
				UT				
				CN	NH	12,000,000		
				Project Cost:		12,000,000	0	0
Oldham	4308	KY-362	INSTALL GUARDRAIL ON KY-362 IN OLDHAM COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			49,000
				Project Cost:		0	0	49,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Oldham	8852	KY-53	DESIGN FOR IMPROVING KY-53 FROM ZHALE SMITH ROAD TO KY-22 (TOTAL 3.2 MILES). (14CCN)(18CCN)	PL DN RW UT CN	STPF	2,000,000		
Project Cost:						2,000,000	0	0
Oldham	22098	I-71	ADDRESS CONDITION OF I-71 FROM MILEPOINT 14.49 TO MILEPOINT 22.3	PL DN RW UT CN	NHPM		1,700,000	
Project Cost:						0	18,700,000	0
Oldham	80005	I-71	IMPROVE THE INTERCHANGE OF I 71 AND KY 329. (18CCN) (2020CCR) (DESIGNED UNDER 5-483.10)	PL DN RW UT CN	NH	370,000		
Project Cost:						370,000	0	0
Oldham	80050	KY-329	CONSTRUCT A TURN LANE ON KY 329 BYPASS AT DOVEFIELD DRIVE.(18CCN) (2020CCR)	PL DN RW UT CN	SPP	360,000		
Project Cost:						360,000	0	0
Oldham	80209	KY-53	Improve safety and reduce congestion on KY 53 from I-71 to Zhale Smith Road. Includes consideration of a five lane widening and bike/ped accommodations.	PL DN RW UT CN	STPF			1,600,000
Project Cost:						0	0	1,600,000

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Oldham	80210	KY-146	Improve safety and reduce congestion on KY 146 (LaGrange Road) from KY 329B (KY 329 Bypass) to KY 393. Includes consideration of a four lane widening and bike/ped accommodations.	PL	STPF			240,000
				DN				
				RW				
				UT				
				CN				
				Project Cost:		0	0	240,000
Oldham	80211	KY-524	Landslide repair on Westport Road (KY-524) from JCT. US-42 West, north 1.0 mile. (2002BOPC)(NOT REQUIRED)	PL				
				DN	SPP			600,000
				RW				
				UT				
				CN				
				Project Cost:		0	0	600,000
Total for Oldham county				PL				240,000
				DN		2,460,000	7,200,000	2,200,000
				RW		1,900,000	120,000	
				UT		1,800,000	150,000	
				CN		26,860,000	17,000,000	12,919,000
				Total Amounts:		33,020,000	24,470,000	15,359,000
Owen	198	KY-22	IMPROVE SAFETY ON KY-22 FROM KY-227 TO KY-845. (06CCR) (08CCN)(12CCR)(14CCR) (2020CCR)	PL				
				DN				
				RW				
				UT				
				CN	SPP	5,200,000		
				Project Cost:		5,200,000	0	0
Owen	1088	CR-1214	ADDRESS DEFICIENCIES OF BRIDGE OVER CEDAR CREEK ON SAWDRIDGE CREEK W ROAD (CR 1214) 0.2 MI N OF US 127 (094C00011N)	PL				
				DN				
				RW				
				UT				
				CN	BRX	750,000		
				Project Cost:		750,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Total for Owen county				PL				
				DN				
				RW				
				UT				
				CN		5,950,000		
				Total Amounts:		5,950,000	0	0
Owsley	173	KY-708	Replace bridge over Moores Fork and realign roadway.	PL				
				DN	BRX			350,000
				RW				
				UT				
				CN				
				Project Cost:		0	0	350,000
Owsley	80105	KY-11	RECONSTRUCT THE INTERSECTION OF KY 11 AND KY 846 (2020CCN)	PL				
				DN	SPP		210,000	
				RW	SPP			220,000
				UT				
				CN				
				Project Cost:		0	210,000	220,000
Total for Owsley county				PL				
				DN			210,000	350,000
				RW				220,000
				UT				
				CN				
				Total Amounts:		0	210,000	570,000
Perry	178	KY-7	Address roadway slide on KY 7 from MP 9.8 to MP 10.0.	PL				
				DN	PROT		650,000	
				RW	PROT			150,000
				UT	PROT			2,300,000
				CN				
				Project Cost:		0	650,000	2,450,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Perry	209	KY-476	IMPROVE KY-476 FROM KY-15X IN WALKERTOWN TO NORTH OF WALKER CORNETT ROAD IN WABACO.	PL DN RW UT CN	STP2			525,000
Project Cost:						0	0	525,000
Perry	269.2000	KY-15	RECONSTRUCTION OF KY 15 FROM BONNYMAN TO NEAR KY 28. (14CCN) (2020CCN)	PL DN RW UT CN	SPP		2,000,000	
Project Cost:						0	2,000,000	0
Perry	8903	HR-9006	NEW INTERCHANGE OFF OF A NEW EXIT 55 HAL ROGERS PARKWAY. (16CCN)(18CCN)	PL DN RW UT CN	NH NH		1,260,000	350,000
Project Cost:						0	1,260,000	350,000
Perry	8906	ky-80	SAFETY IMPROVEMENTS ON KY-80 FROM LESLIE COUNTY LINE TO KY-451 (16CCN)	PL DN RW UT CN	NH			2,810,000
Project Cost:						0	0	2,810,000
Perry	80100	CR-1365	NEW IMPROVED ACCESS TO WENDALL FORD AIRPORT (2020CCN)	PL DN RW UT CN	SPP SPP SPP	1,350,000 300,000		3,000,000
Project Cost:						1,650,000	0	3,000,000
Total for Perry county				PL DN RW UT CN			2,650,000	675,000 2,650,000 5,810,000
Total Amounts:						1,650,000	3,910,000	9,135,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Pike	147	KY-1426	MITIGATE OR ELIMINATE ROCKFALL HAZARDS AND IMPROVE ROADWAY FOR BETTER FLOW AND EFFICIENCY IN ORDER TO HANDLE THE EXPECTED CONGESTION ARISING FROM EVENTS AT THE EXPO CENTER. IDENTIFIED IN THE 1999 PIKEVILLE URBAN STUD FROM BILL KING RD. TO US 119. (2020CCR)	PL				
				DN	PROT		1,670,000	
				RW	PROT			870,000
				UT				
				CN				
Project Cost:						0	1,670,000	870,000
Pike	198	KY-194	IMPROVE KY 194 FROM US 119 RAMP NEAR SMITH FARMS BOTTOM (CR 1458) TO NEAR DESKINS BRANCH CULVERT. (18CCR) (2020CCR)	PL				
				DN				
				RW				
				UT	STPF			2,050,000
				CN				
Project Cost:						0	0	2,050,000
Pike	263.6900	PF-9999	PIKEVILLE TO VA. STATE LINE; US-460/KY-80 FROM KY-195 TO DUNLEARY HOLLOW. (SURFACING FOR SECTIONS 6A & 6B) (2000BOP)(14CCN)	PL				
				DN				
				RW				
				UT				
				CN	APD			5,000,000
Project Cost:						0	0	5,000,000
Pike	298.4000	KY-199	KY-199 SPOT IMPROVEMENT; RELOCATE PORTIONS OF KY-199 ALONG OLD NORFOLK SOUTHERN RAILROAD BED @ STONE. (2002BOPC)(08CCR)	PL				
				DN				
				RW				
				UT				
				CN	SPP		3,050,000	
Project Cost:						0	3,050,000	0
Pike	346	US-460	IMPROVE SAFETY AND REDUCE CONGESTION AT THE US-460 AND KY-1460 INTERSECTION. (2020CCR)	PL				
				DN	NH		240,000	
				RW	NH		400,000	
				UT	NH		160,000	
				CN				
Project Cost:						0	800,000	0

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Pike	1129	CO-0	PLANNING STUDY TO EVALUATE REPLACING OLD NOLAN TOLL BRIDGE AT KY 292 JUST SW OF KY 468 INTERSECTION. (2020CCR)	PL				
				DN	SPP		250,000	
				RW				
				UT				
				CN				
				Project Cost:		0	250,000	0
Pike	4314	KY-194	INSTALL GUARDRAIL ON KY-194 IN PIKE COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR	23,000		
				Project Cost:		23,000	0	0
Pike	4319	KY-194	INSTALL GUARDRAIL ON KY-194 IN PIKE COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR	74,000		
				Project Cost:		74,000	0	0
Pike	4350	KY-194	INSTALL GUARDRAIL ON KY-194 IN PIKE COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		41,000	
				Project Cost:		0	41,000	0
Pike	4351	KY-194	INSTALL GUARDRAIL ON KY-194 IN PIKE COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		83,000	
				Project Cost:		0	83,000	0

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Pike	4352	KY-194	INSTALL GUARDRAIL ON KY-194 IN PIKE COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		44,000	
				Project Cost:		0	44,000	0
Pike	4353	KY-194	INSTALL GUARDRAIL ON KY-194 IN PIKE COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		72,000	
				Project Cost:		0	72,000	0
Pike	4363	KY-122	INSTALL GUARDRAIL ON KY-122 IN PIKE COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			34,000
				Project Cost:		0	0	34,000
Pike	4364	KY-194	INSTALL GUARDRAIL ON KY-194 IN PIKE COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			45,000
				Project Cost:		0	0	45,000
Pike	4365	KY-194	INSTALL GUARDRAIL ON KY-194 IN PIKE COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			43,000
				Project Cost:		0	0	43,000

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Pike	4366	KY-194	INSTALL GUARDRAIL ON KY-194 IN PIKE COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			36,000
				Project Cost:		0	0	36,000
Pike	4367	KY-194	INSTALL GUARDRAIL ON KY-194 IN PIKE COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			70,000
				Project Cost:		0	0	70,000
Pike	4368	KY-194	INSTALL GUARDRAIL ON KY-194 IN PIKE COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			68,000
				Project Cost:		0	0	68,000
Pike	4369	KY-611	INSTALL GUARDRAIL ON KY-611 IN PIKE COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			121,000
				Project Cost:		0	0	121,000
Pike	4370	KY-611	INSTALL GUARDRAIL ON KY-611 IN PIKE COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			90,000
				Project Cost:		0	0	90,000

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Pike	4383	KY-122	INSTALL GUARDRAIL ON KY-122 IN PIKE COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			24,000	
				Project Cost:					
						0	0	24,000	
Pike	4384	KY-1441	INSTALL GUARDRAIL ON KY-1441 IN PIKE COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			131,000	
				Project Cost:					
						0	0	131,000	
Pike	8705	CS-1215	IMPROVE CONNECTIVITY BETWEEN THOMPSON ROAD AND US-23 AT STONECOAL.(12CCN)(14CCR)(16CCR)	PL					
				DN					
				RW					
				UT	SPP			730,000	
				CN					
				Project Cost:					
						0	0	730,000	
Pike	10132	KY-1426	BRIDGE PROJECT IN PIKE COUNTY ON (098B00013N) KY-1426 AT Bent Branch	PL					
				DN	BRX		90,000		
				RW					
				UT					
				CN	BRX			900,000	
				Project Cost:					
						0	90,000	900,000	
Pike	10136	KY-610	BRIDGE PROJECT IN PIKE COUNTY ON (098B00072N) KY-610 AT SHELBY CREEK	PL					
				DN	FBP2			77,000	
				RW					
				UT					
				CN	FBP2			770,000	
				Project Cost:					
						0	0	847,000	

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Pike	10137	KY-1441	BRIDGE PROJECT IN PIKE COUNTY ON (098B00135N) KY-1441 AT Raccoon Creek	PL				
				DN	FBP2			40,000
				RW				
				UT				
				CN	FBP2			400,000
				Project Cost:		0	0	440,000
Pike	10139	KY-1441	BRIDGE PROJECT IN PIKE COUNTY ON (098B00235N) KY-1441 AT RACCOON CREEK	PL				
				DN	FBP			125,000
				RW				
				UT				
				CN				
				Project Cost:		0	0	125,000
Pike	10143	CR-1393	BRIDGE PROJECT IN PIKE COUNTY ON (098C00123N) GIN FRK AT LFT.FK-BRUSH FK-JOHNS CK	PL				
				DN	BRZ		21,000	
				RW				
				UT				
				CN	BRZ		210,000	
				Project Cost:		0	231,000	0
Total for Pike county				PL				
				DN			2,271,000	242,000
				RW			400,000	870,000
				UT			160,000	2,780,000
				CN		97,000	3,500,000	7,732,000
				Total Amounts:		97,000	6,331,000	11,624,000
Powell	163.2000	ky-213	IMPROVE SAFETY, UPGRADE GEOMETRICS, AND ADDRESS CAPACITY ISSUES FOR KY 213 FROM KY 615 TO BOTTOM OF MOUNTAIN. (PRIORITY SECTION 2)(2018BOP)	PL				
				DN	STP		1,000,000	
				RW				
				UT				
				CN				
				Project Cost:		0	1,000,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Powell	174	KY-613	Correct flooding issues on KY 613 at Bowen from KY 11 to Bridge over Red River in Powell County.	PL				
				DN	PROT		400,000	
				RW	PROT			100,000
				UT	PROT			50,000
				CN				
				Project Cost:		0	400,000	150,000
Powell	176	KY-15	Minor widening to improve redundancy of Regional Travel.	PL				
				DN	PROT			750,000
				RW				
				UT				
				CN				
				Project Cost:		0	0	750,000
Powell	20008	ky-9000	ADDRESS CONDITION OF BERT T. COMBS MOUNTAIN PARKWAY FROM MILEPOINT 32.787 TO MILEPOINT 35.28	PL				
				DN	NHPM			200,000
				RW				
				UT				
				CN	NHPM			2,000,000
				Project Cost:		0	0	2,200,000
Powell	80250	ky-11	CONSTRUCT THE HAL ROGERS PARKWAY BRIDGE ON KY 11 (CAMPTON ROAD) MP 3.4 TO 3.85	PL	SPP		3,000,000	
				DN				
				RW				
				UT				
				CN				
				Project Cost:		0	3,000,000	0
Total for Powell county				PL			3,000,000	
				DN			1,400,000	950,000
				RW				100,000
				UT				50,000
				CN				2,000,000
				Total Amounts:		0	4,400,000	3,100,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Pulaski	174	pf-9999	ACCESS IMPROVEMENTS TO ACCOMMODATE BURNSIDE ELEMENTARY SCHOOL	PL DN RW UT CN	STPF		3,100,000	
Project Cost:						0	3,100,000	0
Pulaski	4310	KY-196	INSTALL GUARDRAIL ON KY-196 IN PULASKI COUNTY	PL DN RW UT CN	GR	35,000		
Project Cost:						35,000	0	0
Pulaski	4312	KY-804	INSTALL GUARDRAIL ON KY-804 IN PULASKI COUNTY	PL DN RW UT CN	GR		53,000	
Project Cost:						0	53,000	0
Pulaski	4313	KY-769	INSTALL GUARDRAIL ON KY-769 IN PULASKI COUNTY	PL DN RW UT CN	GR			14,000
Project Cost:						0	0	14,000
Pulaski	9010	KY-635	SAFETY PROJECT TO RECONSTRUCT KY 635 TO ELIMINATE AT GRADE RAILROAD CROSSING AND REPLACE WITH RAILROAD SEPARATION CROSSING AT SCIENCE HILL, KENTUCKY IN PULASKI COUNTY. (2016BOP) (2020CCR)	PL DN RW UT CN	STPF			3,300,000
Project Cost:						0	0	3,300,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Pulaski	10064	KY-80	BRIDGE PROJECT IN PULASKI COUNTY ON (100B00029N) KY-80 AT Fishing Creek	PL				
				DN	BRX		657,000	
				RW				
				UT				
				CN	BRX			2,000,000
				Project Cost:		0	657,000	2,000,000
Pulaski	10067	KY-3260	BRIDGE PROJECT IN PULASKI COUNTY ON (100B00093N) KY-3260 AT PITTMAN CREEK	PL				
				DN	FBP2		84,000	
				RW				
				UT				
				CN	FBP2		840,000	
				Project Cost:		0	924,000	0
Pulaski	10068	KY-3267	BRIDGE PROJECT IN PULASKI COUNTY ON (100B00096N) KY-3267 AT BEE LICK CREEK	PL				
				DN	FBP2		39,000	
				RW				
				UT				
				CN	FBP2		390,000	
				Project Cost:		0	429,000	0
Pulaski	80100	PF-9999	CONSTRUCT CONNECTOR BETWEEN NORTH MIDDLE SCHOOL AND PULASKI COUNTY HIGH SCHOOL (2020CCN)	PL				
				DN	SPP	75,000		
				RW	SPP		50,000	
				UT	SPP		95,000	
				CN				
				Project Cost:		75,000	145,000	0
Pulaski	80104	KY-90	REDUCE CONGESTION AND IMPROVE SAFETY, CAPACITY AND MOBILITY ALONG KY 90 BETWEEN WAYNE COUNTY LINE AND NEW CUMBERLAND RIVER BRIDGE (2020CCN)	PL				
				DN				
				RW	SPP		7,000,000	
				UT				
				CN				
				Project Cost:		0	7,000,000	0

2022-2024 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Pulaski	80109	LN-9008	UPGRADE THE CUMBERLAND PARKWAY (EXPRESSWAY) FOR ENTRY INTO THE FEDERAL HIGHWAY SYSTEM AS A SPUR OF I 65 (2020CCN)	PL	SPP	500,000		
				DN				
				RW				
				UT				
				CN				
				Project Cost:		500,000	0	0
Total for Pulaski county				PL		500,000		
				DN		75,000	780,000	
				RW			7,050,000	
				UT			95,000	
				CN		35,000	4,383,000	5,314,000
				Total Amounts:		610,000	12,308,000	5,314,000
Robertson	8711	KY-616	IMPROVE CURVE ON KY 616 AND IMPROVE ROADWAY FROM THE NEW ROBERTSON COUNTY SCHOOL TO MT OLIVET. (12CCN) (14CCR)(18CCN) (2020CCR)	PL				
				DN				
				RW	SPP	270,000		
				UT	SPP		210,000	
				CN				
				Project Cost:		270,000	210,000	0
Robertson	80151	US-62	WIDEN THE BRIDGE ON US 62 OVER N. BRANCH CEDAR CREEK NEAR KENTONTOWN TO IMPROVE SAFETY AND MOBILITY. (2020CCN)	PL				
				DN				
				RW	FBP			115,000
				UT	FBP			115,000
				CN	FBP			1,255,000
				Project Cost:		0	0	1,485,000
Total for Robertson county				PL				
				DN				
				RW		270,000		115,000
				UT			210,000	115,000
				CN				1,255,000
				Total Amounts:		270,000	210,000	1,485,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Rockcastle	4314	KY-1229	INSTALL GUARDRAIL ON KY-1229 IN ROCKCASTLE COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			102,000
				Project Cost:		0	0	102,000
Rockcastle	8952	KY-461	IMPROVE KY-461 FROM US-150 TO THE EXISTING FOUR LANE APPROACH AT US-25.(16CCN)(18CCR) (2020CCR)	PL				
				DN				
				RW				
				UT	NH	3,350,000		
				CN	NH		5,000,000	5,000,000
				Project Cost:		3,350,000	5,000,000	5,000,000
Rockcastle	10070	KY-1787	BRIDGE PROJECT IN ROCKCASTLE COUNTY ON (102B00034N) KY-1787 AT CLEAR CREEK	PL				
				DN	FBP2		103,000	
				RW				
				UT				
				CN	FBP2		1,030,000	
				Project Cost:		0	1,133,000	0
Rockcastle	80106	US-25	ADDRESS SAFETY, MOBILITY, AND CONGESTION WITH ACCESS AMANGEMENT ALONG US-25 (RICHMOND ST) FROM THE US 25/US 461 INTERSECTION TO I 75 (2020CCN)	PL				
				DN	SPP		1,100,000	
				RW	SPP			250,000
				UT				
				CN				
				Project Cost:		0	1,100,000	250,000
Rockcastle	80107	US-25	US 25 FROM I 75 EXIT 62 NORTHERLY TO MP 17.3 - PLANNING STUDY TO ADDRESS ECONOMIC DEVELOPMENT (2020CCN)	PL	SPP		300,000	
				DN				
				RW				
				UT				
				CN				
				Project Cost:		0	300,000	0
Total for Rockcastle county				PL			300,000	
				DN			1,203,000	
				RW				250,000
				UT		3,350,000		
				CN			6,030,000	5,102,000
				Total Amounts:		3,350,000	7,533,000	5,352,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Rowan	204	KY-32	IMPROVE KY-32 FROM PARK HILLS DRIVE TO VIKING DRIVE NORTH. (12CCR)(18CCR) (2020CCR)	PL DN RW UT CN	SPP			5,000,000
Project Cost:						0	0	5,000,000
Rowan	4312	US-60	INSTALL GUARDRAIL ON US-60 IN ROWAN COUNTY	PL DN RW UT CN	GR		3,000	
Project Cost:						0	3,000	0
Rowan	4315	US-60	INSTALL GUARDRAIL ON US-60 IN ROWAN COUNTY	PL DN RW UT CN	GR			76,000
Project Cost:						0	0	76,000
Rowan	4319	KY-3319	INSTALL GUARDRAIL ON KY-3319 IN ROWAN COUNTY	PL DN RW UT CN	GR			50,000
Project Cost:						0	0	50,000
Rowan	4320	US-60	INSTALL GUARDRAIL ON US-60 IN ROWAN COUNTY	PL DN RW UT CN	GR			3,000
Project Cost:						0	0	3,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>	
Rowan	4321	US-60	INSTALL GUARDRAIL ON US-60 IN ROWAN COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR			32,000	
				Project Cost:					
						0	0	32,000	
Rowan	8406	KY-377	IMPROVE SAFETY AND CONNECTIVITY AND REDUCE CONGESTION ON KY-377 FROM KY-32 TO NORTH OF KY-799. (08CCN)(10CCR) (16CCR)(18CCR) (2020CCR)	PL					
				DN					
				RW					
				UT	NH			2,000,000	
				CN					
				Project Cost:					
						0	0	2,000,000	
Rowan	20012	I-64	ADDRESS CONDITION OF I-64 FROM MILEPOINT 128.955 TO MILEPOINT 134.75	PL					
				DN	NHPM			500,000	
				RW					
				UT					
				CN	NHPM			5,000,000	
				Project Cost:					
						0	0	5,500,000	
Rowan	20014	I-64	ADDRESS CONDITION OF I-64 FROM MILEPOINT 141.5 TO MILEPOINT 147.94	PL					
				DN	NHPM			550,000	
				RW					
				UT					
				CN	NHPM			5,000,000	
				Project Cost:					
						0	0	5,550,000	
Rowan	80100	CR-1317	ADDRESS DEFICIENCIES ON CIMMARON RD BRIDGE (2020CCN)	PL					
				DN	BRZ	370,000			
				RW	FBP		10,000		
				UT	FBP		40,000		
				CN	BRZ			400,000	
				Project Cost:					
						370,000	50,000	400,000	

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Rowan	80108	CR-1391	WIDEN AND SOFTEN CURVE ON CR 1391 (BRATTON BRANCH RD) AT WALMART (2020CCN)	PL				
				DN				
				RW				
				UT				
				CN	SPP	150,000		
				Project Cost:		<u>150,000</u>	<u>0</u>	<u>0</u>
Total for Rowan county				PL				
				DN		370,000		1,050,000
				RW			10,000	
				UT			40,000	2,000,000
				CN		150,000	3,000	15,561,000
				Total Amounts:		<u>520,000</u>	<u>53,000</u>	<u>18,611,000</u>
Russell	8601.2100	US-127	RELOCATE US-127 FROM EAST OF THE KY-1730 AND MANNTOWN RD INTERSECTION, AND EXTENDING NORTHERLY TO NORTH BANK OF CUMBERLAND RIVER (SEE 8-108&8-115 FOR PE/PH.2)(12CCR) (14CCR)	PL				
				DN				
				RW				
				UT				
				CN	NH		10,000,000	20,000,000
				Project Cost:		<u>0</u>	<u>10,000,000</u>	<u>20,000,000</u>
Russell	80250	KY-127	IMPROVE CONGESTION AND SAFETY ALONG US 127 AT KY 1381 (VOILS ROAD) AND SK LANE IN RUSSELL SPRINGS (MILEPOINT 17.2 TO MILEPOINT 17.45)	PL				
				DN	SPP		200,000	
				RW	SPP		50,000	
				UT	SPP		685,000	
				CN	SPP			960,000
				Project Cost:		<u>0</u>	<u>935,000</u>	<u>960,000</u>
Total for Russell county				PL				
				DN			200,000	
				RW			50,000	
				UT			685,000	
				CN			10,000,000	20,960,000
				Total Amounts:		<u>0</u>	<u>10,935,000</u>	<u>20,960,000</u>

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Scott	1139	CR-1022	BRIDGE PROJECT IN SCOTT COUNTY ON (105R00607N) FIELDS RD at NS (CNO&TP) SYSTEM	PL DN RW UT CN	BRZ		9,000	
Project Cost:						0	99,000	0
Scott	4307	KY-32	INSTALL GUARDRAIL ON KY-32 IN SCOTT COUNTY	PL DN RW UT CN	GR	148,000		
Project Cost:						148,000	0	0
Scott	10006	CS-1010	BRIDGE PROJECT IN SCOTT COUNTY ON (105C00112N) LEMONS MILL RD AT NS (CNO&TP) SYSTEM	PL DN RW UT CN	BRZ		1,520,000	
Project Cost:						0	1,520,000	0
Scott	10013	CR-1020	BRIDGE PROJECT IN SCOTT COUNTY ON (105R00605N) HINTON RD AT NS (CNO&TP) SYSTEM	PL DN RW UT CN	BRZ		160,000	
Project Cost:						0	160,000	0
Scott	10059	I-64	BRIDGE PROJECT IN SCOTT COUNTY ON (105B00082N) CANE RUN RD AT I 64	PL DN RW UT CN	FBP		3,000,000	
Project Cost:						0	3,000,000	0

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Scott	20021	i-75	ADDRESS CONDITION OF I-75 FROM MILEPOINT 138.424 TO MILEPOINT 143.239	PL				
				DN	NHPM		550,000	
				RW				
				UT				
				CN	NHPM		5,500,000	
				Project Cost:		0	6,050,000	0
Scott	22118	I-75	ADDRESS CONDITION OF I-75 FROM MILEPOINT 138.424 TO MILEPOINT 143.239	PL				
				DN	NHPM			1,700,000
				RW				
				UT				
				CN	NHPM			17,000,000
				Project Cost:		0	0	18,700,000
Scott	80102	KY-2906	IMPROVE CAPACITY AND ACCESS ON KY 2906 FROM US 460 TO US 62 (2020CCN)	PL				
				DN				
				RW	STP1	1,158,000		
				UT	STP1		1,406,000	
				CN				
				Project Cost:		1,158,000	1,406,000	0
Total for Scott county				PL				
				DN			719,000	1,700,000
				RW		1,158,000		
				UT			1,406,000	
				CN		148,000	10,110,000	17,000,000
				Total Amounts:		1,306,000	12,235,000	18,700,000
Shelby	65.4000	I-64	WIDEN I-64 TO 6-LANES FROM 0.458 MILE EAST OF THE KY-55 INTERCHANGE TO THE KY-1790 UNDERPASS.	PL				
				DN				
				RW				
				UT				
				CN	NH		20,000,000	20,000,000
				Project Cost:		0	20,000,000	20,000,000

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Shelby	579	I-64	EXPAND TRUCK PARKING AT I-64 EB WELCOME CENTER.	PL				
				DN				
				RW				
				UT				
				CN	NH			1,000,000
				Project Cost:		0	0	1,000,000
Shelby	8713	US-60	CONSTRUCT A THIRD LANE ON US-60 FROM THE MASONIC HOME TO ROCKET LANE. (12CCN)(14CCR)(2020CCR)	PL				
				DN				
				RW				
				UT				
				CN	SPP		2,870,000	
				Project Cost:		0	2,870,000	0
Shelby	10024	CR-1007	ADDRESS DEFICIENCIES OF MOODY PIKE BRIDGE OVER FOX RUN CREEK. (106C00004N)	PL				
				DN	FBP		60,000	
				RW				
				UT				
				CN	FBP		310,000	
				Project Cost:		0	370,000	0
Shelby	10086	US-60	BRIDGE PROJECT IN SHELBY COUNTY ON (106B00007R) US 60 EB AT CLEAR CREEK	PL				
				DN	FBP	315,000		
				RW				
				UT				
				CN	FBP	3,150,000		
				Project Cost:		3,465,000	0	0
Shelby	22027	I-64	ADDRESS CONDITION OF I-64 FROM MILEPOINT 23.974 TO MILEPOINT 27.91	PL				
				DN	NHPM			1,300,000
				RW				
				UT				
				CN	NHPM			13,000,000
				Project Cost:		0	0	14,300,000

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Shelby	80004	KY-55	FOUR RIGHT TURNING LANES AT THE INTERSECTION OF KY 55X ANE KY 43 AND TWO LEFT TURNING LANES FROM KY 55X ONTO KY 43. (18CCN) (2020CCR)	PL				
				DN				
				RW	SPP	30,000		
				UT	SPP	30,000		
				CN	SPP		520,000	
Project Cost:						60,000	520,000	0
Shelby	80104	KY-12	BRIDGE PROJECT IN SHELBY COUNTY ON (106B00069N) KY 12 AT RJ CORMAN RAILROAD	PL				
				DN	BRX		60,000	
				RW				
				UT				
				CN	BRX			600,000
Project Cost:						0	60,000	600,000
Total for Shelby county				PL				
				DN		315,000	120,000	1,300,000
				RW		30,000		
				UT		30,000		
				CN		3,150,000	23,700,000	34,600,000
Total Amounts:						3,525,000	23,820,000	35,900,000
Simpson	8855	KY-1008	IMPROVE KY-1008 FROM KY-73 TO NORTH FRANKLIN STREET. (14CCN)	PL				
				DN				
				RW	SPP		1,700,000	
				UT				
				CN				
Project Cost:						0	1,700,000	0
Simpson	80106	KY-1008	ADD A TURN LANE AT THE INTERSECTION OF KY 1008 AND US 31W (2020CCN)	PL				
				DN				
				RW	SPP		350,000	
				UT	SPP		300,000	
				CN	SPP			950,000
Project Cost:						0	650,000	950,000

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Simpson	80202		SUPPLEMENTAL MOA FOR INDUSTRIAL ACCESS ROADS FOR STONE-GIVENS PARK	PL				
				DN				
				RW				
				UT				
				CN	SPP		300,000	
				Project Cost:		0	300,000	0
Total for Simpson county				PL				
				DN				
				RW			2,050,000	
				UT			300,000	
				CN			300,000	950,000
				Total Amounts:		0	2,650,000	950,000
Spencer	8955	KY-44	IMPROVE SAFETY AND ADDRESS GEOMETRIC DEFICIENCIES ALONG KY-44 NEAR DUTCHMAN CREEK ROAD. (16CCN) (2020CCR)	PL				
				DN				
				RW	SPP			230,000
				UT	SPP			210,000
				CN	SPP			1,270,000
				Project Cost:		0	0	1,710,000
Spencer	10095	KY-1060	BRIDGE PROJECT IN SPENCER COUNTY ON (108B00015N) KY 1060 AT PLUM CREEK	PL				
				DN	BRX		212,000	
				RW				
				UT				
				CN	BRX		2,120,000	
				Project Cost:		0	2,332,000	0
Spencer	80150	KY-1319	BRIDGE PROJECT IN SPENCER COUNTY ON (108B00042N) KY 1319 at PLUM CREEK	PL				
				DN	BRX		189,000	
				RW				
				UT				
				CN	BRX			1,890,000
				Project Cost:		0	189,000	1,890,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Spencer	80213	KY-55	REDUCE CONGESTION, IMPROVE SAFETY, AND ENHANCE MOBILITY ON KY 55 FROM KY 44 TO INDUSTRIAL DR. (MP 6.610 TO MP 6.838)	PL				
				DN	SPP		220,000	
				RW				
				UT	SPP			30,000
				CN	SPP			570,000
Project Cost:						0	220,000	600,000
Spencer	80255	KY-44	IMPROVE CAPACITY, RELIEVE CONGESTION, AND IMPROVE SAFETY ALONG KY 44 FROM COXS LANE (CR 1087) NEAR THE BULLITT/SPENCER CO LINE TO GOOSE CREEK ROAD (CR 1121) (MILEPOINT 0 TO MILEPOINT 1.202).	PL				
				DN	SPP		1,580,000	
				RW				
				UT				
				CN				
Project Cost:						0	1,580,000	0
Spencer	80256	KY-55	IMPROVE SAFETY AND TRAFFIC OPERATIONS ON KY 55 FROM KY 44 IN TAYLORSVILLE TO KY 1169 (NORMANDY ROAD) BY PROVIDING ADDITIONAL TURNING AND PASSING OPPORTUNITIES (2+1 ROAD BY ADDING A TURN LANE THAT CAN SERVE AS AN ALTERNATING PASSING LANE).	PL				
				DN	SPP			1,590,000
				RW				
				UT				
				CN				
Project Cost:						0	0	1,590,000
Total for Spencer county				PL				
				DN			2,201,000	1,590,000
				RW				230,000
				UT				240,000
				CN			2,120,000	3,730,000
				Total Amounts:		0	4,321,000	5,790,000
Taylor	4309	KY-3098	INSTALL GUARDRAIL ON KY-3098 IN TAYLOR COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR	55,000		
Project Cost:						55,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Taylor	10067	CS-1343	BRIDGE PROJECT IN TAYLOR COUNTY ON (109C00042N) SOUTH COLUMBIA AVE AT BUCKHORN CREEK	PL DN RW UT CN	BRZ		48,000	480,000
Project Cost:						0	48,000	480,000
Taylor	80256	KY-70	ADDRESS SAFETY AND GEOMETRIC DEFICIENCIES ALONG KY 70 FROM 0. MILES EAST OF ROBERTS RD (NEAR ELKHORN BAPTIST CHURCH) TO NEAR KY 76 (MILEPOINT 3.1 TO MILEPOINT 4.1)	PL DN RW UT CN	SPP		600,000	
Project Cost:						0	600,000	0
Taylor	80257	PF-9999	EXTEND KY 3350 (CAMPBELLSVILLE BYPASS) FROM ky 289 TO US 68 ON THE EAST SIDE OF CAMPBELLSVILLE.	PL DN RW UT CN	SPP		1,250,000	
Project Cost:						0	1,250,000	0
Total for Taylor county				PL DN RW UT CN			1,898,000	
Total Amounts:						55,000	1,898,000	480,000
Todd	170	KY-848	Upgrade connection for new industrial site on KY 848 (Haddensville Road).	PL DN RW UT CN	SPP			4,500,000
Project Cost:						0	0	4,500,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Todd	8811	KY-181	RECONSTRUCT KY-181 (ELKTON ROAD) FROM US-79 (MP 0.000) TO NORTH OF INTERSECTION WITH US-41 (MP 0.214) TO INCLUDE A NEW INTERSECTION WITH KY-294. (MP 0.000-0.400) (14CCN)(18CCN)	PL DN RW UT CN	STP2 STP2 STP2	280,000	730,000	2,820,000
Project Cost:						<u>280,000</u>	<u>730,000</u>	<u>2,820,000</u>
Todd	80001.1000	US-79	REDUCE CONGESTION AND IMPROVE MOBILITY ON US 79 FROM MP TO 3 (2020BOP)	PL DN RW UT CN	NH NH		3,435,000	4,600,000
Project Cost:						<u>0</u>	<u>3,435,000</u>	<u>4,600,000</u>
Todd	80001.2000	US-79	Replace and Widen the bridge over CSX Railroad and realign the KY 346 intersection. (2020BOP)(BUILD)(TO BE LET WITH 3-10010 & 3-80100)	PL DN RW UT CN	BRZ			5,500,000
Project Cost:						<u>0</u>	<u>0</u>	<u>5,500,000</u>
Todd	80215	CR-1128	WIDEN CR 1128 BY 1 FOOT FROM MP .333 TO KY 848 AND EXTEND 3 LANE ROAD FROM MP .129 TO MP .333	PL DN RW UT CN	SPP			1,100,000
Project Cost:						<u>0</u>	<u>0</u>	<u>1,100,000</u>
Total for Todd county				PL DN RW UT CN		280,000	4,165,000	18,520,000
Total Amounts:						<u>280,000</u>	<u>4,165,000</u>	<u>18,520,000</u>

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Trigg	8951	KY-139	REALIGN KY 124 APPROACH TO KY 139 TO IMPROVE INTERSECTION ANGLE AND SIGHT DISTANCE. (16CCN)(18CCN) (2020CCR)	PL DN RW UT CN	STP2		500,000	
Project Cost:						0	500,000	0
Trigg	10183	KY-525	BRIDGE PROJECT IN TRIGG COUNTY ON (111B00031N) KY-525 AT UNNAMED STREAM	PL DN RW UT CN	FBP FBP	70,000	700,000	
Project Cost:						70,000	700,000	0
Total for Trigg county				PL DN RW UT CN		70,000	1,200,000	
Total Amounts:						70,000	1,200,000	0
Trimble	905	US-421	ADDRESS SAFETY ISSUES AND ACCESS AT THE INTERSECTION OF US-421/KY-1226 AT MP 11.5. (12CCR) (2020CCR)	PL DN RW UT CN	STP2 STP2		690,000 550,000	
Project Cost:						0	1,240,000	0
Trimble	8712	US-421	CONSTRUCT TURN LANES INTO TRIMBLE COUNTY HIGH SCHOOL. (12CCN)	PL DN RW UT CN	SPP SPP	400,000	750,000	
Project Cost:						400,000	750,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Trimble	22100	I-71	ADDRESS CONDITION OF I-71 FROM MILEPOINT 38.086 TO MILEPOINT 38.808	PL				
				DN	NHPM		160,000	
				RW				
				UT				
				CN	NHPM		1,600,000	
				Project Cost:		0	1,760,000	0
Total for Trimble county				PL				
				DN			160,000	
				RW		400,000	690,000	
				UT			550,000	
				CN			2,350,000	
				Total Amounts:		400,000	3,750,000	0
Union	310.2100	KY-56	ADDRESS SAFETY, CONDITION AND SERVICE CONCERN FROM KY 109 TO WEST OF KY 360 TO ESTABLISH TRUCK NETWORK CONNECTION TO SHAWNEETOWN BRIDGE.(14CCR) (SAME AS ITEM NO. 2-310.20 IN 2014 SYP) (2020CCR)	PL				
				DN				
				RW				
				UT				
				CN	STPF			10,000,000
				Project Cost:		0	0	10,000,000
Union	80202	us-60	Address safety and service concerns of US-60 from the KY-950 to KY-492.	PL				
				DN	STP2			1,500,000
				RW				
				UT				
				CN				
				Project Cost:		0	0	1,500,000
Union	80203	ky-56	Address the service, safety and condition of KY 56 from Morganfield to KY 141.	PL				
				DN	STP1			2,800,000
				RW				
				UT				
				CN				
				Project Cost:		0	0	2,800,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Total for Union county				PL				
				DN				4,300,000
				RW				
				UT				
				CN				10,000,000
				Total Amounts:		0	0	14,300,000
Warren	110.3000	KY-185	IMPROVE KY 185 FROM 0.24 MILES SOUTH OF PRUITT ROAD TO 0.16 MILES SOUTH OF KY 1320. (2018BOP)	PL				
				DN				
				RW				
				UT				
				CN	STP1			4,000,000
				Project Cost:		0	0	4,000,000
Warren	166	US-68	Construct left and right turn lanes from US 68/KY 80 onto Fred Madison Road at approximately the 17.1 milepoint. (2020BOP)	PL				
				DN				
				RW				
				UT				
				CN	STPF		1,600,000	
				Project Cost:		0	1,600,000	0
Warren	182	KY-622	RECONSTRUCT KY 622 (PLANO RD) TO ELIMINATE TWO RIGHT-ANGLE CURVES.	PL				
				DN	SPP	310,000		
				RW	SPP		260,000	
				UT	SPP		380,000	
				CN				
				Project Cost:		310,000	640,000	0
Warren	4307	KY-234	INSTALL GUARDRAIL ON KY-234 IN WARREN COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR	25,000		
				Project Cost:		25,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Warren	8818	KY-884	THREE SPRINGS ROAD EXTENSION FROM FLEALAND TO THE NATCHER PARKWAY INCLUDING BRIDGE OVER PARKWAY. (14CCN) (18CCN) (2020CCR)	PL DN RW UT CN	SPP SPP	2,310,000		4,900,000
Project Cost:						2,310,000	0	4,900,000
Warren	8853	US-31	WIDEN US-31W FROM WARREN/SIMPSON COUNTY LINE TO BUCHANON PARK. (14CCN) (2020CCN)	PL DN RW UT CN	SPP SPP	1,540,000		4,290,000
Project Cost:						1,540,000	0	4,290,000
Warren	8854	KY-234	MAJOR WIDENING/RECONSTRUCTION OF CEMETERY ROAD (KY-234) FROM FOUNTAIN TRACE TO ROGER PORTER ROAD (MP 7.878 TO MP 9.625).(14CCN) (2020CCN)	PL DN RW UT CN	SPP SPP	1,000,000		3,150,000
Project Cost:						1,000,000	0	3,150,000
Warren	8857	US-31	IMPROVE US-31W FROM CAMPBELL LANE (US-231) TO UNIVERSITY BOULEVARD (US-231X). (14CCN)(16CCR)(18CCR) (2020CCR)	PL DN RW UT CN	SPP			3,000,000
Project Cost:						0	0	3,000,000
Warren	8905	US-31	IMPROVE MOBILITY AND REDUCE CONGESTION ON US-31W FROM US-68 TO MIZPAH. (16CCN) (2020CCR)	PL DN RW UT CN	STP1			2,760,000
Project Cost:						0	0	2,760,000

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Warren	80005	KY-242	ADD LEFT TURNING LANE ON KY 242 INTO RICHPOND ELEMENTARY SCHOOL AT MP 3.8 TO 3.95(18CCN)	PL DN RW UT CN	SPP	280,000		
Project Cost:						280,000	0	0
Warren	80051	KY-3225	SAFETY IMPROVEMENTS AND REHABILITATION ON KY-3225. KEEP EXISTING FOOTPRINT BY REPLACING CURBLINE IN SAME LOCATION FROM MP 0 TO MP 1(18CCN)	PL DN RW UT CN	SPP SPP		1,230,000 110,000	
Project Cost:						0	1,340,000	0
Warren	80052	KY-234	WIDEN KY-234 FROM MP 11.9 TO 12.4. IMPROVEMENTS MAY INCLUDE A ROUNDABOUT, TURN LANE, AND A SIGNAL AT HAMPTON DR. (18CCN)	PL DN RW UT CN	SPP SPP		290,000	220,000
Project Cost:						0	290,000	220,000
Warren	80201	cs-1432	Reduce congestion and increase safety on Cave Mill Road/Dishman Lane from the end of the three-lane section near Raintree Drive (MP 0.570) just east of Grider Pond Road.	PL DN RW UT CN	SPP		1,860,000	
Project Cost:						0	1,860,000	0
Warren	80203	US-31	Improve mobility and reduce congestion on US-31W from Mizpah Road to Freeport Road	PL DN RW UT CN	NH NH NH		1,000,000	2,000,000 1,000,000
Project Cost:						0	1,000,000	3,000,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Warren	80204	CR-1060	Improve connectivity to Transpark.	PL				
				DN	SPP		200,000	
				RW	SPP		600,000	
				UT				
				CN	SPP		6,900,000	
Project Cost:						0	7,700,000	0
Warren	80212	CR-1704	REDUCE CONGESTION AND INCREASE SAFETY AND MOBILITY ON DISHMAN LANE EXT. (CS-6010) FROM MP 0.570 TO JUST EAST OF GRIDER POND ROAD ON CAVE MILL ROAD (CS-1432)	PL				
				DN	SPP		1,860,000	
				RW				
				UT				
				CN				
Project Cost:						0	1,860,000	0
Warren	80214	KY-101	Construct a two-lane roundabout at the intersection of KY 101 and the I-65 southbound entrance and exit ramps in Smiths Grove. Widen the existing I-65 southbound exit ramp to two lanes and extend the beginning point of the ramp approximately five-hundred to one-thousand feet north. Widen approximately five hundred feet of	PL				
				DN	STP2			750,000
				RW				
				UT				
				CN				
Project Cost:						0	0	750,000
Total for Warren county				PL				
				DN		1,310,000	5,210,000	750,000
				RW		3,850,000	2,090,000	5,370,000
				UT			490,000	13,190,000
				CN		305,000	8,500,000	6,760,000
Total Amounts:						5,465,000	16,290,000	26,070,000
Washington	164.1000	KY-555	IMPROVE MOBILITY ON THE KY 555 HEARTLAND PARKWAY CORRIDOR FROM US 150X (MP 0.00) TO KY 53 (MP 8.7)	PL				
				DN	STPF		1,300,000	
				RW	STPF		500,000	
				UT	STPF			1,300,000
				CN	STPF			5,000,000
Project Cost:						0	1,800,000	6,300,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Washington	164.2000	KY-555	IMPROVE MOBILITY ON THE KY 555 HEARTLAND PARKWAY CORRIDOR FROM KY 53 TO BLUEGRASS PARKWAY	PL DN RW UT CN	STPF			1,500,000
Project Cost:						0	0	1,500,000
Washington	396.2000	US-150	IMPROVE SAFETY, MOBILITY, AND GEOMETRICS ALONG US-150 FROM WEST OF OLD FREDERICKTOWN-BARDSTOWN ROAD (KY-1872) THROUGH GRUNDY HOME CURVE TO MAYFIELD LN (CR-1336). (2016BOP) (2020CCR)(D-Auth under 4-396)	PL DN RW UT CN	STPF			1,500,000
Project Cost:						0	0	1,500,000
Washington	396.3000	US-150	ADDRESS SAFETY, MOBILITY, AND GEOMETRIC ISSUES ALONG US 150 IN WASHINGTON COUNTY FROM 0.7 MILES EAST OF GRUNDY HOME ROAD (MILEPOINT 2.50) TO US 150X (MP 6.557) AT THE OLD ST. CATHERINE'S COLLEGE. (2016BOP)	PL DN RW UT CN	STPF STPF		750,000	1,000,000
Project Cost:						0	750,000	1,000,000
Washington	10068	KY-53	BRIDGE PROJECT IN WASHINGTON COUNTY ON (115B00004N) KY-53 AT CHAPLIN RIVER	PL DN RW UT CN	BRX BRX		410,000	2,000,000
Project Cost:						0	410,000	2,000,000
Washington	10070	KY-152	BRIDGE PROJECT IN WASHINGTON COUNTY ON (115B00019N) KY-152 AT CARTWRIGHT CREEK	PL DN RW UT CN	BRX BRX BRZ BRZ		175,000 10,000 10,000	1,295,000
Project Cost:						0	195,000	1,295,000

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Washington	10072	KY-458	BRIDGE PROJECT IN WASHINGTON COUNTY ON (115B00045N) KY-458 AT BEECH FORK OF SALT RIVER	PL				
				DN	FBP2	211,000		
				RW				
				UT				
				CN	FBP2	2,110,000		
				Project Cost:		2,321,000	0	0
Washington	10074	CS-1041	BRIDGE PROJECT IN WASHINGTON COUNTY ON (115C00065N) Armory Hill AT Road Run Creek	PL				
				DN	BRZ		57,000	
				RW				
				UT				
				CN	BRZ		570,000	
				Project Cost:		0	627,000	0
Washington	22177	BG-9002	ADDRESS CONDITION OF MARTHA LANE COLLINS BLUEGRASS PARKWAY FROM MILEPOINT 39.267 TO MILEPOINT 42	PL				
				DN	NHPM			200,000
				RW				
				UT				
				CN	NHPM			2,000,000
				Project Cost:		0	0	2,200,000
Washington	22178	BG-9002	ADDRESS CONDITION OF MARTHA LANE COLLINS BLUEGRASS PARKWAY FROM MILEPOINT 42 TO MILEPOINT 44.807	PL				
				DN	NHPM		200,000	
				RW				
				UT				
				CN	NHPM		2,000,000	
				Project Cost:		0	2,200,000	0
Total for Washington county				PL				
				DN		211,000	2,892,000	1,700,000
				RW			510,000	1,000,000
				UT			10,000	2,800,000
				CN		2,110,000	2,570,000	10,295,000
				Total Amounts:		2,321,000	5,982,000	15,795,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Wayne	4311	KY-789	INSTALL GUARDRAIL ON KY-789 IN WAYNE COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		64,000	
				Project Cost:		0	64,000	0
Wayne	10073	CR-1006	BRIDGE PROJECT IN WAYNE COUNTY ON (116C00042N) EAST RALEIGH CREEK AT RALEIGH CREEK	PL				
				DN	BRZ		41,000	
				RW				
				UT				
				CN	BRZ			410,000
				Project Cost:		0	41,000	410,000
Wayne	80005	KY-1275	IMPROVE CURVE ON KY 1275 AT KY 833/ROGERS GROVE ROAD AND RESURFACE FROM KY 1275 FROM BELL LANE TO KY 833/ROGERS GROVE ROAD(18CCN) (2020CCR)	PL				
				DN				
				RW	SPP	3,500		
				UT	SPP	60,000		
				CN	SPP		200,000	
				Project Cost:		63,500	200,000	0
Wayne	80006	KY-1275	Reduce congestion and improve safety, capacity, and mobility along KY 1275, including sidewalks, from KY 90 to Bell Lane. (18CCN) (2020CCR)	PL				
				DN	STP2	490,000		
				RW	STP2		200,000	
				UT	STP2		500,000	
				CN				
				Project Cost:		490,000	700,000	0
Wayne	80105	KY-90	REDUCE CONGESTION AND IMPROVES SAFETY, CAPACITY AND MOBILITY OF KY 90 BETWEEN KY 90X/KY 1275 AND KY 3106 (2020CCN)	PL				
				DN				
				RW	SPP		6,078,000	
				UT				
				CN				
				Project Cost:		0	6,078,000	0

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Wayne	80108	KY-90, KY-92	ADDRESS SAFETY, MOBILITY, AND CONNECTIVITY BY RELOCATING ALONG KY 92 IN MONTICELLO BETWEEN LOCUST ST AND ELK SPRINGS CREEK RD (2020CCN)	PL				
				DN				
				RW	SPP		1,100,000	
				UT	SPP			500,000
				CN				
				Project Cost:		0	1,100,000	500,000
Total for Wayne county				PL				
				DN		490,000	41,000	
				RW		3,500	7,378,000	
				UT		60,000	500,000	500,000
				CN			264,000	410,000
				Total Amounts:		553,500	8,183,000	910,000
Webster	228	KY-138	RECONSTRUCT BETWEEN KY 120 AND RR BRIDGE AT SLAUGHTERS TO ALLEVIATE FLOODING. (12CCR)(18CCN) (2020CCR)	PL				
				DN	SPP	200,000		
				RW	SPP		110,000	
				UT	SPP		260,000	
				CN				
				Project Cost:		200,000	370,000	0
Webster	10135	KY-56	BRIDGE PROJECT IN WEBSTER COUNTY ON (117B00012N) KY-56 AT GREEN RIVER	PL				
				DN	FBP	890,000		
				RW				
				UT				
				CN	FBP	8,900,000		
				Project Cost:		9,790,000	0	0
Total for Webster county				PL				
				DN		1,090,000		
				RW			110,000	
				UT			260,000	
				CN		8,900,000		
				Total Amounts:		9,990,000	370,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Whitley	1	I-75	DESIGN STUDY FOR WIDENING OF 1-75 TO 6 LANES IN WHITLEY COUNTY FROM THE KENTUCKY/TENNESSEE STATE LINE MP 0 TO MF 20	PL DN RW UT CN	NH		2,000,000	
Project Cost:						0	2,000,000	0
Whitley	186	us-25	IMPROVE FREIGHT MOBILITY AND REDUCE CONGESTION ON US-25V FROM KY-727 TO KY-3041 (12CCR)(16CCR)(2020CCR) (BUILD-\$15.05M)	PL DN RW UT CN	NH	16,820,000		
Project Cost:						16,820,000	0	0
Whitley	4311	KY-1064	INSTALL GUARDRAIL ON KY-1064 IN WHITLEY COUNTY	PL DN RW UT CN	GR	67,000		
Project Cost:						67,000	0	0
Whitley	4312	KY-1064	INSTALL GUARDRAIL ON KY-1064 IN WHITLEY COUNTY	PL DN RW UT CN	GR	87,000		
Project Cost:						87,000	0	0
Whitley	4313	KY-779	INSTALL GUARDRAIL ON KY-779 IN WHITLEY COUNTY	PL DN RW UT CN	GR	71,000		
Project Cost:						71,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Whitley	4321	KY-26	INSTALL GUARDRAIL ON KY-26 IN WHITLEY COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR	20,000		
				Project Cost:		20,000	0	0
Whitley	4322	KY-856	INSTALL GUARDRAIL ON KY-856 IN WHITLEY COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR	129,000		
				Project Cost:		129,000	0	0
Whitley	4327	KY-727	INSTALL GUARDRAIL ON KY-727 IN WHITLEY COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR	15,000		
				Project Cost:		15,000	0	0
Whitley	4328	KY-312	INSTALL GUARDRAIL ON KY-312 IN WHITLEY COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		6,000	
				Project Cost:		0	6,000	0
Whitley	4329	KY-312	INSTALL GUARDRAIL ON KY-312 IN WHITLEY COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		5,000	
				Project Cost:		0	5,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Whitley	4330	KY-856	INSTALL GUARDRAIL ON KY-856 IN WHITLEY COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		54,000	
				Project Cost:		0	54,000	0
Whitley	4335	KY-1064	INSTALL GUARDRAIL ON KY-1064 IN WHITLEY COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		121,000	
				Project Cost:		0	121,000	0
Whitley	4336	KY-727	INSTALL GUARDRAIL ON KY-727 IN WHITLEY COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		9,000	
				Project Cost:		0	9,000	0
Whitley	4337	KY-727	INSTALL GUARDRAIL ON KY-727 IN WHITLEY COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		13,000	
				Project Cost:		0	13,000	0
Whitley	4338	KY-779	INSTALL GUARDRAIL ON KY-779 IN WHITLEY COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		51,000	
				Project Cost:		0	51,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Whitley	4339	KY-779	INSTALL GUARDRAIL ON KY-779 IN WHITLEY COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		19,000	
				Project Cost:		0	19,000	0
Whitley	4340	KY-779	INSTALL GUARDRAIL ON KY-779 IN WHITLEY COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		24,000	
				Project Cost:		0	24,000	0
Whitley	4341	KY-836	INSTALL GUARDRAIL ON KY-836 IN WHITLEY COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR		59,000	
				Project Cost:		0	59,000	0
Whitley	4346	KY-1064	INSTALL GUARDRAIL ON KY-1064 IN WHITLEY COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			40,000
				Project Cost:		0	0	40,000
Whitley	4347	KY-779	INSTALL GUARDRAIL ON KY-779 IN WHITLEY COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			25,000
				Project Cost:		0	0	25,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Whitley	4348	KY-779	INSTALL GUARDRAIL ON KY-779 IN WHITLEY COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			8,000
				Project Cost:		0	0	8,000
Whitley	4358	KY-1064	INSTALL GUARDRAIL ON KY-1064 IN WHITLEY COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			9,000
				Project Cost:		0	0	9,000
Whitley	4359	KY-204	INSTALL GUARDRAIL ON KY-204 IN WHITLEY COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			11,000
				Project Cost:		0	0	11,000
Whitley	4361	KY-312	INSTALL GUARDRAIL ON KY-312 IN WHITLEY COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			5,000
				Project Cost:		0	0	5,000
Whitley	4362	KY-727	INSTALL GUARDRAIL ON KY-727 IN WHITLEY COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			16,000
				Project Cost:		0	0	16,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Whitley	4363	KY-836	INSTALL GUARDRAIL ON KY-836 IN WHITLEY COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			10,000
Project Cost:						0	0	10,000
Whitley	4364	KY-856	INSTALL GUARDRAIL ON KY-856 IN WHITLEY COUNTY	PL				
				DN				
				RW				
				UT				
				CN	GR			41,000
Project Cost:						0	0	41,000
Whitley	10034	KY-204	BRIDGE PROJECT IN WHITLEY COUNTY ON (118B00084N) KY-204 at YOUNGS CREEK	PL				
				DN	BRX		79,000	
				RW				
				UT				
				CN	BRX			790,000
Project Cost:						0	79,000	790,000
Whitley	20018	I-75	ADDRESS CONDITION OF I-75 FROM MILEPOINT 20.045 TO MILEPOINT 25.4 (24.645 CARDINAL)	PL				
				DN	NHPM			400,000
				RW				
				UT				
				CN	NHPM			4,000,000
Project Cost:						0	0	4,400,000
Whitley	80107	us-25	IMPROVE SAFETY AND MOBILITY ON US 25W (MILEPOINT 13.3 TO MILEPOINT 14.6) INCLUDED IN THIS RECONSTRUCTION WILL BE APPROXIMATELY 1.3 MILES OF ROADWAY TO BE WIDENED/IMPROVED, AN APPROXIMATELY 250' BRIDGE REPLACEMENT OVER WATTS CREEK, AN APPROXIMATELY 150'	PL				
				DN				
				RW	BRO		1,000,000	
				UT	BRO			500,000
				CN				
Project Cost:						0	1,000,000	500,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Whitley	80112	CR-1088	WIDEN BLACK DIAMOND ROAD (2020CCN)	PL				
				DN				
				RW				
				UT				
				CN	SPP	260,000		
				Project Cost:		260,000	0	0
Whitley	80264	ky-92	RECONFIGURE EXISTING INTERSECTION OF KY 92 AND PENNY LANE TO IMPROVE SAFETY ALONG AT INTERSECTION. CONSTRUCT NEW CONNECTOR ROAD BETWEEN KY 92 AND PENNY LANE.	PL				
			RECONFIGURE TRAFFIC OPERATION ALONG PENNY LANE BETWEEN KY 92 AND NEW CONNECTOR ROAD	DN	SPP		150,000	
				RW	SPP			1,000,000
				UT	SPP			90,000
				CN	SPP			1,300,000
				Project Cost:		0	150,000	2,390,000
Total for Whitley county				PL				
				DN			2,229,000	400,000
				RW			1,000,000	1,000,000
				UT				590,000
				CN		17,469,000	361,000	6,255,000
				Total Amounts:		17,469,000	3,590,000	8,245,000
Wolfe	168	KY-9009	MOUNTAIN PARKWAY CORRIDOR: WIDEN THE MTN PKY TO 4 LANES FROM 0.6 MI W OF KY 191 OVERPASS TO 0.45 MI W OF KY 205 INTERCHANGE. (US DOT providing \$55.2 million of INFRA Grant funding to be used in conjunction with the \$55.2 million of federal NH funding.)	PL				
				DN				
				RW				
				UT				
				CN	NH	55,200,000		
				Project Cost:		55,200,000	0	0
Wolfe	177	KY-15	Minor widening to improve redundancy of Regional travel.	PL				
				DN	PROT			750,000
				RW				
				UT				
				CN				
				Project Cost:		0	0	750,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Wolfe	212	KY-191	IMPROVE THE KY-191 AND KY-1812 INTERSECTION.	PL				
				DN	STP2		260,000	
				RW	STP2			110,000
				UT	STP2			110,000
				CN				
				Project Cost:		0	260,000	220,000
Total for Wolfe county				PL				
				DN			260,000	750,000
				RW				110,000
				UT				110,000
				CN		55,200,000		
				Total Amounts:		55,200,000	260,000	970,000
Woodford	117	US-60	IMPROVE US 60 (VERSAILLES ROAD) FROM THE BLUEGRASS PARKWAY/HUNTERTOWN PIKE TO PISGAH PIKE.	PL				
				DN	NH		1,000,000	
				RW				
				UT				
				CN				
				Project Cost:		0	1,000,000	0
Woodford	8905	US-60	ACCESS MANAGEMENT IMPROVEMENTS ON US 60 FROM LEXINGTON ROAD AT WOODFORD FEED TO MARSAILLES DRIVE (MP 9.38 TO MP 9.70).(16CCN)(18CCN)	PL				
				DN				
				RW	SPP		1,000,000	
				UT	SPP		780,000	
				CN				
				Project Cost:		0	1,780,000	0
Woodford	22184	BG-9002	ADDRESS CONDITION OF MARTHA LANE COLLINS BLUEGRASS PARKWAY CARDINAL DIRECTION FROM MILEPOINT 70.727 TO MILEPOINT 71.134	PL				
				DN	NHPM		25,000	
				RW				
				UT				
				CN	NHPM		250,000	
				Project Cost:		0	275,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
Woodford	80200	ky-1659	Reconstruct McCracken Pike (KY-1659) on a new horizontal alignment to minimize pedestrian and vehicle conflicts near Woodford Reserve Distillery (ROW to be provided by County)	PL				
				DN	SPP	225,000		
				RW				
				UT	SPP		120,000	
				CN	SPP			850,000
			Project Cost:			225,000	120,000	850,000
Total for Woodford county				PL				
				DN		225,000	1,025,000	
				RW			1,000,000	
				UT			900,000	
				CN			250,000	850,000
			Total Amounts:			225,000	3,175,000	850,000
ZVarious	65.1900	CO-0	BRIDGE REPAIRS ON VARIOUS BRIDGES FOR FY 2022 THROUGH FY 2028.	PL				
				DN				
				RW				
				UT				
				CN	BRO	5,000,000	5,000,000	5,000,000
			Project Cost:			5,000,000	5,000,000	5,000,000
ZVarious	65.2000	CO-0	BRIDGE REPAIRS ON VARIOUS BRIDGES FOR FY 2022 THROUGH FY 2028.	PL				
				DN				
				RW				
				UT				
				CN	BRX	3,000,000	3,000,000	3,000,000
			Project Cost:			3,000,000	3,000,000	3,000,000
ZVarious	65.2100	CO-0	BRIDGE REPAIRS ON VARIOUS OFF SYSTEM BRIDGES FOR FY 2022 THROUGH FY 2028.	PL				
				DN				
				RW				
				UT				
				CN	BRZ	2,000,000	2,000,000	2,000,000
			Project Cost:			2,000,000	2,000,000	2,000,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
ZVarious	65.2200	CO-0	BRIDGE REPAIRS ON VARIOUS BRIDGES FOR FY 2022-2028. (FBP PROGRAM)	PL				
				DN				
				RW				
				UT				
				CN	FBP	5,000,000	5,000,000	
				Project Cost:		5,000,000	5,000,000	0
ZVarious	65.2300	CO-0	BRIDGE REPAIRS ON VARIOUS BRIDGES FOR FY 2022-2028. (FBP2 PROGRAM)	PL				
				DN				
				RW				
				UT				
				CN	FBP2	8,000,000	6,500,000	8,000,000
				Project Cost:		8,000,000	6,500,000	8,000,000
ZVarious	66.1900	CO-0	'ITS' AND 'TSMO' ACTIVITIES ON VARIOUS NHS ROUTES IN KENTUCKY FOR FY 2022 THROUGH FY 2028.	PL				
				DN				
				RW				
				UT				
				CN	NH	5,000,000	5,000,000	5,000,000
				Project Cost:		5,000,000	5,000,000	5,000,000
ZVarious	66.2100	CO-0	Transportation Systems Management and Operations (TSMO) activities on various routes for FY-2022 through FY 2028.	PL				
				DN				
				RW				
				UT				
				CN	SPP	2,000,000	2,000,000	2,000,000
				Project Cost:		2,000,000	2,000,000	2,000,000
ZVarious	195.1600	CO-0	STATEWIDE TRANSPORTATION ALTERNATIVES PROGRAM FOR FY 2022 THROUGH FY 2028	PL				
				DN				
				RW				
				UT				
				CN	TAP	11,386,503	11,614,233	11,846,518
				Project Cost:		11,386,503	11,614,233	11,846,518

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
ZVarious	219.1800	CO-0	NON-ATTAINMENT AREAS STATEWIDE CMAQ FUNDED PROJECTS FOR FY 2022 THROUGH FY 2028.	PL				
				DN				
				RW				
				UT				
				CN	CM	14,926,634	15,225,167	15,529,670
				Project Cost:		14,926,634	15,225,167	15,529,670
ZVarious	224.1400	CO-0	PAVEMENT REHAB ON STATE (NON RS) SYSTEM ROUTES IN KENTUCKY FOR FY 2022 THROUGH FY 2028.	PL				
				DN				
				RW				
				UT				
				CN	STP5	5,000,000	5,000,000	5,000,000
				Project Cost:		5,000,000	5,000,000	5,000,000
ZVarious	239	CO-0	PROMOTING RESILIENT OPERATIONS FOR TRANSFORMATIVE, EFFICIENT, AND COST SAVING TRANSPORTATION (PROTECT) PROGRAM FORMULA FUNDS.	PL				
				DN				
				RW				
				UT				
				CN	PROT	30,560,000	19,559,000	25,060,000
				Project Cost:		30,560,000	19,559,000	25,060,000
ZVarious	244	CO-0	STATEWIDE CARBON REDUCTION PROGRAM.	PL				
				DN				
				RW				
				UT				
				CN	CARB	26,860,000	29,410,000	27,960,000
				Project Cost:		26,860,000	29,410,000	27,960,000
ZVarious	247	CO-0	STATEWIDE ELECTRIC VEHICLE CHARGING STATION PROGRAM	PL				
				DN				
				RW				
				UT				
				CN	EV	13,800,000	13,800,000	13,800,000
				Project Cost:		13,800,000	13,800,000	13,800,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
ZVarious	327.1600	CO-0	STATEWIDE BRIDGE INSPECTION FOR FY 2022 THROUGH FY 2028.	PL				
				DN				
				RW				
				UT				
				CN	BRX	5,000,000	5,000,000	5,000,000
				Project Cost:		<u>5,000,000</u>	<u>5,000,000</u>	<u>5,000,000</u>
ZVarious	337.1500	CO-0	STATEWIDE I-STATE ROUTES FOR FY 2022 THROUGH FY 2028.	PL				
				DN				
				RW				
				UT				
				CN	NHPM	5,000,000	5,000,000	5,000,000
				Project Cost:		<u>5,000,000</u>	<u>5,000,000</u>	<u>5,000,000</u>
ZVarious	346.1600	CO-0	STATEWIDE OFF-SYSTEM BRIDGE INSPECTION FOR FY 2022 THROUGH FY 2028.	PL				
				DN				
				RW				
				UT				
				CN	BRZ	3,000,000	3,000,000	3,000,000
				Project Cost:		<u>3,000,000</u>	<u>3,000,000</u>	<u>3,000,000</u>
ZVarious	352.1600	CO-0	RAILWAY-HIGHWAY CROSSINGS PROGRAM ON VARIOUS ROUTES FOR FY 2022 THROUGH FY 2028.	PL				
				DN				
				RW				
				UT				
				CN	RRP	4,000,000	4,000,000	4,000,000
				Project Cost:		<u>4,000,000</u>	<u>4,000,000</u>	<u>4,000,000</u>
ZVarious	369.1000	CO-0	PAVEMENT REHABILITATION FOR VARIOUS NHS ROUTES IN KENTUCKY FOR FY 2022 THROUGH FY 2028.	PL				
				DN				
				RW				
				UT				
				CN	NHPM	5,000,000	5,000,000	5,000,000
				Project Cost:		<u>5,000,000</u>	<u>5,000,000</u>	<u>5,000,000</u>

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
ZVarious	388.1000	CO-0	OHIO RIVER BRIDGES FRACTURE CRITICAL FOR FY 2022 THROUGH FY 2028.	PL DN RW UT CN	BRX	4,000,000	4,000,000	4,000,000
Project Cost:						4,000,000	4,000,000	4,000,000
ZVarious	391.0600	CO-0	STATEWIDE HIGHWAY PROJECT DESIGN ACTIVITIES FOR FY 2022 THROUGH FY 2028.	PL DN RW UT CN	STPF	1,000,000	1,000,000	1,000,000
Project Cost:						1,000,000	1,000,000	1,000,000
ZVarious	391.0700	CO-0	STATEWIDE HIGHWAY PROJECT DESIGN ACTIVITIES FOR FY 2022 THROUGH FY 2028.	PL DN RW UT CN	SPP	5,000,000	5,000,000	5,000,000
Project Cost:						5,000,000	5,000,000	5,000,000
ZVarious	400.0700	CO-0	UPGRADE NAVIGATIONAL LIGHTING FOR BRIDGES OVER MAJOR STREAMS AND WATERWAYS FOR FY 2022 THROUGH FY 2028.	PL DN RW UT CN	BRX	500,000	500,000	500,000
Project Cost:						500,000	500,000	500,000
ZVarious	510.0500	CO-0	HONORING BORDER STATES COMMITMENTS FOR EXISTING BRIDGES(CANNOT BE MOVED) FOR FY 2022 THROUGH FY 2028.	PL DN RW UT CN	BRX	2,000,000	2,000,000	2,000,000
Project Cost:						2,000,000	2,000,000	2,000,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
ZVarious	511.0400	CO-0	STATEWIDE CORRECTIONS OF ROCK FALL OR EMBANKMENT STABILIZATION FOR FY 2022 THROUGH FY 2028.	PL				
				DN				
				RW				
				UT				
				CN	SPP	1,000,000	1,000,000	1,000,000
				Project Cost:		<u>1,000,000</u>	<u>1,000,000</u>	<u>1,000,000</u>
ZVarious	514.0100	CO-0	PREVENTATIVE MAINTENANCE FOR BRIDGE STRUCTURES FOR FY 2022 THROUGH FY 2028.	PL				
				DN				
				RW				
				UT				
				CN	BRX	2,500,000	2,500,000	2,500,000
				Project Cost:		<u>2,500,000</u>	<u>2,500,000</u>	<u>2,500,000</u>
ZVarious	518.0100	CO-0	STATEWIDE CORRECTIONS OF ROCKFALL OR EMBANKMENT STABILIZATION ON NH ROUTES FOR FY 2020. (2020CCR)	PL				
				DN				
				RW				
				UT				
				CN	NH	5,000,000	5,000,000	5,000,000
				Project Cost:		<u>5,000,000</u>	<u>5,000,000</u>	<u>5,000,000</u>
ZVarious	518.0300	CO-0	STATEWIDE CORRECTIONS OF ROCKFALL OR EMBANKMENT STABILIZATION ON NON NH ROUTES FOR FY 2022 THROUGH FY 2028.	PL				
				DN				
				RW				
				UT				
				CN	STPF	5,000,000	5,000,000	3,000,000
				Project Cost:		<u>5,000,000</u>	<u>5,000,000</u>	<u>3,000,000</u>
ZVarious	911.0900	CO-0	STATEWIDE SAFETY PROGRAM FOR FY 2022 THROUGH FY 2028. (HSIP)	PL				
				DN				
				RW				
				UT				
				CN	SAF	52,277,904	53,403,157	54,550,914
				Project Cost:		<u>52,277,904</u>	<u>53,403,157</u>	<u>54,550,914</u>

2022-2024 BIENNIAL HIGHWAY CONSTRUCTION PLAN

1373

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
ZVarious	911.5000	CO-0	STATEWIDE SAFETY FUNDING TO BE USED ALONGSIDE FEDERAL HSIP FUNDING TO ENHANCE ROADWAY SAFETY, AND SCHOOL SAFETY PROJECTS IN KENTUCKY.	PL DN RW UT CN	SPP	11,500,000	11,500,000	11,500,000
Project Cost:						11,500,000	11,500,000	11,500,000
ZVarious	1063.1600	CO-0	STATEWIDE UNDERWATER BRIDGE INSPECTION FOR FY 2022 THROUGH FY 2028.	PL DN RW UT CN	BRX	1,000,000	1,000,000	1,000,000
Project Cost:						1,000,000	1,000,000	1,000,000
ZVarious	1071.0800	CO-0	STATEWIDE PROGRAM TO FUND BRIDGE SCOUR COUNTER-MEASURES FOR STATE-MAINTAINED BRIDGES FOR FY 2022 THROUGH FY 2028.	PL DN RW UT CN	BRX	3,000,000	3,000,000	3,000,000
Project Cost:						3,000,000	3,000,000	3,000,000
ZVarious	1074.0800	CO-0	STATEWIDE BRIDGE REPLACEMENT PROGRAM FOR FY 2022 THROUGH FY 2028.	PL DN RW UT CN	BRX	3,000,000	3,000,000	3,000,000
Project Cost:						3,000,000	3,000,000	3,000,000
ZVarious	2700.1400	CO-0	PAVEMENT PREVENTATIVE MAINTENANCE PROGRAM FOR FY 2022 THROUGH FY 2028 STP5 FUNDING.	PL DN RW UT CN	STP5	2,000,000	2,000,000	2,000,000
Project Cost:						2,000,000	2,000,000	2,000,000

2022-2024 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
ZVarious	3011.0100	CO-0	AMERICANS WITH DISABILITIES ACT (ADA) TRANSITION PLAN IMPLEMENTATION PROJECTS FY 2022 THROUGH FY 2028.	PL DN RW UT CN	STPF	1,000,000	1,000,000	1,000,000
Project Cost:						<u>1,000,000</u>	<u>1,000,000</u>	<u>1,000,000</u>
ZVarious	8500.1600	CO-0	SCHOOL TURN LANE PROJECTS FOR NEW SCHOOLS FOR FY 2022 THROUGH FY 2028.	PL DN RW UT CN	SPP	2,500,000	2,500,000	2,500,000
Project Cost:						<u>2,500,000</u>	<u>2,500,000</u>	<u>2,500,000</u>
ZVarious	8600	CO-0	Western KY DECEMBER 2021 Tornado Relief Funding POOL FOR THE LAST DOLLAR (UNCOVERED BY FEMA OR INSURANCE) RECONSTRUCTION OF EXISTING ROADS.	PL DN RW UT CN	SPP		10,000,000	10,000,000
Project Cost:						<u>0</u>	<u>10,000,000</u>	<u>10,000,000</u>
ZVarious	8601	CO-0	ADVANCE CONSTRUCTION COMMITMENTS FOR I-MOVE, I-69 AND OTHER ACTIVE DESIGN/BUILD PROJECTS.	PL DN RW UT CN	NH		89,000,000	89,000,000
Project Cost:						<u>0</u>	<u>89,000,000</u>	<u>89,000,000</u>
ZVarious	9068.6100	CO-0	US 68/KY 80 LAKE BARKLEY AND KENTUCKY LAKE GARVEE BOND DEBT SERVICE FOR FY 2022 THROUGH FY 2028.	PL DN RW UT CN	GAR	9,100,000	9,100,000	21,000,000
Project Cost:						<u>9,100,000</u>	<u>9,100,000</u>	<u>21,000,000</u>

2022-2024 BIENNIAL HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2022</u>	<u>FY2023</u>	<u>FY2024</u>
ZVarious	9068.6600	CO-0	US 68/KY 80 LAKE BARKLEY AND KENTUCKY LAKE GARVEE BOND DEBT SERVICE (STP) FOR FY 2022 THROUGH FY 2028.	PL				
				DN				
				RW				
				UT				
				CN	GAR	9,100,000	9,100,000	21,000,000
				Project Cost:		9,100,000	9,100,000	21,000,000
ZVarious	9659.2300	CO-0	GARVEE BOND DEBT SERVICE FOR LOUISVILLE BRIDGES PROJECT FOR FY 2022 THROUGH FY 2025 "NH" FUNDING.	PL				
				DN				
				RW				
				UT				
				CN	GAR	62,800,000	30,000,000	30,000,000
				Project Cost:		62,800,000	30,000,000	30,000,000
Total for ZVarious county				PL				
				DN		6,000,000	6,000,000	6,000,000
				RW				
				UT				
				CN		331,811,041	389,711,557	413,747,102
				Total Amounts:		337,811,041	395,711,557	419,747,102

2022-2024 BIENNIAL HIGHWAY CONSTRUCTION PLAN

Biennium Fund Summary

Fund	Description	FY 2023	FY 2024	Total
APD	FEDERAL APPALACHIAN DEVELOPMENT HIGHWAYS	0	5,000,000	5,000,000
BRO	FEDERAL BRIDGE REPLACEMENT - ON SYSTEM	94,925,000	87,051,000	181,976,000
BRX	FEDERAL BRIDGE REPLACEMENT - ON/OFF SYSTEM	69,233,000	61,920,000	131,153,000
BRZ	FEDERAL BRIDGE REPLACEMENT - OFF SYSTEM	26,517,000	23,656,500	50,173,500
CARB	CARBON REDUCTION PROGRAM	29,410,000	27,960,000	57,370,000
CM	FEDERAL CONGESTION MITIGATION FUNDS	15,225,167	15,529,670	30,754,837
EV	ELECTRIC VEHICLE CHARGING STATION FUNDS	13,800,000	13,800,000	27,600,000
FBP	FEDERAL BRIDGE PROGRAM	59,206,000	59,520,000	118,726,000
FBP2	FEDERAL BRIDGE PROGRAM - OFF SYSTEM	59,502,000	57,847,000	117,349,000
GAR	BIENNIAL GARVEE BOND FUNDS DESIGNATED FOR LSIORB	48,200,000	72,000,000	120,200,000
GR	GUARD RAIL INSTALLATION	3,653,000	4,024,000	7,677,000
IF	INNOVATIVE FINANCING	440,000,000	355,000,000	795,000,000
NH	FEDERAL NATIONAL HIGHWAY SYSTEM FUNDS	291,315,800	392,805,000	684,120,800
NHPM	NATIONAL HIGHWAYS SYSTEM FUNDS FOR PAVEMENT	193,684,590	234,846,902	428,531,492
PROT	PROTECT FORMULA PROGRAM	32,670,000	31,800,000	64,470,000
RRP	SAFETY-RAILROAD PROTECTION	4,000,000	4,000,000	8,000,000
SAF	FEDERAL SAFETY FUNDS	53,403,157	54,550,914	107,954,071
SAH	FEDERAL STP FUNDS DEDICATED TO ASHLAND	1,718,828	1,753,205	3,472,033
SHN	FEDERAL STP FUNDS DEDICATED TO HENDERSON	868,100	885,462	1,753,562
SLO	FEDERAL STP FUNDS DEDICATED TO LOUISVILLE	25,279,952	25,785,551	51,065,503
SLX	FEDERAL STP FUNDS DEDICATED TO LEXINGTON	7,417,834	7,566,191	14,984,025
SNK	FEDERAL STP FUNDS DEDICATED TO NORTHERN KENTUCKY	8,072,447	8,233,896	16,306,343
SPP	STATE CONSTRUCTION HIGH PRIORITY PROJECTS	294,960,700	299,108,470	594,069,170
STP	FEDERAL STATEWIDE TRANSPORTATION PROGRAM FUNDS	44,530,000	30,020,000	74,550,000
STP1	SURFACE TRANSPORTATION (5-200K POP)	23,581,000	54,291,000	77,872,000
STP2	SURFACE TRANSPORTATION (<5K POP)	57,123,200	64,666,600	121,789,800
STP3	SURFACE TRANSPORTATION (5-200K POP) FOR PAVEMENT	5,000,000	5,500,000	10,500,000
STP4	SURFACE TRANSPORTATION (<5K POP) FOR PAVEMENT	2,000,000	0	2,000,000
STP5	SURFACE TRANSPORTATION FLEX FUNDING FOR PAVEMENT	10,440,000	7,225,000	17,665,000
STPF	SURFACE TRANSPORTATION FLEX FUNDING	78,610,000	172,682,500	251,292,500
TAP	FEDERAL TRANSPORTATION ALTERNATIVES PROGRAM	11,614,233	11,846,518	23,460,751
Total Amount		2,005,961,008	2,190,875,379	4,196,836,387

2022-2024 BIENNIAL HIGHWAY CONSTRUCTION PLAN

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Fund Summary

Fund	Description	FY 2022	FY 2023	FY 2024	Total
APD	FEDERAL APPALACHIAN DEVELOPMENT HIGHWAYS	0	0	5,000,000	5,000,000
BRO	FEDERAL BRIDGE REPLACEMENT - ON SYSTEM	25,250,000	94,925,000	87,051,000	207,226,000
BRX	FEDERAL BRIDGE REPLACEMENT - ON/OFF SYSTEM	35,323,000	69,233,000	61,920,000	166,476,000
BRZ	FEDERAL BRIDGE REPLACEMENT - OFF SYSTEM	11,126,000	26,517,000	23,656,500	61,299,500
CARB	CARBON REDUCTION PROGRAM	26,860,000	29,410,000	27,960,000	84,230,000
CM	FEDERAL CONGESTION MITIGATION FUNDS	14,926,634	15,225,167	15,529,670	45,681,471
EV	ELECTRIC VEHICLE CHARGING STATION FUNDS	13,800,000	13,800,000	13,800,000	41,400,000
FBP	FEDERAL BRIDGE PROGRAM	52,333,000	59,206,000	59,520,000	171,059,000
FBP2	FEDERAL BRIDGE PROGRAM - OFF SYSTEM	57,641,000	59,502,000	57,847,000	174,990,000
GAR	BIENNIAL GARVEE BOND FUNDS DESIGNATED FOR LSIORB	81,000,000	48,200,000	72,000,000	201,200,000
GR	GUARD RAIL INSTALLATION	4,708,000	3,653,000	4,024,000	12,385,000
IF	INNOVATIVE FINANCING	0	440,000,000	355,000,000	795,000,000
NH	FEDERAL NATIONAL HIGHWAY SYSTEM FUNDS	173,510,000	291,315,800	392,805,000	857,630,800
NHPM	NATIONAL HIGHWAYS SYSTEM FUNDS FOR PAVEMENT	88,865,000	193,684,590	234,846,902	517,396,492
PROT	PROTECT FORMULA PROGRAM	30,560,000	32,670,000	31,800,000	95,030,000
RRP	SAFETY-RAILROAD PROTECTION	4,000,000	4,000,000	4,000,000	12,000,000
SAF	FEDERAL SAFETY FUNDS	52,277,904	53,403,157	54,550,914	160,231,975
SAH	FEDERAL STP FUNDS DEDICATED TO ASHLAND	1,685,126	1,718,828	1,753,205	5,157,159
SHN	FEDERAL STP FUNDS DEDICATED TO HENDERSON	851,078	868,100	885,462	2,604,640
SLO	FEDERAL STP FUNDS DEDICATED TO LOUISVILLE	24,784,266	25,279,952	25,785,551	75,849,769
SLX	FEDERAL STP FUNDS DEDICATED TO LEXINGTON	7,272,387	7,417,834	7,566,191	22,256,412
SNK	FEDERAL STP FUNDS DEDICATED TO NORTHERN KENTUCKY	7,914,163	8,072,447	8,233,896	24,220,506
SPP	STATE CONSTRUCTION HIGH PRIORITY PROJECTS	93,424,750	294,960,700	299,108,470	687,493,920
STP	FEDERAL STATEWIDE TRANSPORTATION PROGRAM FUNDS	5,500,000	44,530,000	30,020,000	80,050,000
STP1	SURFACE TRANSPORTATION (5-200K POP)	18,298,000	23,581,000	54,291,000	96,170,000
STP2	SURFACE TRANSPORTATION (<5K POP)	21,140,000	57,123,200	64,666,600	142,929,800
STP3	SURFACE TRANSPORTATION (5-200K POP) FOR PAVEMENT	0	5,000,000	5,500,000	10,500,000
STP4	SURFACE TRANSPORTATION (<5K POP) FOR PAVEMENT	365,000	2,000,000	0	2,365,000
STP5	SURFACE TRANSPORTATION FLEX FUNDING FOR PAVEMENT	7,000,000	10,440,000	7,225,000	24,665,000
STPF	SURFACE TRANSPORTATION FLEX FUNDING	58,500,400	78,610,000	172,682,500	309,792,900
TAP	FEDERAL TRANSPORTATION ALTERNATIVES PROGRAM	11,386,503	11,614,233	11,846,518	34,847,254
Total Amount		930,302,211	2,005,961,008	2,190,875,379	5,127,138,598

CHAPTER 194**(HJR 82)**

A JOINT RESOLUTION relating to road projects.

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

→Section 1. Notwithstanding KRS 48.100, 48.110, 48.300, and 176.430, this Joint Resolution in conjunction with 2022 Regular Session HB 242 shall constitute the Six-Year Road Plan. The last four years of the Six-Year Road Plan are as follows:

Signed by Governor April 11, 2022.

2024-2028 HIGHWAY CONSTRUCTION PLAN

1379

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Adair	4325	KY-1702	INSTALL GUARDRAIL ON KY-1702 IN ADAIR COUNTY	PL DN RW UT CN			58,000		
			Project Cost:			0	58,000	0	0
Adair	10047	KY-80	BRIDGE PROJECT IN ADAIR COUNTY ON (001B00013N) KY-80 AT RUSSELL CREEK	PL DN RW UT CN	BRX	187,000			
			Project Cost:		BRX	187,000	0	1,870,000	0
Adair	22207	LN-9008	ADDRESS CONDITION OF Louie B. Nunn Cumberland Parkway FROM MILEPOINT 43.02 TO MILEPOINT 48.15	PL DN RW UT CN	NHPM			389,880	
			Project Cost:		NHPM	0	0	3,898,800	0
								4,288,680	
Adair	22208	LN-9008	ADDRESS CONDITION OF Louie B. Nunn Cumberland Parkway FROM MILEPOINT 48.15 TO MILEPOINT 57.791	PL DN RW UT CN	NHPM				732,716
			Project Cost:		NHPM	0	0	0	7,327,160
									8,059,876
Adair	80200	KY-55	IMPROVE SAFETY AND MOBILITY ALONG KY 55 NEAR DOC'S MARKET.	PL DN RW UT CN	SPP	198,000	745,200		
			Project Cost:		SPP	198,000	745,200	492,800	0

2024-2028 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Total for Adair county				PL					
				DN		187,000		389,880	732,716
				RW		198,000			
				UT			745,200		
				CN			58,000	6,261,600	7,327,160
				Total Amounts:		385,000	803,200	6,651,480	8,059,876
Allen	320	KY-100	IMPROVEMENTS TO KY 100: CURVE, BRIDGE, AND INTERSECTION	PL					
			IMPROVEMENTS FROM NEAR THE STONY POINT ROAD INTERSECTION TO EAST OF THE ALONZO LONG HOLLOW ROAD	DN					
				RW					
				UT					
				CN			13,630,000		
				Project Cost:		0	13,630,000	0	0
Allen	8802	KY-100	WIDENING OF KY 100 (FRANKLIN ROAD) TO 3 LANES WITH URBAN SECTION FROM OLIVER STREET TO US 31E TO INCREASE CAPACITY/SAFETY. MP 11.800-12.700 (14CCN)(18CCN) (2020CCR)	PL					
				DN					
				RW	SPP	580,000			
				UT			580,000		
				CN	SPP			720,000	
				Project Cost:		580,000	580,000	720,000	0
Allen	10026	CR-1043	BRIDGE PROJECT IN ALLEN COUNTY ON (002C00004N) JEFFERSON SCHOOL R AT DIFFICULT CREEK	PL					
				DN	FBP			61,000	
				RW					
				UT					
				CN	FBP			610,000	
				Project Cost:		0	0	671,000	0
Allen	80206	ky-100	RECONSTRUCT KY-100 FROM KY-622 IN SIMPSON COUNTY TO EST OF SULPHUR FORK CREEK IN ALLEN COUNTY (2012CCR)	PL					
				DN					
				RW					
				UT	SPP	2,250,000			
				CN			12,900,000		
				Project Cost:		2,250,000	12,900,000	0	0

2024-2028 HIGHWAY CONSTRUCTION PLAN

1381

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Allen	80207	ky-101	Improve safety on KY 101 from KY 234 to the Warren County Line.	PL					
				DN					
				RW	STP	1,040,000			
				UT			1,860,000		
				CN	STP			7,440,000	
				Project Cost:		<u>1,040,000</u>	<u>1,860,000</u>	<u>7,440,000</u>	<u>0</u>
Total for Allen county				PL					
				DN				61,000	
				RW		1,620,000			
				UT		2,250,000	2,440,000		
				CN			26,530,000	8,770,000	
				Total Amounts:		<u>3,870,000</u>	<u>28,970,000</u>	<u>8,831,000</u>	<u>0</u>
Anderson	806	KY-151	RECONSTRUCT KY 151 FROM US 127 AT LAWRENCEBURG TO I-64 IN FRANKLIN COUNTY. (2020CCN)	PL					
				DN					
				RW					
				UT	SPP	5,000,000			
				CN			20,000,000		
				Project Cost:		<u>5,000,000</u>	<u>20,000,000</u>	<u>0</u>	<u>0</u>
Anderson	22181	BG-9002	ADDRESS CONDITION OF Martha Layne Collins Bluegrass Parkway FROM MILEPOINT 51.838 TO MILEPOINT 52.315	PL					
				DN	NHPM				38,160
				RW					
				UT					
				CN	NHPM				381,600
				Project Cost:		<u>0</u>	<u>0</u>	<u>0</u>	<u>419,760</u>
Anderson	22183	BG-9002	ADDRESS CONDITION OF Martha Layne Collins Bluegrass Parkway FROM MILEPOINT 56.287 TO MILEPOINT 58.791	PL					
				DN	NHPM				200,320
				RW					
				UT					
				CN	NHPM				2,003,200
				Project Cost:		<u>0</u>	<u>0</u>	<u>0</u>	<u>2,203,520</u>

2024-2028 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Anderson	80001	US-62	IMPROVE US-62 (VERSAILLES RD.) FROM HILLTOP DR. TO WEST END OF BRIDGE OVER KENTUCKY RIVER AT TYRONE(18CCN) (2020CCR)	PL DN RW UT CN	STP2	4,500,000	13,750,000		
Project Cost:						<u>4,500,000</u>	<u>13,750,000</u>	<u>0</u>	<u>0</u>
Total for Anderson county				PL DN RW UT CN		9,500,000	33,750,000		2,384,800
Total Amounts:						<u>9,500,000</u>	<u>33,750,000</u>	<u>0</u>	<u>2,623,280</u>
Ballard	118	US-60	IMPROVE US-60 FROM PROPOSED SOUTHERN BYPASS OF LA CENTER TO EAST OF DENIS JONES ROAD. (02CCR) (2020CCR)	PL DN RW UT CN	NH	10,000,000	9,000,000		
Project Cost:						<u>10,000,000</u>	<u>9,000,000</u>	<u>0</u>	<u>0</u>
Ballard	1140.0100	US-51	PE AND ENVIRONMENTAL FOR REPLACEMENT OF CAIRO BRIDGE AT OR BESIDE EXISTING LOCATION. (004B00021N)(SD)(18CCR)	PL DN RW UT CN	BRO BRO BRO	1,000,000 500,000	35,000,000	40,000,000	40,000,000
Project Cost:						<u>1,500,000</u>	<u>35,000,000</u>	<u>40,000,000</u>	<u>40,000,000</u>
Total for Ballard county				PL DN RW UT CN		1,000,000 10,500,000	44,000,000	40,000,000	40,000,000
Total Amounts:						<u>11,500,000</u>	<u>44,000,000</u>	<u>40,000,000</u>	<u>40,000,000</u>

2024-2028 HIGHWAY CONSTRUCTION PLAN

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Barren	8819	KY-90	MAJOR WIDENING FROM SANDERS STREET IN CAVE CITY TO US 68 (GLASGOW OUTER LOOP) IN GLASGOW. (14CCN) (2020CCN)	PL DN RW UT CN			8,000,000		
Project Cost:						0	8,000,000	0	0
Barren	8821	CR-1366, KY-1297	IMPROVE KY-1297 FROM CR-1366 (DONNELLY DRIVE) TO US-31E (ROGER WELLS), AND IMPROVE CR-1366 (DONNELLY DRIVE) FROM KY-1297 TO US-68 IN GLASGOW. (14CCN) (16CCN)	PL DN RW UT CN	SPP	8,000,000			
Project Cost:						8,000,000	0	0	0
Barren	10001	US-31	ADDRESS DEFICIENCIES OF US 31EX BRIDGE OVER WATER STREET. (005B00058N)	PL DN RW UT CN	BRX	1,350,000			
Project Cost:						1,350,000	0	0	0
Barren	10030	KY-740	BRIDGE PROJECT IN BARREN COUNTY ON (005B00046N) KY-740 AT BLUE SPRINGS CREEK	PL DN RW UT CN	FBP FBP			104,000	
Project Cost:						0	0	1,040,000	0
Project Cost:						0	0	1,144,000	0
Barren	20006	US-68	ADDRESS PAVEMENT CONDITION OF PAVEMENT (2020CCR)	PL DN RW UT CN	AC		500,000		
Project Cost:						0	4,500,000	0	0
Project Cost:						0	5,000,000	0	0

2024-2028 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Barren	22061	I -65	ADDRESS CONDITION OF I-065 FROM MILEPOINT 48.3 (49.65 CARDINAL) TO MILEPOINT 53.2	PL					
				DN			475,000		
				RW					
				UT					
				CN			4,750,000		
				Project Cost:		0	5,225,000	0	0
Barren	22063	I -65	ADDRESS CONDITION OF I-065 FROM MILEPOINT 53 TO MILEPOINT 53.956	PL					
				DN	NHPM			130,000	
				RW					
				UT					
				CN	NHPM			1,300,000	
				Project Cost:		0	0	1,430,000	0
Total for Barren county				PL					
				DN			975,000	234,000	
				RW					
				UT					
				CN		9,350,000	17,250,000	2,340,000	
				Total Amounts:		9,350,000	18,225,000	2,574,000	0
Bath	193	KY-111	RECONSTRUCT KY-111 IN THE VICINITY OF THE "S-CURVE" EAST OF OWINGSVILLE (14CCR)	PL					
				DN	SPP	250,000			
				RW			1,900,000		
				UT	SPP			1,200,000	
				CN	SPP				4,140,000
				Project Cost:		250,000	1,900,000	1,200,000	4,140,000
Bath	4327	US-60	INSTALL GUARDRAIL ON US-60 IN BATH COUNTY	PL					
				DN					
				RW					
				UT					
				CN			46,000		
				Project Cost:		0	46,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Bath	8814	KY-36	CORRECT HORIZONTAL AND WIDTH DEFICIENCIES ON KY 36 FROM "OLD KY 11" MP 1.004 TO KY 1325 (MP 6.97) TO IMPROVE SAFETY AND OPERATIONAL EFFICIENCY OF ROADWAY (14CCN)	PL DN RW UT CN	SPP SPP SPP	384,000	2,300,000	2,975,000 1,760,000	39,600,000
Project Cost:						384,000	2,300,000	4,735,000	39,600,000
Bath	10067	US-60	BRIDGE PROJECT IN BATH COUNTY ON (006B00012N) US-60 AT DRAINAGE DITCH	PL DN RW UT CN	BRX BRX	205,000		2,050,000	
Project Cost:						205,000	0	2,050,000	0
Bath	10068	US-60	BRIDGE PROJECT IN BATH COUNTY ON (006B00013N) US-60 AT CROOKED RUN CREEK	PL DN RW UT CN	BRX BRX	205,000		2,050,000	
Project Cost:						205,000	0	2,050,000	0
Bath	10069	US-60	BRIDGE PROJECT IN BATH COUNTY ON (006B00015N) US-60 AT LICKING RIVER	PL DN RW UT CN			241,000		
Project Cost:						0	2,651,000	0	0
Bath	22044	I-64	ADDRESS CONDITION OF I-064 FROM MILEPOINT 115.647 TO MILEPOINT 117.83	PL DN RW UT CN			165,908		
Project Cost:						0	1,824,988	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Bath	22045	I-64	ADDRESS CONDITION OF I-064 FROM MILEPOINT 117.83 TO MILEPOINT 123.6	PL					
				DN	NHPM			438,520	
				RW					
				UT					
				CN	NHPM			4,385,200	
			Project Cost:			0	0	4,823,720	0
Bath	22046	I-64	ADDRESS CONDITION OF I-064 FROM MILEPOINT 123.6 TO MILEPOINT 128.955	PL					
				DN	NHPM				406,980
				RW					
				UT					
				CN	NHPM				4,069,800
			Project Cost:			0	0	0	4,476,780
Bath	80101	KY-36	IMPROVE SAFETY ON KY 36 FROM THE INTERSECTION WITH I-64 TO THE INTERSECTION OF KY 965 INCLUDING THE CURVES KNOWN AS CLEAR CREEK FURNACE AND THOMAS HILL (2020CCN)	PL					
				DN					
				RW					
				UT			1,840,000		
				CN	SPP			23,520,000	
			Project Cost:			0	1,840,000	23,520,000	0
Bath	80102	KY-36	IMPROVE SAFETY AND OPERATIONAL EFFICIENCY ON KY 36 FROM NORTH OF MARIELLA DR TO THE INTERSECTION OF OLD KY 36 (2020 CCN)	PL					
				DN					
				RW					
				UT					
				CN			4,000,000		
			Project Cost:			0	4,000,000	0	0
Bath	80250	US-60	REALIGN ROADWAY ON US 60 NEAR OWINGSVILLE BEGINNING IN THE VICINITY OF ROSE BUSH LN AND ENDING AT WELLS ROAD NEAR I 64 EXIT 123	PL					
				DN					
				RW	SPP	3,465,000			
				UT	SPP			745,200	
				CN	SPP				9,744,000
			Project Cost:			3,465,000	0	745,200	9,744,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Total for Bath county				PL		384,000			
				DN		660,000	2,706,908	438,520	406,980
				RW		3,465,000	1,900,000	2,975,000	
				UT			1,840,000	3,705,200	
				CN			8,115,080	32,005,200	57,553,800
				Total Amounts:		4,509,000	14,561,988	39,123,920	57,960,780
Bell	167	KY-74	ENHANCING CUMBERLAND AVENUE FROM US 25E TO 18TH STREET WITH STREET IMPROVEMENTS FOR VEHICLE AND PEDESTRIANS, AS WELL AS STORM WATER MANAGEMENT TO IMPROVE	PL					
				DN	SPP	990,000			
				RW			580,000		
				UT					
				CN					
				Project Cost:		990,000	580,000	0	0
Bell	4393	KY-1491	INSTALL GUARDRAIL ON KY-1491 IN BELL COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR	17,000			
				Project Cost:		17,000	0	0	0
Bell	4394	KY-190	INSTALL GUARDRAIL ON KY-190 IN BELL COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR	41,000			
				Project Cost:		41,000	0	0	0
Bell	4395	KY-2011	INSTALL GUARDRAIL ON KY-2011 IN BELL COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR	68,000			
				Project Cost:		68,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Bell	4396	KY-66	INSTALL GUARDRAIL ON KY-66 IN BELL COUNTY	PL DN RW UT CN	GR	84,000			
				Project Cost:		84,000	0	0	0
Bell	4397	KY-66	INSTALL GUARDRAIL ON KY-66 IN BELL COUNTY	PL DN RW UT CN	GR	98,000			
				Project Cost:		98,000	0	0	0
Bell	4398	KY-92	INSTALL GUARDRAIL ON KY-92 IN BELL COUNTY	PL DN RW UT CN	GR	86,000			
				Project Cost:		86,000	0	0	0
Bell	4399	KY-92	INSTALL GUARDRAIL ON KY-92 IN BELL COUNTY	PL DN RW UT CN	GR	53,000			
				Project Cost:		53,000	0	0	0
Bell	4400	KY-92	INSTALL GUARDRAIL ON KY-92 IN BELL COUNTY	PL DN RW UT CN	GR	53,000			
				Project Cost:		53,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Bell	4401	KY-92	INSTALL GUARDRAIL ON KY-92 IN BELL COUNTY	PL DN RW UT CN	GR	80,000			
Project Cost:						80,000	0	0	0
Bell	4416	KY-190	INSTALL GUARDRAIL ON KY-190 IN BELL COUNTY	PL DN RW UT CN			33,000		
Project Cost:						0	33,000	0	0
Bell	8702	US-119	PROVIDE PASSING OPPORTUNITIES ON US 119 IN THE VICINITY OF MP 4.5 IN BELL COUNTY. (12CCN)(14CCR) (2020CCN)	PL DN RW UT CN	SPP	5,400,000			
Project Cost:						5,400,000	0	0	0
Bell	10167	KY-66	BRIDGE PROJECT IN BELL COUNTY ON (007B00007N) KY-66 AT SIMS FORK	PL DN RW UT CN	FBP2			65,000	
Project Cost:						0	0	715,000	0
Bell	10169	US-25	BRIDGE PROJECT IN BELL COUNTY ON (007B00024L) US-25E-10 AT YELLOW CREEK	PL DN RW UT CN	FBP			4,000,000	
Project Cost:						0	0	4,000,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Bell	10170	KY-1534	BRIDGE PROJECT IN BELL COUNTY ON (007B00051N) KY-1534 AT WILLIAMS BRANCH	PL DN RW UT CN			36,000		
			Project Cost:			0	360,000	0	0
Bell	10171	KY-66	BRIDGE PROJECT IN BELL COUNTY ON (007B00055N) KY-66 AT RED BIRD CREEK	PL DN RW UT CN	FBP2 FBP2			56,000	
			Project Cost:			0	0	560,000	0
Bell	22301	KY-2012	ADDRESS CONDITION OF KY-2012 FROM MILEPOINT 0 TO MILEPOINT 1.95	PL DN RW UT CN	STP4 STP4	150,000			
			Project Cost:			1,350,000	0	0	0
Bell	22302	US-25	ADDRESS CONDITION OF US-25E FROM MILEPOINT 2.864 TO MILEPOINT 6.2	PL DN RW UT CN	STP4 STP4	200,000			
			Project Cost:			1,800,000	0	0	0
Bell	22303	US-119	ADDRESS CONDITION OF US-119 FROM MILEPOINT 13.885 TO MILEPOINT 15.88	PL DN RW UT CN	STP4 STP4	120,000			
			Project Cost:			1,080,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Bell	80250	US-119	RECONSTRUCT AND WIDEN US 119 FROM MILEPOINT 0.0 TO MILEPOINT 8.5	PL					
				DN	SPP	6,500,000			
				RW			8,000,000		
				UT	SPP			9,000,000	
				CN	SPP				110,000,000
				Project Cost:		<u>6,500,000</u>	<u>8,000,000</u>	<u>9,000,000</u>	<u>110,000,000</u>
Total for Bell county				PL					
				DN		7,960,000	36,000	121,000	
				RW			8,580,000		
				UT				9,000,000	
				CN		10,210,000	393,000	5,210,000	110,000,000
				Total Amounts:		<u>18,170,000</u>	<u>9,009,000</u>	<u>14,331,000</u>	<u>110,000,000</u>
Boone	79	I-75	IMPROVE SAFETY, MOBILITY, OPERATIONS, AND GEOMETRICS AT THE JUNCTION OF I-75 AND I-275 AND THE SYSTEM-TO-SYSTEM RAMPS.	PL					
				DN					
				RW			16,000,000		
				UT	NH			10,000,000	
				CN					
				Project Cost:		<u>0</u>	<u>16,000,000</u>	<u>10,000,000</u>	<u>0</u>
Boone	80	I-75	REDUCE CONGESTION AND IMPROVE TRAFFIC MOBILITY AT THE INTERCHANGE OF I-75 AND KY-14 IN WALTON. (2020CCR)	PL					
				DN	NH	1,500,000			
				RW	NH		6,000,000	6,000,000	
				UT	NH			1,500,000	
				CN	NH				10,000,000
				Project Cost:		<u>1,500,000</u>	<u>6,000,000</u>	<u>7,500,000</u>	<u>10,000,000</u>
Boone	446	US-42	PROVIDE EAST-WEST CONNECTIVITY AND IMPROVED MOBILITY FROM KY-237 (PLEASANT VALLEY ROAD) THRU KY-842 (HOPEFUL CHURCH ROAD) TO MALL ROAD/I-75 INTERCHANGE. (18CCR)	PL					
				DN					
				RW	NH			17,000,000	
				UT	NH			750,000	
				CN	NH			14,000,000	
				Project Cost:		<u>0</u>	<u>0</u>	<u>31,750,000</u>	<u>0</u>

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Boone	447	US-25	IMPROVE MOBILITY AND REDUCE CONGESTION ON US-25 FROM WINNING COLORS DRIVE TO THE NORFOLK SOUTHERN RAILROAD CROSSING SOUTH OF KY-1829 (INDUSTRIAL ROAD);	PL DN RW UT CN	STPF STPF STPF	22,000,000 9,500,000		30,000,000	
Project Cost:						31,500,000	0	30,000,000	0
Boone	966.0800	CO-0	DEDICATED FEDERAL-AID STP FUNDS EARMARKED FOR NKY URBANIZED AREA AND SUBJECT TO MPO CONTROL FOR FY 2022 THROUGH FY 2028. (FUNDING SUBJECT TO FISCAL	PL DN RW UT CN	SNK	8,398,573	8,566,545	8,566,545	8,566,545
Project Cost:						8,398,573	8,566,545	8,566,545	8,566,545
Boone	4318	KY-338	INSTALL GUARDRAIL ON KY-338 IN BOONE COUNTY	PL DN RW UT CN			6,000		
Project Cost:						0	6,000	0	0
Boone	20001	I-71	ADDRESS CONDITION OF I-071 FROM MILEPOINT 69.89 TO MILEPOINT 77.724	PL DN RW UT CN	NHPM NHPM	680,000 6,800,000			
Project Cost:						7,480,000	0	0	0
Boone	20007	I-275	ADDRESS CONDITION OF I-275 FROM MILEPOINT 7.25 TO MILEPOINT 13.076	PL DN RW UT CN	NHPM NHPM		815,000	8,150,000	
Project Cost:						0	0	8,965,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Boone	20047	US-42	ADDRESS CONDITION OF US-42 FROM MILEPOINT 10.25 TO MILEPOINT 11.63	PL DN RW UT CN	STP5	630,000			
Project Cost:						<u>630,000</u>	<u>0</u>	<u>0</u>	<u>0</u>
Boone	22128	I-75	ADDRESS CONDITION OF I-075 FROM MILEPOINT 182.816 TO MILEPOINT 183.312	PL DN RW UT CN	NHPM NHPM			100,000	
Project Cost:						<u>0</u>	<u>0</u>	<u>1,000,000</u>	<u>0</u>
Boone	80000	KY-237	RECONSTRUCT GUNPOWDER RD. FROM US-42 TO KY-536. (18CCN) (2020CCR)	PL DN RW UT CN	SPP			22,780,000	
Project Cost:						<u>0</u>	<u>0</u>	<u>22,780,000</u>	<u>0</u>
Boone	80001	KY-237	EXPANSION OF ROUNDABOUTS ALONG KY-237 AT CARDINAL COVE AND GRAVES RD(18CCN) (2020CCR)	PL DN RW UT CN	SPP			4,500,000	
Project Cost:						<u>0</u>	<u>0</u>	<u>4,500,000</u>	<u>0</u>
Boone	80100	KY-1017, KY-717	CONVERT TURFWAY RD AND THOROUGHbred BLVD FROM 2 WAY TO ONE WAY AND CONSTRUCT NEW I-75 ACCESS (2020CCN)	PL DN RW UT CN	STPF STPF STPF	11,000,000 1,500,000		25,000,000	
Project Cost:						<u>12,500,000</u>	<u>0</u>	<u>25,000,000</u>	<u>0</u>

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Boone	80102	KY-3060	Reconstruct KY 3060 (Frogtown Road) from US 42 to US 25.	PL					
				DN					
				RW					
				UT	SPP	2,000,000			
				CN	SPP	20,000,000			
				Project Cost:		22,000,000	0	0	0
Boone	80150	KY-717	Reconstruct Turfway Road (KY 717) from Aero Parkway (MP 0.0) to Donaldson Road (MP 1.67). (2020CCN)	PL					
				DN					
				RW					
				UT					
				CN	STPF	4,000,000			
				Project Cost:		4,000,000	0	0	0
Boone	80206	KY-18	Improve safety and address geometric deficiencies along KY 18 from Caroline Williams Way to KY 338; include multi-modes.	PL					
				DN	SPP	998,400			
				RW	SPP		2,932,500		
				UT	SPP		985,600		
				CN	SPP		9,600,000		
				Project Cost:		998,400	0	13,518,100	0
Boone	80209	ky-237	Improve access to KY 237 for Litton Lane.	PL					
				DN					
				RW					
				UT	SPP	337,000			
				CN			3,581,600		
				Project Cost:		337,000	3,581,600	0	0
Boone	80210	ky-18	Paired Grade-Separated Intersections along KY 18 at KY 842 and Mall Road.	PL					
				DN	SPP		4,992,000		
				RW	SPP		14,662,500		
				UT	SPP		3,942,400		
				CN	SPP				23,040,000
				Project Cost:		0	0	23,596,900	23,040,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Boone	80211	KY-18	Improve capacity at the KY 18 (Burlington Pike) intersection with KY 1017 (Aero Parkway) to support existing and future traffic volumes. Consider grade separation design options.	PL					
				DN	SPP			1,860,000	
				RW	SPP			19,500,000	
				UT	SPP			1,000,000	
				CN	SPP			24,800,000	
Project Cost:						0	0	47,160,000	0
Total for Boone county				PL					
				DN		3,178,400		7,767,000	
				RW		33,000,000	22,000,000	60,095,000	
				UT		13,337,000		18,178,000	
				CN		39,828,573	12,154,145	148,396,545	41,606,545
Total Amounts:						89,343,973	34,154,145	234,436,545	41,606,545
Bourbon	916	us-27	ADDRESS SAFETY AND CONGESTION AT THE INTERSECTION OF US 27 AND KY 1939 IN PARIS	PL					
				DN					
				RW					
				UT	SPP	360,000			
				CN	SPP	610,000			
Project Cost:						970,000	0	0	0
Bourbon	10036	KY-1879	BRIDGE PROJECT IN BOURBON COUNTY ON (009B00055N) KY-1879 AT LAYSONS BRANCH	PL					
				DN	BRX	65,000			
				RW					
				UT					
				CN			650,000		
Project Cost:						65,000	650,000	0	0
Bourbon	22307	US-68	ADDRESS CONDITION OF US-68X FROM MILEPOINT 1.201 TO MILEPOINT 2.772	PL					
				DN	STP3			450,000	
				RW					
				UT					
				CN					
Project Cost:						0	0	450,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Bourbon	80203	KY-1939	MODERNIZE ROADWAY, IMPROVE CONGESTION, SAFETY AND PEDESTRIAN ACCESS FROM US 27 ALONG Y 1939 FOR .212 MILES INCLUDING IMPROVEMENTS TO THE INTERSECTION	PL DN RW UT CN			700,000		
Project Cost:						0	700,000	0	0
Total for Bourbon county				PL DN RW UT CN		65,000		450,000	
Total Amounts:						1,035,000	1,350,000	450,000	0
Boyd	208.0600	CO-0	FEDERAL 'STP' FUNDS DEDICATED TO HUNTINGTON-ASHLAND MPO FOR FY 2022-2028. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP) (2020CCR)	PL DN RW UT CN	SAH	1,788,269	1,824,034	1,824,034	1,824,034
Project Cost:						1,788,269	1,824,034	1,824,034	1,824,034
Boyd	397	KY-67	SAFETY, SPOT IMPROVEMENTS AND CONGESTION MITIGATION FOR INDUSTRIAL PARKWAY (KY 67) IN CARTER, BOYD, AND GREENUP COUNTIES FOR BRAIDY INDUSTRIES	PL DN RW UT CN	NH NH		2,500,000	2,500,000	10,000,000
Project Cost:						0	2,500,000	2,500,000	10,000,000
Boyd	4328	KY-3294	INSTALL GUARDRAIL ON KY-3294 IN BOYD COUNTY	PL DN RW UT CN			52,000		
Project Cost:						0	52,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Boyd	10070	KY-3	BRIDGE PROJECT IN BOYD COUNTY ON (010B00007N) KY-3 AT BOLTS FORK	PL DN RW UT CN	FBP2	28,000			
						280,000			
			Project Cost:			308,000	0	0	0
Boyd	10071	US-60	BRIDGE PROJECT IN BOYD COUNTY ON (010B00017N) US-60 AT CSX RAILROAD	PL DN RW UT CN	FBP		633,000		
								6,330,000	
			Project Cost:			0	633,000	6,330,000	0
Boyd	10074	US-23	BRIDGE PROJECT IN BOYD COUNTY ON (010B00058N) US-23S AT OHIO RIVER,CSX,STREETS	PL DN RW UT CN	FBP	200,000			
						2,000,000			
			Project Cost:			2,200,000	0	0	0
Boyd	10075	CR-1243	BRIDGE PROJECT IN BOYD COUNTY ON (010C00018N) STRAIGHT CRK AT STRAIGHT CREEK	PL DN RW UT CN	FBP			94,000	
								940,000	
			Project Cost:			0	0	1,034,000	0
Boyd	22308	US-23	ADDRESS CONDITION OF US-23 FROM MILEPOINT 0 TO MILEPOINT 2.921	PL DN RW UT CN	STP5	195,000			
						1,755,000			
			Project Cost:			1,950,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Total for Boyd county				PL					
				DN		423,000	633,000	94,000	
				RW			2,500,000		
				UT				2,500,000	
				CN		5,823,269	1,876,034	9,094,034	11,824,034
				Total Amounts:		6,246,269	5,009,034	11,688,034	11,824,034
Boyle	20024	US-127	ADDRESS CONDITION OF US-127 FROM MILEPOINT 0 TO MILEPOINT 5.27	PL					
				DN					
				RW					
				UT					
				CN	STP3				2,300,000
				Project Cost:		0	0	0	2,300,000
Boyle	80204	KY-52	RECONSTRUCT KY 52 FROM KY 1805 (Goggin Ln) TO KY 590	PL					
				DN					
				RW	STP2	325,000			
				UT	STP2	8,807,000			
				CN			2,500,000		
				Project Cost:		9,132,000	2,500,000	0	0
Total for Boyle county				PL					
				DN					
				RW		325,000			
				UT		8,807,000			
				CN			2,500,000		2,300,000
				Total Amounts:		9,132,000	2,500,000	0	2,300,000
Bracken	355.2200	KY-8	OPERATION OF AUGUSTA FERRY FOR FY 2022 THROUGH FY 2028.(12CCR) (14CCR) (2020CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP	282,000	282,000	282,000	282,000
				Project Cost:		282,000	282,000	282,000	282,000

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1399

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Bracken	80103	KY-8	RECONSTRUCT KY 8 FROM WRANGLING RUN RD TO OLD KY 19. (2020CCN)	PL					
				DN	SPP	4,056,000			
				RW			4,862,000		
				UT	SPP			2,925,000	
				CN	SPP				31,633,000
Project Cost:						<u>4,056,000</u>	<u>4,862,000</u>	<u>2,925,000</u>	<u>31,633,000</u>
Bracken	80250	KY-9	IMPROVE SAFETY AND MOBILITY AT THE INTERSECTION OF KY 9 (AA HIGHWAY) AND KY 1019 (LENNOXBURG FOSTER ROAD).	PL					
				DN	SPP	57,600			
				RW			8,500		
				UT			79,200		
				CN	SPP			480,000	
Project Cost:						<u>57,600</u>	<u>87,700</u>	<u>480,000</u>	<u>0</u>
Total for Bracken county				PL					
				DN		4,113,600			
				RW			4,870,500		
				UT			79,200	2,925,000	
				CN		282,000	282,000	762,000	31,915,000
Total Amounts:						<u>4,395,600</u>	<u>5,231,700</u>	<u>3,687,000</u>	<u>31,915,000</u>
Breathitt	375	KY-205	IMPROVE KY-205 FROM NORTH OF KY-1812 TO SOUTH OF PEGGS FORK RD. (2020CCR)	PL					
				DN					
				RW					
				UT	STPF	1,900,000			
				CN	STPF			3,000,000	
Project Cost:						<u>1,900,000</u>	<u>0</u>	<u>3,000,000</u>	<u>0</u>
Breathitt	4313	KY-30	INSTALL GUARDRAIL ON KY-30 IN BREATHITT COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR	51,000			
Project Cost:						<u>51,000</u>	<u>0</u>	<u>0</u>	<u>0</u>

2024-2028 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Breathitt	4314	KY-30	INSTALL GUARDRAIL ON KY-30 IN BREATHITT COUNTY	PL DN RW UT CN	GR	13,000			
			Project Cost:			13,000	0	0	0
Breathitt	5014	KY-15	ROCKFALL MITIGATION ON KY 15 FROM 0.593 MILE NORTH OF BEAVERLY ROAD (MP 13.750) TO KY 1098/KY 1813 (MP 14.644). (2018BOP)	PL DN RW UT CN	PROT	8,000,000	8,000,000	6,000,000	
			Project Cost:			8,000,000	8,000,000	6,000,000	0
Breathitt	10045	CR-1427	BRIDGE PROJECT IN BREATHITT COUNTY ON (013C00083N) Perkins Br. Rd. AT Lost Creek	PL DN RW UT CN			29,000		
			Project Cost:			0	319,000	0	0
Breathitt	80107	CR-1125	REPLACE BRIDGE OVER PUNCHEON CREEK ON MAX ROARK RD (2020CCN)	PL DN RW UT CN	SPP	5,000	150,000		
			Project Cost:			5,000	150,000	0	0
Total for Breathitt county				PL DN RW UT CN		1,905,000	29,000		
				Total Amounts:		8,064,000	8,440,000	9,000,000	0
						9,969,000	8,469,000	9,000,000	0

2024-2028 HIGHWAY CONSTRUCTION PLAN

1401

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Breckinridge	159	KY-86	REALIGN KY 86 FROM JESSIE PRIEST ROAD TO EAST OF ROSETTA CORNERS. (2020CCR)	PL DN RW UT CN	SPP SPP	1,000,000 1,000,000	4,000,000		
Project Cost:						2,000,000	4,000,000	0	0
Breckinridge	8702	KY-79	ADDRESS SAFETY AND GEOMETRIC DEFICIENCIES ON KY 79 FROM KY 477 TO KY 144 (12CCN)(14CCR)(18CCN)(2020 CCR) (COMBINED W/ 4-8703)	PL DN RW UT CN	SPP	1,900,000	7,350,000		
Project Cost:						1,900,000	7,350,000	0	0
Breckinridge	8902	KY-261	REPLACE LOW WATER STRUCTURE ON KY 261 AT MP 15.74. (18CCN)	PL DN RW UT CN	BRX	400,000			
Project Cost:						400,000	0	0	0
Breckinridge	20026	US-60	ADDRESS PAVEMENT CONDITION ON US-60 FROM MILEPOINT 3.45 TO MILEPOINT 12.74	PL DN RW UT CN	STP4	1,739,000			
Project Cost:						1,739,000	0	0	0
Total for Breckinridge county				PL DN RW UT CN		1,000,000 2,900,000 2,139,000	11,350,000		
Total Amounts:						6,039,000	11,350,000	0	0

2024-2028 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Bullitt	43	KY-44	RECONSTRUCT KY 44 FROM KY 1319 KINGS CHURCH HIGHWAY TO SPENCER COUNTY LINE (2020CCN)	PL DN RW UT CN	SPP	5,350,000			
Project Cost:						5,350,000	0	0	0
Bullitt	150.0200	KY-44	RECONSTRUCT KY 44 FROM I 65 TO CHIMNEY ROCK DRIVE (MILEPOINT 13.1 TO MILEPOINT 15.1).	PL DN RW UT CN	SPP SPP SPP	2,080,000	7,640,000	9,790,000	19,430,000
Project Cost:						2,080,000	7,640,000	9,790,000	19,430,000
Bullitt	150.5000	KY-44	SECTION 5 FROM US 31EX TO US 31E BYPASS (2008BOPC)	PL DN RW UT CN	SPP	1,883,000			
Project Cost:						1,883,000	0	0	0
Bullitt	347.5000	KY-44	MT. WASHINGTON-TAYLORSVILLE RD; RECONSTRUCT KY 44 FROM US31E BYPASS TO KY 1319 KINGS CHURCH HIGHWAY (2020CCN)	PL DN RW UT CN	SPP SPP	4,500,000	1,700,000	13,200,000	
Project Cost:						4,500,000	1,700,000	13,200,000	0
Bullitt	575	I-65	IMPROVE SAFETY, REDUCE CONGESTION AND ADDRESS CONDITION OF PCC PAVEMENT ON I-65 FROM EXIT 121/KY 1526 TO EXIT 125/I-265 (MP 120.88 TO 124.00).	PL DN RW UT CN	NH				3,500,000
Project Cost:						0	0	0	3,500,000

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1403

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Bullitt	4309	KY-1319	INSTALL GUARDRAIL ON KY-1319 IN BULLITT COUNTY	PL DN RW UT CN	GR	27,000			
			Project Cost:			27,000	0	0	0
Bullitt	8509	KY-245	WIDEN KY-245 FROM BERNHEIM FOREST TO THE COMMUNITY COLLEGE. (08CCN) (10CCR)(14CCR)(16CCR) (2020CCR)	PL DN RW UT CN	STPF	7,000,000			
			Project Cost:			7,000,000	0	0	0
Bullitt	20036	KY-480	ADDRESS CONDITION OF KY-480 FROM MILEPOINT 0 TO MILEPOINT 5.14	PL DN RW UT CN			950,000		
			Project Cost:			0	950,000	0	0
Bullitt	22067	I -65	ADDRESS CONDITION OF I-065 FROM MILEPOINT 110.7 TO MILEPOINT 118.58	PL DN RW UT CN	NHPM	7,092,000			
			Project Cost:			70,920,000	0	0	0
Bullitt	22068	I -65	ADDRESS CONDITION OF I-065 FROM MILEPOINT 118.58 TO MILEPOINT 123.18	PL DN RW UT CN	NHPM			4,140,000	
			Project Cost:			0	0	41,400,000	0
								45,540,000	0

2024-2028 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Bullitt	80101	KY-1450	IMPROVE SAFETY AND REDUCE CONGESTION ON KY 1450 (BLUE LICK RD.) BETWEEN THE INTERSECTIONS WITH KY 1526 (JOHN HARPER HIGHWAY) AND CR 1512A (JEFFIE LANE) (2020CCN)	PL DN RW UT CN	SPP	1,125,000	2,300,000	4,160,000	
Project Cost:						<u>1,125,000</u>	<u>2,300,000</u>	<u>4,160,000</u>	<u>0</u>
Bullitt	80103	KY-44	RECONSTRUCT KY 44 FROM BOGARD LANE TO ARMSTRONG LANE (2020CCN)	PL DN RW UT CN	SPP	4,700,000	6,600,000	14,600,000	
Project Cost:						<u>4,700,000</u>	<u>6,600,000</u>	<u>14,600,000</u>	<u>0</u>
Total for Bullitt county				PL DN RW UT CN		9,172,000 10,325,000 85,180,000	7,640,000 10,600,000 950,000	4,140,000 9,790,000 73,360,000	3,500,000 19,430,000
Total Amounts:						<u>104,677,000</u>	<u>19,190,000</u>	<u>87,290,000</u>	<u>22,930,000</u>
Butler	125.1500	KY-269	OPERATION OF REED'S FERRY AT LOGANSPORT FOR FY 2022 THROUGH FY 2028.(12CCR) (2020CCR)	PL DN RW UT CN	SPP	158,400	158,400	158,400	158,400
Project Cost:						<u>158,400</u>	<u>158,400</u>	<u>158,400</u>	<u>158,400</u>
Butler	8504.1000	KY-369	OPERATION OF THE ROCHESTER FERRY BY THE BUTLER AND OHIO COUNTY FERRY AUTHORITY FOR FY 2020. (12CCR) (2020CCR)	PL DN RW UT CN	SPP	158,400	158,400	158,400	158,400
Project Cost:						<u>158,400</u>	<u>158,400</u>	<u>158,400</u>	<u>158,400</u>

2024-2028 HIGHWAY CONSTRUCTION PLAN

1405

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Butler	10031	US-231	BRIDGE PROJECT IN BUTLER COUNTY ON (016B0002N) US-231 AT W FK INDIAN CAMP CREEK	PL DN RW UT CN	BRX	448,000			4,480,000
			Project Cost:			448,000	0	0	4,480,000
Butler	10032	US-231	BRIDGE PROJECT IN BUTLER COUNTY ON (016B00012N) US-231 AT RENFROW CREEK	PL DN RW UT CN	BRX	37,000			
			Project Cost:			37,000	370,000	0	0
Butler	10033	KY-70	BRIDGE PROJECT IN BUTLER COUNTY ON (016B00016N) KY-70 AT MUDDY CREEK	PL DN RW UT CN	FBP2	218,000			
			Project Cost:			2,180,000	0	0	0
Butler	22311	US-231	ADDRESS CONDITION OF US-231 FROM MILEPOINT 10.676 TO MILEPOINT 10.943	PL DN RW UT CN	STP4	60,000			
			Project Cost:			540,000	0	0	0
Total for Butler county				PL DN RW UT CN		763,000			
				Total Amounts:		3,036,800	686,800	316,800	4,796,800
						3,799,800	686,800	316,800	4,796,800

2024-2028 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Caldwell	153	PF-9999	NEW CONNECTOR FROM HOPKINSVILLE ROAD (KY-91) TO WILSON WAREHOUSE ROAD (KY-293) NORTHEAST OF PRINCETON. (06CCR)(10CCR)(12CCR)(14CCR)(16CCR)(18CCN) (2020CCR)	PL DN RW UT CN	SPP SPP	1,910,000 1,450,000	11,980,000		
Project Cost:						3,360,000	11,980,000	0	0
Caldwell	187.6000	US-641	RELOCATE US-641 FROM SOUTH OF THE LYON/CALDWELL COUNTY LINE TO FREDONIA, 4.5 MILES. (2020CCN)	PL DN RW UT CN	SPP	21,000,000			
Project Cost:						21,000,000	0	0	0
Caldwell	10062	I -69	BRIDGE PROJECT IN CALDWELL COUNTY ON (017B00033L) I-69 AT TRADEWATER RIVER	PL DN RW UT CN	FBP2 FBP2			218,000	
Project Cost:						0	0	2,180,000	0
Caldwell	10063	KY-293	BRIDGE PROJECT IN CALDWELL COUNTY ON (017B00050N) KY-293 AT DONALDSON CREEK	PL DN RW UT CN	BRX BRX	684,000			6,840,000
Project Cost:						684,000	0	0	6,840,000
Caldwell	10064	CR-1011	BRIDGE PROJECT IN CALDWELL COUNTY ON (017B00060N) LEWISTOWN CHURCH R AT I-69	PL DN RW UT CN	FBP2 FBP2	169,000 1,690,000			
Project Cost:						1,859,000	0	0	0

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1407

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Caldwell	22079	I -69	ADDRESS CONDITION OF I-069 FROM MILEPOINT 73.694 TO MILEPOINT 79.35	PL DN RW UT CN	NHPM	430,000 4,300,000			
Project Cost:						4,730,000	0	0	0
Caldwell	22080	I -69	ADDRESS CONDITION OF I-069 FROM MILEPOINT 77.994 TO MILEPOINT 79.35	PL DN RW UT CN	NHPM	103,056 1,030,560			
Project Cost:						1,133,616	0	0	0
Caldwell	22081	I -69	ADDRESS CONDITION OF I-069 FROM MILEPOINT 79.35 TO MILEPOINT 82.934	PL DN RW UT CN			182,000 1,820,000		
Project Cost:						0	2,002,000	0	0
Caldwell	22082	I -69	ADDRESS CONDITION OF I-069 FROM MILEPOINT 86.344 TO MILEPOINT 89.848	PL DN RW UT CN	NHPM				266,304 2,663,040
Project Cost:						0	0	0	2,929,344
Total for Caldwell county				PL DN RW UT CN		1,386,056 1,910,000 1,450,000 28,020,560	182,000 13,800,000	218,000 2,180,000	266,304 9,503,040
Total Amounts:						32,766,616	13,982,000	2,398,000	9,769,344

2024-2028 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Calloway	8502	PF-9999	CITY OF MURRAY BUSINESS LOOP FROM GLENDALE TO INDUSTRIAL ROAD. (SEE 1-120 FOR D, R, U FUNDING) (08CCN) (10CCR)(LET BY CITY)	PL DN RW UT CN	SPP	4,500,000			
Project Cost:						4,500,000	0	0	0
Calloway	8952	CS-1047, KY-748	IMPROVE N 16TH STREET FROM KY 1327 (5 POINTS) TO KY 121 (2020CCN)	PL DN RW UT CN			3,380,000		
Project Cost:						0	3,380,000	0	0
Calloway	10103	KY-893	BRIDGE PROJECT IN CALLOWAY COUNTY ON (018B00079N) KY-893 AT BRANCH OF MCCULLOUGH CRE	PL DN RW UT CN	BRX	83,000			
Project Cost:						83,000	830,000	0	0
Calloway	80200	cs-1047	Address congestion, geometric deficiencies, and access issues from KY121 to Utterback Road in Murray.	PL DN RW UT CN	STP STP	3,000,000	3,000,000	3,500,000	
Project Cost:						3,000,000	3,000,000	3,500,000	0
Total for Calloway county				PL DN RW UT CN		83,000 3,000,000 3,000,000 4,500,000	4,210,000	3,500,000	0
Total Amounts:						7,583,000	7,210,000	3,500,000	0

2024-2028 HIGHWAY CONSTRUCTION PLAN

1409

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Campbell	23	I-471	ADD LANE ON RAMP FROM EASTBOUND I-275 TO NORTHBOUND I-471.	PL					
				DN			2,000,000		
				RW					
				UT					
				CN	NH				10,000,000
Project Cost:						0	2,000,000	10,000,000	10,000,000
Campbell	352	PF-9999	EXTEND PROPOSED POND CREEK ROAD FROM US-27 TO AA HIGHWAY VIA PORTION OF KY 10/KY 1997 CORRIDOR (NEW KY-536)(04CCN)(12CCR)(14CCR) (2020CCN)	PL					
				DN					
				RW	SPP	15,000,000			
				UT			10,000,000		
				CN	SPP				40,000,000
Project Cost:						15,000,000	10,000,000	40,000,000	0
Campbell	1086	KY-8	Replace 4th Street Bridge over the Licking River between Covington and Newport; Bridge Number 059B00037N	PL					
				DN					
				RW					
				UT					
				CN	BRO	35,000,000	14,080,000		
Project Cost:						35,000,000	14,080,000	0	0
Campbell	8104	I-471, KY-8	CONSTRUCT NEW I-471 SOUTHBOUND OFF-RAMP AT KY-8 (SEE ALSO 6-183.00). (02CCN)(06CCN) (2020CCN)	PL					
				DN					
				RW					
				UT					
				CN	SPP	30,000,000			
Project Cost:						30,000,000	0	0	0
Campbell	8105		CONSTRUCT A NEW CONNECTOR BETWEEN I-275 AND THE AA HIGHWAY. (02CCN)	PL					
				DN					
				RW					
				UT					
				CN	STP	9,000,000			
Project Cost:						9,000,000	0	0	0

2024-2028 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Campbell	8105.0600	PF-9999	TRANSPORTATION IMPROVEMENTS TO AA I 275; CONSTRUCT A NEW CONNECTOR RD FROM THE KY 9 TO THE END OF NEW CONSTRUCTION JUST SOUTH OF JOHN'S HILL RD (2020CCN)	PL DN RW UT CN			1,000,000		
Project Cost:						0	1,000,000	0	0
Campbell	8105.0700	PF-9999	TRANSPORTATION IMPROVEMENTS TO AA I 275; CONSTRUCT A NEW CONNECTOR RD FROM THE KY 9 TO THE END OF NEW CONSTRUCTION JUST SOUTH OF JOHN'S HILL RD. (2020CCN)	PL DN RW UT CN	SPP	1,760,000	12,410,000		
Project Cost:						1,760,000	12,410,000	0	0
Campbell	10035	CS-1000	BRIDGE PROJECT IN CAMPBELL COUNTY ON (019B00039L) I-471 NC AT OHIO RIVER	PL DN RW UT CN	FBP		2,500,000	5,000,000	5,280,000
Project Cost:						0	2,500,000	5,000,000	5,280,000
Campbell	10036	CS-1000	BRIDGE PROJECT IN CAMPBELL COUNTY ON (019B00039R) I-471 AT OHIO RIVER	PL DN RW UT CN	FBP		3,000,000	5,000,000	4,780,000
Project Cost:						0	3,000,000	5,000,000	4,780,000
Campbell	20010	I-275	ADDRESS CONDITION OF I-275 FROM MILEPOINT 73.061 TO MILEPOINT 77.579	PL DN RW UT CN	NHPM NHPM				825,000 8,250,000
Project Cost:						0	0	0	9,075,000

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1411

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>	
Campbell	20012	KY-8	ADDRESS CONDITION OF KY-8 FROM MILEPOINT 1.717 TO MILEPOINT 7.814	PL						
				DN			150,000			
				RW						
				UT						
				CN	STP5				1,350,000	
				Project Cost:			0	150,000	1,350,000	0
Campbell	20013	KY-9	ADDRESS PAVEMENT CONDITION OF AC PAVEMENT.	PL						
				DN						
				RW						
				UT						
				CN	STP5	2,250,000				
				Project Cost:		2,250,000	0	0	0	
Campbell	20014	KY-1892	ADDRESS CONDITION OF KY-1892 FROM MILEPOINT 1.47 TO MILEPOINT 2.1	PL						
				DN			275,000			
				RW						
				UT						
				CN	STP5				2,475,000	
				Project Cost:		0	275,000	2,475,000	0	
Campbell	20017	US-27	ADDRESS CONDITION OF US-27 FROM MILEPOINT 8.831 TO MILEPOINT 10.517	PL						
				DN	STP5				80,000	
				RW						
				UT						
				CN	STP5				720,000	
				Project Cost:		0	0	0	800,000	
Campbell	20049	KY-8	ADDRESS CONDITION OF KY-8 FROM MILEPOINT 15.97 TO MILEPOINT 19.36	PL						
				DN						
				RW						
				UT						
				CN				600,000		
				Project Cost:		0	600,000	0	0	

2024-2028 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Total for Campbell county				PL					
				DN			3,425,000		905,000
				RW		15,000,000			
				UT		1,760,000	10,000,000		
				CN		76,250,000	32,590,000	63,825,000	29,030,000
				Total Amounts:		93,010,000	46,015,000	63,825,000	29,935,000
Carlisle	10107	KY-80	BRIDGE PROJECT IN CARLISLE COUNTY	PL					
				ON (020B00068N) KY-80 AT LONGGEAR CREEK	DN BRX	42,000			
					RW				
					UT				
					CN		420,000		
				Project Cost:		42,000	420,000	0	0
Total for Carlisle county				PL					
				DN		42,000			
				RW					
				UT					
				CN			420,000		
				Total Amounts:		42,000	420,000	0	0
Carroll	1084	US-42	BRIDGE PROJECT IN CARROLL COUNTY	PL					
				ON (021B00043N) US-42 at KENTUCKY RIVER & CITY ST	DN				
					RW				
					UT				
					CN BRX	10,000,000	4,620,000		
				Project Cost:		10,000,000	4,620,000	0	0
Carroll	10037	KY-36	BRIDGE PROJECT IN CARROLL COUNTY	PL					
				ON (021B00009N) KY-36 AT LICK CREEK	DN				
					RW				
					UT				
					CN BRX	2,000,000			
				Project Cost:		2,000,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Carroll	22101	I-71	ADDRESS CONDITION OF I-71 FROM MILEPOINT 38.808 TO MILEPOINT 46.121	PL DN RW UT CN	STP4	16,000,000			
Project Cost:						16,000,000	0	0	0
Carroll	80219	KY-36	Improve safety and mobility and address geometric deficiencies at the intersection of KY 36 & KY 1492 (Locust Road).	PL DN RW UT CN	SPP SPP	422,000 263,000	3,948,000		
Project Cost:						685,000	3,948,000	0	0
Total for Carroll county				PL DN RW UT CN		422,000 263,000 28,000,000	8,568,000		
Total Amounts:						28,685,000	8,568,000	0	0
Carter	4323	KY-182	INSTALL GUARDRAIL ON KY-182 IN CARTER COUNTY	PL DN RW UT CN	GR	54,000			
Project Cost:						54,000	0	0	0
Carter	8401	US-60	RECONSTRUCT US-60 FROM WEST OF GLENWOOD HOLLOW ROAD TO EAST OF KY-3296. THE PROJECT SHALL INCLUDE 12' LANES, WIDE PAVED SHOULDERS, UNOBSTRUCTED CLEAR ZONES,	PL DN RW UT CN			15,000,000		
Project Cost:						0	15,000,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Carter	10079	KY-174	BRIDGE PROJECT IN CARTER COUNTY ON (022B00033N) KY-174 AT TYGARTS CREEK	PL DN RW UT CN	BRX	183,000		1,830,000	
Project Cost:						183,000	0	1,830,000	0
Carter	10081	CR-1464	BRIDGE PROJECT IN CARTER COUNTY ON (022C00044N) SMOKY CREEK RD OVER SMOKEY CREEK	PL DN RW UT CN	FBP			38,000	
Project Cost:						0	0	380,000	0
Carter	22051	I -64	ADDRESS CONDITION OF I-064 FROM MILEPOINT 148.665 TO MILEPOINT 150.155	PL DN RW UT CN	NHPM	130,000			
Project Cost:						1,300,000	0	0	0
Carter	22052	I -64	ADDRESS CONDITION OF I-064 FROM MILEPOINT 150.155 TO MILEPOINT 154.26	PL DN RW UT CN	NHPM	900,000			
Project Cost:						9,000,000	0	0	0
Carter	22055	I -64	ADDRESS CONDITION OF I-064 FROM MILEPOINT 171.2 TO MILEPOINT 180.812	PL DN RW UT CN	NHPM				730,512
Project Cost:						0	0	0	7,305,120
									8,035,632

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Carter	80050	US-60	IMPROVE US-60 GEOMETRY BEGINNING TERMINI AT NEW CONSTRUCTION AT OLIVE HILL MP 12.4 EXTENDING 1.1 MILES TO I-64 EXIT 161.(18CCN)	PL DN RW UT CN	STP2	1,320,000	1,760,000	8,780,000	
Project Cost:						1,320,000	1,760,000	8,780,000	0
Carter	80200	ky-1025	Geometric improvements on KY 1025 from US 60 (MP 0.0),East of Olive Hill extending North 0.30 miles providing access to West Carter Middle and High Schools and facilities. Project will include bike/ped	PL DN RW UT CN	STP2	750,500	652,800	2,189,600	
Project Cost:						750,500	652,800	2,189,600	0
Carter	80201	ky-3297	Improve safety and operational efficiency of KY 3297 near East Carter Middle School and the new sports complex.	PL DN RW UT CN	SPP SPP	54,000 156,400	396,000		
Project Cost:						210,400	396,000	0	0
Carter	80202	ky-1	Construct a two lane roadway from KY 3297 to the intersection of US 60 and KY 1 to mitigate congestion along Carol Malone Boulevard. (Phase III of proposed bypass project.)	PL DN RW UT CN	STP1	748,800	6,899,200		
Project Cost:						748,800	6,899,200	0	0
Total for Carter county				PL DN RW UT CN		1,213,000 2,124,500 905,200 10,354,000	2,412,800 22,295,200	38,000 13,179,600	730,512 7,305,120
Total Amounts:						14,596,700	24,708,000	13,217,600	8,035,632

2024-2028 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Casey	164	US-127	IMPROVE SAFETY AND GEOMETRIC DEFICIENCIES ALONG US 127 AT DUNNVILLE	PL					
				DN					
				RW	SPP	2,070,000			
				UT			1,110,000		
				CN	SPP			10,380,000	
				Project Cost:		<u>2,070,000</u>	<u>1,110,000</u>	<u>10,380,000</u>	<u>0</u>
Casey	8701	KY-70	NEW ALIGNMENT ON KY-70 FROM MP 16.8 TO 19 (12CCN)	PL					
				DN					
				RW	SPP	2,200,000			
				UT	SPP			1,320,000	
				CN	SPP				16,225,000
				Project Cost:		<u>2,200,000</u>	<u>0</u>	<u>1,320,000</u>	<u>16,225,000</u>
Casey	8703	KY-70	RECONSTRUCT BELL HILL FROM MP 10.4 TO MP 11.9.(12CCN)(16CCR)(18CCN) (2020CCR)	PL					
				DN					
				RW					
				UT			1,040,000		
				CN					
				Project Cost:		<u>0</u>	<u>1,040,000</u>	<u>0</u>	<u>0</u>
Casey	8704	KY-49	RECONSTRUCT BRUSH CREEK HILL FROM MP 1.8 TO MP 2.8.(12CCN)(16CCR) (18CCN) (2020CCR)	PL					
				DN					
				RW					
				UT			1,100,000		
				CN					
				Project Cost:		<u>0</u>	<u>1,100,000</u>	<u>0</u>	<u>0</u>
Casey	10048	KY-910	BRIDGE PROJECT IN CASEY COUNTY ON (023B00084N) KY-910 AT BRANCH- DRY FORK	PL					
				DN			27,000		
				RW					
				UT					
				CN			270,000		
				Project Cost:		<u>0</u>	<u>297,000</u>	<u>0</u>	<u>0</u>

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Casey	10049	CR-1317	BRIDGE PROJECT IN CASEY COUNTY ON (023C00040N) CASEY CREEK RD AT BR OF CASEY CREEK	PL DN RW UT CN			32,000		
Project Cost:						0	320,000	0	0
Casey	22319	KY-49	ADDRESS CONDITION OF KY-49 FROM MILEPOINT 0 TO MILEPOINT 13.2	PL DN RW UT CN	STP4	800,000			
Project Cost:						800,000	7,200,000	0	0
Casey	80150	US-127	ADD LANES (TWO PLUS ONE) TO US 127 FROM LIBERTY TO THE LINCOLN CO LINE (2020CCN)	PL DN RW UT CN	NH		3,780,000 4,770,000		5,000,000
Project Cost:						0	8,550,000	0	5,000,000
Total for Casey county				PL DN RW UT CN		800,000 4,270,000	59,000 3,780,000 8,020,000 7,790,000	1,320,000 10,380,000	21,225,000
Total Amounts:						5,070,000	19,649,000	11,700,000	21,225,000
Christian	136	PF-9999	EXTEND KY-1682 FROM THE E.T. BREATHITT PARKWAY TO US-68/KY-80 EAST OF HOPKINSVILLE (HOPKINSVILLE NORTHEAST BYPASS). (2020CCN)	PL DN RW UT CN	SPP	4,700,000	2,600,000		
Project Cost:						4,700,000	2,600,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Christian	227	KY-1007	RECONSTRUCT KY 1007 FROM US 68 TO SANDERSON ROAD IN HOPKINSVILLE. (SEE NORTHERN EXTENSION UNDER 2-227.10) (2020CCR)	PL DN RW UT CN	SPP	6,700,000	4,550,000	7,610,000	
			Project Cost:			6,700,000	4,550,000	7,610,000	0
Christian	381	PF-9999	CONSTRUCT NEW CONNECTOR FROM US 41 NEAR THE INDUSTRIAL PARK TO KY 115 SOUTH OF PEMBROKE. (16CCR) (18CCN) (2020CCR)	PL DN RW UT CN	STP2	11,500,000			
			Project Cost:			11,500,000	0	0	0
Christian	898	EB-9004	RECONSTRUCT THE BREATHITT PARKWAY INTERCHANGE AT KY 1682 NORTH OF HOPKINSVILLE USING DESIGN BUILD. (BREATHITT PARKWAY/FUTURE INTERSTATE SPUR PROJECT)(16CCR)	PL DN RW UT CN			9,000,000		
			Project Cost:			0	9,000,000	0	0
Christian	8953	KY-115	IMPROVE AND WIDEN KY 115 FROM ANDERSON ROAD (MP 6.87) TO JUST SOUTH OF PEMBROKE (MP 9.625) (16CCN)(18CCN)	PL DN RW UT CN	STP2 SPP	3,000,000 5,000,000			
			Project Cost:			8,000,000	0	0	0
Christian	8954	KY-115	IMPROVE AND WIDEN KY 115 FROM I-24 (MP 2.901) TO ANDERSON ROAD (MP 687). (16CCN)	PL DN RW UT CN	SPP		1,590,000 3,140,000		9,720,000
			Project Cost:			0	4,730,000	0	9,720,000

2024-2028 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Christian	10066	US-41	BRIDGE PROJECT IN CHRISTIAN COUNTY ON (024B00021N) US-41 AT CSX RAILROAD	PL DN RW UT CN			161,000		
			Project Cost:			0	1,771,000	0	0
Christian	10067	KY-117	BRIDGE PROJECT IN CHRISTIAN COUNTY ON (024B00034N) KY-117 AT Sinking Fork Creek	PL DN RW UT CN	FBP2			207,000	
			Project Cost:			0	0	2,070,000	0
								2,277,000	0
Christian	10068	KY-107	BRIDGE PROJECT IN CHRISTIAN COUNTY ON (024B00041N) KY-107 AT DONALDSON CREEK	PL DN RW UT CN	BRX	129,000			
			Project Cost:			129,000	1,290,000	0	0
Christian	10069	KY-109	BRIDGE PROJECT IN CHRISTIAN COUNTY ON (024B00058N) KY-109 AT MCKNIGHTS CREEK	PL DN RW UT CN	BRX	104,000			
			Project Cost:			104,000	1,040,000	0	0
Christian	10070	KY-1453	BRIDGE PROJECT IN CHRISTIAN COUNTY ON (024B00062N) KY-1453 AT MONTGOMERY CREEK	PL DN RW UT CN	FBP2			1,290,000	
			Project Cost:			0	0	1,290,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Christian	10074	KY-800	BRIDGE PROJECT IN CHRISTIAN COUNTY ON (024B00099N) KY-800 AT PENNYRILE PARKWAY	PL DN RW UT CN	FBP2 FBP2			662,000	
Project Cost:						0	0	7,282,000	0
Christian	22012	I -24	ADDRESS CONDITION OF I-024 FROM MILEPOINT 69.83 TO MILEPOINT 76.142 (75.000 NON-CARDINAL)	PL DN RW UT CN			2,203,800		
Project Cost:						0	24,241,800	0	0
Christian	22014	I -24	ADDRESS CONDITION OF I-024 NON-CARDINAL DIRECTION FROM MILEPOINT 75 TO MILEPOINT 85.563	PL DN RW UT CN			633,780		
Project Cost:						0	6,971,580	0	0
Christian	22320	US-41	ADDRESS CONDITION OF US-41 FROM MILEPOINT 9.2 TO MILEPOINT 11.388	PL DN RW UT CN	STP5 STP5	1,500,000			
Project Cost:						10,000,000	5,000,000	0	0
Total for Christian county				PL DN RW UT CN		1,733,000 11,400,000 3,000,000 25,000,000	2,998,580 1,590,000 10,290,000 46,315,800	869,000 17,590,000	9,720,000
Total Amounts:						41,133,000	61,194,380	18,459,000	9,720,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Clark	4310	KY-2888	INSTALL GUARDRAIL ON KY-2888 IN CLARK COUNTY	PL DN RW UT CN			32,000		
			Project Cost:			0	32,000	0	0
Clark	8401	KY-1958	EXTEND THE WINCHESTER EAST BYPASS (KY 1958) FROM IRVINE ROAD (KY 89) TO KY 627 SOUTH OF WINCHESTER. (08CCN)(10CCR)(18CCN)	PL DN RW UT CN	NH	10,000,000	10,000,000	11,080,000	
			Project Cost:			10,000,000	10,000,000	11,080,000	0
Clark	8952	US-60	RECONSTRUCT US 60 FOR SAFETY IMPROVEMENTS FROM I-64 IN CLARK COUNTY (MP 14.210) TO 500 FEET WEST OF SEWELL SHOP ROAD (MP 17.032). (16CCN)(18CCN)	PL DN RW UT CN	SPP SPP SPP	2,250,000	4,880,000	4,580,000	16,800,000
			Project Cost:			2,250,000	4,880,000	4,580,000	16,800,000
Clark	22041	I -64	ADDRESS CONDITION OF I-064 FROM MILEPOINT 101.7 TO MILEPOINT 104.26	PL DN RW UT CN	NHPM	194,560			
			Project Cost:			1,945,600	0	0	0
Clark	22154	KY-9000	ADDRESS CONDITION OF Bert T. Combs Mountain Parkway FROM MILEPOINT 0 TO MILEPOINT 5.371	PL DN RW UT CN	NHPM	182,000			
			Project Cost:			1,820,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Clark	22155	KY-9000	ADDRESS CONDITION OF Bert T. Combs Mountain Parkway CARDINAL DIRECTION FROM MILEPOINT 5.371 TO MILEPOINT 11.06	PL DN RW UT CN			220,000 2,200,000		
Project Cost:						0	2,420,000	0	0
Clark	80151	US-60	MODERNIZE AND IMPROVE CAPACITY ON US 60 FROM KY 859 (HALEY RD) TO KY 1958 (BYPASS RD) IN CLARK COUNTY. (2020CCN)	PL DN RW UT CN			11,851,000 8,774,000		37,960,000
Project Cost:						0	20,625,000	0	37,960,000
Total for Clark county				PL DN RW UT CN		2,626,560	220,000 16,731,000 8,774,000 13,765,600	4,580,000	54,760,000
Total Amounts:						16,392,160	37,957,000	15,660,000	54,760,000
Clay	4417	KY-11	INSTALL GUARDRAIL ON KY-11 IN CLAY COUNTY	PL DN RW UT CN			29,000		
Project Cost:						0	29,000	0	0
Clay	8910	HR-9006	UPGRADE ROUTE FROM SOMERSET TO HAZARD TO INTERSTATE STANDARDS: 4 LANE FROM CLAY/LAUREL LINE TO MANCHESTER (JUST PAST EXIT 20 AT BRIDGE OVER KY 80/US 421), MP 10.593	PL DN RW UT CN			1,000,000		
Project Cost:						0	1,000,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>	
Clay	8911	HR-9006	UPGRADE ROUTE FROM SOMERSET TO HAZARD TO INTERSTATE STANDARDS: 4 LANE FROM MANCHESTER TO CLAY/LESLIE LINE; MP 21.498 TO MP 35.929 (SEGMENT 8) (16CCN)(18CCN)	PL						
				DN			1,000,000			
				RW	NH				5,000,000	13,000,000
				UT	NH					5,000,000
				CN						
Project Cost:						0	1,000,000	5,000,000	18,000,000	
Clay	10176	US-421	BRIDGE PROJECT IN CLAY COUNTY ON (026B00012N) US-421 AT RICE BRANCH	PL						
				DN	BRX	38,000				
				RW						
				UT						
				CN			380,000			
Project Cost:						38,000	380,000	0	0	
Clay	10177	KY-638	BRIDGE PROJECT IN CLAY COUNTY ON (026B00026N) KY-638 AT RADER CREEK	PL						
				DN	BRX	35,000				
				RW						
				UT						
				CN			350,000			
Project Cost:						35,000	350,000	0	0	
Clay	10178	KY-66	BRIDGE PROJECT IN CLAY COUNTY ON (026B00050N) KY-66 AT JACKS CREEK	PL						
				DN	BRX	40,000				
				RW						
				UT						
				CN			400,000			
Project Cost:						40,000	400,000	0	0	
Clay	10179	KY-2438	BRIDGE PROJECT IN CLAY COUNTY ON (026B00057N) KY-2438 AT GOOSE CREEK & WALK PATH	PL						
				DN	FBP2				313,000	
				RW						
				UT						
				CN	FBP2				3,130,000	
Project Cost:						0	0	0	3,443,000	

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Clay	10180	KY-1482	BRIDGE PROJECT IN CLAY COUNTY ON (026B00060N) KY-1482 AT LITTLE BULLSKIN CREEK	PL DN RW UT CN			44,000		
							440,000		
			Project Cost:			0	484,000	0	0
Clay	10181	CR-9006	BRIDGE PROJECT IN CLAY COUNTY ON (026B00073N) HR-9006 AT CSX RR-HAM BR RD-GOOSE C	PL DN RW UT CN					
					FBP2			750,000	
			Project Cost:			0	0	750,000	0
Clay	10183	KY-3478	BRIDGE PROJECT IN CLAY COUNTY ON (026B00102N) KY-3478 AT ROBINSON CREEK	PL DN RW UT CN			79,000		
							790,000		
			Project Cost:			0	869,000	0	0
Clay	10184	CR-1114	BRIDGE PROJECT IN CLAY COUNTY ON (026C00016N) FRANK BOWLING ROAD AT REDBIRD RIVER	PL DN RW UT CN			37,000		
							370,000		
			Project Cost:			0	407,000	0	0
Clay	10185	CR-1155	BRIDGE PROJECT IN CLAY COUNTY ON (026C00072N) CR-1155 AT MILL CREEK	PL DN RW UT CN					
					FBP				19,000
					FBP				190,000
			Project Cost:			0	0	0	209,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Clay	10186	CR-1150	BRIDGE PROJECT IN CLAY COUNTY ON (026C00125N) CR-1150 AT RED BIRD	PL DN RW UT CN			60,000		
Project Cost:						0	660,000	0	0
Clay	80253	KY-3472	IMPROVE GEOMETRIC ALIGNMENT FROM KY 3472 AT MP 1.7 CONTINUING PAST THE BERT. T. COMBS PARK TO THE INTERSECTION OF BEECH CREEK ROAD AND WHITE OAK ROAD.	PL DN RW UT CN	SPP	1,900,000	7,500,000		
Project Cost:						1,900,000	7,500,000	0	0
Clay	80254	CR-1004	IMPROVE GEOMETRIC ALIGNMENT FROM THE INTERSECTION OF BEECH CREEK ROAD AND WHITE OAK ROAD TO KY-11 AT MP 14.24. (APPROXIMATELY 4.0 MILES OF ROAD WAY TO IMPROVE)	PL DN RW UT CN	SPP	1,200,000	16,000,000		
Project Cost:						1,200,000	16,000,000	0	0
Total for Clay county				PL DN RW UT CN		113,000	2,220,000	5,000,000	332,000
Total Amounts:						3,213,000	29,079,000	5,750,000	21,652,000
Clinton	8601.3000	US-127	RELOCATION OF US-127 FROM EAST OF THE AARON RIDGE RD AND OLD US-127 INTERSECTION, EXTENDING NORTHERLY TO NORTH OF THE KY-3063 AND OLD US-127 INTERSECTION. (SEE 8-108 AND	PL DN RW UT CN	NH	10,000,000	10,000,000	15,530,000	
Project Cost:						10,000,000	10,000,000	15,530,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Total for Clinton county				PL					
				DN					
				RW					
				UT					
				CN		10,000,000	10,000,000	15,530,000	
				Total Amounts:		10,000,000	10,000,000	15,530,000	0
Crittenden	326.1700	KY-91	OPERATION OF CAVE-IN-ROCK FERRY AT OHIO RIVER FOR FY 2022 THROUGH FY 2028 USING AUDITED COSTS AS THE BASIS.(12CCR) (2020CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP	831,000	831,000	831,000	831,000
				Project Cost:		831,000	831,000	831,000	831,000
Crittenden	80201	ky-295	Reconstruct and elevate a 0.12 mile section of KY 295 above the floodplain from M.P. 1.038 to M.P. 1.605 just south of Dycusburg	PL					
				DN					
				RW					
				UT					
				CN	SPP	500,000			
				Project Cost:		500,000	0	0	0
Total for Crittenden county				PL					
				DN					
				RW					
				UT					
				CN		1,331,000	831,000	831,000	831,000
				Total Amounts:		1,331,000	831,000	831,000	831,000
Daviess	229	KY-298	RECONSTRUCT INTERSECTION AT FAIRVIEW DRIVE (KY 3143) AND KY 298. (12CCR) (16CCR)(18CCN) (2020CCR)	PL					
				DN					
				RW					
				UT					
				CN	STP1	2,000,000			
				Project Cost:		2,000,000	0	0	0

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1427

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Daviess	8300.1000	KY-54	IMPROVE KY-54 FROM WEST OF THE US-60 BYPASS TO BOLD FORBES WAY. DESIGN AND RIGHT OF WAY UNDER PARENT 2-8300.00. (2018BOP)	PL DN RW UT CN	STP1	4,760,000	4,500,000		
Project Cost:						4,760,000	4,500,000	0	0
Daviess	8300.2000	ky-54	IMPROVE KY-54 FROM BOLD FORBES WAY TO KY 1456 (THRUSTON-DERMONT RD). DESIGN UNDER PARENT 2-8300.00. (2018BOP)	PL DN RW UT CN	SPP			4,400,000	
Project Cost:						0	0	4,400,000	0
Daviess	8300.3000	KY-54	IMPROVE KY-54 FROM BOLD FORBES WAY TO COUNTRYSIDE DRIVE; DESIGN UNDER PARENT 2-8300.00. (2018BOP)	PL DN RW UT CN	SPP			3,500,000	
Project Cost:						0	0	3,500,000	0
Daviess	8300.4000	KY-54	IMPROVE KY-54 FROM COUNTRYSIDE DRIVE TO JACK HINTON RD. DESIGN UNDER PARENT 2-8300.00. (2018BOP)	PL DN RW UT CN	SPP			8,500,000	
Project Cost:						0	0	8,500,000	0
Daviess	8801	ky-1456	ADDRESS SUBSTANDARD ROADWAY GEOMETRICS AND SAFETY CONCERNS ON KY 1456 FROM KY 54 TO HAYDEN ROAD. MP 2.778 TO 4.714 (SEE 2-8709.00)(14CCN)(16CCR)	PL DN RW UT CN	STP	1,950,000	15,000,000		
Project Cost:						1,950,000	15,000,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Daviess	8854	KY-3143	IMPROVE KY-3143 FROM KY-3335 TO KY 54. (14CCN) (2020CCR)	PL					
				DN					
				RW					
				UT	STP	4,000,000			
				CN	STP			7,600,000	
				Project Cost:		<u>4,000,000</u>	<u>0</u>	<u>7,600,000</u>	<u>0</u>
Daviess	10082	KY-662	BRIDGE PROJECT IN DAVIESS COUNTY ON (030B00138N) KY-662 AT BLACKFORD CREEK	PL					
				DN	FBP2	350,000			
				RW					
				UT					
				CN	FBP2	3,500,000			
				Project Cost:		<u>3,850,000</u>	<u>0</u>	<u>0</u>	<u>0</u>
Daviess	10083	US-231	BRIDGE PROJECT IN DAVIESS COUNTY ON (030B00164N) US-231 AT OHIO RIVER, IN ST RT 66,	PL					
				DN	BRO	420,000			
				RW					
				UT					
				CN	BRO	4,200,000			
				Project Cost:		<u>4,620,000</u>	<u>0</u>	<u>0</u>	<u>0</u>
Daviess	20017	KY-81	ADDRESS CONDITION OF KY-81 FROM MILEPOINT 11.891 TO MILEPOINT 13.32	PL					
				DN	STP3			275,000	
				RW					
				UT					
				CN					
				Project Cost:		<u>0</u>	<u>0</u>	<u>275,000</u>	<u>0</u>
Daviess	20019	KY-2155	ADDRESS CONDITION OF KY-2155 FROM MILEPOINT 0 TO MILEPOINT 1.991	PL					
				DN	STP3			165,000	
				RW					
				UT					
				CN					
				Project Cost:		<u>0</u>	<u>0</u>	<u>165,000</u>	<u>0</u>

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Daviess	22137	I-165	ADDRESS CONDITION OF I-165 NON-CARDINAL FROM MILEPOINT 59.474 TO MILEPOINT 64.001	PL DN RW UT CN	NHPM			175,000	
			Project Cost:			0	0	1,750,000	0
Daviess	22138	I-165	ADDRESS CONDITION OF I-165 NON-CARDINAL FROM MILEPOINT 64.001 TO MILEPOINT 70.185	PL DN RW UT CN	NHPM			240,000	
			Project Cost:			0	0	2,400,000	0
Daviess	22195	AU-9005	ADDRESS CONDITION OF Audubon Parkway FROM MILEPOINT 15.883 TO MILEPOINT 23.441	PL DN RW UT CN	NHPM	906,960			
			Project Cost:			9,069,600	0	0	0
Daviess	80150	KY-144	ADDRESS SAFETY, CONGESTION, AND MOBILITY ISSUES ON KY 144 FROM MP 2.5 TO MP 3.75 INCLUDING 12 FOOT DRIVING LANES AND TURNING LANES WHERE NEEDED. (2020CCN)	PL DN RW UT CN	SPP SPP	1,400,000 2,000,000		4,000,000	
			Project Cost:			3,400,000	4,000,000	0	0
Total for Daviess county				PL DN RW UT CN		1,676,960 1,400,000 7,950,000 23,529,600	23,500,000	28,150,000	0
Total Amounts:						34,556,560	23,500,000	29,005,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Edmonson	7030.5000	KY-259	RECONSTRUCT KY-259 FROM 0.42 MILE NORTH OF THE KY-70 INTERSECTION TO NORTH OF THE KYROCK ELEMENTARY SCHOOL (PRIORITY SECTION) (2004BOPC)	PL					
				DN					
				RW	SPP	5,390,000			
				UT			2,410,000		
				CN	SPP			26,772,000	
				Project Cost:		<u>5,390,000</u>	<u>2,410,000</u>	<u>26,772,000</u>	<u>0</u>
Edmonson	20022	US-31	ADDRESS CONDITION OF US-31 FROM MILEPOINT 0 TO MILEPOINT 7.996	PL					
				DN			150,000		
				RW					
				UT					
				CN			1,350,000		
				Project Cost:		<u>0</u>	<u>1,500,000</u>	<u>0</u>	<u>0</u>
Total for Edmonson county				PL					
				DN			150,000		
				RW		5,390,000			
				UT			2,410,000		
				CN			1,350,000	26,772,000	
				Total Amounts:		<u>5,390,000</u>	<u>3,910,000</u>	<u>26,772,000</u>	<u>0</u>
Elliott	192.0100	KY-32	IMPROVE KY-32 FROM WEST OF STEGALL COLD SPRING ROAD TO KY-7 NEAR NEWFOUNDLAND. (PRIORITY SECTION I)(06CCR) (08CCR) (10CCR) (12CCR)(14CCR)(16CCR)(18CCR)	PL					
				DN					
				RW					
				UT					
				CN	STP2	10,000,000	10,000,000	13,370,000	10,000,000
				Project Cost:		<u>10,000,000</u>	<u>10,000,000</u>	<u>13,370,000</u>	<u>10,000,000</u>
Elliott	228.4000	KY-7	Reconstruct KY 7 from Sandy Hook to the Morgan County Line.	PL					
				DN					
				RW			6,000,000		
				UT	SPP			3,000,000	
				CN					
				Project Cost:		<u>0</u>	<u>6,000,000</u>	<u>3,000,000</u>	<u>0</u>

2024-2028 HIGHWAY CONSTRUCTION PLAN

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>	
Elliott	8802	KY-32	KY-32 FROM 9.2 MILE MARKER TO 10.2 MILE MARKER WIDENING. (14CCN)(16CCR)(18CCN)(2020CCR)	PL						
				DN						
				RW						
				UT						
				CN	STP2		12,100,000			
				Project Cost:			12,100,000	0	0	0
Total for Elliott county				PL						
			DN							
			RW				6,000,000			
			UT					3,000,000		
			CN			22,100,000	10,000,000	13,370,000	10,000,000	
			Total Amounts:			22,100,000	16,000,000	16,370,000	10,000,000	
Estill	206	KY-2459	IMPROVE SAFETY ON KY-2459 (CARHARTT AVE.) FROM KY-89 TO THE RAILROAD BRIDGE. (2020CCR)	PL						
				DN						
				RW	SPP		330,000			
				UT				560,000		
				CN						
			Project Cost:			330,000	560,000	0	0	
Estill	207	KY-89	IMPROVE GEOMETRICS ON KY-89 IN ESTILL COUNTY FROM KY-1886 TO THE ESTILL/CLARK COUNTY LINE. (2020CCR)	PL						
				DN	SPP		1,560,000			
				RW						
				UT						
				CN						
			Project Cost:			1,560,000	0	0	0	
Estill	4315	KY-499	INSTALL GUARDRAIL ON KY-499 IN ESTILL COUNTY	PL						
				DN						
				RW						
				UT						
				CN	GR		18,000			
			Project Cost:			18,000	0	0	0	

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Total for Estill county				PL					
				DN		1,560,000			
				RW		330,000			
				UT			560,000		
				CN		18,000			
				Total Amounts:		1,908,000	560,000	0	0
Fayette	113.0200	KY-4	IMPROVE NEW CIRCLE ROAD FROM LEESTOWN ROAD TO NEAR GEORGETOWN ROAD, INCLUDING CONSTRUCTION OF SOUND WALLS. (12CCR)(14CCR)(18CCR)(2020CCR)	PL					
				DN					
				RW					
				UT					
				CN	NH	11,000,000	11,000,000	11,240,000	
				Project Cost:		11,000,000	11,000,000	11,240,000	0
Fayette	122.2000	US-25	Lexington-Georgetown; Reconstruct/Widen US 25 from Spurr Road to Kearney Road. (Section 1)	PL					
				DN					
				RW	SPP			2,064,000	
				UT	SPP			4,945,313	
				CN	SPP				12,750,000
				Project Cost:		0	0	7,009,313	12,750,000
Fayette	122.3000	US-25	Lexington-Georgetown; Reconstruct/Widen US 25 from Kearney Road to Ironworks Road. (Section 2)	PL					
				DN					
				RW					
				UT					
				CN	SPP	21,750,000			
				Project Cost:		21,750,000	0	0	0
Fayette	227.0900	CO-0	VARIOUS 'SLX' CONTINUING PROGRAM PROJECTS (RIDESHARE/MOBILITY, AIR QUALITY PLANNING, TRAFFIC SIGNAL) FOR FY 2020. (LOCAL MATCH) (ALL WORK BY LFUCG) (FUNDING SUBJECT	PL					
				DN					
				RW					
				UT					
				CN	SLX	756,000	756,000	756,000	756,000
				Project Cost:		756,000	756,000	756,000	756,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Fayette	227.1400	CO-0	DEDICATED FEDERAL-AID STP FUNDS EARMARKED FOR LEXINGTON URBANIZED AREA AND SUBJECT TO MPO CONTROL FOR FY 2022 THROUGH FY 2028. (FUNDING SUBJECT TO FISCAL	PL DN RW UT CN	SLX	6,961,515	7,115,865	7,115,865	7,115,865
			Project Cost:			<u>6,961,515</u>	<u>7,115,865</u>	<u>7,115,865</u>	<u>7,115,865</u>
Fayette	252	KY-922	IMPROVE NEWTOWN PIKE FROM KY-4 TO I-75. (16CCR)(18CCR)(2020CCR)	PL DN RW UT CN	STPF	10,000,000			
			Project Cost:			<u>10,000,000</u>	<u>0</u>	<u>0</u>	<u>0</u>
Fayette	357.1700	KY-169, PF-9999	OPERATION OF VALLEY VIEW FERRY AT KY RIVER FOR FY 2022 THROUGH FY 2028. (12CCR)(18CCR) (2020CCR)	PL DN RW UT CN	SPP	332,900	332,900	332,900	332,900
			Project Cost:			<u>332,900</u>	<u>332,900</u>	<u>332,900</u>	<u>332,900</u>
Fayette	412	US-27	REPLACE RJ CORMAN RAILROAD BRIDGE OVERPASS (MP 8.378), IMPROVE DRAINAGE AND TYPICAL SECTION ON US 27 (NORTH BROADWAY)(12CCR) (14CCR)(16CCR)(18CCN) (2020CCR)	PL DN RW UT CN	NH NH	1,810,000	3,492,000	5,000,000	5,000,000
			Project Cost:			<u>1,810,000</u>	<u>3,492,000</u>	<u>5,000,000</u>	<u>5,000,000</u>
Fayette	438	KY-4	REDUCE CONGESTION ON KY-4 (NEW CIRCLE RD) FROM TRADE CENTER DR TO WOODHILL DR.	PL DN RW UT CN			2,200,000 3,000,000		
			Project Cost:			<u>0</u>	<u>5,200,000</u>	<u>0</u>	<u>0</u>

2024-2028 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Fayette	439	KY-4	NEW CIRCLE RD: IMPROVE SAFETY AND REDUCE CONGESTION FROM US-68 (HARRODSBURG RD) TO US-60 (VERSAILLES RD). SEE SEGMENTS 2A & 2B IN AUGUST, 1998 ADVANCE	PL DN RW UT CN			2,290,000		
			Project Cost:			0	2,290,000	0	0
Fayette	8801	KY-4	SOUND BARRIERS ALONG OUTER LOOP OF NEW CIRCLE ROAD BETWEEN TATES CREEK ROAD AND NICHOLASVILLE ROAD. (14CCN)(18CCN)	PL DN RW UT CN	SPP	4,970,000			
			Project Cost:			4,970,000	0	0	0
Fayette	8901		EXTEND CITATION BLVD. (16CCN)	PL DN RW UT CN	SPP	1,170,000			
			Project Cost:			1,170,000	6,090,000	0	0
Fayette	8902	KY-1927	IMPROVE LIBERTY ROAD FROM GRAFTONS MILL LANE TO NEW CIRCLE ROAD AND IMPROVE INTERSECTION WITH NEW CIRCLE ROAD. (16CCN)(18CCR) (2020CCR)	PL DN RW UT CN	STPF STPF	2,000,000 4,680,000			
			Project Cost:			6,680,000	11,610,000	0	0
Fayette	8909.1000	I-75	REDUCE CONGESTION ON I-64/I-75 FROM NORTHERN SPLIT TO NEWTOWN PIKE (MP 115.200 – 117.665). SECTION 1	PL DN RW UT CN	NH	10,000,000	10,000,000	5,000,000	
			Project Cost:			10,000,000	10,000,000	5,000,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Fayette	8909.2000	I-75	REDUCE CONGESTION ON I-64/I-75 FROM NEWTOWN PIKE TO PARIS PIKE (MP 112.900 – 115.200). SECTION 2	PL DN RW UT CN	NH	10,000,000	3,500,000		
Project Cost:						10,000,000	3,500,000	0	0
Fayette	8909.3000	I-75	REDUCE CONGESTION ON I-64/I-75 FROM PARIS PIKE TO THE SOUTHERN SPLIT (MP 111.000 – 112.900). SECTION 3	PL DN RW UT CN	NH	9,500,000			
Project Cost:						9,500,000	0	0	0
Fayette	10042	US-60	BRIDGE PROJECT IN FAYETTE COUNTY ON (034B00022L) W NEW CIRCLE RD NC AT US 60 -VERSAILLES RD	PL DN RW UT CN			2,000,000		
Project Cost:						0	2,000,000	0	0
Fayette	10043	KY-4	BRIDGE PROJECT IN FAYETTE COUNTY ON (034B00022R) NEW CIRCLE ROAD AT US 60 -VERSAILLES RD	PL DN RW UT CN			2,000,000		
Project Cost:						0	2,000,000	0	0
Fayette	10044	KY-3367	BRIDGE PROJECT IN FAYETTE COUNTY ON (034B00139N) KY-3367 AT BR OF NO. ELKHORN CREEK	PL DN RW UT CN	FBP	198,000			
Project Cost:						2,178,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Fayette	20008	I-64	ADDRESS CONDITION OF I-064 CARDINAL DIRECTION FROM MILEPOINT 71 TO MILEPOINT 74.3	PL DN RW UT CN	NHPM	125,000			
						1,250,000			
				Project Cost:		1,375,000	0	0	0
Fayette	80150	US-60	ADDRESS CONGESTION AND IMPROVE SAFETY ON US 60 FROM MILEPOINT 12.41 TO MILEPOINT 16.37 BY WIDENING AND MODERNIZING US 60 FROM THE END OF THE FOUR-LANE SECTION NEAR	PL DN RW UT CN	STPF			10,000,000	8,230,000
				Project Cost:		0	0	10,000,000	8,230,000
Fayette	80205	US-27	ACCESS MANAGEMENT IMPROVEMENT ON US 27 (NICHOLASVILLE RD) AT KY 4 (NEW CIRCLE) INTERCHANGE.	PL DN RW UT CN	SPP	2,500,000	2,500,000	15,000,000	
				Project Cost:		2,500,000	2,500,000	15,000,000	0
Fayette	80206		Address congestion and improve safety on US 60 (Winchester Rd) and Man O' War Blvd (KY 1425 & CS 4524) creating an alternative route between Sir Barton Way (CS 2636) and Polo Club Blvd (CS	PL DN RW UT CN	STPF	1,880,000	9,800,000	600,000 12,700,000	
				Project Cost:		1,880,000	9,800,000	13,300,000	0
Total for Fayette county				PL					
				DN		2,203,000	2,290,000		
				RW		4,500,000	12,000,000	2,064,000	
				UT		7,660,000	5,500,000	5,545,313	
				CN		88,500,415	57,896,765	67,144,765	34,184,765
				Total Amounts:		102,863,415	77,686,765	74,754,078	34,184,765

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Fleming	8903	KY-32	SAFETY IMPROVEMENTS AND PAVEMENT REHAB EAST OF FLEMINGSBURG BYPASS TO KY 156. (2020CCN)	PL DN RW UT CN	SPP	1,000,000			
Project Cost:						1,000,000	0	0	0
Fleming	8915	KY-801	WIDEN KY 801 FROM NEAR MMRC REGIONAL PARK TO KY 158 IN FLEMING CO. (16CCN)(18CCN) (2020CCR)	PL DN RW UT CN	STP2	7,000,000	8,210,000		
Project Cost:						7,000,000	8,210,000	0	0
Fleming	10083	KY-597	BRIDGE PROJECT IN FLEMING COUNTY ON (035B00004N) KY-597 AT INDIAN CREEK	PL DN RW UT CN			51,000		
Project Cost:						0	51,000	0	0
Fleming	22327	KY-32	ADDRESS CONDITION OF KY-32 FROM MILEPOINT 13 TO MILEPOINT 17.452	PL DN RW UT CN	STP4 STP4			400,000	
Project Cost:						0	0	3,600,000	0
Fleming	80051	KY-32	IMPROVE SAFETY AND SIGHT DISTANCE ON KY-32 BEGINNING AT 0.4 MILES WEST OF FLEMING/ROWAN CO LINE AND ENDING 0.3 MILES EAST OF THE LINE. (18CCN) (2020CCR)	PL DN RW UT CN			10,230,000		
Project Cost:						0	10,230,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Fleming	80103	KY-57	RECONSTRUCT KY 57 TO PROVIDE BETTER HORIZONTAL AND VERTICAL ALIGNMENT, WIDER SHOULDERS, AND EXTEND CLEAR ZONES (2020CCN)	PL DN RW UT CN	SPP	6,500,000	5,000,000	55,000,000	
Project Cost:						<u>6,500,000</u>	<u>5,000,000</u>	<u>55,000,000</u>	<u>0</u>
Fleming	80104	KY-801	RECONSTRUCT KY 801 TO IMPROVE ALIGNMENT AND WIDEN IT TO A 2 LANE HIGHWAY WITH PASSING LANES (2020CCN)	PL DN RW UT CN	SPP	5,000,000	3,000,000	25,000,000	
Project Cost:						<u>5,000,000</u>	<u>3,000,000</u>	<u>25,000,000</u>	<u>0</u>
Total for Fleming county				PL DN RW UT CN		11,500,000	51,000	400,000	
Total Amounts:						<u>19,500,000</u>	<u>27,001,000</u>	<u>84,000,000</u>	<u>0</u>
Floyd	1.0200	KY-114	PRELIMINARY ENGINEERING AND ENVIRONMENTAL - MOUNTAIN PARKWAY EXTENSION: SALYERSVILLE TO PRESTONBURG; US-460 TO KY 404. (14CCN)	PL DN RW UT CN	NH				20,000,000
Project Cost:						<u>0</u>	<u>0</u>	<u>0</u>	<u>20,000,000</u>
Floyd	1.2000	KY-114	MOUNTAIN PARKWAY CORRIDOR: EXTEND THE FOUR LANE MOUNTAIN PARKWAY FROM THE MAGOFFIN/FLOYD COUNTY LINE TO THE HEAD OF LEFT FORK OF ABBOTT CREEK.	PL DN RW UT CN	NH	8,020,000		20,000,000	20,000,000
Project Cost:						<u>11,270,000</u>	<u>0</u>	<u>20,000,000</u>	<u>20,000,000</u>

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Floyd	1.3000	KY-114	MOUNTAIN PARKWAY CORRIDOR: EXTEND THE FOUR LANE MOUNTAIN PARKWAY FROM THE HEAD OF LEFT FORK OF ABBOTT CREEK TO NEELEY BRANCH ROAD. (SEE 12-1.01 FOR PE &	PL DN RW UT CN	NH		9,240,000 3,690,000		15,000,000
Project Cost:						0	12,930,000	0	15,000,000
Floyd	1.4000	KY-114	MOUNTAIN PARKWAY CORRIDOR: EXTEND THE FOUR LANE MOUNTAIN PARKWAY FROM NEELEY BRANCH ROAD TO COUNTY ROAD 1386 AT PRESTONSBURG ELEMENTARY SCHOOL.	PL DN RW UT CN			3,890,000 1,480,000		
Project Cost:						0	5,370,000	0	0
Floyd	1.6000	CO-0	MOUNTAIN PARKWAY CORRIDOR: EXTEND THE FOUR LANE MOUNTAIN PARKWAY FROM SALYERSVILLE TO PRESTONSBURG. (FEDERAL GRANT FUNDING)	PL DN RW UT CN	IF	25,000,000	25,000,000	25,000,000	
Project Cost:						25,000,000	25,000,000	25,000,000	0
Floyd	191	US-23	IMPROVE SAFETY AND ACCESS ON US-23 BETWEEN KY-80 AND KY-3384. (12CCR)	PL DN RW UT CN			2,900,000		
Project Cost:						0	2,900,000	0	0
Floyd	195	KY-979	SPOT IMPROVEMENTS FROM BRANHAM'S CREEK TO JOHN M. STUMBO SCHOOL. (12CCR)(16CCR) (2020CCR)	PL DN RW UT CN	STP2	9,005,000			
Project Cost:						9,005,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Floyd	4390	KY-680	INSTALL GUARDRAIL ON KY-680 IN FLOYD COUNTY	PL DN RW UT CN	GR	55,000			
				Project Cost:		55,000	0	0	0
Floyd	4423	KY-1100	INSTALL GUARDRAIL ON KY-1100 IN FLOYD COUNTY	PL DN RW UT CN	GR	70,000			
				Project Cost:		70,000	0	0	0
Floyd	4424	KY-1100	INSTALL GUARDRAIL ON KY-1100 IN FLOYD COUNTY	PL DN RW UT CN	GR	94,000			
				Project Cost:		94,000	0	0	0
Floyd	4425	KY-1428	INSTALL GUARDRAIL ON KY-1428 IN FLOYD COUNTY	PL DN RW UT CN	GR	24,000			
				Project Cost:		24,000	0	0	0
Floyd	4426	KY-1428	INSTALL GUARDRAIL ON KY-1428 IN FLOYD COUNTY	PL DN RW UT CN			9,000		
				Project Cost:		0	9,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Floyd	4429	KY-3384	INSTALL GUARDRAIL ON KY-3384 IN FLOYD COUNTY	PL DN RW UT CN			6,000		
				Project Cost:		0	6,000	0	0
Floyd	4430	KY-550	INSTALL GUARDRAIL ON KY-550 IN FLOYD COUNTY	PL DN RW UT CN			88,000		
				Project Cost:		0	88,000	0	0
Floyd	4431	KY-777	INSTALL GUARDRAIL ON KY-777 IN FLOYD COUNTY	PL DN RW UT CN			99,000		
				Project Cost:		0	99,000	0	0
Floyd	4432	KY-850	INSTALL GUARDRAIL ON KY-850 IN FLOYD COUNTY	PL DN RW UT CN			49,000		
				Project Cost:		0	49,000	0	0
Floyd	10090	KY-550	BRIDGE PROJECT IN FLOYD COUNTY ON (036B00015N) KY-550 AT Brush Creek	PL DN RW UT CN			145,000		
				Project Cost:		0	1,450,000	0	0
				Project Cost:		0	1,595,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Floyd	10091	KY-466	BRIDGE PROJECT IN FLOYD COUNTY ON (036B00032N) KY-466 AT LEFT FORK BEAVER CREEK	PL DN RW UT CN	BRX	26,000			
							260,000		
				Project Cost:		26,000	260,000	0	0
Floyd	10092	KY-1210	BRIDGE PROJECT IN FLOYD COUNTY ON (036B00049N) KY-1210 AT LEFT FK MIDDLE CREEK	PL DN RW UT CN			66,000		
							660,000		
				Project Cost:		0	726,000	0	0
Floyd	10093	KY-1091	BRIDGE PROJECT IN FLOYD COUNTY ON (036B00060N) KY-1091 AT LEFT FK BEAVER CREEK	PL DN RW UT CN	BRX	166,000			
					BRX			1,660,000	
				Project Cost:		166,000	0	1,660,000	0
Floyd	10094	KY-194	BRIDGE PROJECT IN FLOYD COUNTY ON (036B00087N) KY-194 AT COW CREEK	PL DN RW UT CN	BRX	34,000			
							340,000		
				Project Cost:		34,000	340,000	0	0
Floyd	10095	KY-194	BRIDGE PROJECT IN FLOYD COUNTY ON (036B00088N) KY-194 AT COW CREEK	PL DN RW UT CN	BRX	34,000			
							340,000		
				Project Cost:		34,000	340,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Floyd	10097	CR-1231	BRIDGE PROJECT IN FLOYD COUNTY ON (036C00043N) SHOP BRANCH OF HUN AT LEFT FK BEAVER CREEK	PL DN RW UT CN			93,000		
Project Cost:						0	1,023,000	0	0
Total for Floyd county				PL DN RW UT CN		260,000	304,000		20,000,000
Total Amounts:						45,778,000	50,735,000	46,660,000	55,000,000
Franklin	551	I-64	IMPROVE SAFETY, TRUCK MOBILITY, AND REDUCE CONGESTION ALONG I-64 FROM DIRECTLY EAST OF US-127 TO US-60 SOUTH OF FRANKFORT.	PL DN RW UT CN	NH			40,000,000	40,000,000
Project Cost:						0	0	40,000,000	40,000,000
Franklin	2035.4000	I-64	WIDEN I-64 TO 6 LANES FROM KY-395 TO KY-151.	PL DN RW UT CN	NH				30,000,000
Project Cost:						0	0	0	30,000,000
Franklin	10040	US-60	BRIDGE PROJECT IN FRANKLIN COUNTY ON (037B00008N) US 60 AT RJ CORMAN RAILROAD	PL DN RW UT CN	FBP			636,000	
Project Cost:						0	0	6,360,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Franklin	10045	KY-676	BRIDGE PROJECT IN FRANKLIN COUNTY ON (037B00074N) KY 676 (E-W CONN) AT KENTUCKY RIVER & KY 1263	PL DN RW UT CN	FBP2		15,000,000	15,000,000	15,000,000
Project Cost:						0	15,000,000	15,000,000	15,000,000
Franklin	20038	US-127	ADDRESS PAVEMENT CONDITION ON US-127 FROM MILEPOINT 11.90 TO MILEPOINT 19.00	PL DN RW UT CN	STP4	1,228,000			
Project Cost:						1,228,000	0	0	0
Franklin	22030	I -64	ADDRESS CONDITION OF I-064 FROM MILEPOINT 46.303 TO MILEPOINT 53.118	PL DN RW UT CN	NHPM			2,044,500	
Project Cost:						0	0	22,489,500	0
Franklin	22031	I -64	ADDRESS CONDITION OF I-064 FROM MILEPOINT 53.118 TO MILEPOINT 57.811	PL DN RW UT CN	NHPM	1,407,900			
Project Cost:						15,486,900	0	0	0
Franklin	22032	I -64	ADDRESS CONDITION OF I-064 FROM MILEPOINT 57.811 TO MILEPOINT 59.431	PL DN RW UT CN	NHPM				972,000
Project Cost:						0	0	0	10,692,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Franklin	80201	us-127	Improve safety and reduce congestion on US 127 in Frankfort from I-64 to US 60	PL					
				DN	NH	2,000,000			
				RW	SPP	5,500,000			
				UT			3,400,000		
				CN	SPP			13,100,000	
				Project Cost:		7,500,000	3,400,000	13,100,000	0
Franklin	80212		Provide a new roadway from the I-64 WB off-ramp at US 127 to the East-West Connector (KY 676) to reduce congestion, improve safety and enhance mobility.	PL					
				DN					
				RW					
				UT					
				CN	STP	16,630,000			
				Project Cost:		16,630,000	0	0	0
Total for Franklin county				PL					
				DN		3,407,900		2,680,500	972,000
				RW		5,500,000			
				UT			3,400,000		
				CN		31,937,000	15,000,000	94,905,000	94,720,000
				Total Amounts:		40,844,900	18,400,000	97,585,500	95,692,000
Fulton	320.1700	KY-1354	OPERATION OF HICKMAN FERRY AT MISSISSIPPI RIVER FOR FY 2022 THROUGH FY 2028. (12CCR) (2020CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP	144,000	144,000	144,000	144,000
				Project Cost:		144,000	144,000	144,000	144,000
Fulton	10119	KY-1129	BRIDGE PROJECT IN FULTON COUNTY ON (038B00051N) KY-1129 AT SUBLETT CREEK	PL					
				DN			63,000		
				RW					
				UT					
				CN			630,000		
				Project Cost:		0	693,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Fulton	10120	KY-1129	BRIDGE PROJECT IN FULTON COUNTY ON (038B00052N) KY-1129 AT BRUSH CREEK	PL DN RW UT CN			61,000		
			Project Cost:			0	671,000	0	0
Fulton	10122	KY-1128	BRIDGE PROJECT IN FULTON COUNTY ON (038B00059N) KY-1128 AT MUD CREEK	PL DN RW UT CN	FBP FBP			31,000	
			Project Cost:			0	0	341,000	0
Fulton	22186	JC-9003	ADDRESS CONDITION OF Julian M. Carroll Purchase Parkway FROM MILEPOINT 1.78 TO MILEPOINT 3.434	PL DN RW UT CN	NHPM NHPM				125,704
			Project Cost:			0	0	0	1,257,040
Total for Fulton county				PL DN RW UT CN			124,000	31,000	125,704
				Total Amounts:		144,000	1,384,000	454,000	1,401,040
						144,000	1,508,000	485,000	1,526,744
Gallatin	8910	I -71	IMPROVE GEOMETRICS ON I-71 FROM US-127 TO MP 64. (16CCN)(18CCR)	PL DN RW UT CN	NH NH	1,740,000	570,000	10,000,000	15,000,000
			Project Cost:			1,740,000	570,000	10,000,000	15,000,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Gallatin	22104	I-71	ADDRESS CONDITION OF I-071 FROM MILEPOINT 56.673 TO MILEPOINT 59.673	PL					
				DN			900,000		
				RW					
				UT					
				CN			9,000,000		
				Project Cost:		0	9,900,000	0	0
Total for Gallatin county				PL					
				DN			900,000		
				RW	1,740,000				
				UT			570,000		
				CN			9,000,000	10,000,000	15,000,000
				Total Amounts:		1,740,000	10,470,000	10,000,000	15,000,000
Garrard	196.2000	US-27	CONSTRUCT WEST LANCASTER BYPASS. (2020CCN)	PL					
				DN					
				RW					
				UT			3,800,000		
				CN	NH			10,000,000	10,300,000
				Project Cost:		0	3,800,000	10,000,000	10,300,000
Garrard	196.3000	US-27	IMPROVE US-27 FROM WEST LANCASTER BYPASS TO KY-34. (2006BOPC) (16CCN)(18CCR) (2020CCR)	PL					
				DN					
				RW			6,000,000		
				UT	NH			5,000,000	
				CN	NH				10,000,000
				Project Cost:		0	6,000,000	5,000,000	10,000,000
Total for Garrard county				PL					
				DN					
				RW			6,000,000		
				UT			3,800,000	5,000,000	
				CN				10,000,000	20,300,000
				Total Amounts:		0	9,800,000	15,000,000	20,300,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Grant	8716	CR-1142	ADDRESS DEFICIENCIES OF BRIDGE ON NORTH END OF DELANEY ROAD 0.1 MILE NORTH OF THE JUNCTION WITH US 25. 041C00016N (12CCN) (2020CCR)	PL DN RW UT CN	BRZ	5,500,000	2,540,000	2,500,000	
			Project Cost:			5,500,000	2,540,000	2,500,000	0
Grant	10001	KY-22	ADDRESS DEFICIENCIES OF KY-22 BRIDGE OVER CLARKS CRK+BATON ROUGE R. (041B00011N)	PL DN RW UT CN			3,616,000		
			Project Cost:			0	3,616,000	0	0
Grant	20026	I -75	ADDRESS PAVEMENT CONDITION OF I-075 NON-CARDINAL DIRECTION(S) FROM MILEPOINT 157.73 TO MILEPOINT 162.52	PL DN RW UT CN			600,000		
			Project Cost:			0	6,000,000	0	0
Grant	20029	KY-22	ADDRESS CONDITION OF KY-22 FROM MILEPOINT 10.748 TO MILEPOINT 11.544	PL DN RW UT CN	STP3			50,000	
			Project Cost:			0	0	50,000	0
Grant	80216	US-25	Updating US-25 from KY 1994 to KY 491 north junction.	PL DN RW UT CN	SPP SPP		4,221,000	1,974,000	
			Project Cost:			0	4,221,000	51,321,000	0
								53,295,000	

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Total for Grant county				PL					
				DN			600,000	50,000	
				RW			4,221,000		
				UT				1,974,000	
				CN		5,500,000	12,156,000	53,821,000	
				Total Amounts:		5,500,000	16,977,000	55,845,000	0
Graves	10126	KY-464	BRIDGE PROJECT IN GRAVES COUNTY ON (042B00062N) KY-464 AT MAYFIELD CREEK	PL					
				DN					
				RW					
				UT					
				CN	FBP2	1,650,000			
				Project Cost:		1,650,000	0	0	0
Graves	10127	KY-849	BRIDGE PROJECT IN GRAVES COUNTY ON (042B00084N) KY-849 AT MAYFIELD CREEK	PL					
				DN	FBP2	206,000			
				RW					
				UT					
				CN	FBP2	2,060,000			
				Project Cost:		2,266,000	0	0	0
Graves	10129	KY-408	BRIDGE PROJECT IN GRAVES COUNTY ON (042B00127N) KY-408 AT GOOSE CREEK	PL					
				DN			161,000		
				RW					
				UT					
				CN			1,610,000		
				Project Cost:		0	1,771,000	0	0
Graves	10132	KY-339	BRIDGE PROJECT IN GRAVES COUNTY ON (042B00131N) KY-339 AT WEST MAYFIELD CREEK	PL					
				DN	BRX	336,000			
				RW					
				UT					
				CN	BRX				3,360,000
				Project Cost:		336,000	0	0	3,360,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Graves	10135	KY-1485	BRIDGE PROJECT IN GRAVES COUNTY ON (042B00138N) KY-1485 AT TERRAPIN CREEK	PL DN RW UT CN			97,000		
			Project Cost:			0	1,067,000	0	0
Graves	10142	KY-1820	BRIDGE PROJECT IN GRAVES COUNTY ON (042B00271N) KY-1820 AT BRANCH OF MAYFEILD CREEK	PL DN RW UT CN			100,000		
			Project Cost:			0	1,000,000	0	0
Graves	22072	I -69	ADDRESS CONDITION OF I-069 FROM MILEPOINT 25.022 TO MILEPOINT 34.487	PL DN RW UT CN	NHPM	719,340			
			Project Cost:		NHPM	7,193,400	0	0	0
Graves	22188	JC-9003	ADDRESS CONDITION OF Julian M. Carroll Purchase Parkway FROM MILEPOINT 8.352 TO MILEPOINT 20.211	PL DN RW UT CN	NHPM				901,284
			Project Cost:		NHPM	0	0	0	9,012,840
Graves	80103	KY-303	WIDEN KY 303 FROM MP 16.034 (EAST FARTHING ST) TO MP 16.807 (CHARLES DR) (2020CCN)	PL DN RW UT CN	SPP	5,000,000			
			Project Cost:		SPP	5,000,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Graves	80104	KY-131	WIDEN KY 131 FROM MP 0 (KY 58) TO MP 4.555 (KY 483) (2020CCN)	PL					
				DN					
				RW	SPP	2,000,000			
				UT			2,500,000		
				CN	SPP			18,000,000	
				Project Cost:		2,000,000	2,500,000	18,000,000	0
Graves	80202	ky-121	Upgrade/Widen KY 121 bypass in Mayfield to four lanes.	PL					
				DN					
				RW					
				UT					
				CN	SPP	10,000,000			
				Project Cost:		10,000,000	0	0	0
Total for Graves county				PL					
				DN		1,261,340	358,000		901,284
				RW		2,000,000			
				UT			2,500,000		
				CN		25,903,400	3,580,000	18,000,000	12,372,840
				Total Amounts:		29,164,740	6,438,000	18,000,000	13,274,124
Grayson	22166	WK-9001	ADDRESS CONDITION OF Wendell H. Ford Western KY Parkway FROM MILEPOINT 95.03 TO MILEPOINT 106.08	PL					
				DN			840,000		
				RW					
				UT					
				CN			8,400,000		
				Project Cost:		0	9,240,000	0	0
Grayson	22167	WK-9001	ADDRESS CONDITION OF Wendell H. Ford Western KY Parkway FROM MILEPOINT 106.08 TO MILEPOINT 108	PL					
				DN	NHPM			145,920	
				RW					
				UT					
				CN	NHPM			1,459,200	
				Project Cost:		0	0	1,605,120	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Grayson	80100	PF-9999	ADDRESS CONNECTIVITY, MOBILITY, AND SAFETY CONCERNS ON THE WEST SIDE OF LEITCHFIELD FROM KY 54 TO THE NORTHERN INTERSECTION OF KY 259 AND KY 3155 (2020CCN)	PL DN RW UT CN	SPP	5,720,000	2,700,000	20,880,000	
Project Cost:						<u>5,720,000</u>	<u>2,700,000</u>	<u>20,880,000</u>	<u>0</u>
Grayson	80101	KY-259	ADDRESS SAFETY, GOMETRIC DEFICIENCIES, AND MAINTENANCE ISSUES ALONG KY 259 FROM BEAR CREEK ROAD (MP 9.217) TO THE NORTHERN INTERSECTION OF	PL DN RW UT CN	SPP	2,800,000	13,200,000		
Project Cost:						<u>2,800,000</u>	<u>13,200,000</u>	<u>0</u>	<u>0</u>
Grayson	80150	CS-1136	ADDRESS SAFETY AND TURN MOVEMENTS ALONG WALLACE AVENUE (CS 1136) IN LEITCHFIELD FROM THE INTERSECTION WITH EAST CARROLL GIBSON BLVD TO THE WILLIAM	PL DN RW UT CN	SPP	500,000	2,500,000		
Project Cost:						<u>500,000</u>	<u>2,500,000</u>	<u>0</u>	<u>0</u>
Total for Grayson county				PL DN RW UT CN			840,000	145,920	
Total Amounts:						<u>9,020,000</u>	<u>27,640,000</u>	<u>22,485,120</u>	<u>0</u>
Green	397.1100	US-68	ADDRESS SAFETY, GEOMETRIC DEFICIENCIES AND MAINTENANCE ISSUES ALONG US 68 FROM THE METCALFE COUNTY LINE (MP 0.000) TO 1600 FEET WEST OF SOUTH THURLOW ROAD (MP	PL DN RW UT CN	SPP	2,356,000	3,272,000	10,875,000	
Project Cost:						<u>2,356,000</u>	<u>3,272,000</u>	<u>10,875,000</u>	<u>0</u>

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1453

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Green	398	PF-9999	CONSTRUCT NEW CONNECTOR ON THE EAST SIDE OF GREENSBURG BEGINNING NEAR THE US-61 AND US-68 INTERSECTION SOUTH OF TOWN AND EXTENDING TO KY 3535 ON THE NORTH	PL DN RW UT CN	SPP SPP	3,850,000 2,700,000	19,720,000		
			Project Cost:			6,550,000	19,720,000	0	0
Green	4316	KY-61	INSTALL GUARDRAIL ON KY-61 IN GREEN COUNTY	PL DN RW UT CN	GR	78,000			
			Project Cost:			78,000	0	0	0
Green	8853	KY-88	SPOT IMPROVEMENTS & IMPROVE EXISTING ALIGNMENT ON KY 88 FROM 0.20 MILES WEST OF AKIN NARROWS OF PITMAN RD (MP 8.996) TO KY 61 (MP 11.232). (14CCN)(16CCR)(18CCN)	PL DN RW UT CN	SPP	2,080,000	8,400,000		
			Project Cost:			2,080,000	8,400,000	0	0
Green	80154	KY-210	ADDRESS SAFETY BY IMPROVING EXISTING ALIGNMENT IN SPOTS AND ADD PASSING LANES ALONG KY 210 FROM CAMPBELLSVILLE TO HODGENVILLE. MILEPOINTS 0-14.148 AND 6.994-16.613	PL DN RW UT CN	STPF STPF	2,500,000		10,000,000	12,000,000
			Project Cost:			2,500,000	0	10,000,000	12,000,000
Total for Green county				PL DN RW UT CN		6,206,000 7,280,000 78,000	3,272,000 28,120,000	20,875,000	12,000,000
				Total Amounts:		13,564,000	31,392,000	20,875,000	12,000,000

2024-2028 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Greenup	132	KY-2	RECONSTRUCT KY-2 FROM MP 13.2 TO US-23 (MP 17.2)(08CCN)(14CCR)(16CCR)(18CCN)	PL DN RW UT CN	STPF STPF	4,000,000		10,000,000	10,000,000
Project Cost:						4,000,000	0	10,000,000	10,000,000
Greenup	8509	KY-207	IMPROVE KY-207 FROM THE INDUSTRIAL PARKWAY TO THE KY-693 INTERSECTION IN FLATWOODS.(08CCN)(16CCR)(2020CCR)	PL DN RW UT CN	NH NH	9,120,000 7,400,000	4,320,000 32,000,000		
Project Cost:						16,520,000	36,320,000	0	0
Greenup	10087	KY-8	BRIDGE PROJECT IN GREENUP COUNTY ON (045B00064N) KY-8S AT OHIO RVR-CSX RR-CO.RD.	PL DN RW UT CN	FBP	3,300,000			
Project Cost:						3,300,000	0	0	0
Total for Greenup county				PL DN RW UT CN		9,120,000 11,400,000 3,300,000	4,320,000 32,000,000	10,000,000	10,000,000
Total Amounts:						23,820,000	36,320,000	10,000,000	10,000,000
Hardin	153.0100	KY-251	KY 251 IMPROVEMENTS FROM KY 3005 TO KY 434.	PL DN RW UT CN	SPP	2,000,000	4,260,000		
Project Cost:						2,000,000	4,260,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Hardin	154.3000	US-31	ADDRESS CONGESTION, SAFETY, AND MOBILITY ALONG US 31W FROM VETERANS WAY IN ELIZABETHTOWN TO THE NORTH WILSON ROAD OVERPASS IN RADCLIFF. (2018BOP)	PL DN RW UT CN	SPP	1,050,000	3,120,000	16,800,000	
Project Cost:						1,050,000	3,120,000	16,800,000	0
Hardin	171	KY-1136	Reconstruction of KY 1136 from KY 1868 to US 31W in Hardin County.	PL DN RW UT CN	STP2	8,960,000			
Project Cost:						8,960,000	0	0	0
Hardin	198	PF-9999	EXTEND RING ROAD FROM THE WESTERN KENTUCKY PARKWAY TO I-65. (REQUIRES RELOCATION OF I-65 SOUTHBOUND COMMERCIAL VEHICLE MONITORING STATION, PROJECT	PL DN RW UT CN	STP2	26,500,000			
Project Cost:						26,500,000	0	0	0
Hardin	286.1000	I-65	I-65 SOUTHBOUND PORT OF ENTRY FOR A COMMERCIAL VEHICLE MONITORING STATION.	PL DN RW UT CN	NH NH	2,000,000 16,000,000			
Project Cost:						18,000,000	0	0	0
Hardin	442	US-62	IMPROVE SAFETY, MOBILITY AND GEOMETRICS ON US-62 FROM I-65 TO UPPER COLESBURG ROAD (CR-1038)	PL DN RW UT CN	SPP SPP	1,500,000	3,000,000	3,000,000	
Project Cost:						1,500,000	3,000,000	3,000,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Hardin	8801	KY-1357	IMPROVE SAFETY, GEOMETRICS, DRAINAGE AND MAINTENANCE ISSUES ALONG KY-1357 (ST. JOHNS RD) FROM US-31W BYPASS TO KY-3005 (RING ROAD). (14CCN)	PL DN RW UT CN	STP1	4,000,000			
				Project Cost:		4,000,000	0	0	0
Hardin	10053	KY-86	BRIDGE PROJECT IN HARDIN COUNTY ON (047B00059N) KY-86 AT ROUGH RIVER	PL DN RW UT CN	BRX BRX	227,000		2,270,000	
				Project Cost:		227,000	0	2,270,000	0
Hardin	10054	KY-86	BRIDGE PROJECT IN HARDIN COUNTY ON (047B00060N) KY-86 AT VERTRESS CREEK	PL DN RW UT CN	BRX BRX	143,000		1,430,000	
				Project Cost:		143,000	0	1,430,000	0
Hardin	22064	I-65	ADDRESS CONDITION OF I 65 FROM MILEPOINT 82.2 TO MILEPOINT 90.53	PL DN RW UT CN	NHPM NHPM				949,620
				Project Cost:		0	0	0	10,445,820
Hardin	22065	I-65	ADDRESS CONDITION OF I 65 FROM MILEPOINT 97.54 TO MILEPOINT 102.1	PL DN RW UT CN	NHPM NHPM	1,000,000			
				Project Cost:		11,000,000	0	0	0

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1457

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Hardin	22172	WK-9001	ADDRESS CONDITION OF WENDELL H. FORD WESTERN KENTUCKY PARKWAY FROM MILEPOST 130.786 TO MILEPOST 136.796	PL DN RW UT CN	NHPM				500,000 5,000,000
Project Cost:						0	0	0	5,500,000
Hardin	80200	US-62	Address safety, mobility, and access management, along with potentially reconfiguring the interchange to I 65.	PL DN RW UT CN	SPP	3,990,000	3,993,600	19,872,000	
Project Cost:						3,990,000	3,993,600	19,872,000	0
Hardin	80250	KY-3005	EXTEND RING ROAD FROM US 31W TO KY 61 (LINCOLN PARKWAY)	PL DN RW UT CN	SPP	2,000,000	2,000,000	9,000,000	
Project Cost:						2,000,000	2,000,000	9,000,000	0
Total for Hardin county				PL DN RW UT CN		2,870,000 7,040,000 2,000,000 67,460,000	3,000,000 9,113,600 4,260,000	3,000,000 49,372,000	1,449,620 14,496,200
Total Amounts:						79,370,000	16,373,600	52,372,000	15,945,820
Harlan	269.1100	US-421	IMPROVE MOBILITY ON US 421 FROM MILEPOINT 1.5 TO THE VIRGINIA STATE LINE. (2020CCR)	PL DN RW UT CN	NH	7,000,000	11,000,000		
Project Cost:						7,000,000	11,000,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Harlan	1101	US-119	ADDRESS DEFICIENCIES OF BRIDGE ON US 119 OVER KY 160/MAIN ST IN HARLAN COUNTY, KY. 048B00126N (2020CCR)	PL DN RW UT CN	BRO	1,500,000			
				Project Cost:		1,500,000	0	0	0
Harlan	4370	KY-987	INSTALL GUARDRAIL ON KY-987 IN HARLAN COUNTY	PL DN RW UT CN	GR	85,000			
				Project Cost:		85,000	0	0	0
Harlan	4371	KY-987	INSTALL GUARDRAIL ON KY-987 IN HARLAN COUNTY	PL DN RW UT CN	GR	20,000			
				Project Cost:		20,000	0	0	0
Harlan	4402	KY-72	INSTALL GUARDRAIL ON KY-72 IN HARLAN COUNTY	PL DN RW UT CN			24,000		
				Project Cost:		0	24,000	0	0
Harlan	4403	KY-840	INSTALL GUARDRAIL ON KY-840 IN HARLAN COUNTY	PL DN RW UT CN			49,000		
				Project Cost:		0	49,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Harlan	10018	CS-1041	BRIDGE PROJECT IN HARLAN COUNTY ON (048C00067N) KENTUCKY AV at MARTINS FK CUMBERLAND RV	PL DN RW UT CN	BRZ	1,360,000			
Project Cost:						1,360,000	0	0	0
Harlan	10100	US-119	BRIDGE PROJECT IN HARLAN COUNTY ON (048B00101N) US-119 AT POOR FORK CUMBERLAND RIV	PL DN RW UT CN			3,000,000		
Project Cost:						0	3,000,000	0	0
Harlan	10193	KY-987	BRIDGE PROJECT IN HARLAN COUNTY ON (048B00104N) KY-987 AT MARTINS FORK LAKE	PL DN RW UT CN	FBP2 FBP2				374,000 3,740,000
Project Cost:						0	0	0	4,114,000
Harlan	22332	US-421	ADDRESS CONDITION OF US-421 FROM MILEPOINT 14.2 TO MILEPOINT 15.75	PL DN RW UT CN	STP4 STP4	180,000 1,620,000			
Project Cost:						1,800,000	0	0	0
Harlan	80257	KY-72	EXTEND KY 72 FROM ALVA/BLACK STAR NEAR HARLAN /BELL COUNTY LINE TO LIGGETT WEST OF HARLAN CITY. APPROXIMATELY 5 MILES OF RECONSTRUCTION	PL DN RW UT CN	SPP SPP SPP		1,750,000	2,000,000	500,000 30,000,000
Project Cost:						0	1,750,000	2,000,000	30,500,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Harlan	80259	US-421	SPOT IMPROVEMENTS TO IMPROVE GEOMETRICS AT PARTICULAR LOCATIONS OF US 421 CROSSING OVER PINE MOUNTAIN BETWEEN US 119 AND KY 221 IN HARLAN COUNTY TO	PL DN RW UT CN	SPP	500,000	500,000	8,200,000	
Project Cost:						500,000	500,000	8,200,000	0
Harlan	80260	KY-72	TO IMPROVE ACCESS, CONNECTIVITY AND MOBILITY BY EXTENDING KY 72 FROM ALVA/BLACK STAR NEAR HARLAN/ BELL COUNTY LINE. RECONSTRUCT EXISTING COAL HAUL	PL DN RW UT CN	SPP SPP SPP		1,000,000	500,000	200,000 8,000,000
Project Cost:						0	1,000,000	500,000	8,200,000
Total for Harlan county				PL DN RW UT CN		180,000 500,000 11,585,000	2,750,000 500,000 14,073,000	2,500,000 8,200,000	374,000 700,000 41,740,000
Total Amounts:						12,265,000	17,323,000	10,700,000	42,814,000
Harrison	8708	US-27	RECONSTRUCT US 27 FROM MP 11.9 TO MP 12.4. (12CCN)(14CCR)(18CCN)	PL DN RW UT CN	SPP	6,500,000			
Project Cost:						6,500,000	0	0	0
Harrison	10040	KY-36	BRIDGE PROJECT IN HARRISON COUNTY ON (049B00053N) PLEASANT STREET AT SO.FK. LICKING RIVER	PL DN RW UT CN	BRX FBP	597,000 5,970,000			
Project Cost:						6,567,000	0	0	0

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1461

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Harrison	10042	CR-1316	BRIDGE PROJECT IN HARRISON COUNTY ON (049R00603N) NEBO RD AT CSX RAILWAY	PL DN RW UT CN	FBP	147,000			
						1,470,000			
				Project Cost:		1,617,000	0	0	0
Harrison	80251	PF-9999	CONSTRUCT A CONNECTOR ROAD BETWEEN OLD LAIR ROAD AND KY 982 (NEW LAIR ROAD) NEAR THE HARRISON COUNTY HIGH SCHOOL.	PL DN RW UT CN	SPP	1,500,000	200,000	10,000,000	
						1,500,000	200,000	10,000,000	0
				Project Cost:		1,500,000	200,000	10,000,000	0
Harrison	80252	CS-1071	CONSTRUCT A ROUNDABOUT AT THE INTERSECTION OF WEBSTER AVENUE (CS-1071) AND EDUCATION DRIVE.	PL DN RW UT CN	SPP	500,000	100,000	650,000	
						500,000	100,000	650,000	0
				Project Cost:		500,000	100,000	650,000	0
Total for Harrison county				PL DN RW UT CN		744,000 2,000,000 13,940,000	300,000	10,650,000	
				Total Amounts:		16,684,000	300,000	10,650,000	0
Hart	4317	KY-1140	INSTALL GUARDRAIL ON KY-1140 IN HART COUNTY	PL DN RW UT CN	GR	22,000			
						22,000			
				Project Cost:		22,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Total for Hart county				PL					
				DN					
				RW					
				UT					
				CN		22,000			
				Total Amounts:		22,000	0	0	0
Henderson	700.1500	CO-0	FEDERAL 'STP' FUNDS DEDICATED TO HENDERSON FOR FY 2022-2028. (FUNDING SUBJECT TO FISCAL CONSTRAINT PENDING MPO TIP). (2020CCR)	PL					
				DN					
				RW					
				UT					
				CN	SHN	903,171	921,234	921,234	921,234
				Project Cost:		903,171	921,234	921,234	921,234
Henderson	1088.5000	PF-9999	WORK WITH INDOT TO DEVELOP A BI-STATE PACKAGE FOR THE DELIVERY OF THE PORTION OF THE PROJECT FROM US 60 NORTH TO I-69 IN EVANSVILLE. (COSTS SHARED BY KY AND IN)(KY)	PL					
				DN	NH	10,000,000			
				RW	NH	10,000,000			
				UT			10,000,000		
				CN	IF			25,000,000	50,000,000
					NH			10,000,000	
				Project Cost:		20,000,000	10,000,000	35,000,000	50,000,000
Henderson	1088.5100	PF-9999	WORK WITH INDOT TO DEVELOP A BI-STATE PACKAGE FOR THE DELIVERY OF THE PORTION OF THE PROJECT FROM US 60 NORTH TO I-69 IN EVANSVILLE. (COSTS SHARED BY KY AND IN)(KY)	PL					
				DN					
				RW					
				UT					
				CN	IF			30,000,000	30,000,000
				Project Cost:		0	0	30,000,000	30,000,000
Henderson	2091.1000	US-41	BRIDGE PROJECT IN HENDERSON COUNTY ON (051B00002R/051B00007L) US-41 AT OHIO RIVER	PL					
				DN					
				RW					
				UT					
				CN	BRX	6,000,000	8,000,000	7,000,000	
				Project Cost:		6,000,000	8,000,000	7,000,000	0

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1463

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Henderson	10084	US-60	BRIDGE PROJECT IN HENDERSON COUNTY ON (051B00015N) US-60 AT GREEN RIVER	PL DN RW UT CN	BRX	809,000			8,090,000
Project Cost:						809,000	0	0	8,090,000
Henderson	22093	I -69	ADDRESS CONDITION OF I-069 FROM MILEPOINT 137.141 TO MILEPOINT 142.33	PL DN RW UT CN			400,000		
Project Cost:						0	4,000,000	0	0
Henderson	22193	AU-9005	ADDRESS CONDITION OF Audubon Parkway FROM MILEPOINT 0 TO MILEPOINT 8.88	PL DN RW UT CN			1,065,600		
Project Cost:						0	10,656,000	0	0
Henderson	22194	AU-9005	ADDRESS CONDITION OF Audubon Parkway FROM MILEPOINT 8.88 TO MILEPOINT 15.883	PL DN RW UT CN			840,360		
Project Cost:						0	8,403,600	0	0
Henderson	22333	KY-425	ADDRESS CONDITION OF KY-425 FROM MILEPOINT 0 TO MILEPOINT 4.747	PL DN RW UT CN	STP5	600,000			
Project Cost:						5,400,000	0	0	0
Project Cost:						6,000,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Total for Henderson county				PL					
				DN		11,409,000	2,305,960		
				RW		10,000,000			
				UT			10,000,000		
				CN		12,303,171	31,980,834	72,921,234	89,011,234
				Total Amounts:		33,712,171	44,286,794	72,921,234	89,011,234
Henry	552	I-71	IMPROVE SAFETY AND REDUCE CONGESTION ON I-71 FROM KY-53 TO KY-153.	PL					
				DN	NH			5,600,000	
				RW	NH				1,500,000
				UT					
				CN					
				Project Cost:		0	0	5,600,000	1,500,000
Henry	8300	KY-146	MAJOR RECONSTRUCTION OF KY-146 BETWEEN NEW CASTLE AT US-421 AND PENDLETON AT KY-153. SEGMENT 1: PENDLETON ROAD (KY 153) TO LOST CREEK (1/2 MILE EAST OF SAFETY	PL					
				DN					
				RW	STP2	75,000			
				UT					
				CN	SPP	6,385,800	10,000,000		
				Project Cost:		6,460,800	10,000,000	0	0
Henry	10047	KY-157	BRIDGE PROJECT IN HENRY COUNTY ON (052B00037N) KY 157 AT LITTLE KENTUCKY RIVER	PL					
				DN	FBP2	101,000			
				RW					
				UT					
				CN	FBP2	1,010,000			
				Project Cost:		1,111,000	0	0	0
Total for Henry county				PL					
				DN		101,000		5,600,000	
				RW		75,000			1,500,000
				UT					
				CN		7,395,800	10,000,000		
				Total Amounts:		7,571,800	10,000,000	5,600,000	1,500,000

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1465

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Hickman	10145	KY-307	BRIDGE PROJECT IN HICKMAN COUNTY ON (053B00017N) KY-307 AT NORTH FORK BAYOU DE CHIE	PL DN RW UT CN	BRX	145,000			
							1,450,000		
				Project Cost:		145,000	1,450,000	0	0
Hickman	10147	KY-58	BRIDGE PROJECT IN HICKMAN COUNTY ON (053B00042N) KY-58 AT OBION CREEK	PL DN RW UT CN	BRX	383,000			
					BRX				3,830,000
				Project Cost:		383,000	0	0	3,830,000
Hickman	10149	KY-1475	BRIDGE PROJECT IN HICKMAN COUNTY ON (053B00078N) KY-1475 AT HURRICANE BRANCH	PL DN RW UT CN			40,000		
							400,000		
				Project Cost:		0	440,000	0	0
Hickman	10150	KY-3061	BRIDGE PROJECT IN HICKMAN COUNTY ON (053B00093N) KY-3061 AT BR OF BRUSH CREEK (EAST)	PL DN RW UT CN			48,000		
							480,000		
				Project Cost:		0	528,000	0	0
Hickman	22187	JC-9003	ADDRESS CONDITION OF Julian M. Carroll Purchase Parkway FROM MILEPOINT 3.434 TO MILEPOINT 8.352	PL DN RW UT CN	NHPM				373,768
					NHPM				3,737,680
				Project Cost:		0	0	0	4,111,448

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Hickman	80203	us-51	Correct geometric deficiencies and improve safety, access, and regional connectivity from Clayton Street to KY-703 in Clinton.	PL					
				DN					
				RW					
				UT	STP	2,500,000			
				CN			6,500,000		
			Project Cost:			<u>2,500,000</u>	<u>6,500,000</u>	<u>0</u>	<u>0</u>
Total for Hickman county				PL					
			DN		528,000	88,000		373,768	
			RW						
			UT		2,500,000				
			CN			8,830,000		7,567,680	
			Total Amounts:		<u>3,028,000</u>	<u>8,918,000</u>	<u>0</u>	<u>7,941,448</u>	
Hopkins	384	KY-281	IMPROVE KY-281 FROM ISLAND PARK DRIVE TO 0.25 MI NORTH OF CARRIAGE LANE (KY-2281).	PL					
				DN					
				RW	SPP	2,000,000			
				UT	SPP	1,850,000			
				CN	SPP			3,200,000	
			Project Cost:		<u>3,850,000</u>	<u>0</u>	<u>3,200,000</u>	<u>0</u>	
Hopkins	804.3000	PF-9999	Extend Midtown Blvd from CSX Railroad to Whittington Drive, 500' south of Commerce Drive.	PL					
				DN					
				RW					
				UT					
				CN	SPP	3,300,000			
			Project Cost:		<u>3,300,000</u>	<u>0</u>	<u>0</u>	<u>0</u>	
Hopkins	804.4000	CS-1287	Reconstruct Whittington Drive beginning 500' south of Commerce Drive and ending at the intersection of Whittington Drive and Island Ford Road (KY 281), including the reconstruction of the KY 281 intersection.	PL					
				DN					
				RW					
				UT					
				CN	SPP				3,100,000
			Project Cost:		<u>0</u>	<u>0</u>	<u>0</u>	<u>3,100,000</u>	

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Hopkins	8305	US-41	IMPROVE NORTH MAIN STREET FROM HOSPITAL DRIVE TO KY-281. (06CCN) (12CCR)(18CCR)	PL DN RW UT CN	SPP	4,190,000			
Project Cost:						4,190,000	0	0	0
Hopkins	10093	I -69	BRIDGE PROJECT IN HOPKINS COUNTY ON (054B00016N) EDWARD T BREATHITT AT PENNYRILE PARKWAY	PL DN RW UT CN	FBP2	321,000			
Project Cost:						3,210,000	0	0	0
Hopkins	10094	US-62	BRIDGE PROJECT IN HOPKINS COUNTY ON (054B00050N) US-62 AT POND RIVER OVERFLOW	PL DN RW UT CN	FBP2	131,000			
Project Cost:						1,310,000	0	0	0
Hopkins	10095	US-62	BRIDGE PROJECT IN HOPKINS COUNTY ON (054B00051N) US-62 AT POND RIVER OVERFLOW	PL DN RW UT CN	FBP2	131,000			
Project Cost:						1,310,000	0	0	0
Hopkins	10096	US-62	BRIDGE PROJECT IN HOPKINS COUNTY ON (054B00060N) US-62 AT COPPERAS CREEK	PL DN RW UT CN	FBP2	129,000			
Project Cost:						1,290,000	0	0	0
Project Cost:						1,419,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Hopkins	10098	KY-109	BRIDGE PROJECT IN HOPKINS COUNTY ON (054B00076N) KY-109 AT CLEAR CREEK	PL DN RW UT CN	BRX	607,000			6,070,000
			Project Cost:			607,000	0	0	6,070,000
Hopkins	10107	US-41	BRIDGE PROJECT IN HOPKINS COUNTY ON (054B00165N) US-41 AT CSX RAILROAD	PL DN RW UT CN	FBP2	362,000			
			Project Cost:			3,982,000	0	0	0
Hopkins	20031	I -69	ADDRESS CONDITION OF I-069 FROM MILEPOINT 124.946 TO MILEPOINT 133.667	PL DN RW UT CN	NHPM			1,775,000	
			Project Cost:			0	0	19,525,000	0
Hopkins	22083	I -69	ADDRESS CONDITION OF I-069 FROM MILEPOINT 89.848 TO MILEPOINT 93.724	PL DN RW UT CN	NHPM				294,576
			Project Cost:			0	0	0	3,240,336
Hopkins	22087	I -69	ADDRESS CONDITION OF I-069 FROM MILEPOINT 108.994 TO MILEPOINT 114.24 (113.810 NON-CARDINAL)	PL DN RW UT CN	NHPM	650,000			
			Project Cost:			7,150,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Hopkins	22160	WK-9001	ADDRESS CONDITION OF Wendell H. Ford Western KY Parkway FROM MILEPOINT 38.326 TO MILEPOINT 42.807	PL					
				DN	NHPM				340,556
				RW					
				UT					
				CN	NHPM				3,405,560
Project Cost:						0	0	0	3,746,116
Hopkins	22192	EB-9004	ADDRESS CONDITION OF Edward T. Breathitt Pennyrile Parkway FROM MILEPOINT 29.9 TO MILEPOINT 32.861	PL					
				DN			225,036		
				RW					
				UT					
				CN			2,250,360		
Project Cost:						0	2,475,396	0	0
Hopkins	22337	US-62	ADDRESS CONDITION OF US-62 FROM MILEPOINT 15.4 TO MILEPOINT 15.8	PL					
				DN			500,000		
				RW					
				UT					
				CN					
Project Cost:						0	500,000	0	0
Hopkins	80102	PF-9999	CONSTRUCT A 3 LANE CURB, GUTTER AND SIDEWALK ROADWAY FROM THE END OF MIDTOWN BLVD. TO THE INTERSECTION OF COMMERCE DR. AND WHITTINGTON DR. (2020CCN)	PL					
				DN					
				RW	SPP	600,000			
				UT			150,000		
				CN	SPP			2,900,000	
Project Cost:						600,000	150,000	2,900,000	0
Hopkins	80105	CO-0, US-41	IMPROVE US 41A BEGINNING AT INDUSTRIAL DR AT HOPKINS CO ENDING AT PROVIDENCE	PL					
				DN					
				RW	SPP	2,200,000			
				UT			5,400,000		
				CN	SPP			34,800,000	
Project Cost:						2,200,000	5,400,000	34,800,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Total for Hopkins county				PL					
				DN		2,331,000	725,036	1,775,000	635,132
				RW		4,800,000			
				UT		1,850,000	5,550,000		
				CN		24,730,000	2,250,360	58,650,000	15,521,320
				Total Amounts:		33,711,000	8,525,396	60,425,000	16,156,452
Jackson	4404	KY-89	INSTALL GUARDRAIL ON KY-89 IN JACKSON COUNTY	PL					
				DN					
				RW					
				UT					
				CN			40,000		
				Project Cost:		0	40,000	0	0
Jackson	10041	KY-89	BRIDGE PROJECT IN JACKSON COUNTY ON (055B00028N) KY-89 at HORSE LICK CREEK	PL					
				DN			70,000		
				RW					
				UT					
				CN			700,000		
				Project Cost:		0	770,000	0	0
Jackson	80105	US-421	ADDRESS SAFETY ISSUES WITH VERTICAL AND HORIZONTAL ALIGNMENT ON US 421 FROM MP 11.6 EAST OF PILGRIMS REST RD TO MP 12.6 (2020CCN)	PL					
				DN					
				RW					
				UT	SPP	750,000			
				CN			4,516,000		
				Project Cost:		750,000	4,516,000	0	0
Jackson	80106	US-421	ADDRESS SAFETY AND HORIZONTAL ALIGNMENT OF THE CURVE ON US 421 WITH ITS INTERSECTION AT KY 3443 (2020CCN)	PL					
				DN					
				RW					
				UT					
				CN	SPP	1,746,000			
				Project Cost:		1,746,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Total for Jackson county				PL					
				DN			70,000		
				RW					
				UT		750,000			
				CN		1,746,000	5,256,000		
				Total Amounts:		2,496,000	5,326,000	0	0
Jefferson	48.1000	I-71	ADDITION OF NB AND SB AUXILIARY LANES ON I-71 NEAR KENNEDY, INCLUDING OPERATIONAL IMPROVEMENTS TO THE ZORN INTERCHANGE. (2004BOPC)	PL					
				DN					
				RW					
				UT	NH	175,000			
				CN	NH		13,000,000	13,000,000	
				Project Cost:		175,000	13,000,000	13,000,000	0
Jefferson	323.0100	KY-1931	WIDEN GREENWOOD ROAD FROM GREENBELT HWY TO DIXIE HWY (US-31W) (3-LANE IMPROVEMENT) FROM MP 0.54 TO MP 3.148. (98CCR) (R-04DEOB)(04CCR)(BOP2006P)(10CCR)	PL					
				DN					
				RW					
				UT					
				CN	STPF	10,680,000			
				Project Cost:		10,680,000	0	0	0
Jefferson	367.2000	CO-0, KY-146, PF-9999	EXTENSION OF OLD HENRY ROAD EAST TO ASH AVENUE (KY362). (12CCR) (18CCN) (2020CCR)	PL					
				DN					
				RW					
				UT					
				CN	STPF	6,700,000	6,700,000		
				Project Cost:		6,700,000	6,700,000	0	0
Jefferson	528.0100	PF-9999	Improve Access and System Connectivity in the vicinity of Oxmoor Farms, Bunsen Boulevard and Christian Way. (Will also be a local funding commitment toward cost of project).	PL					
				DN					
				RW					
				UT					
				CN	SPP	4,000,000			
				Project Cost:		4,000,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Jefferson	554	I -265	IMPROVE SAFETY AND REDUCE CONGESTION ON I-265 FROM I-65 TO US-31E.	PL DN RW UT CN			3,250,000		
Project Cost:						0	3,250,000	0	0
Jefferson	557	I -71	IMPROVE SAFETY AND REDUCE CONGESTION ON I-71 FROM I-264 TO I-265.	PL DN RW UT CN	NH			4,000,000	
Project Cost:						0	0	4,000,000	0
Jefferson	558	I -265	IMPROVE SAFETY AND REDUCE CONGESTION ON I-265 FROM US-31E (BARDSTOWN RD) TO KY-155 (TAYLORSVILLE RD).	PL DN RW UT CN	NH NH NH		3,000,000	4,500,000	2,500,000 1,500,000
Project Cost:						0	3,000,000	4,500,000	4,000,000
Jefferson	559	I -65	IMPROVE SAFETY AND REDUCE CONGESTION AT THE I-65/I-264 (WATTERSON EXPRESSWAY) INTERCHANGE.	PL DN RW UT CN	NH			3,000,000	
Project Cost:						0	0	3,000,000	0
Jefferson	560	I -65	IMPROVE SAFETY AND REDUCE CONGESTION AT THE I-65/I-265 (GENE SNYDER FREEWAY) INTERCHANGE.	PL DN RW UT CN			400,000		
Project Cost:						0	400,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Jefferson	804	I -264	RECONSTRUCT/WIDEN I-264 (WATTERSON EXPRESSWAY) FROM WESTPORT ROAD (KY-1447) TO I-71, INCLUDING THE US-42 INTERCHANGE AS A SPUI.(PROJECT INCLUDES 5-594)	PL DN RW UT CN	NH	30,000,000	20,000,000		
Project Cost:						<u>30,000,000</u>	<u>20,000,000</u>	<u>0</u>	<u>0</u>
Jefferson	965.1900	CO-0	DEDICATED FEDERAL AID STP FUNDS EARMARKED FOR LOUISVILLE URBANIZED AREA AND SUBJECT TO MPO CONTROL FOR FY 2022-2028. (FUNDING SUBJECT TO FISCAL CONSTRAINT	PL DN RW UT CN	SLO	26,301,262	26,827,287	26,827,287	26,827,287
Project Cost:						<u>26,301,262</u>	<u>26,827,287</u>	<u>26,827,287</u>	<u>26,827,287</u>
Jefferson	1079	CR-1001	BRIDGE PROJECT IN JEFFERSON COUNTY ON (056C00130N) RIVER RD AT GOOSE CREEK	PL DN RW UT CN			3,800,000		
Project Cost:						<u>0</u>	<u>3,800,000</u>	<u>0</u>	<u>0</u>
Jefferson	8001	CR-1007	WIDEN BUECHEL BANK ROAD TO 3 LANES FROM GE APPLIANCE PARK TO BUECHEL BY-PASS (00CCN) (FUNDING MOVED FROM 5-8105 IN 2010 ENACTED HIGHWAY PLAN FOR R, U, AND C	PL DN RW UT CN	SPP	4,500,000			
Project Cost:						<u>4,500,000</u>	<u>0</u>	<u>0</u>	<u>0</u>
Jefferson	8810	KY-1931	THREE LANE WIDENING ALONG KY-1931 FROM THE DOSS HIGH SCHOOL ENTRANCE TO PALATKA ROAD, INCLUDING INTERSECTION IMPROVEMENTS WITH PALATKA ROAD	PL DN RW UT CN			3,611,000		
Project Cost:						<u>0</u>	<u>3,611,000</u>	<u>0</u>	<u>0</u>

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Jefferson	8908	KY-155	WIDEN TAYLORSVILLE ROAD TO 3 LANES FROM I-265 TO KY-148. (18CCN)	PL DN RW UT CN			15,930,000		
			Project Cost:			0	15,930,000	0	0
Jefferson	8954	KY-155, KY-55	CONSTRUCT A 2+1 ROAD ON KY 55/155 (TAYLORSVILLE ROAD) IN SPENCER COUNTY AND KY 155 (TAYLORSVILLE LAKE ROAD) IN JEFFERSON COUNTY BY ADDING A CONTINUOUS THIRD LANE	PL DN RW UT CN	STPF	11,000,000			
			Project Cost:			11,000,000	0	0	0
Jefferson	10054	KY-155	BRIDGE PROJECT IN JEFFERSON COUNTY ON (056B00017N) KY 155 AT POPE LICK CREEK	PL DN RW UT CN	BRX BRX	225,000		2,250,000	
			Project Cost:			225,000	0	2,250,000	0
Jefferson	10065	I -65	BRIDGE PROJECT IN JEFFERSON COUNTY ON (056B00180N) I-65 AT US 60A (EASTERN PKWY)	PL DN RW UT CN			554,000		
			Project Cost:			0	5,540,000	0	0
Jefferson	10067	I -65	BRIDGE PROJECT IN JEFFERSON COUNTY ON (056B00184N) I-65 AT ST CATHERINE ST	PL DN RW UT CN	BRO BRO	357,000			
			Project Cost:			3,570,000	0	0	0
			Project Cost:			3,927,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Jefferson	10068	I -65	BRIDGE PROJECT IN JEFFERSON COUNTY ON (056B00191N) I-65 AT JACOB, BROADWAY, GRAY ST	PL DN RW UT CN	FBP	4,210,000		21,100,000	21,000,000
			Project Cost:			4,210,000	0	21,100,000	21,000,000
Jefferson	10069	I -65	BRIDGE PROJECT IN JEFFERSON COUNTY ON (056B00192N) I-65 AT E CHESTNUT ST	PL DN RW UT CN	BRO			1,453,000	
			Project Cost:			0	0	1,453,000	14,530,000
Jefferson	10071	I -65	BRIDGE PROJECT IN JEFFERSON COUNTY ON (056B00209N) I-65 AT PHILLIPS LN	PL DN RW UT CN			414,000		
			Project Cost:			0	4,140,000	0	0
							4,554,000	0	0
Jefferson	10072	I -65	BRIDGE PROJECT IN JEFFERSON COUNTY ON (056B00210N) I-65 AT MANNING RD	PL DN RW UT CN			564,000		
			Project Cost:			0	5,640,000	0	0
							6,204,000	0	0
Jefferson	10073	I -65	BRIDGE PROJECT IN JEFFERSON COUNTY ON (056B00211N) I-65 AT KFEC GATE 6 DR	PL DN RW UT CN			405,000		
			Project Cost:			0	4,050,000	0	0
							4,455,000	0	0

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Jefferson	10076	I -264	BRIDGE PROJECT IN JEFFERSON COUNTY ON (056B00269N) I-264 EB AT I-264 WB OFF RAMP	PL DN RW UT CN	BRO	706,000			
					BRO	7,060,000			
			Project Cost:			7,766,000	0	0	0
Jefferson	10077	I -264	BRIDGE PROJECT IN JEFFERSON COUNTY ON (056B00273N) I-264 EB ON RAMP AT P&L RAILWAY	PL DN RW UT CN			3,000,000		
			Project Cost:			0	3,000,000	0	0
Jefferson	10078	I -64	BRIDGE PROJECT IN JEFFERSON COUNTY ON (056B00278N) I-64 WB RAMP AT I-64 EB	PL DN RW UT CN			214,000		
			Project Cost:			0	2,140,000	0	0
							2,354,000		
Jefferson	10080	US-64	BRIDGE PROJECT IN JEFFERSON COUNTY ON (056B00282N) I-64 AT 22ND ST & NORTHWESTERN	PL DN RW UT CN			150,000		
			Project Cost:			0	1,500,000	0	0
							1,650,000		
Jefferson	10081	I -65	BRIDGE PROJECT IN JEFFERSON COUNTY ON (056B00307N) KY 1065 AT I-65	PL DN RW UT CN	FBP2		1,443,000	14,430,000	
			Project Cost:			0	1,443,000	14,430,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Jefferson	10082	I -65	BRIDGE PROJECT IN JEFFERSON COUNTY ON (056B00389N) I-65 AT GRADE LN	PL DN RW UT CN	BRO		474,000	4,740,000	
Project Cost:						0	474,000	4,740,000	0
Jefferson	10083	I -65	BRIDGE PROJECT IN JEFFERSON COUNTY ON (056B00390N) I-65 AT STANDIFORD LN	PL DN RW UT CN	BRO	333,000			
Project Cost:						3,330,000	0	0	0
Jefferson	20016	I -264	ADDRESS CONDITION OF I-264 FROM MILEPOINT 12.7 TO MILEPOINT 18.41	PL DN RW UT CN			1,370,400		
Project Cost:						0	13,704,000	0	0
Jefferson	20022	KY-841	ADDRESS CONDITION OF KY-841 FROM MILEPOINT 0 TO MILEPOINT 10.25	PL DN RW UT CN	STP5				800,000
Project Cost:						0	0	0	800,000
Jefferson	20024	KY-913	ADDRESS CONDITION OF KY-913 FROM MILEPOINT 2.384 TO MILEPOINT 3.072	PL DN RW UT CN	STP5			75,000	
Project Cost:						0	0	675,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Jefferson	20025	KY-1020	ADDRESS CONDITION OF KY-1020 FROM MILEPOINT 2.669 TO MILEPOINT 3.661	PL					
				DN	STP5				100,000
				RW					
				UT					
				CN	STP5				900,000
	Project Cost:				0	0	0	1,000,000	
Jefferson	20027	KY-1932	ADDRESS CONDITION OF KY-1932 FROM MILEPOINT 3.21 TO MILEPOINT 3.8	PL					
				DN	STP5				55,000
				RW					
				UT					
				CN	STP5				495,000
	Project Cost:				0	0	0	550,000	
Jefferson	20028	KY-1934	ADDRESS CONDITION OF KY-1934 FROM MILEPOINT 0 TO MILEPOINT 4.444	PL					
				DN	STP5				350,000
				RW					
				UT					
				CN	STP5				3,150,000
	Project Cost:				0	0	0	3,500,000	
Jefferson	20029	KY-1934	ADDRESS CONDITION OF KY-1934 FROM MILEPOINT 4.444 TO MILEPOINT 9.742	PL					
				DN	STP5			530,000	
				RW					
				UT					
				CN	STP5				4,770,000
	Project Cost:				0	0	530,000	4,770,000	
Jefferson	20030	KY-2048	ADDRESS CONDITION OF KY-2048 FROM MILEPOINT 0 TO MILEPOINT 1.13	PL					
				DN	STP5				110,000
				RW					
				UT					
				CN	STP5				990,000
	Project Cost:				0	0	0	1,100,000	

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Jefferson	20031	KY-2052	ADDRESS CONDITION OF KY-2052 FROM MILEPOINT 0 TO MILEPOINT 4.205	PL DN RW UT CN	STP5 STP5				420,000 3,780,000
				Project Cost:		0	0	0	4,200,000
Jefferson	22023	I -64	ADDRESS CONDITION OF I-064 FROM MILEPOINT 11.574 TO MILEPOINT 13.206	PL DN RW UT CN	NHPM NHPM	195,840 1,958,400			
				Project Cost:		2,154,240	0	0	0
Jefferson	22024	I -64	ADDRESS CONDITION OF I-064 FROM MILEPOINT 13.124 TO MILEPOINT 19.146	PL DN RW UT CN			750,000 7,500,000		
				Project Cost:		0	8,250,000	0	0
Jefferson	22070	I -65	ADDRESS CONDITION OF I-065 FROM MILEPOINT 131.24 TO MILEPOINT 136.338	PL DN RW UT CN	NHPM NHPM	550,000 5,500,000			
				Project Cost:		6,050,000	0	0	0
Jefferson	22096	I -71	ADDRESS CONDITION OF I-071 FROM MILEPOINT 0 TO MILEPOINT 3.706	PL DN RW UT CN			375,000 3,750,000		
				Project Cost:		0	4,125,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Jefferson	22140	I -264	ADDRESS CONDITION OF I-264 FROM MILEPOINT 18.41 TO MILEPOINT 20.7	PL					
				DN			350,000		
				RW					
				UT					
				CN			3,500,000		
				Project Cost:		0	3,850,000	0	0
Jefferson	22143	I -265	ADDRESS CONDITION OF I-265 FROM MILEPOINT 26.643 TO MILEPOINT 30.391	PL					
				DN			449,760		
				RW					
				UT					
				CN			4,497,600		
				Project Cost:		0	4,947,360	0	0
Jefferson	80000	KY-1531	EASTWOOD FISHERSVILLE CONNECTOR TO I-64 (18CCN) (2020CCR)	PL					
				DN	SPP	5,000,000			
				RW			8,000,000		
				UT	SPP			2,000,000	
				CN	SPP				45,000,000
				Project Cost:		5,000,000	8,000,000	2,000,000	45,000,000
Jefferson	80001	US-60	WIDEN US-60 TO 6 LANES FROM OLD SHELBYVILLE RD. TO NORTH ENGLISH STATION RD.(18CCN) (2020CCR)	PL					
				DN					
				RW			550,000		
				UT			720,000		
				CN	NH				15,000,000
				Project Cost:		0	1,270,000	0	15,000,000
Jefferson	80002	PF-9999	NEW INTERCHANGE ON I-64E EAST OF THE GENE SNYDER FREEWAY(18CCN) (2020CCR)	PL			650,000		
				DN					
				RW					
				UT					
				CN					
				Project Cost:		0	650,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Jefferson	80003	PF-9999	EXTEND PLANTSIDE DRIVE FROM REHL ROAD TO TAYLORSVILLE ROAD. (18CCN)(2020CCR)	PL DN RW UT CN	STPF	5,000,000			
Project Cost:						5,000,000	0	0	0
Jefferson	80108	CR-1015	WIDEN AND IMPROVE RANGELAND RD FROM POLAR LEVEL RDS TO SHEPHERDSVILLE RD (2020CCN)	PL DN RW UT CN	SPP	1,250,000	1,100,000	3,500,000	
Project Cost:						1,250,000	1,100,000	3,500,000	0
Jefferson	80110	KY-2055	CONSTRUCT A SIDEWALK ALONG MT HOLLY RD FROM CHARLENE DR TO FOX AVE FOR CORAL RIDGE ELEMENTARY (2020CCN)	PL DN RW UT CN	SPP	30,000	280,000		
Project Cost:						30,000	280,000	0	0
Jefferson	80200	ky-2050	Reduce congestion, improve safety, and enhance mobility on KY 2050 (Herr Lane) from Prince Valiant Drive/Westmar Terrace to Bedford Lane.	PL DN RW UT CN	SPP	55,000	160,000	2,160,000	
Project Cost:						55,000	160,000	2,160,000	0
Jefferson	80203	ky-1065	Improve safety and reduce congestion on KY 1065 (Outer Loop) from I-65 to KY 2052 (Shepherdsville Road). Project will evaluate the addition of one travel lane in each direction and consider	PL DN RW UT CN	STPF	3,270,000	2,730,000	27,250,000	
Project Cost:						3,270,000	2,730,000	27,250,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>	
Jefferson	80204	KY-1931	Improve safety and reduce congestion on KY 1931 (Manslick Road) from KY 1931 (St. Andrews Church Road) to I-264 (Henry Watterson Expressway). Project will evaluate 3-lane widening and	PL						
				DN						
				RW	SPP	6,325,500				
				UT	SPP	11,559,000				
				CN				10,270,000		
				Project Cost:			17,884,500	10,270,000	0	0
Jefferson	80205	KY-61	Improve safety, reduce congestion, and improve multi-modal transportation options along KY 61 from Commerce Crossings Dr (BMP 1.395) to Briden Avenue (EMP 8.400) including the I-264 (Watterson	PL						
				DN	STPF	6,310,000				
				RW			10,510,000			
				UT	STPF			10,570,000		
				CN	STPF			58,850,000		
				Project Cost:			6,310,000	10,510,000	69,420,000	0
Jefferson	80251	I-65	IMPROVE ALIGNMENT OF THE I 65 SOUTHBOUND RAMP TO BROOK/JEFFERSON THROUGH THE ADDITION OF LANES AND IMPROVED GEOMETRY.	PL						
				DN						
				RW						
				UT	NH	850,000				
				CN				10,000,000		
				Project Cost:			850,000	10,000,000	0	0
Jefferson	80253	US-31	RESURFACING, SAFETY IMPROVEMENTS, AND PEDESTRIAN ACCESS IMPROVEMENTS ON US 31E FROM MP 14.625 (EASTERN PARKWAY) TO MILEPOINT 13.125 (TAYLORSVILLE	PL						
				DN	SPP	50,000				
				RW						
				UT						
				CN				1,450,000		
				Project Cost:			50,000	1,450,000	0	0
Jefferson	80258	KY-1819	REDUCE CONGESTION, IMPROVE SAFETY, AND ENHANCE MOBILITY ON KY 1819 (WATTERSON TRAIL) FROM BLUEGRASS PARKWAY TO BLANKENBAKER PARKWAY (KY 913)	PL						
				DN	SPP	200,000				
				RW						
				UT				1,535,000		
				CN	SPP				7,200,000	
				Project Cost:			200,000	1,535,000	7,200,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Jefferson	80259	US-31	RIGHT SIZING AND PEDESTRIAN ACCESS IMPROVEMENTS ON US 31E FROM MILEPOINT 14.625 TO MILEPOINT 13.125	PL					
				DN	SPP	50,000			
				RW					
				UT					
				CN	SPP	1,450,000			
				Project Cost:		1,500,000	0	0	0
Total for Jefferson county				PL			1,050,000		
				DN		18,186,840	13,763,160	13,558,000	1,835,000
				RW		10,900,500	19,060,000		2,500,000
				UT		12,614,000	6,245,000	12,570,000	1,500,000
				CN		121,049,662	170,829,887	181,982,287	136,442,287
				Total Amounts:		162,751,002	210,948,047	208,110,287	142,277,287
Jessamine	87.3000		EAST NICHOLASVILLE BYPASS SECTION 1B FROM 125 FEET NORTH OF KY 169 TO END OF PROJECT AT TIE-IN TO WEST BYPASS. THIS INCLUDES THE INTERCHANGE AT US 27 NORTH OF	PL					
				DN					
				RW					
				UT					
				CN	SPP	15,000,000	15,000,000	14,460,000	
				Project Cost:		15,000,000	15,000,000	14,460,000	0
Jessamine	414	KY-1980	IMPROVE ROADWAY GEOMETRICS, TYPICAL SECTION, AND ROADWAY HAZARDS ON KY 1980 (BRANNON RD) FROM US 68 (HARRODSBURG RD) TO US 27 (NICHOLASVILLE RD)(12CCR)(18CCN)	PL					
				DN					
				RW					
				UT					
				CN	STPF	17,725,000			
				Project Cost:		17,725,000	0	0	0
Jessamine	80108	KY-169	IMPROVE KY-169 FROM NORTH OF CLEAR CREEK RD IN JESSAMINE COUNTY TO NORTH OF KY-1967 IN WOODFORD COUNTY. (2020CCN)	PL					
				DN					
				RW					
				UT	SPP	2,630,000			
				CN			13,220,000		
				Project Cost:		2,630,000	13,220,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Total for Jessamine county				PL					
				DN					
				RW					
				UT		2,630,000			
				CN		32,725,000	28,220,000	14,460,000	
				Total Amounts:		35,355,000	28,220,000	14,460,000	0
Johnson	149	KY-40	IMPROVE ROADWAY GEOMETRICS AND CAPACITY FROM GARBAGE HOLLOW TO EAST OF MILL STREET. (2020CCR)	PL					
				DN					
				RW	SPP	3,000,000			
				UT			3,000,000		
				CN	SPP			8,189,000	
				Project Cost:		3,000,000	3,000,000	8,189,000	0
Johnson	194	KY-40	ADDRESS GEOMETRIC AND SAFETY ISSUES AND FUTURE CONGESTION MITIGATION ON KY 40 FROM 0.10 MILE WEST OF TEAYS BR. ROAD TO 0.10 MILE EAST OF TEAYS BR. ROAD.(12CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP	2,300,000			
				Project Cost:		2,300,000	0	0	0
Johnson	4391	KY-1092	INSTALL GUARDRAIL ON KY-1092 IN JOHNSON COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR	106,000			
				Project Cost:		106,000	0	0	0
Johnson	4392	KY-201	INSTALL GUARDRAIL ON KY-201 IN JOHNSON COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR	89,000			
				Project Cost:		89,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Johnson	4393	KY-40	INSTALL GUARDRAIL ON KY-40 IN JOHNSON COUNTY	PL DN RW UT CN	GR	105,000			
Project Cost:						<u>105,000</u>	<u>0</u>	<u>0</u>	<u>0</u>
Johnson	4394	KY-580	INSTALL GUARDRAIL ON KY-580 IN JOHNSON COUNTY	PL DN RW UT CN	GR	106,000			
Project Cost:						<u>106,000</u>	<u>0</u>	<u>0</u>	<u>0</u>
Johnson	4433	KY-3387	INSTALL GUARDRAIL ON KY-3387 IN JOHNSON COUNTY	PL DN RW UT CN			64,000		
Project Cost:						<u>0</u>	<u>64,000</u>	<u>0</u>	<u>0</u>
Johnson	10101	KY-825	BRIDGE PROJECT IN JOHNSON COUNTY ON (058B00027N) KY-825 AT Little Paint Creek	PL DN RW UT CN			32,000		
Project Cost:						<u>0</u>	<u>320,000</u>	<u>0</u>	<u>0</u>
Johnson	10102	KY-825	BRIDGE PROJECT IN JOHNSON COUNTY ON (058B00052N) KY-825 AT JENNY CREEK	PL DN RW UT CN			113,000		
Project Cost:						<u>0</u>	<u>1,130,000</u>	<u>0</u>	<u>0</u>
Project Cost:						<u>0</u>	<u>1,243,000</u>	<u>0</u>	<u>0</u>

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Johnson	10103	KY-469	BRIDGE PROJECT IN JOHNSON COUNTY ON (058B00054N) KY-469 AT GILLUM.BRANCH	PL DN RW UT CN			30,000		
			Project Cost:			0	330,000	0	0
Johnson	80100	KY-40	IMPROVE ROADWAY GEOMETRICS AND CAPACITY ON KY 40 FROM KY 321 TO GARBAGE HOLLOW (2020CCN)	PL DN RW UT CN	SPP	579,000	7,019,000	9,253,000	
			Project Cost:			579,000	7,019,000	9,253,000	0
Johnson	80101	US-460	IMPROVE US 460 FROM THE INTERSECTION WITH KY 114 TO THE INTERCHANGE WITH US 23 (2020CCR)	PL DN RW UT CN	SPP		10,479,800	150,000,000	
			Project Cost:			0	10,479,800	150,000,000	0
Johnson	80116	KY-321	ADDRESS CONGESTION AND SAFETY ISSUES ON KY 321 FROM THE 6TH STREET TO THE JUNCTION OF KY 321 AND KY 40 (2020CCN) (SAME AS 12-8102 IN 2020 HIGHWAY PLAN)	PL DN RW UT CN	SPP SPP SPP	1,379,000	4,920,000	2,475,000	29,078,000
			Project Cost:			1,379,000	4,920,000	2,475,000	29,078,000
Johnson	80250		CONSTRUCT ACCESS ROAD TO PROPOSED JOHNSON COUNTY HIGH SCHOOL AND MIDDLE SCHOOL CAMPUS. TO INTERSECT WITH KY 40 AT MILEPOINT 8.85	PL DN RW UT CN	SPP		750,000 350,000	10,609,253	
			Project Cost:			0	1,100,000	10,609,253	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Total for Johnson county				PL					
				DN		1,379,000	175,000		
				RW		3,579,000	5,670,000		
				UT			20,848,800	2,475,000	
				CN		2,706,000	1,814,000	178,051,253	29,078,000
				Total Amounts:		7,664,000	28,507,800	180,526,253	29,078,000
Kenton	17	I-75	INITIATE PRELIMINARY ENGINEERING, ENVIRONMENTAL STUDIES AND OTHER PRECONSTRUCTION ACTIVITIES TO UPGRADE THE EXISTING I-71/75 BRENT SPENCE BRIDGE CORRIDOR AT THE OHIO	PL					
				DN	NH	20,000,000	20,000,000	10,000,000	
				RW	NH	25,000,000			
				UT	NH	10,000,000			
				CN					
				Project Cost:		55,000,000	20,000,000	10,000,000	0
Kenton	17.3000	CO-0	CONSTRUCT A COMPANION BRIDGE TO THE EXISTING I-71/75 BRENT SPENCE BRIDGE OVER THE OHIO RIVER BETWEEN COVINGTON, KY AND CINCINNATI, OH. (FEDERAL GRANT FUNDING)	PL					
				DN					
				RW					
				UT					
				CN	IF	180,000,000	180,000,000		
				Project Cost:		180,000,000	180,000,000	0	0
Kenton	162.1000	KY-1303	IMPROVE SAFETY AND REDUCE CONGESTION ON KY-1303 FROM KY-536 TO BEECHGROVE ELEMENTARY (PRIORITY SECTION 4). DESIGN PHASE UNDER PARENT NO. 6-162.01.	PL					
				DN					
				RW					
				UT					
				CN	STPF	4,200,000	4,800,000		
				Project Cost:		4,200,000	4,800,000	0	0
Kenton	162.3000	KY-536	IMPROVE SAFETY AND REDUCE CONGESTION ON KY-536 FROM KY 1303 TO WILLIAMSWOOD ROAD/CALVARY DRIVE (PRIORITY SECTION 2). DESIGN PHASE UNDER PARENT NO. 6-162.01.	PL					
				DN					
				RW					
				UT					
				CN	STPF	5,000,000			
				Project Cost:		5,000,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Kenton	162.4000	KY-536	IMPROVE SAFETY AND REDUCE CONGESTION ON KY-536 FROM WILLIAMSWOOD ROAD/CALVARY DRIVE TO KY-17 (PRIORITY SECTION 3). DESIGN PHASE UNDER PARENT NO. 6-162.01.	PL DN RW UT CN	STPF	8,980,000	1,760,000 23,790,000		
Project Cost:						8,980,000	25,550,000	0	0
Kenton	359	KY-17	Convert Scott Street/Greenup Street (KY 17) one-way couplet to two-way streets and upgrade Madison Pike in Covington.	PL DN RW UT CN	STPF	2,500,000			
Project Cost:						2,500,000	0	0	0
Kenton	449	KY-17	IMPROVE SAFETY AND REDUCE CONGESTION ON KY-17 AT THE I-275 INTERCHANGE. (18CCR) (2020CCR)	PL DN RW UT CN	STPF	5,000,000			
Project Cost:						5,000,000	0	0	0
Kenton	450	KY-1303	IMPROVE SAFETY AND REDUCE CONGESTION ALONG KY-1303 (TURKEYFOOT RD) FROM DUDLEY RD TO US-25 (DIXIE HWY). (18CCR) (2020CCR)	PL DN RW UT CN	STPF STPF	3,680,000 2,600,000			
Project Cost:						6,280,000	0	0	0
Kenton	4316	KY-8	INSTALL GUARDRAIL ON KY-8 IN KENTON COUNTY	PL DN RW UT CN			51,000		
Project Cost:						0	51,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Kenton	8951	US-25	IMPROVE EXISTING ALIGNMENT WITH BUTTERMILK PIKE, ORPHANAGE ROAD, AND US 25. FT. MITCHELL WILL PAY \$50,000 TOWARD DESIGN. (16CCN) (18CCN) (2020CCR)	PL DN RW UT CN	STPF	18,000,000	2,500,000 6,000,000		
Project Cost:						18,000,000	8,500,000	0	0
Kenton	10043	I-75	BRIDGE PROJECT IN KENTON COUNTY ON (059B00040N) I-75 NC AT 3RD-4TH-5TH STS COVINGTO	PL DN RW UT CN	FBP2	1,900,000			
Project Cost:						1,900,000	12,500,000	12,500,000	12,500,000
Kenton	10044	KY-17	BRIDGE PROJECT IN KENTON COUNTY ON (059B00048N) KY 17 AT OHIO RIVER	PL DN RW UT CN	FBP2	1,000,000			
Project Cost:						1,000,000	0	0	10,000,000
Kenton	10045	I-75	BRIDGE PROJECT IN KENTON COUNTY ON (059B00090N) I-75 RAMP AT 9TH ST-COVINGTON	PL DN RW UT CN	BRO			338,000	
Project Cost:						0	0	338,000	3,380,000
Kenton	20037	I-275	ADDRESS CONDITION OF I-275 FROM MILEPOINT 77.579 TO MILEPOINT 82.475	PL DN RW UT CN	NHPM				1,050,000
Project Cost:						0	0	0	10,500,000
Project Cost:						0	0	0	11,550,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Kenton	20044	KY-236	ADDRESS CONDITION OF KY-236 FROM MILEPOINT 2.131 TO MILEPOINT 2.622	PL					
				DN	STP5				35,000
				RW					
				UT					
				CN	STP5				315,000
Project Cost:						0	0	0	350,000
Kenton	20045	KY-1072	ADDRESS CONDITION OF KY-1072 FROM MILEPOINT 2.489 TO MILEPOINT 2.83	PL					
				DN	STP5				22,500
				RW					
				UT					
				CN	STP5				202,500
Project Cost:						0	0	0	225,000
Kenton	22129	I -75	ADDRESS CONDITION OF I-075 FROM MILEPOINT 183.312 TO MILEPOINT 184.708	PL					
				DN	NHPM			425,000	
				RW					
				UT					
				CN	NHPM			4,250,000	
Project Cost:						0	0	4,675,000	0
Kenton	22130	I -75	ADDRESS CONDITION OF I-075 NON-CARDINAL DIRECTION FROM MILEPOINT 184.708 TO MILEPOINT 186.95	PL					
				DN			1,770,000		
				RW					
				UT					
				CN			17,700,000		
Project Cost:						0	19,470,000	0	0
Kenton	22131	I -75	ADDRESS CONDITION OF I-075 FROM MILEPOINT 186.95 TO MILEPOINT 190.7	PL					
				DN			3,937,500		
				RW					
				UT					
				CN			39,375,000		
Project Cost:						0	43,312,500	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Kenton	80105	KY-2373	WIDEN KENTON LANDS ROAD FROM US 25 TO RIGGS ROAD (2020CCN)	PL					
				DN					
				RW	SPP	13,100,000			
				UT			2,600,000		
				CN	SPP			25,000,000	
				Project Cost:		<u>13,100,000</u>	<u>2,600,000</u>	<u>25,000,000</u>	<u>0</u>
Kenton	80106	I-75	IMPROVE NORTHBOUND ENTRANCE RAMP ONTO I 75 FROM KYLES LANE (KY 1072) (2020CCN)	PL					
				DN	SPP	500,000			
				RW			1,275,000		
				UT	SPP			250,000	
				CN	SPP				5,180,000
				Project Cost:		<u>500,000</u>	<u>1,275,000</u>	<u>250,000</u>	<u>5,180,000</u>
Kenton	80217	KY-536	Provide connectivity, improve mobility, and reduce congestion along KY 536 from KY 17 to KY 16; include multi-modes.	PL					
				DN					
				RW	SPP	5,865,000			
				UT			1,478,400		
				CN	SPP			12,000,000	
				Project Cost:		<u>5,865,000</u>	<u>1,478,400</u>	<u>12,000,000</u>	<u>0</u>
Kenton	80254	US-25	REHABILITATE/RECONSTRUCT US 25 FROM BUTTERMILK PIKE (KY371) TO I-75 (MP 8.58 TO MP 9.86)	PL					
				DN					
				RW					
				UT					
				CN	SPP	4,292,800			
				Project Cost:		<u>4,292,800</u>	<u>0</u>	<u>0</u>	<u>0</u>
Total for Kenton county				PL					
				DN		23,400,000	25,707,500	10,763,000	1,107,500
				RW		74,625,000	1,275,000		
				UT		12,600,000	8,338,400	250,000	
				CN		<u>200,992,800</u>	<u>284,216,000</u>	<u>53,750,000</u>	<u>42,077,500</u>
				Total Amounts:		<u>311,617,800</u>	<u>319,536,900</u>	<u>64,763,000</u>	<u>43,185,000</u>

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Knott	158	KY-80	Eliminate rockfall hazards from kY 2029 to Rock Fork Road.	PL DN RW UT CN	PROT	5,849,000			
				Project Cost:		5,849,000	0	0	0
Knott	4395	KY-2102	INSTALL GUARDRAIL ON KY-2102 IN KNOTT COUNTY	PL DN RW UT CN	GR	186,000			
				Project Cost:		186,000	0	0	0
Knott	4396	KY-2102	INSTALL GUARDRAIL ON KY-2102 IN KNOTT COUNTY	PL DN RW UT CN	GR	131,000			
				Project Cost:		131,000	0	0	0
Knott	4397	KY-7	INSTALL GUARDRAIL ON KY-7 IN KNOTT COUNTY	PL DN RW UT CN	GR	99,000			
				Project Cost:		99,000	0	0	0
Knott	4398	KY-7	INSTALL GUARDRAIL ON KY-7 IN KNOTT COUNTY	PL DN RW UT CN	GR	92,000			
				Project Cost:		92,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Knott	4434	KY-3391	INSTALL GUARDRAIL ON KY-3391 IN KNOTT COUNTY	PL DN RW UT CN			52,000		
			Project Cost:			0	52,000	0	0
Knott	4435	KY-582	INSTALL GUARDRAIL ON KY-582 IN KNOTT COUNTY	PL DN RW UT CN			22,000		
			Project Cost:			0	22,000	0	0
Knott	10104	KY-1088	BRIDGE PROJECT IN KNOTT COUNTY ON (060B00025N) KY-1088 AT YELLOW CREEK	PL DN RW UT CN	BRX	57,000			
			Project Cost:			57,000	570,000	0	0
Knott	10106	KY-1091	BRIDGE PROJECT IN KNOTT COUNTY ON (060B00046N) KY-1091 AT RT FRK BEAVER CREEK	PL DN RW UT CN			150,000		
			Project Cost:			0	1,500,000	0	0
Knott	10108	CR-1141	BRIDGE PROJECT IN KNOTT COUNTY ON (060C00032N) Big Doubles Br AT Little Carr Fork	PL DN RW UT CN			22,000		
			Project Cost:			0	220,000	0	0
			Project Cost:			0	242,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Total for Knott county				PL					
				DN		57,000	172,000		
				RW					
				UT					
				CN		6,357,000	2,364,000		
				Total Amounts:		6,414,000	2,536,000	0	0
Knox	4373	KY-11	INSTALL GUARDRAIL ON KY-11 IN KNOX COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR	28,000			
				Project Cost:		28,000	0	0	0
Knox	4374	KY-11	INSTALL GUARDRAIL ON KY-11 IN KNOX COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR	3,000			
				Project Cost:		3,000	0	0	0
Knox	4376	KY-11	INSTALL GUARDRAIL ON KY-11 IN KNOX COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR	5,000			
				Project Cost:		5,000	0	0	0
Knox	4377	KY-11	INSTALL GUARDRAIL ON KY-11 IN KNOX COUNTY	PL					
				DN					
				RW					
				UT					
				CN	GR	7,000			
				Project Cost:		7,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Knox	4378	KY-229	INSTALL GUARDRAIL ON KY-229 IN KNOX COUNTY	PL DN RW UT CN	GR	7,000			
Project Cost:						7,000	0	0	0
Knox	4379	KY-3438	INSTALL GUARDRAIL ON KY-3438 IN KNOX COUNTY	PL DN RW UT CN	GR	11,000			
Project Cost:						11,000	0	0	0
Knox	4405	KY-11	INSTALL GUARDRAIL ON KY-11 IN KNOX COUNTY	PL DN RW UT CN			29,000		
Project Cost:						0	29,000	0	0
Knox	4406	KY-11	INSTALL GUARDRAIL ON KY-11 IN KNOX COUNTY	PL DN RW UT CN			44,000		
Project Cost:						0	44,000	0	0
Knox	10201	KY-223	BRIDGE PROJECT IN KNOX COUNTY ON (061B00056N) KY-223 AT ROAD FK STINKING CREEK	PL DN RW UT CN			76,000		
Project Cost:						0	760,000	0	0
Project Cost:						0	836,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Knox	10204	KY-3436	BRIDGE PROJECT IN KNOX COUNTY ON (061B00093N) KY-3436 AT E.FK.LYNN CAMP CK	PL DN RW UT CN	FBP2 FBP2			71,000 710,000	
Project Cost:						0	0	781,000	0
Knox	10205	CR-1532	BRIDGE PROJECT IN KNOX COUNTY ON (061C00073N) CR-1532 AT STINKING CREEK	PL DN RW UT CN			32,000 320,000		
Project Cost:						0	352,000	0	0
Knox	80203	KY-11	Improve safety and access along KY 11 by raising roadway above Flood X elevation.	PL DN RW UT CN	STP2			2,300,000	
Project Cost:						0	0	2,300,000	0
Total for Knox county				PL DN RW UT CN		61,000	1,153,000	3,010,000	
Total Amounts:						61,000	1,261,000	3,081,000	0
Larue	80258	KY-61	ADDRESS SAFETY AND GEOMETRIC DEFICIENCIES ALONG KY 61 FROM NEAR SOUTH L AND N TPKE (KY 470)(MP 5.152) TO THE INTERSECTION OF LINCOLN FARM RD (US 31E)(MP 8.031)	PL DN RW UT CN	SPP SPP SPP	1,000,000	1,396,500	1,401,600	7,884,800
Project Cost:						1,000,000	1,396,500	1,401,600	7,884,800

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Total for Larue county				PL					
				DN		1,000,000			
				RW			1,396,500		
				UT				1,401,600	
				CN					7,884,800
				Total Amounts:		1,000,000	1,396,500	1,401,600	7,884,800
Laurel	14.8000	I-75	TENN. STATE LINE-LEXINGTON; PRIORITY SECTION OF WIDENING I-75 FROM MP 20.2 IN WHITLEY COUNTY TO MP 28.85, US-25E NORTH OF CORBIN. (C-COST=\$110,000,000)(18CCR)	PL					
				DN					
				RW					
				UT					
				CN	NH	15,000,000	15,000,000	15,000,000	
				Project Cost:		15,000,000	15,000,000	15,000,000	0
Laurel	14.8100	I-75	TENN. STATE LINE-LEXINGTON; PRIORITY SECTION 2 OF WIDENING I-75 FROM MP 20.2 IN WHITLEY COUNTY TO MP 28.85, US-25E NORTH OF CORBIN. (C-COST=\$110,000,000)(18CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP		15,500,000	15,500,000	15,500,000
				Project Cost:		0	15,500,000	15,500,000	15,500,000
Laurel	147	US-25	REDUCE CONGESTION ON US-25 FROM KY-1006 TO KY-2069; IMPROVE CONNECTIVITY FROM US-25 NEAR KY-2069 TO KY-229; IMPROVE KY-229 FROM THE NEW CONNECTOR NORTH TO	PL					
				DN					
				RW					
				UT					
				CN	STP1	14,640,000			
				Project Cost:		14,640,000	0	0	0
Laurel	169	CO-0	Improve Rudy Bear Road and KY 3007 from KY 80 South to KY 3432 West of I-75.	PL					
				DN					
				RW					
				UT					
				CN			1,750,000		
				Project Cost:		0	1,750,000	0	0

2024-2028 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Laurel	185	US-25	IMPROVE SAFETY, IMPROVE ACCESS MANAGEMENT, AND REDUCE CONGESTION ON US-25E FROM THE KNOX/LAUREL COUNTY LINE TO KY-770 (12CCR)(16CCR) (2020CCR)	PL DN RW UT CN	NH	8,500,000			
				Project Cost:		8,500,000	0	0	0
Laurel	187	KY-192	IMPROVE SAFETY, ACCESS MANAGEMENT, AND FREIGHT MOBILITY; AND REDUCE CONGESTION ON KY-192 NEAR KY-1006 TO US-25 IN LONDON. (12CCR)(LET W/11-8514.10)	PL DN RW UT CN	NH	9,000,000			
				Project Cost:		9,000,000	0	0	0
Laurel	365	HR-9006	REDUCE CONGESTION ON THE HAL ROGERS PARKWAY FROM RELOCATED KY-30 TO KY-192.	PL DN RW UT CN	NH	9,000,000			
				Project Cost:		9,000,000	0	0	0
Laurel	4380	KY-2041	INSTALL GUARDRAIL ON KY-2041 IN LAUREL COUNTY	PL DN RW UT CN	GR	22,000			
				Project Cost:		22,000	0	0	0
Laurel	4381	KY-312	INSTALL GUARDRAIL ON KY-312 IN LAUREL COUNTY	PL DN RW UT CN	GR	13,000			
				Project Cost:		13,000	0	0	0

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1499

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Laurel	4382	KY-312	INSTALL GUARDRAIL ON KY-312 IN LAUREL COUNTY	PL DN RW UT CN	GR	17,000			
Project Cost:						17,000	0	0	0
Laurel	4383	KY-312	INSTALL GUARDRAIL ON KY-312 IN LAUREL COUNTY	PL DN RW UT CN	GR	8,000			
Project Cost:						8,000	0	0	0
Laurel	4407	KY-363	INSTALL GUARDRAIL ON KY-363 IN LAUREL COUNTY	PL DN RW UT CN			142,000		
Project Cost:						0	142,000	0	0
Laurel	8515	US-25	IMPROVE CONNECTIVITY BETWEEN CORBIN AND LONDON FROM KY-1006 TO US-25E. (08CCN)	PL DN RW UT CN	SPP	2,080,000			
Project Cost:						2,080,000	0	0	0
Laurel	8909	HR-9006	IMPROVE THE HAL ROGERS PARKWAY TO INTERSTATE STANDARDS FROM 4.0 MI EAST OF KY 192 TO LAUREL/CLAY CO. LINE. (I-75 TO HAZARD) (16CCN) (18CCR)	PL DN RW UT CN	NH NH	2,550,000	1,170,000	10,000,000	22,850,000
Project Cost:						2,550,000	1,170,000	10,000,000	22,850,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Laurel	10042	KY-490	BRIDGE PROJECT IN LAUREL COUNTY ON (063B00004N) KY-490 at ROCKCASTLE RIVER	PL DN RW UT CN			134,000		
				Project Cost:		0	1,340,000	0	0
Laurel	10207	KY-490	BRIDGE PROJECT IN LAUREL COUNTY ON (063B00002N) KY-490 AT CSX RAILROAD	PL DN RW UT CN	FBP	515,000			
				Project Cost:	FBP	5,150,000	0	0	0
Laurel	10209	KY-472	BRIDGE PROJECT IN LAUREL COUNTY ON (063B00062N) KY-472 AT S.FK.ROCKCASTLE RVR	PL DN RW UT CN	FBP2	102,000			
				Project Cost:	FBP2	1,020,000	0	0	0
Laurel	10211	KY-552	BRIDGE PROJECT IN LAUREL COUNTY ON (063B00101N) KY-552 AT LITTLE LAUREL RIVER	PL DN RW UT CN	FBP2	57,000			
				Project Cost:	FBP2	570,000	0	0	0
Laurel	22196	HR-9006	ADDRESS CONDITION OF HAL ROGERS DANIEL BOONE PARKWAY FROM MILEPOINT 4.169 TO MILEPOINT 8.8	PL DN RW UT CN	NHPM				185,200
				Project Cost:	NHPM	0	0	0	1,852,400
									2,037,600

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1501

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Laurel	22197	HR-9006	ADDRESS CONDITION OF Hal Rogers Daniel Boone Parkway FROM MILEPOINT 8.8 TO MILEPOINT 10.593	PL DN RW UT CN	NHPM				80,000
Project Cost:						0	0	0	880,000
Laurel	80154	hr-9006	ADDRESS ACCESS AND SAFETY ISSUES AT THE INTERSECTION OF KY 80 AND PAYNE TRAIL AND BUSH ELEMENTARY SCHOOL BY CONSTRUCTING A CONNECTOR ROAD FROM HAL ROGERS	PL DN RW UT CN	SPP	562,000			
Project Cost:						562,000	0	0	0
Laurel	80200	US-25	Improve safety and alleviate congestion along US 25 and KY 1006 by adding extended turning lanes.	PL DN RW UT CN	SPP	3,200,000			
Project Cost:						3,200,000	0	0	0
Total for Laurel county				PL DN RW UT CN		2,754,000 2,550,000 66,702,000	134,000 1,170,000 33,732,000	40,500,000	265,200 41,002,400
Total Amounts:						72,006,000	35,036,000	40,500,000	41,267,600
Lawrence	4399	KY-644	INSTALL GUARDRAIL ON KY-644 IN LAWRENCE COUNTY	PL DN RW UT CN	GR	74,000			
Project Cost:						74,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Lawrence	4400	KY-644	INSTALL GUARDRAIL ON KY-644 IN LAWRENCE COUNTY	PL DN RW UT CN	GR	89,000			
				Project Cost:		89,000	0	0	0
Lawrence	4436	KY-1690	INSTALL GUARDRAIL ON KY-1690 IN LAWRENCE COUNTY	PL DN RW UT CN			74,000		
				Project Cost:		0	74,000	0	0
Lawrence	10111	KY-32	BRIDGE PROJECT IN LAWRENCE COUNTY ON (064B00018N) KY-32 AT Hood Creek	PL DN RW UT CN			215,000		
				Project Cost:		0	2,150,000	0	0
Lawrence	10112	KY-32	BRIDGE PROJECT IN LAWRENCE COUNTY ON (064B00019N) KY-32 AT Blaine Creek	PL DN RW UT CN			340,000		
				Project Cost:		0	3,400,000	0	0
Lawrence	10113	KY-1	BRIDGE PROJECT IN LAWRENCE COUNTY ON (064B00027N) KY-1 AT DRY FORK CREEK	PL DN RW UT CN			1,300,000		
				Project Cost:		0	1,300,000	0	0

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1503

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Lawrence	22351	KY-32	ADDRESS CONDITION OF KY-32 FROM MILEPOINT 21 TO MILEPOINT 23	PL DN RW UT CN			30,000		
				Project Cost:		0	300,000	0	0
Lawrence	22352	KY-201	ADDRESS CONDITION OF KY-201 FROM MILEPOINT 5 TO MILEPOINT 10.9	PL DN RW UT CN	STP4	67,500			
				Project Cost:	STP4	607,500	0	0	0
				Project Cost:		675,000	0	0	0
Lawrence	80103	KY-201	REPAVE KY 201 FROM MP 5.0 TO 10.9 (2020CCN)	PL DN RW UT CN			675,000		
				Project Cost:		0	675,000	0	0
Lawrence	80106	KY-3	REPAVE ROUTE 3 NORTH FROM MP 17 TO MP 29.6 (2020CCN)	PL DN RW UT CN			1,600,000		
				Project Cost:		0	1,600,000	0	0
Lawrence	80107	KY-1690	REPAVE KY 1690 FROM MP 4.3 TO MP 6.3 AND PLACE GUARD RAILS ON RICHARDSON HILL (2020CCN)	PL DN RW UT CN			200,000		
				Project Cost:		0	200,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Lawrence	80110	KY-581	REPLACE BRIDGE ON KY 581 0.5 MILES FROM THE INTERSECTION OF US 23 (2020CCN)	PL					
				DN					
				RW					
				UT	SPP	165,000			
				CN			1,550,000		
				Project Cost:		<u>165,000</u>	<u>1,550,000</u>	<u>0</u>	<u>0</u>
Total for Lawrence county				PL					
				DN		67,500	585,000		
				RW					
				UT		165,000			
				CN		770,500	11,219,000		
				Total Amounts:		<u>1,003,000</u>	<u>11,804,000</u>	<u>0</u>	<u>0</u>
Lee	175	KY-52	Replace or Repair multiple culverts along KY 52 in Lee County.	PL					
				DN					
				RW					
				UT					
				CN	PROT	3,750,000			
				Project Cost:		<u>3,750,000</u>	<u>0</u>	<u>0</u>	<u>0</u>
Lee	292.1200	KY-587	Upgrade geometrics on KY 587 from MP 11.65 to the intersection with KY 11. (SEE 10-292.10 FOR D,R,U PHASES)	PL					
				DN					
				RW					
				UT					
				CN	STP2	1,700,000			
				Project Cost:		<u>1,700,000</u>	<u>0</u>	<u>0</u>	<u>0</u>
Lee	10051	CS-1005	BRIDGE PROJECT IN LEE COUNTY ON (065C00024N) SILVER CREEK RD AT SILVER CREEK	PL					
				DN			25,000		
				RW					
				UT					
				CN			250,000		
				Project Cost:		<u>0</u>	<u>275,000</u>	<u>0</u>	<u>0</u>

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Lee	80104	KY-399	RECONSTRUCT ALONG KY 399 BETWEEN MP 5.75 AND 6.2 (2020CCN)	PL DN RW UT CN		0	1,000,000	0	0
Project Cost:						0	1,000,000	0	0
Total for Lee county				PL DN RW UT CN			25,000		
Total Amounts:						5,450,000	1,250,000	0	0
Leslie	4408	US-421	INSTALL GUARDRAIL ON US-421 IN LESLIE COUNTY	PL DN RW UT CN		0	99,000	0	0
Project Cost:						0	99,000	0	0
Leslie	8516	KY-1482	CONSTRUCT A NEW APPROACH FROM KY-1482 ONTO THE HAL ROGERS PARKWAY AT MP 39. (08CCN)(10CCR) (2011BOPP)(18CCN) (2020CCR)	PL DN RW UT CN	SPP	460,000	6,860,000		
Project Cost:						460,000	6,860,000	0	0
Leslie	8912	HR-9006	UPGRADE ROUTE FROM SOMERSET TO HAZARD TO INTERSTATE STANDARDS: 4 LANE FROM CLAY/LESLIE LINE TO HYDEN SPUR, MP 35.929 TO MP 44.188 (SEGMENT 9). (16CCN)(18CCN)	PL DN RW UT CN	NH NH			12,000,000	9,000,000
Project Cost:						0	0	21,000,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>	
Leslie	8913	HR-9006	UPGRADE ROUTE FROM SOMERSET TO HAZARD TO INTERSTATE STANDARDS: 4 LANE FROM HYDEN SPUR TO LESLIE/PERRY LINE (SEGMENT 10). (16CCN)(18CCN)	PL						
				DN			1,000,000			
				RW	NH				10,000,000	
				UT	NH				7,000,000	
				CN						
Project Cost:						0	1,000,000	17,000,000	0	
Leslie	8951	US-421	CONSTRUCT RIGHT TURN LANE ON US 421 AT INTERSECTION WITH KY 80. (16CCN)(18CCN)	PL						
				DN						
				RW						
				UT						
				CN	SPP	1,300,000				
Project Cost:						1,300,000	0	0	0	
Leslie	10212	KY-2058	BRIDGE PROJECT IN LESLIE COUNTY ON (066B00028N) KY-2058 AT BEECH FORK CREEK	PL						
				DN	FBP2	139,000				
				RW						
				UT						
				CN	FBP2	1,390,000				
Project Cost:						1,529,000	0	0	0	
Leslie	10213	KY-699	BRIDGE PROJECT IN LESLIE COUNTY ON (066B00033N) KY-699 AT CUTSHIN CREEK	PL						
				DN						
				RW						
				UT						
				CN	FBP2	900,000				
Project Cost:						900,000	0	0	0	
Leslie	10215	KY-1482	BRIDGE PROJECT IN LESLIE COUNTY ON (066B00058N) KY-1482 AT HALS FORK	PL						
				DN			109,000			
				RW						
				UT						
				CN			1,090,000			
Project Cost:						0	1,199,000	0	0	

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1507

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Leslie	22201	HR-9006	ADDRESS CONDITION OF Hal Rogers Daniel Boone Parkway FROM MILEPOINT 35.929 TO MILEPOINT 44.04	PL					
				DN	NHPM				308,218
				RW					
				UT					
				CN	NHPM				3,082,180
				Project Cost:		0	0	0	3,390,398
Leslie	22202	HR-9006	ADDRESS CONDITION OF Hal Rogers Daniel Boone Parkway FROM MILEPOINT 44.04 TO MILEPOINT 51.026	PL					
				DN	NHPM				265,468
				RW					
				UT					
				CN	NHPM				2,654,680
				Project Cost:		0	0	0	2,920,148
Leslie	80002	KY-3424	SAFETY IMPROVEMENTS ON KY 3424 FROM MP 1.1 TO MP 1.5.(18CCN)	PL					
				DN					
				RW					
				UT					
				CN	SPP	1,300,000			
				Project Cost:		1,300,000	0	0	0
Leslie	80007	KY-118	CONSTRUCT A SECONDARY RUNAWAY TRUCK RAMP ON KY 118 (HYDEN SPUR) JUST BEFORE THE INTERSECTION WITH KY 80/US 421 TO INCLUDE A NEW BOX CULVERT OR BRIDGE AT THE	PL					
				DN					
				RW	SPP	410,000			
				UT			90,000		
				CN	SPP			1,470,000	
				Project Cost:		410,000	90,000	1,470,000	0
Total for Leslie county				PL					
				DN		139,000	1,109,000		573,686
				RW		410,000		22,000,000	
				UT		460,000	90,000	16,000,000	
				CN		4,890,000	8,049,000	1,470,000	5,736,860
				Total Amounts:		5,899,000	9,248,000	39,470,000	6,310,546

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Letcher	199.1000	US-119	IMPROVE US-119 FROM NORTH OF KY-15 TO BRASS DRIVE (SOUTH).(16CCN) (18CCR) (2020CCR)	PL DN RW UT CN	SPP	10,060,000			
Project Cost:						10,060,000	0	0	0
Letcher	199.1500	US-119	IMPROVE US-119 FROM KY-2034/COUGAR DRIVE TO BRASS DRIVE (MP 16.731 TO 17.740). THROUGH MAYKING (MP 19.925 TO 20.6) AND AUXILIARY LANE (MP 22.0 TO 22.75)	PL DN RW UT CN	NH	5,495,000			
Project Cost:						5,495,000	0	0	0
Letcher	199.5000	US-119	RECONSTRUCT US-119 BY WIDENING TO 4-LANES ALONG A NEW ALIGNMENT (ORANGE) THROUGH THE GATEWAY INDUSTRIAL PARK TO US-23, INCLUDING US-23 FLYOVER RAMP.(16CCN)	PL DN RW UT CN	NH NH NH	7,100,000 3,000,000		13,000,000	
Project Cost:						10,100,000	0	13,000,000	0
Letcher	4402	KY-1103	INSTALL GUARDRAIL ON KY-1103 IN LETCHER COUNTY	PL DN RW UT CN	GR	82,000			
Project Cost:						82,000	0	0	0
Letcher	4403	KY-931	INSTALL GUARDRAIL ON KY-931 IN LETCHER COUNTY	PL DN RW UT CN	GR	82,000			
Project Cost:						82,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Letcher	4404	KY-932	INSTALL GUARDRAIL ON KY-932 IN LETCHER COUNTY	PL DN RW UT CN	GR	26,000			
				Project Cost:		26,000	0	0	0
Letcher	4437	KY-317	INSTALL GUARDRAIL ON KY-317 IN LETCHER COUNTY	PL DN RW UT CN			107,000		
				Project Cost:		0	107,000	0	0
Letcher	4438	KY-317	INSTALL GUARDRAIL ON KY-317 IN LETCHER COUNTY	PL DN RW UT CN			88,000		
				Project Cost:		0	88,000	0	0
Letcher	4439	KY-317	INSTALL GUARDRAIL ON KY-317 IN LETCHER COUNTY	PL DN RW UT CN			57,000		
				Project Cost:		0	57,000	0	0
Letcher	4440	KY-7	INSTALL GUARDRAIL ON KY-7 IN LETCHER COUNTY	PL DN RW UT CN			94,000		
				Project Cost:		0	94,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Letcher	4441	KY-7	INSTALL GUARDRAIL ON KY-7 IN LETCHER COUNTY	PL					
				DN					
				RW					
				UT					
				CN			67,000		
				Project Cost:		0	67,000	0	0
Letcher	4442	KY-7	INSTALL GUARDRAIL ON KY-7 IN LETCHER COUNTY	PL					
				DN					
				RW					
				UT					
				CN			53,000		
				Project Cost:		0	53,000	0	0
Letcher	4443	KY-931	INSTALL GUARDRAIL ON KY-931 IN LETCHER COUNTY	PL					
				DN					
				RW					
				UT					
				CN			59,000		
				Project Cost:		0	59,000	0	0
Letcher	4444	KY-931	INSTALL GUARDRAIL ON KY-931 IN LETCHER COUNTY	PL					
				DN					
				RW					
				UT					
				CN			66,000		
				Project Cost:		0	66,000	0	0
Letcher	4445	KY-931	INSTALL GUARDRAIL ON KY-931 IN LETCHER COUNTY	PL					
				DN					
				RW					
				UT					
				CN			41,000		
				Project Cost:		0	41,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Letcher	4446	KY-931	INSTALL GUARDRAIL ON KY-931 IN LETCHER COUNTY	PL DN RW UT CN			75,000		
			Project Cost:			0	75,000	0	0
Letcher	4447	KY-931	INSTALL GUARDRAIL ON KY-931 IN LETCHER COUNTY	PL DN RW UT CN			54,000		
			Project Cost:			0	54,000	0	0
Letcher	4448	KY-931	INSTALL GUARDRAIL ON KY-931 IN LETCHER COUNTY	PL DN RW UT CN			25,000		
			Project Cost:			0	25,000	0	0
Letcher	8702	KY-805	IMPROVE THE EXISTING ROADWAY TO MEET CURRENT STANDARDS AND IMPROVE CONGESTION INTO AND OUT OF JENKINS BETWEEN MP 9.176 AND MP 9.247.	PL DN RW UT CN	STP2			713,000	
			Project Cost:			0	0	713,000	0
Letcher	10118	KY-160	BRIDGE PROJECT IN LETCHER COUNTY ON (067B00033N) KY-160 AT MUDDY BRANCH	PL DN RW UT CN	BRX	29,000			
			Project Cost:			29,000	290,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Letcher	10119	KY-931	BRIDGE PROJECT IN LETCHER COUNTY ON (067B00053N) KY-931 AT N Fork Kentucky River	PL DN RW UT CN			143,000		
							1,430,000		
			Project Cost:			0	1,573,000	0	0
Letcher	10120	KY-343	BRIDGE PROJECT IN LETCHER COUNTY ON (067B00078N) KY-343 AT WRIGHT FORK	PL DN RW UT CN			48,000		
							480,000		
			Project Cost:			0	528,000	0	0
Letcher	10121	KY-803	BRIDGE PROJECT IN LETCHER COUNTY ON (067B00091N) KY-803 AT MILLSTONE CREEK	PL DN RW UT CN			42,000		
							420,000		
			Project Cost:			0	462,000	0	0
Letcher	10122	KY-2036	BRIDGE PROJECT IN LETCHER COUNTY ON (067B00094N) KY-2036 AT Rockhouse Creek	PL DN RW UT CN	BRX	104,000			
					BRX			1,040,000	
			Project Cost:			104,000	0	1,040,000	0
Letcher	10125	KY-2034	BRIDGE PROJECT IN LETCHER COUNTY ON (067B00121N) KY-2034C AT N FK KY RIVER	PL DN RW UT CN			62,000		
							620,000		
			Project Cost:			0	682,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Letcher	10126	CR-1716	BRIDGE PROJECT IN LETCHER COUNTY ON (067C00091N) Hancock Drive AT N Fork Kentucky River	PL DN RW UT CN			60,000		
			Project Cost:			0	660,000	0	0
Letcher	80114	KY-3401	INSTALL A LEFT TURN AT INTERSECTION OF KY 15 AND KY 3401 (2020CCN)	PL DN RW UT CN			750,000		
			Project Cost:			0	750,000	0	0
Letcher	80115	KY-463	INSTALL A GUARD RAIL ON KY 463 NEAR GORDON PARK (2020CCN)	PL DN RW UT CN			11,000		
			Project Cost:			0	11,000	0	0
Letcher	80200	KY-113	Spot improvements along KY 113 from KY 2545 to Landfill Rd where the Letcher County Transfer Station is located.	PL DN RW UT CN			604,800		
			Project Cost:			0	604,800	0	0
Total for Letcher county				PL DN RW UT CN		133,000 7,100,000 3,000,000 15,745,000	355,000 5,991,800	14,753,000	0
				Total Amounts:		25,978,000	6,346,800	14,753,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Lewis	231	KY-59	NEW ROUTE FROM VANCEBURG TO KY-59 FROM POLLITT LANE IN VANCEBURG (ALT. 5B1-2 PER PLANNING STUDY). (2020CCR)	PL DN RW UT CN	SPP		1,500,000		40,000,000
			Project Cost:			0	1,500,000	0	40,000,000
Lewis	4324	KY-8	INSTALL GUARDRAIL ON KY-8 IN LEWIS COUNTY	PL DN RW UT CN			64,000		
			Project Cost:			0	64,000	0	0
Lewis	8807	KY-57	RECONSTRUCT KY-57 FROM KY-9 TO FLEMING/LEWIS COUNTY LINE (14CCN) (16CCR) (18CCN) (2020CCR)	PL DN RW UT CN	SPP	6,000,000	3,830,000	38,000,000	
			Project Cost:			6,000,000	3,830,000	38,000,000	0
Lewis	20010	KY-9	ADDRESS CONDITION OF KY-9 FROM MILEPOINT 21.027 TO MILEPOINT 25.532	PL DN RW UT CN			225,000		
			Project Cost:			0	2,025,000	0	0
Lewis	80251	ky-9	CONSTRUCT RIGHT AND LEFT TURN LANES AT THE INTERSECTION OF KY 989 (MP18.553) TO IMPROVE SAFETY AND DECREASE COLLISIONS.	PL DN RW UT CN	SPP	250,000	133,000 297,600	809,600	
			Project Cost:			250,000	430,600	809,600	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Total for Lewis county				PL					
				DN		250,000	225,000		
				RW		6,000,000	133,000		
				UT			5,627,600		
				CN			2,089,000	38,809,600	40,000,000
				Total Amounts:		6,250,000	8,074,600	38,809,600	40,000,000
Lincoln	167	US-27	US-27 CORRIDOR FROM SOMERSET TO LEXINGTON. IMPROVE SAFETY AND REDUCE CONGESTION ON US-27 FROM KY-1247 TO EDUCATION WAY.	PL					
				DN					
				RW			4,000,000		
				UT	NH			7,500,000	
				CN					
				Project Cost:		0	4,000,000	7,500,000	0
Lincoln	10055	KY-3246	BRIDGE PROJECT IN LINCOLN COUNTY ON (069B00068N) KY-3246 AT FALL LICK CREEK	PL					
				DN	FBP2	53,000			
				RW					
				UT					
				CN	FBP2	530,000			
				Project Cost:		583,000	0	0	0
Lincoln	22355	US-27	ADDRESS CONDITION OF US-27 FROM MILEPOINT 11.82 TO MILEPOINT 15.695	PL					
				DN	STP4	120,000			
				RW					
				UT					
				CN	STP4	1,080,000			
				Project Cost:		1,200,000	0	0	0
Lincoln	80009	US-27	Reconstruct US 27 From Bell Street (End of 8-196.00) in Stanford to Lincoln-Garrard County Line. (18CCN) (2020CCR)	PL					
				DN					
				RW					
				UT	NH	6,500,000			
				CN			36,000,000		
				Project Cost:		6,500,000	36,000,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Lincoln	80201	us-27	Continue ongoing improvements to US 27 Corridor from Somerset to Lexington.	PL					
			Improve Level of Service and safety on US 27 from KY 328 to KY 501 in Lincoln County.	DN					
				RW	NH	6,958,100			
				UT			4,093,000		
				CN	NH			30,697,500	
				Project Cost:		<u>6,958,100</u>	<u>4,093,000</u>	<u>30,697,500</u>	<u>0</u>
Total for Lincoln county				PL					
				DN		173,000			
				RW		6,958,100	4,000,000		
				UT		6,500,000	4,093,000	7,500,000	
				CN		<u>1,610,000</u>	<u>36,000,000</u>	<u>30,697,500</u>	
				Total Amounts:		<u>15,241,100</u>	<u>44,093,000</u>	<u>38,197,500</u>	<u>0</u>
Livingston	330	US-60	PADUCAH-HENDERSON; RELOCATE US-60 FROM EAST OF THE TENNESSEE RIVER BRIDGE TO EAST OF RUDD-SPEES ROAD (00CCR)(12CCR)(14CCR) (2020CCR)	PL					
				DN					
				RW					
				UT	SPP	1,690,000			
				CN			18,000,000		
				Project Cost:		<u>1,690,000</u>	<u>18,000,000</u>	<u>0</u>	<u>0</u>
Livingston	10152	KY-135	BRIDGE PROJECT IN LIVINGSTON COUNTY ON (070B00009N) KY-135 AT BUCK CREEK	PL					
				DN	FBP2	198,000			
				RW					
				UT					
				CN	FBP2	<u>1,980,000</u>			
				Project Cost:		<u>2,178,000</u>	<u>0</u>	<u>0</u>	<u>0</u>
Livingston	10153	KY-453	BRIDGE PROJECT IN LIVINGSTON COUNTY ON (070B00045N) KY-453 AT P&L RAILWAY	PL					
				DN	FBP2	502,000			
				RW					
				UT					
				CN	FBP2	<u>5,020,000</u>			
				Project Cost:		<u>5,522,000</u>	<u>0</u>	<u>0</u>	<u>0</u>

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Livingston	10217	KY-453	BRIDGE PROJECT IN LIVINGSTON COUNTY ON (070B00042R) KY-453 AT REEDS HAUL ROAD AND RAI	PL					
				DN					
				RW					
				UT					
				CN	FBP2	2,000,000			
				Project Cost:		2,000,000	0	0	0
Total for Livingston county				PL					
				DN		700,000			
				RW					
				UT		1,690,000			
				CN		9,000,000	18,000,000		
				Total Amounts:		11,390,000	18,000,000	0	0
Logan	10042	US-68	BRIDGE PROJECT IN LOGAN COUNTY ON (071B00047N) US-68X AT RJC RAILROAD	PL					
				DN	FBP2				664,000
				RW					
				UT					
				CN	FBP2				6,640,000
				Project Cost:		0	0	0	7,304,000
Logan	10043	KY-3201	BRIDGE PROJECT IN LOGAN COUNTY ON (071B00099N) COOPERSTOWN-QUALIT AT MUD RIVER	PL					
				DN			113,000		
				RW					
				UT					
				CN			1,130,000		
				Project Cost:		0	1,243,000	0	0
Logan	80050	US-79	WIDEN US-79 TO 4 LANES FROM TODD COUNTY LINE TO INTERSECTION WITH RUSSELLVILLE BYPASS.(18CCN) (2020CCR)	PL					
				DN					
				RW	NH	6,000,000			
				UT			20,810,000		
				CN	NH			59,010,000	
				Project Cost:		6,000,000	20,810,000	59,010,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Total for Logan county				PL					
				DN			113,000		664,000
				RW		6,000,000			
				UT			20,810,000		
				CN			1,130,000	59,010,000	6,640,000
				Total Amounts:		6,000,000	22,053,000	59,010,000	7,304,000
Lyon	187.5000		RELOCATE US-641 FROM US-62 NEAR EDDYVILLE TO SOUTH OF THE LYON/CALDWELL COUNTY LINE (2020CCR)	PL					
				DN					
				RW	SPP	3,500,000			
				UT			1,000,000		
				CN	SPP			3,500,000	6,500,000
				Project Cost:		3,500,000	1,000,000	3,500,000	6,500,000
Lyon	10155	KY-295	BRIDGE PROJECT IN LYON COUNTY ON (072B00038N) KY-295 AT I 24 @ MP 40.720	PL					
				DN					
				RW					
				UT					
				CN	FBP	2,000,000			
				Project Cost:		2,000,000	0	0	0
Lyon	10156	CR-1047	BRIDGE PROJECT IN LYON COUNTY ON (072B00040N) GREGORY ROAD AT I-24 @ MP. 042.048	PL					
				DN					
				RW					
				UT					
				CN	FBP	2,000,000			
				Project Cost:		2,000,000	0	0	0
Lyon	10157	KY-6020	BRIDGE PROJECT IN LYON COUNTY ON (072B00046N) KY-6020 AT I-24 @ MP. 050.701	PL					
				DN					
				RW					
				UT					
				CN	FBP	2,000,000			
				Project Cost:		2,000,000	0	0	0

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Lyon	10158	CS-903	BRIDGE PROJECT IN LYON COUNTY ON (072B00047N) KY-903 AT I 24 @ MP. 51.718	PL DN RW UT CN	FBP	2,000,000			
				Project Cost:		2,000,000	0	0	0
Lyon	10159	I -69	BRIDGE PROJECT IN LYON COUNTY ON (072B00049L) WENDELL H FORD WES AT I-24 @ MP. 041.603	PL DN RW UT CN	FBP	2,000,000			
				Project Cost:		2,000,000	0	0	0
Lyon	10160	I -69	BRIDGE PROJECT IN LYON COUNTY ON (072B00049R) I-69 AT I-24 @ MP. 041.603	PL DN RW UT CN	FBP	2,000,000			
				Project Cost:		2,000,000	0	0	0
Lyon	10161	KY-6020	BRIDGE PROJECT IN LYON COUNTY ON (072B00058N) KY-6020 AT I-24 @ MP. 050.701	PL DN RW UT CN	FBP	2,000,000			
				Project Cost:		2,000,000	0	0	0
Lyon	20010	I -24	ADDRESS CONDITION OF I-024 NON-CARDINAL DIRECTION FROM MILEPOINT 45 TO MILEPOINT 54.842	PL DN RW UT CN			600,000		
				Project Cost:		0	6,000,000	0	0
						0	6,600,000	0	0

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Lyon	22077	I -69	ADDRESS CONDITION OF I-069 FROM MILEPOINT 68.084 TO MILEPOINT 71.818	PL DN RW UT CN			182,000		
							1,820,000		
			Project Cost:			0	2,002,000	0	0
Lyon	22078	I -69	ADDRESS CONDITION OF I-069 FROM MILEPOINT 71.786 TO MILEPOINT 73.694	PL DN RW UT CN	NHPM	150,000			
					NHPM	1,500,000			
			Project Cost:			1,650,000	0	0	0
Total for Lyon county				PL DN RW UT CN		150,000 3,500,000 15,500,000	782,000 1,000,000 7,820,000	3,500,000	6,500,000
			Total Amounts:			19,150,000	9,602,000	3,500,000	6,500,000
Madison	235	KY-52	IMPROVE KY-52 FROM WALLACE MILL ROAD TO INTERSTATE 75 AT THE DUNCANNON ROAD INTERCHANGE. (02CCR)(12CCN)(14CCR) (DESIGN/BUILD) (16CCR)(18CCR) (2020CCR)	PL DN RW UT CN	STP2	6,000,000	11,490,000		
			Project Cost:			6,000,000	11,490,000	0	0
Madison	251.4000	US-25	PRIORITY SECTION II & III: WIDEN US-25 FROM US-421 TO PUMPKIN RUN.(SEE 7-251.10 FOR SEC III UTIL & CONST) (2006BOPC)(08CCR)(10CCR)(12CCR) (14CCR)	PL DN RW UT CN	NH	4,200,000			
			Project Cost:			4,200,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Madison	8853	CR-1236, KY-2877, KY-2881	PROPOSED ROADWAY IMPROVEMENTS FROM DUNCANNON RD TO THE MADISON CO AIRPORT TO INCLUDE CALEAST RD (KY 2881 MP.783-MP 2.780), JOHN BALLARD RD (KY 2877 MP0-MP.806 & CR	PL DN RW UT CN			12,800,000		
Project Cost:						0	12,800,000	0	0
Madison	10050	KY-1985	BRIDGE PROJECT IN MADISON COUNTY ON (076B00070N) KY-1985 AT TATES CREEK	PL DN RW UT CN	FBP		126,000	1,260,000	
Project Cost:						0	126,000	1,260,000	0
Madison	22115	I -75	ADDRESS CONDITION OF I-075 FROM MILEPOINT 86.25 TO MILEPOINT 97.703	PL DN RW UT CN	NHPM NHPM			1,305,642	
Project Cost:						0	0	14,362,062	0
Madison	80109	US-25	REHABILITATE THE BRIDGE OVER THE RAILROAD ON US 25 NEAR THE GOLDENLEAF DEVELOPMENT AREA (2020CCN)	PL DN RW UT CN			605,000		
Project Cost:						0	605,000	0	0
Madison	80110	CR-1200, CS-1526	EXTEND BOGGS LN TO CONNECT TO PAVILION WAY (2020CCN)	PL DN RW UT CN	SPP SPP	870,000	290,000	1,200,000	
Project Cost:						870,000	290,000	1,200,000	0

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Madison	80111	KY-374	WIDEN KY 374 (SPEEDWELL RD) FROM KY 25 TO US 421 (2020CCN)	PL					
				DN					
				RW	SPP	6,000,000			
				UT			12,000,000		
				CN	SPP			29,000,000	
				Project Cost:		<u>6,000,000</u>	<u>12,000,000</u>	<u>29,000,000</u>	<u>0</u>
Madison	80201		New road that extends from Menelaus Road (KY 1983) at existing MP 2.851 to Mayde Road in Berea.	PL					
				DN					
				RW					
				UT					
				CN	SPP	2,750,000			
				Project Cost:		<u>2,750,000</u>	<u>0</u>	<u>0</u>	<u>0</u>
Total for Madison county				PL					
				DN			126,000	1,305,642	
				RW		6,870,000			
				UT			12,290,000		
				CN		<u>12,950,000</u>	<u>24,895,000</u>	<u>44,516,420</u>	
				Total Amounts:		<u>19,820,000</u>	<u>37,311,000</u>	<u>45,822,062</u>	<u>0</u>
Magoffin	169	KY-114	MOUNTAIN PARKWAY CORRIDOR: EXTEND THE FOUR LANE MOUNTAIN PARKWAY FROM US 460 TO THE MAGOFFIN/FLOYD COUNTY LINE.	PL					
				DN					
				RW	NH	10,420,000			
				UT	NH	4,220,000			
				CN	NH			99,770,000	
				Project Cost:		<u>14,640,000</u>	<u>0</u>	<u>99,770,000</u>	<u>0</u>
Magoffin	213	KY-40	ROADWAY IMPROVEMENTS AND SIDEWALK CONSTRUCTION ALONG KY 40 (MP 0.145-0.660) TO BETTER FACILITATE ALTERNATIVE TRANSPORTATION METHODS (2018BOP).	PL					
				DN					
				RW					
				UT	STPF	1,500,000			
				CN					
				Project Cost:		<u>1,500,000</u>	<u>0</u>	<u>0</u>	<u>0</u>

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Magoffin	4316	KY-1081	INSTALL GUARDRAIL ON KY-1081 IN MAGOFFIN COUNTY	PL DN RW UT CN			26,000		
			Project Cost:			0	26,000	0	0
Magoffin	8901	US-460	IMPROVE US-460 IN MAGOFFIN COUNTY AT IVY POINT HILL WEST OF SALYERSVILLE. (16CCN) (2020CCR)	PL DN RW UT CN	STPF	4,000,000			
			Project Cost:			4,000,000	0	0	0
Magoffin	10053	KY-3333	BRIDGE PROJECT IN MAGOFFIN COUNTY ON (077B00071N) KY-3333 AT LICK CR.	PL DN RW UT CN	FBP2	85,000			
			Project Cost:			850,000	0	0	0
Magoffin	22210	KY-9009	ADDRESS CONDITION OF Bert T. Combs Mountain Parkway FROM MILEPOINT 69.58 TO MILEPOINT 71	PL DN RW UT CN			105,080		
			Project Cost:			0	1,050,800	0	0
Magoffin	22211	KY-9009	ADDRESS CONDITION OF Bert T. Combs Mountain Parkway FROM MILEPOINT 71 TO MILEPOINT 73.19	PL DN RW UT CN	NHPM				162,060
			Project Cost:			0	0	0	1,620,600
									1,782,660

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>	
Total for Magoffin county				PL						
				DN		85,000	105,080		162,060	
				RW		10,420,000				
				UT		5,720,000				
				CN		4,850,000	1,076,800	99,770,000	1,620,600	
				Total Amounts:		21,075,000	1,181,880	99,770,000	1,782,660	
Marion	8715	KY-49	ADDRESS SAFETY AND GEOMETRIC DEFICIENCIES ALONG KY 49 FROM RIVERSIDE BRIDGE TO NARROWS RD, APPROXIMATELY 1.3 MILES SOUTH OF KY 337 (12CCN)(2020CCN) MP 6.692 TO	PL						
				DN						
				RW	SPP	3,330,000				
				UT				1,600,000		
				CN	SPP				2,000,000	
				Project Cost:		3,330,000	1,600,000	2,000,000		0
Marion	8805	PF-9999	EXTEND MARTIN LUTHER KING AVENUE FROM DOWNTOWN LEBANON BYPASS (VETERANS MEMORIAL HIGHWAY). ESTIMATED DISTANCE IS 1.5 MILES (14CCN)	PL						
				DN	SPP	850,000				
				RW				3,000,000		
				UT	SPP				500,000	
				CN	SPP					10,100,000
			Project Cost:		850,000	3,000,000	500,000		10,100,000	
Marion	8810	KY-243	SAFETY IMPROVEMENTS TO KY 243 BETWEEN HWY 68 AND GRAVEL SWITCH (MP 1.751 TO MP 2.558). (14CCN)	PL						
				DN	SPP	150,000				
				RW				750,000		
				UT						
				CN						
			Project Cost:		150,000	750,000		0	0	
Marion	10059	KY-152	BRIDGE PROJECT IN MARION COUNTY ON (078B00037N) KY-152 AT COLEMANS RUN CREEK	PL						
				DN				124,000		
				RW						
				UT						
				CN				1,240,000		
			Project Cost:		0	1,364,000		0	0	

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Marion	10061	KY-1157	BRIDGE PROJECT IN MARION COUNTY ON (078B00070N) KY-1157 AT ARBUCKLE CREEK	PL DN RW UT CN	FBP2	57,000			
					FBP2	570,000			
				Project Cost:		627,000	0	0	0
Marion	80152	KY-2154, US-68	REDUCE CONGESTION AT MAJOR INTERSECTION IN FRONT OF NEW SCHOOL MP 12.2 TO 12.8 (2020CCN)	PL DN RW UT CN	STPF	4,600,000			
				Project Cost:		4,600,000	0	0	0
Marion	80153	KY-2154	Extend KY2154 Bypass from KY208 to KY49.	PL DN RW UT CN	STP2			10,000,000	10,880,000
				Project Cost:		0	0	10,000,000	10,880,000
Marion	80251	KY-49	IMPROVE THE INTERSECTION OF KY 49 AT KY 52 IN LORETTO AT MP 27.374	PL DN RW UT CN	SPP	600,000			
				Project Cost:		600,000	0	0	0
Marion	80259	PF-9999	IMPROVE CONNECTIVITY AND CONGESTION BETWEEN US 68 AND KY 55 ON THE EAST SIDE OF LEBANON (APPROXIMATELY 2 MILES)	PL DN RW UT CN	SPP	3,425,500			
					SPP		985,600		
					SPP			9,744,000	
				Project Cost:		3,425,500	985,600	9,744,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Total for Marion county				PL					
				DN		1,057,000	124,000		
				RW		6,755,500	3,750,000		
				UT			2,585,600	500,000	
				CN		5,770,000	1,240,000	21,744,000	20,980,000
				Total Amounts:		13,582,500	7,699,600	22,244,000	20,980,000
Marshall	398	US-62	IMPROVE ACCESS AND REDUCE CONGESTION ON US-62 FROM KY-95 TO THE EXISTING FOUR-LANE HIGHWAY AT LONE VALLEY RD NEAR I-24 INTERCHANGE AND FUTURE I-69	PL					
				DN					
				RW					
				UT					
				CN	SPP	4,000,000			
				Project Cost:		4,000,000	0	0	0
Marshall	10171	KY-795	BRIDGE PROJECT IN MARSHALL COUNTY ON (079B00014N) KY-795 AT CHESTNUT CREEK	PL					
				DN			97,000		
				RW					
				UT					
				CN			970,000		
				Project Cost:		0	1,067,000	0	0
Marshall	10177	KY-962	BRIDGE PROJECT IN MARSHALL COUNTY ON (079B00087N) KY-962 AT UNNAME STREAM	PL					
				DN	BRX	25,000			
				RW					
				UT					
				CN			250,000		
				Project Cost:		25,000	250,000	0	0
Marshall	10218	KY-1949	BRIDGE PROJECT IN MARSHALL COUNTY ON (079B00104N) KY-1949 AT Woodall Branch	PL					
				DN					
				RW					
				UT					
				CN	FBP2	3,000,000			
				Project Cost:		3,000,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Marshall	20013	I -24	ADDRESS CONDITION OF I-024 FROM MILEPOINT 17.32 TO MILEPOINT 29.136	PL					
				DN	NHPM	610,000			
				RW					
				UT					
				CN	NHPM	6,100,000			
				Project Cost:		6,710,000	0	0	0
Marshall	22073	I -69	ADDRESS CONDITION OF I-069 FROM MILEPOINT 34.487 TO MILEPOINT 40.076	PL					
				DN	NHPM	424,764			
				RW					
				UT					
				CN	NHPM	4,247,640			
				Project Cost:		4,672,404	0	0	0
Marshall	22074	I -69	ADDRESS CONDITION OF I-069 FROM MILEPOINT 40.076 TO MILEPOINT 50.547	PL					
				DN	NHPM			795,796	
				RW					
				UT					
				CN	NHPM			7,957,960	
				Project Cost:		0	0	8,753,756	0
Total for Marshall county				PL					
				DN		1,059,764	97,000	795,796	
				RW					
				UT					
				CN		17,347,640	1,220,000	7,957,960	
				Total Amounts:		18,407,404	1,317,000	8,753,756	0
Martin	154.1100	KY-40	INEZ TO WARFIELD (SECTION 2-1): FROM LITTLE BLACKLOG TO BOOTH FORK. [STA. 190+00 TO STA. 298+00 (ENGLISH)] (2002BOP) (12CCR)(AR/W) (16CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP	40,320,000			
				Project Cost:		40,320,000	0	0	0

2024-2028 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Martin	154.1600	KY-40	INEZ TO WARFIELD (SECTION 2-2): FROM BOOTH FORK TO KY-2031 [STA. 298+00 TO STA. 382+00 (ENGLISH)] (2002BOP) (16CCR)	PL DN RW UT CN			39,360,000		
Project Cost:						0	39,360,000	0	0
Martin	154.1700	PF-9999	INEZ TO WARFIELD (SECTION 2-2): FROM BOOTH FORK TO KY-2031 [STA. 298+00 TO STA. 382+00 (ENGLISH)](16CCR)	PL DN RW UT CN			18,720,000		
Project Cost:						0	18,720,000	0	0
Martin	154.2100	KY-40	INEZ TO WARFIELD (SECTION 2-3): FROM KY-2031 TO KY-292 [STA. 382+00 TO STA. 427+00 (ENGLISH)] (2002BOP) (16CCR)	PL DN RW UT CN			24,855,000		
Project Cost:						0	24,855,000	0	0
Martin	154.3000	PF-9999	INEZ TO WARFIELD; BRIDGE OVER TUG FORK (SECTION III) (R & U IDENTIFIED IN SECTION II-ITEM NO. 154.10)(16CCR)	PL DN RW UT CN				17,080,000	
Project Cost:						0	0	17,080,000	0
Martin	192	KY-40	IMPROVE ALIGNMENT AND GEOMETRICS OF THE CURVE LOCATED JUST BEFORE THE JUNCTION OF KY-2031 AND KY-40 TO .1 MILES BEFORE GORDON HOLLOW ROAD, AND IMPROVE THE	PL DN RW UT CN	SPP	460,000	1,300,000		
Project Cost:						460,000	1,300,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Martin	4405	KY-2031	INSTALL GUARDRAIL ON KY-2031 IN MARTIN COUNTY	PL DN RW UT CN	GR	78,000			
				Project Cost:		78,000	0	0	0
Martin	4406	KY-292	INSTALL GUARDRAIL ON KY-292 IN MARTIN COUNTY	PL DN RW UT CN	GR	79,000			
				Project Cost:		79,000	0	0	0
Martin	4407	KY-908	INSTALL GUARDRAIL ON KY-908 IN MARTIN COUNTY	PL DN RW UT CN	GR	87,000			
				Project Cost:		87,000	0	0	0
Martin	4408	KY-908	INSTALL GUARDRAIL ON KY-908 IN MARTIN COUNTY	PL DN RW UT CN	GR	83,000			
				Project Cost:		83,000	0	0	0
Martin	4449	KY-1439	INSTALL GUARDRAIL ON KY-1439 IN MARTIN COUNTY	PL DN RW UT CN			64,000		
				Project Cost:		0	64,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Martin	4450	KY-292	INSTALL GUARDRAIL ON KY-292 IN MARTIN COUNTY	PL					
				DN					
				RW					
				UT					
				CN			32,000		
				Project Cost:		0	32,000	0	0
Martin	4451	KY-292	INSTALL GUARDRAIL ON KY-292 IN MARTIN COUNTY	PL					
				DN					
				RW					
				UT					
				CN			12,000		
				Project Cost:		0	12,000	0	0
Martin	4452	KY-292	INSTALL GUARDRAIL ON KY-292 IN MARTIN COUNTY	PL					
				DN					
				RW					
				UT					
				CN			98,000		
				Project Cost:		0	98,000	0	0
Martin	4453	KY-292	INSTALL GUARDRAIL ON KY-292 IN MARTIN COUNTY	PL					
				DN					
				RW					
				UT					
				CN			3,000		
				Project Cost:		0	3,000	0	0
Martin	4454	KY-292	INSTALL GUARDRAIL ON KY-292 IN MARTIN COUNTY	PL					
				DN					
				RW					
				UT					
				CN			31,000		
				Project Cost:		0	31,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Martin	10127	KY-40	BRIDGE PROJECT IN MARTIN COUNTY ON (080B00005N) KY-40 AT Rockcastle Creek	PL DN RW UT CN			163,000		
				Project Cost:		0	1,793,000	0	0
Martin	10128	KY-1224	BRIDGE PROJECT IN MARTIN COUNTY ON (080B00006N) KY-1224 AT Rockhouse Fork	PL DN RW UT CN			64,000		
				Project Cost:		0	704,000	0	0
Total for Martin county				PL DN RW UT CN			227,000		
				Total Amounts:		41,107,000	86,745,000	17,080,000	0
Mason	147.2000		NEW FULLY CONTROLLED ACCESS ROUTE FROM US 68 NEAR WASHINGTON EAST TO KY 11 INCLUDING A NEW I-CHNG AT KY 11. (PRIORITY SECTION) (2004BOPC)(06CCR)(18CCN)	PL DN RW UT CN	SPP	2,500,000			
					SPP	1,970,000			
					SPP			35,100,000	
				Project Cost:		4,470,000	0	35,100,000	0
Mason	147.6000	PF-9999	NEW FULLY CONTROLLED ACCESS ROUTE FROM KY 11 NORTHEAST TO KY 9 (AA HWY) INCLUDING NEW I-CHNG AT KY 9. (2004BOPC)(06CCR)(18CCN)	PL DN RW UT CN			2,000,000		
							1,900,000		
					SPP				35,100,000
				Project Cost:		0	3,900,000	0	35,100,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Mason	4322	US-62	INSTALL GUARDRAIL ON US-62 IN MASON COUNTY	PL DN RW UT CN	GR	85,000			
Project Cost:						85,000	0	0	0
Mason	4325	KY-10	INSTALL GUARDRAIL ON KY-10 IN MASON COUNTY	PL DN RW UT CN			74,000		
Project Cost:						0	74,000	0	0
Mason	10091	CS-1179	BRIDGE PROJECT IN MASON COUNTY ON (081B00041N) US-62X AT OHIO RIVER-MYVILLE- CSX R	PL DN RW UT CN	BRZ	21,260,000			
Project Cost:						21,260,000	0	0	0
Mason	10092	KY-1234	BRIDGE PROJECT IN MASON COUNTY ON (081B00047N) KY-1234 AT INDIAN RUN CREEK	PL DN RW UT CN	FBP FBP	34,000 340,000			
Project Cost:						374,000	0	0	0
Mason	80107	KY-9	IMPROVE SAFETY AND OPERATIONAL EFFICIENCY OF THE INTERSECTION OF KY 9 (AA) AND US 62 LOCATED IN MAYSVILLE. (2020CCN)	PL DN RW UT CN	SPP	1,740,000			
Project Cost:						1,740,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Total for Mason county				PL					
				DN		34,000			
				RW		2,500,000	2,000,000		
				UT		1,970,000	1,900,000		
				CN		23,425,000	74,000	35,100,000	35,100,000
				Total Amounts:		27,929,000	3,974,000	35,100,000	35,100,000
McCracken	115.1000	US-60	PADUCAH-WICKLIFFE RD: IMPROVE US-60 FROM BETHEL CHURCH ROAD TO KY-1154 (MARTIN MARIETTA) (04CCR) (TO BE LET WITH 1-115.00).(10CCR) (12CCR)(18CCR) (2020CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP	3,000,000			
				Project Cost:		3,000,000	0	0	0
McCracken	153.2000	KY-1286	Extend KY 1286 from KY 998 (MP 6.916) to US 60. (Priority Section 2)	PL					
				DN					
				RW					
				UT					
				CN	STP1	2,500,000			
				Project Cost:		2,500,000	0	0	0
McCracken	153.3000	KY-1286	Improve KY 1286 from US 62(MP 5.000) to Perkins Creek Bridge (MP 5.896, B00167N). (Priority Section 3)	PL					
				DN					
				RW					
				UT					
				CN	STP1	2,500,000			
				Project Cost:		2,500,000	0	0	0
McCracken	153.4000	KY-1286	Improve KY 1286 from Perkins Creek Bridge (MP 5.896, B00167N) to KY 998 (MP 6.916). (Priority Section 4)	PL					
				DN					
				RW					
				UT					
				CN	STP1	3,500,000			
				Project Cost:		3,500,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
McCracken	1115.1000	US-60	RELOCATION AND MINOR WIDENING OF US-60 FROM CLARKS RIVER TO US-62 JCT.(10CCR)(14CCR)(LET W/ 1-1115.20) (16CCR)	PL DN RW UT CN	NH		3,500,000	3,000,000	
Project Cost:						0	3,500,000	3,000,000	0
McCracken	8702		NEW ACCESS ROAD FROM KY-305 NEAR KY-998, EXTENDING WEST TO THE OHIO RIVER MEGAPARK. (2-LANE INITIAL, 4-LANE ULTIMATE)(12CCN)(14CCR) (18CCN)	PL DN RW UT CN	SPP	16,000,000			
Project Cost:						16,000,000	0	0	0
McCracken	8702.1000	KY-305	CONSTRUCT ULTIMATE ACCESS ROAD FROM KY-305 TO THE OHIO RIVER MEGAPARK.	PL DN RW UT CN	SPP SPP	2,100,000 550,000	22,500,000		
Project Cost:						2,650,000	22,500,000	0	0
McCracken	10163	US-60	BRIDGE PROJECT IN MCCRACKEN COUNTY ON (073B00062N) US-62 AT P&L RAILWAY	PL DN RW UT CN	BRO BRO	409,000 4,090,000			
Project Cost:						4,499,000	0	0	0
McCracken	10170	KY-787	BRIDGE PROJECT IN MCCRACKEN COUNTY ON (073B00140N) KY-787 AT E.FK. CLARKS RIVER	PL DN RW UT CN	FBP2 FBP2	111,000 1,110,000			
Project Cost:						1,221,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
McCracken	20017	I -24	ADDRESS CONDITION OF I-024 FROM MILEPOINT 16.172 TO MILEPOINT 17.32	PL					
				DN	NHPM	110,000			
				RW					
				UT					
				CN	NHPM	1,100,000			
				Project Cost:		1,210,000	0	0	0
McCracken	22001	I -24	ADDRESS CONDITION OF I-024 FROM MILEPOINT 0.97 TO MILEPOINT 2.975	PL					
				DN	NHPM				152,380
				RW					
				UT					
				CN	NHPM				1,523,800
				Project Cost:		0	0	0	1,676,180
McCracken	22002	I -24	ADDRESS CONDITION OF I-024 FROM MILEPOINT 2.975 TO MILEPOINT 9.5735	PL					
				DN	NHPM				501,486
				RW					
				UT					
				CN	NHPM				5,014,860
				Project Cost:		0	0	0	5,516,346
McCracken	22003	I -24	ADDRESS CONDITION OF I-024 FROM MILEPOINT 9.5735 TO MILEPOINT 16.172	PL					
				DN	NHPM				501,486
				RW					
				UT					
				CN	NHPM				5,014,860
				Project Cost:		0	0	0	5,516,346
McCracken	22356	KY-305	ADDRESS CONDITION OF KY-305 FROM MILEPOINT 8.348 TO MILEPOINT 8.882	PL					
				DN			500,000		
				RW					
				UT					
				CN					
				Project Cost:		0	500,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
McCracken	22357	US-60	ADDRESS CONDITION OF US-60X FROM MILEPOINT 2.052 TO MILEPOINT 5.065	PL					
				DN			200,000		
				RW					
				UT					
				CN	STP3				1,800,000
				Project Cost:		0	200,000	0	1,800,000
Total for McCracken county				PL					
				DN		630,000	700,000		1,155,352
				RW		2,100,000	3,500,000		
				UT		550,000		3,000,000	
				CN		33,800,000	22,500,000		13,353,520
				Total Amounts:		37,080,000	26,700,000	3,000,000	14,508,872
McCreary	4321	KY-700	INSTALL GUARDRAIL ON KY-700 IN MCCREARY COUNTY	PL					
				DN					
				RW					
				UT					
				CN			39,000		
				Project Cost:		0	39,000	0	0
McCreary	4322	KY-700	INSTALL GUARDRAIL ON KY-700 IN MCCREARY COUNTY	PL					
				DN					
				RW					
				UT					
				CN			122,000		
				Project Cost:		0	122,000	0	0
McCreary	4323	KY-700	INSTALL GUARDRAIL ON KY-700 IN MCCREARY COUNTY	PL					
				DN					
				RW					
				UT					
				CN			180,000		
				Project Cost:		0	180,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
McCreary	10057	KY-92	BRIDGE PROJECT IN MCCREARY COUNTY ON (074B00007N) KY-92 AT S. FORK OF CUMBERLAND RI	PL DN RW UT CN	FBP				342,000
									3,420,000
			Project Cost:			0	0	0	3,762,000
McCreary	10059	KY-1470	BRIDGE PROJECT IN MCCREARY COUNTY ON (074B00020N) KY-1470 AT MARSH CREEK	PL DN RW UT CN	BRX	69,000			
							690,000		
			Project Cost:			69,000	690,000	0	0
McCreary	10061	CR-1314	BRIDGE PROJECT IN MCCREARY COUNTY ON (074C00010N) WIBORG LOOP RD AT NS (CNO&TP) SYSTEM	PL DN RW UT CN			155,000		
							1,550,000		
			Project Cost:			0	1,705,000	0	0
McCreary	80101	US-27	IMPROVE SAFETY BY CONSTRUCTING TURN LANES INTO COMMUNITY PARK AND WHITLEY CITY ELEMENTARY (2020CCN)	PL DN RW UT CN	SPP	3,650,000			
			Project Cost:			3,650,000	0	0	0
McCreary	80102	US-27	PROVIDE CONNECTIVITY, IMPROVE MOBILITY AND RESPONSE FROM US 27 TO MCCREARY COUNTY HIGH SCHOOL (2020CCN)	PL DN RW UT CN	SPP	1,125,000			
							3,510,000		
			Project Cost:			1,125,000	3,510,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
McCreary	80103	CR-1199	IMPROVE MOBILITY AND SAFETY RR CROSSING ELIMINATION BY CONSTRUCTING BRIDGE BETWEEN SOUTHERN HIGHWAY AND MURRAY WILSON RD (2020CCN)	PL DN RW UT CN	SPP SPP	580,000 5,332,000			
Project Cost:						5,912,000	0	0	0
Total for McCreary county				PL DN RW UT CN		69,000 1,705,000 8,982,000	155,000 6,091,000		342,000 3,420,000
Total Amounts:						10,756,000	6,246,000	0	3,762,000
McLean	8400	US-431	SPOT IMPROVEMENTS AT THE INTERSECTION OF US-431 AND KY-250. (08CCN)(12CCR)(18CCN) (2020CCR)	PL DN RW UT CN	SPP	1,020,000			
Project Cost:						1,020,000	0	0	0
McLean	8812.1000	KY-136	REPLACE, IMPROVE ALIGNMENTS AND APPROACHES, AND ADDRESS SAFETY ISSUES WITH BRIDGES ON KY-136 IN MCLEAN COUNTY FROM KY-56 TO OHIO COUNTY LINE.	PL DN RW UT CN	STP2 STP2		270,000		600,000
Project Cost:						0	0	270,000	600,000
McLean	8852	KY-56	CORRECT LINE OF SIGHT WITH INTERSECTION OF KY 56 & KY 1233. (14CCN)(18CCN) (2020CCR)	PL DN RW UT CN	SPP	1,740,000			
Project Cost:						1,740,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
McLean	10111	KY-81	BRIDGE PROJECT IN MCCLEAN COUNTY ON (075B00028N) KY-81 AT UNNAME STREAM	PL DN RW UT CN			48,000		
				Project Cost:		0	528,000	0	0
McLean	10116	KY-140	BRIDGE PROJECT IN MCCLEAN COUNTY ON (075B00040N) KY-140 AT BR OF LONG FALLS CREEK	PL DN RW UT CN			98,000		
				Project Cost:		0	1,078,000	0	0
McLean	10119	KY-1046	BRIDGE PROJECT IN MCLEAN COUNTY ON (075B00061N) KY-1046 AT LONG FALLS CREEK	PL DN RW UT CN	FBP				36,000
				Project Cost:	FBP	0	0	0	396,000
Total for McLean county				PL DN RW UT CN			146,000	270,000	36,000
				Total Amounts:		2,760,000	1,460,000	270,000	600,000
						2,760,000	1,606,000	270,000	996,000
Meade	8705	KY-79	RECONSTRUCT KY 79 FROM KY 144 TO KY 1051. (12CCN)(14CCR)(18CCN) (2020CCR)	PL DN RW UT CN	SPP	4,500,000	12,000,000		
				Project Cost:		4,500,000	12,000,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Total for Meade county				PL					
				DN					
				RW					
				UT		4,500,000			
				CN			12,000,000		
				Total Amounts:		4,500,000	12,000,000	0	0
Menifee	10054	KY-713	BRIDGE PROJECT IN MENIFEE COUNTY ON (083B00024N) KY-713 AT BEAVER CR @MENIFEE HISCH	PL					
				DN			87,000		
				RW					
				UT					
				CN			870,000		
				Project Cost:		0	957,000	0	0
Menifee	80200	US-460	IMPROVE SAFETY, CORRECT GEOMETRICS, AND ENHANCE REGIONAL CONNECTIVITY ON US 460 FROM THE INTERSECTION OF KY 1240 TO 0.7 MILES EAST OF THE MORGAN COUNTY LINE	PL					
				DN					
				RW	SPP	6,000,000			
				UT	SPP	3,000,000			
				CN			29,000,000		
				Project Cost:		9,000,000	29,000,000	0	0
Menifee	80201	US-460	Improve safety, correct geometrics, and enhance regional connectivity on US 460 from the intersection of KY 713 to Rothwell (MP 4.8).	PL					
				DN					
				RW	NH	1,200,000			
				UT			1,200,000		
				CN	SPP			11,800,000	
				Project Cost:		1,200,000	1,200,000	11,800,000	0
Total for Menifee county				PL					
				DN			87,000		
				RW		7,200,000			
				UT		3,000,000	1,200,000		
				CN			29,870,000	11,800,000	
				Total Amounts:		10,200,000	31,157,000	11,800,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Mercer	10054	US-68	BRIDGE PROJECT IN MERCER COUNTY ON (084B00003N) US-68 AT KENTUCKY RIVER	PL DN RW UT CN	BRX FBP	724,000 7,240,000			
Project Cost:						7,964,000	0	0	0
Mercer	22182	BG-9002	ADDRESS CONDITION OF Martha Layne Collins Bluegrass Parkway FROM MILEPOINT 52.315 TO MILEPOINT 56.287	PL DN RW UT CN	NHPM NHPM				317,760 3,177,600
Project Cost:						0	0	0	3,495,360
Total for Mercer county				PL DN RW UT CN		724,000 7,240,000			317,760 3,177,600
Total Amounts:						7,964,000	0	0	3,495,360
Metcalfe	8706.1000	US-68	Horizontal and vertical alignment spot improvement on US 68 in Metcalfe County, north of Edmonton, at the KY 70 intersection. (2020BOP)	PL DN RW UT CN	STPF	1,825,000			
Project Cost:						1,825,000	0	0	0
Metcalfe	8859	KY-163	RECONSTRUCT KY 163 AS A NEW ROUTE ON WEST SIDE OF EDMONTON FROM KY 163 AT GARY BELL RD (MP 10.0) S OF EDMONTON CROSSING US 68 (STOCKTON ST) 2000 FT WEST OF THE	PL DN RW UT CN	SPP SPP	3,480,000 2,470,000	13,980,000		
Project Cost:						5,950,000	13,980,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Total for Metcalfe county				PL					
				DN					
				RW		3,480,000			
				UT		2,470,000			
				CN		1,825,000	13,980,000		
				Total Amounts:		7,775,000	13,980,000	0	0
Monroe	128.1100	KY-214	OPERATION OF TURKEY NECK BEND FERRY FOR FY 2022-2028.(12CCR) (2020CCR)	PL					
				DN					
				RW					
				UT					
				CN	SPP	865,000	865,000	865,000	865,000
				Project Cost:		865,000	865,000	865,000	865,000
Monroe	4311	KY-100	INSTALL GUARDRAIL ON KY-100 IN MONROE COUNTY	PL					
				DN					
				RW					
				UT					
				CN			40,000		
				Project Cost:		0	40,000	0	0
Monroe	10044	KY-678	BRIDGE PROJECT IN MONROE COUNTY ON (086B00040N) KY-678 AT SKAGGS CREEK	PL					
				DN	BRX	167,000			
				RW					
				UT					
				CN	BRX			1,670,000	
				Project Cost:		167,000	0	1,670,000	0
Monroe	80003	KY-100	REPLACE BRIDGE ON KY-100 BETWEEN MP 14.7 AND 14.9. (18CCN)	PL					
				DN					
				RW					
				UT					
				CN	BRX	790,000			
				Project Cost:		790,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Monroe	80208	ky-100	Improve safety and mobility and address deficiencies with Town Creek bridge on KY-100 from KY-163 to KY-3144 in Tompkinsville. Includes Bridge ID 086B00005	PL					
				DN					
				RW					
				UT	BRO	3,100,000			
				CN	BRO			3,720,000	
				Project Cost:		<u>3,100,000</u>	<u>0</u>	<u>3,720,000</u>	<u>0</u>
Total for Monroe county				PL					
				DN		167,000			
				RW					
				UT		3,100,000			
				CN		<u>1,655,000</u>	<u>905,000</u>	<u>6,255,000</u>	<u>865,000</u>
				Total Amounts:		<u>4,922,000</u>	<u>905,000</u>	<u>6,255,000</u>	<u>865,000</u>
Montgomery	240	KY-1991	WIDEN KY-1991 FROM MAYSVILLE ROAD TO MIDLAND TRAIL INDUSTRIAL PARK, MONTGOMERY COUNTY. (SEE 7-8501.00 FOR "SPB" FUNDS) (2005HPP-KY129)	PL					
				DN					
				RW					
				UT					
				CN	STP1	3,230,000			
				Project Cost:		<u>3,230,000</u>	<u>0</u>	<u>0</u>	<u>0</u>
Montgomery	411	KY-1991	UPGRADE HINKSTON PIKE IN MT. STERLING FROM NEW MIDLAND TRAIL TO THE NEW INDUSTRIAL PARK ENTRANCE (INCLUDES EXTENSION OF INDUSTRIAL ACCESS ROAD TO HINKSTON PIKE).	PL					
				DN					
				RW					
				UT					
				CN	SPP	6,690,000			
				Project Cost:		<u>6,690,000</u>	<u>0</u>	<u>0</u>	<u>0</u>
Montgomery	8810	US-60	WIDEN EXISTING PAVEMENT & IMPROVE VERTICAL & HORIZONTAL CURVES FROM EXISTING MT STERLING BYPASS (KY 686) TO 500' W OF BENTBROOK SUBDIVISION. ADD FULL WIDTH	PL					
				DN					
				RW					
				UT	STPF	1,000,000			
				CN	STPF		5,000,000	3,500,000	
				Project Cost:		<u>1,000,000</u>	<u>5,000,000</u>	<u>3,500,000</u>	<u>0</u>

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Montgomery	10057	KY-3362	BRIDGE PROJECT IN MONTGOMERY COUNTY ON (087B00053N) KY-3362 AT GRASSY LICK CREEK	PL DN RW UT CN	FBP2	27,000			
				Project Cost:		<u>297,000</u>	<u>0</u>	<u>0</u>	<u>0</u>
Montgomery	20018	I -64	ADDRESS CONDITION OF I-064 FROM MILEPOINT 104.26 TO MILEPOINT 112.113	PL DN RW UT CN	NHPM	596,828			
				Project Cost:		<u>5,968,280</u>	<u>0</u>	<u>0</u>	<u>0</u>
Montgomery	22043	I -64	ADDRESS CONDITION OF I-064 FROM MILEPOINT 112.113 TO MILEPOINT 115.647	PL DN RW UT CN			268,584		
				Project Cost:		<u>0</u>	<u>2,685,840</u>	<u>0</u>	<u>0</u>
Total for Montgomery county				PL DN RW UT CN		623,828	268,584		
				Total Amounts:		<u>16,158,280</u>	<u>7,685,840</u>	<u>3,500,000</u>	<u>0</u>
						<u>17,782,108</u>	<u>7,954,424</u>	<u>3,500,000</u>	<u>0</u>
Morgan	4312	KY-191	INSTALL GUARDRAIL ON KY-191 IN MORGAN COUNTY	PL DN RW UT CN	GR	76,000			
				Project Cost:		<u>76,000</u>	<u>0</u>	<u>0</u>	<u>0</u>

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Morgan	8004	PF-9999	WEST LIBERTY BYPASS - CONSTRUCT NEW ROUTE FROM US 460 @ KY 2498 TO US 460 @ KY 172. (00CCN)	PL DN RW UT CN	SPP		3,500,000 1,100,000		18,900,000
Project Cost:						0	4,600,000	0	18,900,000
Morgan	8804	KY-2498	IMPROVE KY-2498 FROM US-460 TO THE ARH HOSPITAL. (14CCN)(16CCN)	PL DN RW UT CN	SPP	2,000,000			
Project Cost:						2,000,000	0	0	0
Morgan	80202	US-460	Improve safety and substandard geometrics on US 460 from the Menifee County Line to approximately milepoint 0.8.	PL DN RW UT CN	NH NH	475,000 167,000	5,858,000		
Project Cost:						642,000	5,858,000	0	0
Total for Morgan county				PL DN RW UT CN		475,000 167,000 2,076,000	3,500,000 1,100,000 5,858,000		18,900,000
Total Amounts:						2,718,000	10,458,000	0	18,900,000
Muhlenberg	8802	KY-181	WIDEN KY-181 BY FOUR FEET ON EACH SIDE FROM INTERSECTION 601 TO WENDELL FORD CENTER. (14CCN) (18CCN)	PL DN RW UT CN	STPF	7,500,000			
Project Cost:						7,500,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Muhlenberg	8803	KY-2533	STRAIGHTEN DEAN ROAD INTERSECTION OF 189 BYPASS TO KY 181 NORTH NEAR THE INTERSECTION WITH THE WKY PARKWAY, WENDELL FORD NATIONAL GUARD CENTER, AND JOB CORP.	PL DN RW UT CN	SPP	7,020,000			
			Project Cost:			7,020,000	0	0	0
Muhlenberg	10121	US-62	BRIDGE PROJECT IN MUHLENBERG COUNTY ON (089B00001N) US-62 AT P&L RAILWAY	PL DN RW UT CN	FBP2 FBP2				226,000 2,260,000
			Project Cost:			0	0	0	2,486,000
Muhlenberg	10122	KY-181	BRIDGE PROJECT IN MUHLENBERG COUNTY ON (089B00031N) KY-181 AT BAT EAST CREEK	PL DN RW UT CN	FBP FBP			100,000 1,000,000	
			Project Cost:			0	0	1,100,000	0
Muhlenberg	22162	WK-9001	ADDRESS CONDITION OF Wendell H. Ford Western KY Parkway FROM MILEPOINT 45.95 TO MILEPOINT 52.535	PL DN RW UT CN			500,000 5,000,000		
			Project Cost:			0	5,500,000	0	0
Muhlenberg	22164	WK-9001	ADDRESS CONDITION OF Wendell H. Ford Western KY Parkway FROM MILEPOINT 54.317 TO MILEPOINT 59.92	PL DN RW UT CN			425,828 4,258,280		
			Project Cost:			0	4,684,108	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Muhlenberg	22165	WK-9001	ADDRESS CONDITION OF Wendell H. Ford Western KY Parkway FROM MILEPOINT 59.92 TO MILEPOINT 65.375	PL DN RW UT CN	NHPM			4,145,800	
Project Cost:						0	0	4,560,380	0
Muhlenberg	80100	KY-246	ADDRESS SAFETY AND MOBILITY ISSUES AT KY 246 INTERSECTION WITH KY 176 (2020CCN)	PL DN RW UT CN	SPP	1,500,000			
Project Cost:						1,500,000	0	0	0
Muhlenberg	80201	wk-9001	WESTERN KENTUCKY PKY - RECONSTRUCT INTERCHANGE AT US 431 AT CENTRAL CITY	PL DN RW UT CN	SPP	900,000	1,000,000	1,200,000	9,000,000
Project Cost:						900,000	1,000,000	1,200,000	9,000,000
Total for Muhlenberg county				PL DN RW UT CN		900,000	925,828 1,000,000	514,580 1,200,000	226,000 11,260,000
Total Amounts:						16,920,000	11,184,108	6,860,380	11,486,000
Nelson	287.5000	US-31	BARDSTOWN-LOUISVILLE WIDENING AND ACCESS MANAGEMENT IMPROVEMENTS ON US-31E BETWEEN NAZARETH DRIVE AND KY 509. (2004BOPC)	PL DN RW UT CN	SPP	10,000,000	6,500,000		36,000,000
Project Cost:						10,000,000	6,500,000	0	36,000,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Nelson	396.1000	US-150	IMPROVE SAFETY, MOBILITY, AND GEOMETRICS ON US-150 FROM THE BLUEGRASS PARKWAY TO THE NELSON/WASHINGTON COUNTY LINE. (2016BOP)(18CCR)(D-Auth under 4-396)	PL DN RW UT CN	STPF		10,000,000	10,000,000	10,000,000
Project Cost:						0	10,000,000	10,000,000	10,000,000
Nelson	4319	KY-458	INSTALL GUARDRAIL ON KY-458 IN NELSON COUNTY	PL DN RW UT CN			311,000		
Project Cost:						0	311,000	0	0
Nelson	8308.1000	us-150	WIDEN US-150 FROM KY-49 TO NEAR KY-245/WAL-MART WIDENING. (06CCN)	PL DN RW UT CN	SPP SPP	2,170,000		10,500,000	
Project Cost:						2,170,000	0	10,500,000	0
Nelson	8809	US-31	NEW ROUTE BETWEEN US 62 AND KY 245 WEST OF BARDSTOWN (2020CCN)	PL DN RW UT CN	STPF	4,230,000			
Project Cost:						4,230,000	0	0	0
Nelson	10065	KY-2738	BRIDGE PROJECT IN NELSON COUNTY ON (090B00109N) KY-2738 AT EAST FORK SIMPSON CREEK	PL DN RW UT CN			34,000		
Project Cost:						0	340,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Nelson	22173	BG-9002	ADDRESS CONDITION OF Martha Layne Collins Bluegrass Parkway FROM MILEPOINT 10.172 TO MILEPOINT 17.542 (17.134 CARDINAL)	PL DN RW UT CN	NHPM				550,000 5,500,000
Project Cost:						0	0	0	6,050,000
Nelson	22174	BG-9002	ADDRESS CONDITION OF Martha Layne Collins Bluegrass Parkway FROM MILEPOINT 17.134 (17.542 NON-CARDINAL) TO MILEPOINT 24.095	PL DN RW UT CN			975,000		
Project Cost:						0	9,750,000	0	0
Nelson	22175	BG-9002	ADDRESS CONDITION OF Martha Layne Collins Bluegrass Parkway FROM MILEPOINT 24.095 TO MILEPOINT 35.15	PL DN RW UT CN	NHPM	840,180			
Project Cost:						9,241,980	0	0	0
Nelson	22176	BG-9002	ADDRESS CONDITION OF Martha Layne Collins Bluegrass Parkway FROM MILEPOINT 35.15 TO MILEPOINT 39.267	PL DN RW UT CN	NHPM				350,000 3,500,000
Project Cost:						0	0	0	3,850,000
Nelson	80254	PF-9999	IMPROVE CONNECTIVITY WEST OF BARDSTOWN BY CONSTRUCTION NEW ROUTE FROM THE BLUEGRASS PARKWAY BEGINNING WEST OF EXIT 21 TO US 31E NEAR COX'S CREEK	PL DN RW UT CN	SPP SPP		9,500,000	6,000,000	60,000,000
Project Cost:						0	9,500,000	6,000,000	60,000,000

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Nelson	80255	PF-9999	IMPROVE MOBILITY AND CONNECTIVITY WEST OF BARDSTOWN FROM KY 245 TO US 31E NEAR COX'S CREEK.	PL					
				DN					
				RW					
				UT			3,000,000		
				CN	SPP			18,000,000	
				Project Cost:		0	3,000,000	18,000,000	0
Total for Nelson county				PL					
				DN		840,180	1,009,000		900,000
				RW		10,000,000	9,500,000		
				UT		2,170,000	9,500,000	6,000,000	
				CN		12,631,800	20,401,000	38,500,000	115,000,000
				Total Amounts:		25,641,980	40,410,000	44,500,000	115,900,000
Nicholas	205	ky-36	IMPROVE THE KY-36/KY-32 INTERSECTION NEAR THE NICHOLAS COUNTY SCHOOL PROPERTY (12CCR) (16CCR)(2020CCR)	PL					
				DN					
				RW					
				UT	SPP	1,000,000			
				CN			5,500,000		
				Project Cost:		1,000,000	5,500,000	0	0
Nicholas	22360	US-68	ADDRESS CONDITION OF US-68 FROM MILEPOINT 10.732 TO MILEPOINT 12.132	PL					
				DN	STP4				60,000
				RW					
				UT					
				CN	STP4				540,000
				Project Cost:		0	0	0	600,000
Total for Nicholas county				PL					
				DN					60,000
				RW					
				UT		1,000,000			
				CN			5,500,000		540,000
				Total Amounts:		1,000,000	5,500,000	0	600,000

2024-2028 HIGHWAY CONSTRUCTION PLAN

1551

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Ohio	8812	ky-136	REPLACE, IMPROVE ALIGNMENTS AND APPROACHES, AND ADDRESS SAFETY ISSUES WITH BRIDGES ON KY-136 IN MCLEAN COUNTY FROM KY-56 TO OHIO COUNTY LINE. (075B00034N,	PL DN RW UT CN	STP2	4,000,000			
Project Cost:						4,000,000	0	0	0
Ohio	8812.2000	KY-136	REPLACE, IMPROVE ALIGNMENTS AND APPROACHES, AND ADDRESS SAFETY ISSUES WITH BRIDGES ON KY-136 IN OHIO COUNTY FROM THE MCLEAN COUNTY LINE TO US-231.	PL DN RW UT CN	STPF	9,500,000			
Project Cost:						9,500,000	0	0	0
Ohio	8951	KY-54	IMPROVE SAFETY ON KY 54 BY UPGRADING MP 7.0 TO MP 8.0 TO THREE LANES INCLUDING CURB AND GUTTER AND ADDRESSING TWO SHARP TURNS. (16CCN)(18CCN) (2020CCR)	PL DN RW UT CN	SPP	2,440,000	7,300,000		
Project Cost:						2,440,000	7,300,000	0	0
Ohio	10016	CR-1510	ADDRESS DEFICIENCIES OF QUARTERHORSE LN BRIDGE OVER N FK PANTHER CREEK. (092C00133N)	PL DN RW UT CN			72,000		
Project Cost:						0	720,000	0	0
Ohio	10123	KY-69	BRIDGE PROJECT IN OHIO COUNTY ON (092B00015N) KY-69 AT SMITH CREEK	PL DN RW UT CN	FBP2	90,000			
Project Cost:						900,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Ohio	10131	KY-505	BRIDGE PROJECT IN OHIO COUNTY ON (092B00159N) KY-505 AT BR-INDIAN CAMP CREEK	PL DN RW UT CN			65,000		
			Project Cost:			0	715,000	0	0
Ohio	22134	I -165	ADDRESS CONDITION OF I-165 FROM MILEPOINT 35.064 TO MILEPOINT 41.504	PL DN RW UT CN	NHPM				2,325,000
			Project Cost:			0	0	0	23,250,000
									25,575,000
Ohio	22135	I -165	ADDRESS CONDITION OF I-165 FROM MILEPOINT 41.504 TO MILEPOINT 47.904	PL DN RW UT CN	NHPM				3,840,000
			Project Cost:			0	0	0	38,400,000
									42,240,000
Ohio	22136	I -165	ADDRESS CONDITION OF I-165 FROM MILEPOINT 57.776 TO MILEPOINT 59.474	PL DN RW UT CN	NHPM				129,048
			Project Cost:			0	0	0	1,290,480
									1,419,528
Total for Ohio county				PL DN RW UT CN		90,000	137,000		6,294,048
						2,440,000	8,670,000	0	62,940,480
				Total Amounts:		16,930,000	8,807,000	0	69,234,528

2024-2028 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Oldham	483.1000	I-71	WIDEN I-71 FROM FOUR TO SIX LANES FROM KY-329 (MP 14.1) TO KY-393 (MP 18.0).	PL DN RW UT CN	NH	12,000,000	12,000,000		
Project Cost:						12,000,000	12,000,000	0	0
Oldham	483.2000	I-71	WIDEN I-71 FROM FOUR TO SIX LANES FROM KY-393 (MP 18.0) TO KY-53 (MP 22.4). (16CCN)	PL DN RW UT CN	NH	2,300,000 1,000,000	10,000,000	20,000,000	10,000,000
Project Cost:						3,300,000	10,000,000	20,000,000	10,000,000
Oldham	4310	KY-1694	INSTALL GUARDRAIL ON KY-1694 IN OLDHAM COUNTY	PL DN RW UT CN			71,000		
Project Cost:						0	71,000	0	0
Oldham	8852	KY-53	DESIGN FOR IMPROVING KY-53 FROM ZHALE SMITH ROAD TO KY-22 (TOTAL 3.2 MILES). (14CCN)(18CCN)	PL DN RW UT CN	SPP	1,700,000	700,000	35,000,000	
Project Cost:						1,700,000	700,000	35,000,000	0
Oldham	80005	I-71	IMPROVE THE INTERCHANGE OF I 71 AND KY 329. (18CCN) (2020CCR) (DESIGNED UNDER 5-483.10)	PL DN RW UT CN	NH	960,000 900,000 8,200,000			
Project Cost:						10,060,000	0	0	0

2024-2028 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Oldham	80209	KY-53	Improve safety and reduce congestion on KY 53 from I-71 to Zhale Smith Road. Includes consideration of a five lane widening and bike/ped accommodations.	PL					
				DN					
				RW	STPF	820,000			
				UT			350,000		
				CN	STPF			17,400,000	
Project Cost:						820,000	350,000	17,400,000	0
Oldham	80211	KY-524	Landslide repair on Westport Road (KY-524) from JCT. US-42 West, north 1.0 mile. (2002BOPC)(NOT REQUIRED)	PL					
				DN					
				RW	SPP	500,000			
				UT			500,000		
				CN	SPP			4,000,000	
Project Cost:						500,000	500,000	4,000,000	0
Total for Oldham county				PL					
				DN					
				RW		6,280,000			
				UT		1,900,000	1,550,000		
				CN		20,200,000	22,071,000	76,400,000	10,000,000
Total Amounts:						28,380,000	23,621,000	76,400,000	10,000,000
Owen	22362	KY-355	ADDRESS CONDITION OF KY-355 FROM MILEPOINT 6.56 TO MILEPOINT 18.923	PL					
				DN			310,000		
				RW					
				UT					
				CN	STP4			2,790,000	
Project Cost:						0	310,000	2,790,000	0
Total for Owen county				PL					
				DN			310,000		
				RW					
				UT					
				CN				2,790,000	
Total Amounts:						0	310,000	2,790,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Owsley	173	KY-708	Replace bridge over Moores Fork and realign roadway.	PL					
				DN					
				RW	BRX	230,000			
				UT			230,000		
				CN	BRX			1,160,000	
				Project Cost:		<u>230,000</u>	<u>230,000</u>	<u>1,160,000</u>	<u>0</u>
Owsley	80105	KY-11	RECONSTRUCT THE INTERSECTION OF KY 11 AND KY 846 (2020CCN)	PL					
				DN					
				RW					
				UT	SPP	230,000			
				CN			1,740,000		
				Project Cost:		<u>230,000</u>	<u>1,740,000</u>	<u>0</u>	<u>0</u>
Total for Owsley county				PL					
				DN					
				RW		230,000			
				UT		230,000	230,000		
				CN			1,740,000	1,160,000	
				Total Amounts:		<u>460,000</u>	<u>1,970,000</u>	<u>1,160,000</u>	<u>0</u>
Pendleton	4317	KY-159	INSTALL GUARDRAIL ON KY-159 IN PENDLETON COUNTY	PL					
				DN					
				RW					
				UT					
				CN			16,000		
				Project Cost:		<u>0</u>	<u>16,000</u>	<u>0</u>	<u>0</u>
Pendleton	8508.1000	KY-22	RELOCATE KY 22 FROM THE INTERSECTION OF FRYER ROAD AND KY 330 TO US 27 (ALIGNMENT H FROM 1988 STUDY)	PL					
				DN	SPP	2,745,600			
				RW			8,806,500		
				UT	SPP			1,662,400	
				CN	SPP				51,398,400
				Project Cost:		<u>2,745,600</u>	<u>8,806,500</u>	<u>1,662,400</u>	<u>51,398,400</u>

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Pendleton	10047	KY-177	BRIDGE PROJECT IN PENDLETON COUNTY ON (096B00001N) KY-177 AT SOU.FK.LICKING R.@BUTLER	PL DN RW UT CN	FBP	556,000 5,560,000			
Project Cost:						6,116,000	0	0	0
Pendleton	80253	US-27	IMPROVE SAFETY AND MOBILITY ON US 27 AT THE KY INTERSECTION (MILEPOINT 11.6 TO MILEPOINT 12)	PL DN RW UT CN	SPP	324,000 	289,000	169,000	2,808,000
Project Cost:						324,000	289,000	169,000	2,808,000
Total for Pendleton county				PL DN RW UT CN		3,625,600 9,095,500 5,560,000	16,000	1,831,400	54,206,400
Total Amounts:						9,185,600	9,111,500	1,831,400	54,206,400
Perry	178	KY-7	Address roadway slide on KY 7 from MP 9.8 to MP 10.0.	PL DN RW UT CN	PROT	2,000,000			
Project Cost:						2,000,000	0	0	0
Perry	209	KY-476	IMPROVE KY-476 FROM KY-15X IN WALKERTOWN TO NORTH OF WALKER CORNETT ROAD IN WABACO.	PL DN RW UT CN	STP2			525,000	2,800,000
Project Cost:						0	0	525,000	2,800,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Perry	269.2000	KY-15	RECONSTRUCTION OF KY 15 FROM BONNYMAN TO NEAR KY 28. (14CCN) (2020CCN)	PL DN RW UT CN	SPP	7,000,000	2,200,000	60,000,000	
Project Cost:						7,000,000	2,200,000	60,000,000	0
Perry	1113	CR-1114	BRIDGE PROJECT IN PERRY COUNTY ON (097C00005N) KENMONT RD at N. FK. KENTUCKY R.	PL DN RW UT CN	BRZ		298,000	2,980,000	
Project Cost:						0	298,000	2,980,000	0
Perry	4317	KY-7	INSTALL GUARDRAIL ON KY-7 IN PERRY COUNTY	PL DN RW UT CN			64,000		
Project Cost:						0	64,000	0	0
Perry	8903	HR-9006	NEW INTERCHANGE OFF OF A NEW EXIT 55 HAL ROGERS PARKWAY. (16CCN) (18CCN)	PL DN RW UT CN	NH			12,600,000	
Project Cost:						0	0	12,600,000	0
Perry	8906	ky-80	SAFETY IMPROVEMENTS ON KY-80 FROM LESLIE COUNTY LINE TO KY-451 (16CCN)	PL DN RW UT CN	NH	2,810,000			
Project Cost:						2,810,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Perry	10056	KY-476	BRIDGE PROJECT IN PERRY COUNTY ON (097B00005N) KY-476 AT JAKES CREEK	PL DN RW UT CN	BRX	68,000			
							680,000		
				Project Cost:		68,000	680,000	0	0
Perry	22203	HR-9006	ADDRESS CONDITION OF Hal Rogers Daniel Boone Parkway FROM MILEPOINT 51.026 TO MILEPOINT 55.97	PL DN RW UT CN	NHPM				187,872
					NHPM				1,878,720
				Project Cost:		0	0	0	2,066,592
Perry	22204	HR-9006	ADDRESS CONDITION OF Hal Rogers Daniel Boone Parkway FROM MILEPOINT 57.3 TO MILEPOINT 59.088	PL DN RW UT CN			125,000		
							1,250,000		
				Project Cost:		0	1,375,000	0	0
Perry	80100	CR-1365	NEW IMPROVED ACCESS TO WENDALL FORD AIRPORT (2020CCN)	PL DN RW UT CN	SPP	9,420,000			
				Project Cost:		9,420,000	0	0	0
Total for Perry county				PL					
				DN		68,000	423,000		187,872
				RW		7,000,000			
				UT			2,200,000	525,000	
				CN		14,230,000	1,994,000	75,580,000	4,678,720
				Total Amounts:		21,298,000	4,617,000	76,105,000	4,866,592

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Pike	147	KY-1426	MITIGATE OR ELIMINATE ROCKFALL HAZARDS AND IMPROVE ROADWAY FOR BETTER FLOW AND EFFICIENCY IN ORDER TO HANDLE THE EXPECTED CONGESTION ARISING FROM EVENTS AT	PL DN RW UT CN	PROT	2,640,000	15,200,000		
Project Cost:						2,640,000	15,200,000	0	0
Pike	198	KY-194	IMPROVE KY 194 FROM US 119 RAMP NEAR SMITH FARMS BOTTOM (GR 1458) TO NEAR DESKINS BRANCH CULVERT. (18CCR) (2020CCR)	PL DN RW UT CN	STPF STPF	2,050,000	3,600,000	8,000,000	
Project Cost:						2,050,000	3,600,000	8,000,000	0
Pike	263.6900	PF-9999	PIKEVILLE TO VA. STATE LINE; US-460/KY-80 FROM KY-195 TO DUNLEARY HOLLOW. (SURFACING FOR SECTIONS 6A & 6B) (2000BOP)(14CCN)	PL DN RW UT CN	APD	5,000,000	22,260,000		
Project Cost:						5,000,000	22,260,000	0	0
Pike	346	US-460	IMPROVE SAFETY AND REDUCE CONGESTION AT THE US-460 AND KY-1460 INTERSECTION. (2020CCR)	PL DN RW UT CN	NH	1,470,000			
Project Cost:						1,470,000	0	0	0
Pike	4410	KY-1056	INSTALL GUARDRAIL ON KY-1056 IN PIKE COUNTY	PL DN RW UT CN	GR	62,000			
Project Cost:						62,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Pike	4411	KY-1469	INSTALL GUARDRAIL ON KY-1469 IN PIKE COUNTY	PL DN RW UT CN	GR	48,000			
Project Cost:						48,000	0	0	0
Pike	4412	KY-1469	INSTALL GUARDRAIL ON KY-1469 IN PIKE COUNTY	PL DN RW UT CN	GR	58,000			
Project Cost:						58,000	0	0	0
Pike	4413	KY-1499	INSTALL GUARDRAIL ON KY-1499 IN PIKE COUNTY	PL DN RW UT CN	GR	144,000			
Project Cost:						144,000	0	0	0
Pike	4414	KY-194	INSTALL GUARDRAIL ON KY-194 IN PIKE COUNTY	PL DN RW UT CN	GR	106,000			
Project Cost:						106,000	0	0	0
Pike	4415	KY-197	INSTALL GUARDRAIL ON KY-197 IN PIKE COUNTY	PL DN RW UT CN	GR	96,000			
Project Cost:						96,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Pike	4416	KY-197	INSTALL GUARDRAIL ON KY-197 IN PIKE COUNTY	PL DN RW UT CN	GR	51,000			
Project Cost:						51,000	0	0	0
Pike	4417	KY-197	INSTALL GUARDRAIL ON KY-197 IN PIKE COUNTY	PL DN RW UT CN	GR	53,000			
Project Cost:						53,000	0	0	0
Pike	4418	KY-197	INSTALL GUARDRAIL ON KY-197 IN PIKE COUNTY	PL DN RW UT CN	GR	80,000			
Project Cost:						80,000	0	0	0
Pike	4419	KY-197	INSTALL GUARDRAIL ON KY-197 IN PIKE COUNTY	PL DN RW UT CN	GR	16,000			
Project Cost:						16,000	0	0	0
Pike	4421	KY-197	INSTALL GUARDRAIL ON KY-197 IN PIKE COUNTY	PL DN RW UT CN	GR	38,000			
Project Cost:						38,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Pike	4455	KY-122	INSTALL GUARDRAIL ON KY-122 IN PIKE COUNTY	PL DN RW UT CN			32,000		
				Project Cost:		0	32,000	0	0
Pike	4456	KY-122	INSTALL GUARDRAIL ON KY-122 IN PIKE COUNTY	PL DN RW UT CN			93,000		
				Project Cost:		0	93,000	0	0
Pike	4457	KY-1469	INSTALL GUARDRAIL ON KY-1469 IN PIKE COUNTY	PL DN RW UT CN			36,000		
				Project Cost:		0	36,000	0	0
Pike	4458	KY-1469	INSTALL GUARDRAIL ON KY-1469 IN PIKE COUNTY	PL DN RW UT CN			22,000		
				Project Cost:		0	22,000	0	0
Pike	4459	KY-1499	INSTALL GUARDRAIL ON KY-1499 IN PIKE COUNTY	PL DN RW UT CN			45,000		
				Project Cost:		0	45,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Pike	4460	KY-194	INSTALL GUARDRAIL ON KY-194 IN PIKE COUNTY	PL DN RW UT CN			39,000		
				Project Cost:		0	39,000	0	0
Pike	4461	KY-194	INSTALL GUARDRAIL ON KY-194 IN PIKE COUNTY	PL DN RW UT CN			11,000		
				Project Cost:		0	11,000	0	0
Pike	4462	KY-194	INSTALL GUARDRAIL ON KY-194 IN PIKE COUNTY	PL DN RW UT CN			17,000		
				Project Cost:		0	17,000	0	0
Pike	4463	KY-610	INSTALL GUARDRAIL ON KY-610 IN PIKE COUNTY	PL DN RW UT CN			60,000		
				Project Cost:		0	60,000	0	0
Pike	8705	CS-1215	IMPROVE CONNECTIVITY BETWEEN THOMPSON ROAD AND US-23 AT STONECOAL.(12CCN)(14CCR)(16CCR)	PL DN RW UT CN			7,240,000		
				Project Cost:		0	7,240,000	0	0

2024-2028 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Pike	10131	KY-308	BRIDGE PROJECT IN PIKE COUNTY ON (098B00009N) KY-308 AT ROAD FK.ROAD CREEK	PL DN RW UT CN	BRX	34,000			
							340,000		
				Project Cost:		34,000	340,000	0	0
Pike	10139	KY-1441	BRIDGE PROJECT IN PIKE COUNTY ON (098B00235N) KY-1441 AT RACCOON CREEK	PL DN RW UT CN	FBP	1,250,000			
				Project Cost:		1,250,000	0	0	0
Pike	10140	CR-1843	BRIDGE PROJECT IN PIKE COUNTY ON (098C00035N) ELM BR AT RT FORK OF PETER CR.	PL DN RW UT CN			39,000		
				Project Cost:		0	429,000	0	0
Pike	10141	CR-1789	BRIDGE PROJECT IN PIKE COUNTY ON (098C00080N) Elwood Rd AT Shelby Creek	PL DN RW UT CN			39,000		
				Project Cost:		0	429,000	0	0
Pike	10144	CR-1419	BRIDGE PROJECT IN PIKE COUNTY ON (098C00159N) ELKINS FRK AT ROCKHOUSE FORK -BIG CK	PL DN RW UT CN			42,000		
				Project Cost:		0	462,000	0	0

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1565

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Pike	20003	US-119	ADDRESS CONDITION OF US-119 FROM MILEPOINT 10.48 TO MILEPOINT 16.853	PL					
				DN	STP3			175,000	
				RW					
				UT					
				CN					
				Project Cost:		0	0	175,000	0
Total for Pike county				PL					
				DN		34,000	120,000	175,000	
				RW					
				UT		4,690,000			
				CN		8,472,000	50,195,000	8,000,000	
				Total Amounts:		13,196,000	50,315,000	8,175,000	0
Powell	163.2000	ky-213	IMPROVE SAFETY, UPGRADE GEOMETRICS, AND ADDRESS CAPACITY ISSUES FOR KY 213 FROM KY 615 TO BOTTOM OF MOUNTAIN. (PRIORITY SECTION 2)(2018BOP)	PL					
				DN					
				RW	SPP	3,000,000			
				UT			1,500,000		
				CN	SPP			7,500,000	
				Project Cost:		3,000,000	1,500,000	7,500,000	0
Powell	174	KY-613	Correct flooding issues on KY 613 at Bowen from KY 11 to Bridge over Red River in Powell County.	PL					
				DN					
				RW					
				UT					
				CN	PROT	1,000,000			
				Project Cost:		1,000,000	0	0	0
Powell	176	KY-15	Minor widening to improve redundancy of Regional Travel.	PL					
				DN					
				RW	PROT	250,000			
				UT	PROT	250,000			
				CN					
				Project Cost:		500,000	0	0	0

2024-2028 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Powell	4318	KY-82	INSTALL GUARDRAIL ON KY-82 IN POWELL COUNTY	PL DN RW UT CN			32,000		
				Project Cost:		0	32,000	0	0
Powell	10058	KY-1184	BRIDGE PROJECT IN POWELL COUNTY ON (099B00043N) KY-1184 AT RED RIVER	PL DN RW UT CN	BRX	454,000			
				Project Cost:		454,000	0	0	4,540,000
Powell	20004	KY-9000	ADDRESS CONDITION OF Bert T. Combs Mountain Parkway FROM MILEPOINT 11.913 TO MILEPOINT 19.228	PL DN RW UT CN	NHPM				555,940
				Project Cost:		0	0	0	5,559,400
Powell	20005	KY-9000	ADDRESS CONDITION OF Bert T. Combs Mountain Parkway FROM MILEPOINT 19.228 TO MILEPOINT 22.307	PL DN RW UT CN	NHPM				234,004
				Project Cost:		0	0	0	2,340,040
Powell	22158	KY-9000	ADDRESS CONDITION OF Bert T. Combs Mountain Parkway FROM MILEPOINT 27.376 TO MILEPOINT 32.787	PL DN RW UT CN	NHPM			411,236	
				Project Cost:		0	0	4,112,360	0
								4,523,596	

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Powell	80250	ky-11	CONSTRUCT THE HAL ROGERS PARKWAY BRIDGE ON KY 11 (CAMPTON ROAD) MP 3.4 TO 3.85	PL DN RW UT CN	SPP	5,000,000	5,000,000		
Project Cost:						5,000,000	5,000,000	0	0
Total for Powell county				PL DN RW UT CN		454,000 8,250,000 250,000 1,000,000		411,236 6,500,000 32,000	789,944 11,612,360 12,439,440
Total Amounts:						9,954,000	6,532,000	12,023,596	13,229,384
Pulaski	169	KY-39	IMPROVE SAFETY AND MOBILITY ALONG KY 39 BETWEEN KY 80 AND OAK LEAF LANE. (2020CCCR)	PL DN RW UT CN	STP1			500,000	
Project Cost:						0	0	500,000	0
Pulaski	4316	KY-1247	INSTALL GUARDRAIL ON KY-1247 IN PULASKI COUNTY	PL DN RW UT CN	GR	15,000			
Project Cost:						15,000	0	0	0
Pulaski	9010	KY-635	SAFETY PROJECT TO RECONSTRUCT KY 635 TO ELIMINATE AT GRADE RAILROAD CROSSING AND REPLACE WITH RAILROAD SEPARATION CROSSING AT SCIENCE HILL, KENTUCKY IN PULASKI	PL DN RW UT CN	STPF	3,300,000			
Project Cost:						3,300,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Pulaski	10063	KY-1956	BRIDGE PROJECT IN PULASKI COUNTY ON (100B00015N) KY-1956 AT LINE CREEK	PL DN RW UT CN	BRX	166,000		1,660,000	
			Project Cost:			166,000	0	1,660,000	0
Pulaski	10064	KY-80	BRIDGE PROJECT IN PULASKI COUNTY ON (100B00029N) KY-80 AT Fishing Creek	PL DN RW UT CN	BRX	4,570,000			
			Project Cost:			4,570,000	0	0	0
Pulaski	10065	KY-934	BRIDGE PROJECT IN PULASKI COUNTY ON (100B00048N) KY-934 AT BRUSHY CREEK	PL DN RW UT CN	FBP				231,000
			Project Cost:			0	0	0	2,310,000
									2,541,000
Pulaski	10066	KY-751	BRIDGE PROJECT IN PULASKI COUNTY ON (100B00066N) KENO RD (KY-751) AT NS (CNO&TP) SYSTEM	PL DN RW UT CN	BRX	338,000			
			Project Cost:			338,000	0	0	3,380,000
									3,380,000
Pulaski	10069	KY-196	BRIDGE PROJECT IN PULASKI COUNTY ON (100B00102N) KY-196 AT LITTLE WHITE OAK CREEK	PL DN RW UT CN			25,000		
			Project Cost:			0	250,000	0	0
							275,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Pulaski	22366	KY-39	ADDRESS CONDITION OF KY-39 FROM MILEPOINT 2.81 TO MILEPOINT 12.809	PL DN RW UT CN	STP3		250,000		2,250,000
Project Cost:						0	250,000	0	2,250,000
Pulaski	22367	KY-80	ADDRESS CONDITION OF KY-80 FROM MILEPOINT 16.462 TO MILEPOINT 18.846	PL DN RW UT CN	STP3			350,000	
Project Cost:						0	0	3,150,000	0
Pulaski	80100	PF-9999	CONSTRUCT CONNECTOR BETWEEN NORTH MIDDLE SCHOOL AND PULASKI COUNTY HIGH SCHOOL (2020CCN)	PL DN RW UT CN	SPP	1,300,000			
Project Cost:						1,300,000	0	0	0
Pulaski	80104	KY-90	REDUCE CONGESTION AND IMPROVE SAFETY, CAPACITY AND MOBILIITY ALONG KY 90 BETWEEN WAYNE COUNTY LINE AND NEW CUMBERLAND RIVER BRIDGE (2020CCN)	PL DN RW UT CN	SPP	3,000,000		25,003,000	
Project Cost:						3,000,000	25,003,000	0	0
Total for Pulaski county				PL					
				DN		504,000	275,000	850,000	231,000
				RW					
				UT		3,000,000			
				CN		9,185,000	25,253,000	4,810,000	7,940,000
Total Amounts:						12,689,000	25,528,000	5,660,000	8,171,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Robertson	8711	KY-616	IMPROVE CURVE ON KY 616 AND IMPROVE ROADWAY FROM THE NEW ROBERTSON COUNTY SCHOOL TO MT OLIVET. (12CCN)(14CCR)(18CCN) (2020CCR)	PL DN RW UT CN	SPP	2,710,000			
Project Cost:						<u>2,710,000</u>	<u>0</u>	<u>0</u>	<u>0</u>
Total for Robertson county				PL DN RW UT CN		<u>2,710,000</u>	<u>0</u>	<u>0</u>	<u>0</u>
Total Amounts:						<u>2,710,000</u>	<u>0</u>	<u>0</u>	<u>0</u>
Rockcastle	8952	KY-461	IMPROVE KY-461 FROM US-150 TO THE EXISTING FOUR LANE APPROACH AT US-25.(16CCN)(18CCR) (2020CCR)	PL DN RW UT CN	NH	9,470,000			
Project Cost:						<u>9,470,000</u>	<u>0</u>	<u>0</u>	<u>0</u>
Rockcastle	10071	CR-1086	BRIDGE PROJECT IN ROCKCASTLE COUNTY ON (102C00067N) MARET CEMETERY RD AT ROUND STONE CREEK	PL DN RW UT CN	FBP2	48,000			
Project Cost:						<u>528,000</u>	<u>0</u>	<u>0</u>	<u>0</u>
Rockcastle	22110	I -75	ADDRESS CONDITION OF I-075 FROM MILEPOINT 50.767 TO MILEPOINT 52.05	PL DN RW UT CN	NHPM				200,000
Project Cost:						<u>0</u>	<u>0</u>	<u>0</u>	<u>2,000,000</u>
Project Cost:						<u>0</u>	<u>0</u>	<u>0</u>	<u>2,200,000</u>

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Rockcastle	22111	I-75	ADDRESS CONDITION OF I-075 FROM MILEPOINT 64.5 (65.220 NON-CARDINAL) TO MILEPOINT 68.78	PL DN RW UT CN	NHPM			487,920	
			Project Cost:			0	0	4,879,200	0
								5,367,120	0
Rockcastle	22369	US-150	ADDRESS CONDITION OF US-150 FROM MILEPOINT 0 TO MILEPOINT 8.403	PL DN RW UT CN	STP4	380,000			
			Project Cost:			3,420,000	0	0	0
						3,800,000	0	0	0
Rockcastle	22370	US-150	ADDRESS CONDITION OF US-150 FROM MILEPOINT 8.403 TO MILEPOINT 10.205	PL DN RW UT CN	STP4	72,500			
			Project Cost:			652,500	0	0	0
						725,000	0	0	0
Rockcastle	80106	US-25	ADDRESS SAFETY, MOBILITY, AND CONGESTION WITH ACCESS AMANGEMENT ALONG US-25 (RICHMOND ST) FROM THE US 25/US 461 INTERSECTION TO I 75 (2020CCN)	PL DN RW UT CN	SPP	1,250,000	5,500,000		
			Project Cost:			1,250,000	5,500,000	0	0
Total for Rockcastle county				PL DN RW UT CN		500,500		487,920	200,000
			Total Amounts:			14,022,500	5,500,000	4,879,200	2,000,000
						15,773,000	5,500,000	5,367,120	2,200,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Rowan	204	KY-32	IMPROVE KY-32 FROM PARK HILLS DRIVE TO VIKING DRIVE NORTH. (12CCR) (18CCR) (2020CCR)	PL DN RW UT CN	SPP	6,250,000	11,250,000		
			Project Cost:			6,250,000	11,250,000	0	0
Rowan	234	KY-801	Provide a planning study to determine possible alternates and feasibility of extending KY 801 from its intersection with KY 158 at Sharkey to KY 32 near the Fleming/Rowan county line.	PL DN RW UT CN	STP2				250,000
			Project Cost:			0	0	0	250,000
Rowan	8406	KY-377	IMPROVE SAFETY AND CONNECTIVITY AND REDUCE CONGESTION ON KY-377 FROM KY-32 TO NORTH OF KY-799. (08CCN)(10CCR) (16CCR)(18CCR) (2020CCR)	PL DN RW UT CN	SPP SPP	6,000,000	12,000,000	13,760,000	
			Project Cost:			6,000,000	12,000,000	13,760,000	0
Rowan	22048	I -64	ADDRESS CONDITION OF I-064 FROM MILEPOINT 134.75 TO MILEPOINT 138.3	PL DN RW UT CN			269,800		
			Project Cost:			0	2,967,800	0	0
Rowan	22050	I -64	ADDRESS CONDITION OF I-064 FROM MILEPOINT 147.94 TO MILEPOINT 148.665	PL DN RW UT CN	NHPM NHPM			70,000	
			Project Cost:			0	0	770,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>	
Total for Rowan county				PL					250,000	
				DN			269,800	70,000		
				RW						
				UT		6,000,000				
				CN		6,250,000	25,948,000	14,460,000		
				Total Amounts:		12,250,000	26,217,800	14,530,000	250,000	
Russell	156	US-127	Reduce congestion and improve capacity, safety and mobility on US 127 between the west bypass of Jamestown to the Cumberland Parkway. See segment 12 in June 1998 Advance	PL						
				DN	NH			2,500,000		
				RW						
				UT						
				CN						
				Project Cost:		0	0	2,500,000	0	
Russell	166	US-127	Reduce congestion and improve safety, capacity and mobility along US 127 from the Cumberland Parkway to Lakeway drive KY 379 in Russell Springs.	PL						
				DN	NH			1,100,000		
				RW						
				UT						
				CN						
				Project Cost:		0	0	1,100,000	0	
Russell	8601.2100	US-127	RELOCATE US-127 FROM EAST OF THE KY-1730 AND MANNTOWN RD INTERSECTION, AND EXTENDING NORTHERLY TO NORTH BANK OF CUMBERLAND RIVER (SEE 8-108&8-115	PL						
				DN						
				RW						
				UT						
				CN	NH	24,520,000				
				Project Cost:		24,520,000	0	0	0	
Russell	10072	KY-379	BRIDGE PROJECT IN RUSSELL COUNTY ON (104B00003N) KY-379 AT CROCUS CREEK	PL						
				DN	FBP2	24,000				
				RW						
				UT						
				CN	FBP2	240,000				
				Project Cost:		264,000	0	0	0	

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Russell	22209	LN-9008	ADDRESS CONDITION OF Louie B. Nunn Cumberland Parkway FROM MILEPOINT 57.791 TO MILEPOINT 62.62	PL					
				DN	NHPM				367,004
				RW					
				UT					
				CN	NHPM				3,670,040
				Project Cost:		0	0	0	4,037,044
Total for Russell county				PL					
				DN		24,000		3,600,000	367,004
				RW					
				UT					
				CN		24,760,000			3,670,040
				Total Amounts:		24,784,000	0	3,600,000	4,037,044
Scott	119	KY-32, US-25	RECONSTRUCT KY 32/I-75 INTERCHANGE EXIT 136 (LOVE'S TRUCK STOP), REALIGNING PORTER RD WITH SADIEVILLE RD AT US25. (2020CCR)	PL					
				DN	SPP	800,000			
				RW	SPP	780,000			
				UT	SPP	840,000			
				CN	SPP			3,590,000	
				Project Cost:		2,420,000	0	3,590,000	0
Scott	10013	CR-1020	BRIDGE PROJECT IN SCOTT COUNTY ON (105R00605N) HINTON RD AT NS (CNO&TP) SYSTEM	PL					
				DN					
				RW					
				UT					
				CN	BRZ	1,600,000			
				Project Cost:		1,600,000	0	0	0
Scott	22119	I -75	ADDRESS CONDITION OF I-075 FROM MILEPOINT 136.758 TO MILEPOINT 138.424	PL					
				DN	NHPM	200,000			
				RW					
				UT					
				CN	NHPM	2,000,000			
				Project Cost:		2,200,000	0	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Scott	80102	KY-2906	IMPROVE CAPACITY AND ACCESS ON KY 2906 FROM US 460 TO US 62 (2020CCN)	PL DN RW UT CN	STP1	8,517,000			
Project Cost:						8,517,000	0	0	0
Total for Scott county				PL DN RW UT CN		1,000,000 780,000 840,000 12,117,000		3,590,000	
Total Amounts:						14,737,000	0	3,590,000	0
Shelby	65.4000	I-64	WIDEN I-64 TO 6-LANES FROM 0.458 MILE EAST OF THE KY-55 INTERCHANGE TO THE KY-1790 UNDERPASS.	PL DN RW UT CN	NH	20,000,000	20,000,000		
Project Cost:						20,000,000	20,000,000	0	0
Shelby	10024	CR-1007	ADDRESS DEFICIENCIES OF MOODY PIKE BRIDGE OVER FOX RUN CREEK. (106C00004N)	PL DN RW UT CN	STP2 FBP				625 175,000
Project Cost:						0	0	0	175,625
Shelby	10025	CR-1009	BRIDGE PROJECT IN SHELBY COUNTY ON (106C00007N) CLORE JACKSON RD at FOX RUN	PL DN RW UT CN			110,000		
Project Cost:						0	110,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Shelby	10089	KY-148	BRIDGE PROJECT IN SHELBY COUNTY ON (106B00017N) KY 148 AT GUIST CREEK	PL DN RW UT CN			298,000		
				Project Cost:		0	3,278,000	0	0
Shelby	22028	I -64	ADDRESS CONDITION OF I-064 FROM MILEPOINT 27.91 TO MILEPOINT 32.214	PL DN RW UT CN	NHPM	500,000			
				Project Cost:	NHPM	5,000,000	0	0	0
Shelby	22029	I -64	ADDRESS CONDITION OF I-064 FROM MILEPOINT 43.892 TO MILEPOINT 46.303	PL DN RW UT CN	NHPM			200,000	
				Project Cost:	NHPM	0	0	2,000,000	0
Total for Shelby county				PL DN RW UT CN		500,000	408,000	200,000	625
				Total Amounts:		25,000,000	22,980,000	2,000,000	175,000
						25,500,000	23,388,000	2,200,000	175,625
Simpson	8855	KY-1008	IMPROVE KY-1008 FROM KY-73 TO NORTH FRANKLIN STREET. (14CCN)	PL DN RW UT CN	SPP	2,000,000			
				Project Cost:		2,000,000	3,500,000	0	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Simpson	8856	US-31	IMPROVE US-31W FROM KY-1008 TO KY-621. (14CCN)(16CCR) (2020CCR)	PL					
				DN					
				RW	STPF	800,000	800,000		
				UT	STPF			2,000,000	2,000,000
				CN					
				Project Cost:		800,000	800,000	2,000,000	2,000,000
Simpson	10046	KY-664	BRIDGE PROJECT IN SIMPSON COUNTY ON (107B00033N) KY-664 AT NEELEY BRANCH	PL					
				DN	FBP2	59,000			
				RW					
				UT					
				CN	FBP2	590,000			
				Project Cost:		649,000	0	0	0
Total for Simpson county				PL					
				DN		59,000			
				RW		800,000	800,000		
				UT		2,000,000		2,000,000	2,000,000
				CN		590,000	3,500,000		
				Total Amounts:		3,449,000	4,300,000	2,000,000	2,000,000
Spencer	10094	KY-44	BRIDGE PROJECT IN SPENCER COUNTY ON (108B00008N) KY 44 AT PLUM CREEK	PL					
				DN	BRX	174,000			
				RW					
				UT					
				CN	BRX			1,740,000	
				Project Cost:		174,000	0	1,740,000	0
Spencer	80254	KY-44	IMPROVE CAPACITY, RELIEVE CONGESTION, AND IMPROVE SAFETY ALONG KY 44 FROM GOOSE CREEK ROAD (CR 1121) TO OAK TREE WAY (CS 1053) (MILEPOINT 1.202 TO MILEPOINT	PL					
				DN	SPP	8,290,000			
				RW			6,750,000		
				UT	SPP			5,720,000	
				CN	SPP				36,810,000
				Project Cost:		8,290,000	6,750,000	5,720,000	36,810,000

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Spencer	80255	KY-44	IMPROVE CAPACITY, RELIEVE CONGESTION, AND IMPROVE SAFETY ALONG KY 44 FROM COXS LANE (CR 1087) NEAR THE BULLITT/SPENCER CO LINE TO GOOSE CREEK ROAD (CR 1121)	PL					
				DN					
				RW	SPP	1,280,000			
				UT	SPP	1,090,000			
				CN			6,980,000		
Project Cost:						2,370,000	6,980,000	0	0
Spencer	80256	KY-55	IMPROVE SAFETY AND TRAFFIC OPERATIONS ON KY 55 FROM KY 44 IN TAYLORSVILLE TO KY 1169 (NORMANDY ROAD) BY PROVIDING ADDITIONAL TURNING AND PASSING	PL					
				DN					
				RW			40,000		
				UT	SPP			440,000	
				CN	SPP				6,020,000
Project Cost:						0	40,000	440,000	6,020,000
Spencer	80257	KY-55	IMPROVE SAFETY AND TRAFFIC OPERATIONS ON KY 55 FROM KY 155 NEAR ELK CREEK TO KY 148 AT FINCHVILLE. PROJECT LIMITS ARE ON KY 55 IN SPENCER COUNTY FROM KY 155	PL					
				DN	SPP	3,140,000			
				RW			2,280,000		
				UT	SPP			1,590,000	
				CN	SPP				24,830,000
Project Cost:						3,140,000	2,280,000	1,590,000	24,830,000
Total for Spencer county				PL					
				DN		11,604,000			
				RW		1,280,000	9,070,000		
				UT		1,090,000		7,750,000	
				CN			6,980,000	1,740,000	67,660,000
Total Amounts:						13,974,000	16,050,000	9,490,000	67,660,000
Taylor	443	KY-70	IMPROVE SAFETY, ACCESS, GEOMETRICS AND DRAINAGE ON KY-70 IN CAMPBELLSVILLE FROM US-68 TO COUNTRY VIEW COURT (CS-1305)	PL					
				DN	SPP	1,000,000			
				RW			2,000,000		
				UT	SPP			2,000,000	
				CN					
Project Cost:						1,000,000	2,000,000	2,000,000	0

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<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Taylor	80256	KY-70	ADDRESS SAFETY AND GEOMETRIC DEFICIENCIES ALONG KY 70 FROM 0. MILES EAST OF ROBERTS RD (NEAR ELKHORN BAPTIST CHURCH) TO NEAR KY 76 (MILEPOINT 3.1 TO MILEPOINT 4.1)	PL DN RW UT CN	SPP SPP SPP	1,000,000 750,000		4,000,000	
Project Cost:						1,750,000	0	4,000,000	0
Taylor	80257	PF-9999	EXTEND KY 3350 (CAMPBELLSVILLE BYPASS) FROM ky 289 TO US 68 ON THE EAST SIDE OF CAMPBELLSVILLE.	PL DN RW UT CN	SPP SPP	2,500,000	1,500,000		10,000,000
Project Cost:						2,500,000	1,500,000	0	10,000,000
Total for Taylor county				PL DN RW UT CN		1,000,000 3,500,000 750,000	2,000,000 1,500,000	2,000,000 4,000,000	10,000,000
Total Amounts:						5,250,000	3,500,000	6,000,000	10,000,000
Todd	10048	KY-848	BRIDGE PROJECT IN TODD COUNTY ON (110B00031N) KY-848 AT SPRING CREEK	PL DN RW UT CN			48,000		
Project Cost:						0	528,000	0	0
Total for Todd county				PL DN RW UT CN			48,000		
Total Amounts:						0	528,000	0	0

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Trigg	10182	KY-272	BRIDGE PROJECT IN TRIGG COUNTY ON (111B00009N) KY-272 AT BURGE CREEK	PL DN RW UT CN	FBP2	141,000			
						1,410,000			
				Project Cost:		1,551,000	0	0	0
Trigg	22010	I -24	ADDRESS CONDITION OF I-024 CARDINAL DIRECTION FROM MILEPOINT 63.6095 TO MILEPOINT 69.83	PL DN RW UT CN	NHPM			1,866,150	
								18,661,500	
				Project Cost:		0	0	20,527,650	0
Trigg	22011	I -24	ADDRESS CONDITION OF I-024 NON-CARDINAL DIRECTION FROM MILEPOINT 64.5 TO MILEPOINT 69.83	PL DN RW UT CN	NHPM			319,800	
								3,198,000	
				Project Cost:		0	0	3,517,800	0
Total for Trigg county				PL DN RW UT CN		141,000		2,185,950	
						1,410,000		21,859,500	
				Total Amounts:		1,551,000	0	24,045,450	0
Trimble	905	US-421	ADDRESS SAFETY ISSUES AND ACCESS AT THE INTERSECTION OF US-421/KY-1226 AT MP 11.5. (12CCR) (2020CCR)	PL DN RW UT CN	SPP	1,070,000			
				Project Cost:		1,070,000	0	0	0

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Total for Trimble county				PL					
				DN					
				RW					
				UT					
				CN		1,070,000			
				Total Amounts:		1,070,000	0	0	0
Union	310.2100	KY-56	ADDRESS SAFETY, CONDITION AND SERVICE CONCERN FROM KY 109 TO WEST OF KY 360 TO ESTABLISH TRUCK NETWORK CONNECTION TO SHAWNEETOWN BRIDGE.(14CCR) (SAME	PL					
				DN					
				RW					
				UT					
				CN	STPF	10,000,000			
				Project Cost:		10,000,000	0	0	0
Union	80202	us-60	Address safety and service concerns of US-60 from the KY-950 to KY-492.	PL					
				DN					
				RW	STP2	3,500,000			
				UT			2,500,000		
				CN	STP2			17,000,000	
				Project Cost:		3,500,000	2,500,000	17,000,000	0
Union	80203	ky-56	Address the service, safety and condition of KY 56 from Morganfield to KY 141.	PL					
				DN					
				RW	STP1	3,500,000			
				UT			3,800,000		
				CN	STP1			20,000,000	
				Project Cost:		3,500,000	3,800,000	20,000,000	0
Total for Union county				PL					
				DN					
				RW		7,000,000			
				UT			6,300,000		
				CN		10,000,000		37,000,000	
				Total Amounts:		17,000,000	6,300,000	37,000,000	0

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Warren	110.3000	KY-185	IMPROVE KY 185 FROM 0.24 MILES SOUTH OF PRUITT ROAD TO 0.16 MILES SOUTH OF KY 1320. (2018BOP)	PL DN RW UT CN	STP1	4,500,000			
Project Cost:						4,500,000	0	0	0
Warren	110.4000	KY-185	IMPROVE KY 185 FROM 0.22 MILES NORTH OF THE AUSTIN RAYMER ROAD TO 0.08 MILES SOUTH OF THE BRIDGE OVER IVY CREEK. (2018BOP)	PL DN RW UT CN	STP1 STP1	435,000		4,665,000	
Project Cost:						435,000	0	4,665,000	0
Warren	182	KY-622	RECONSTRUCT KY 622 (PLANO RD) TO ELIMINATE TWO RIGHT-ANGLE CURVES.	PL DN RW UT CN	SPP	930,000			
Project Cost:						930,000	0	0	0
Warren	8818	KY-884	THREE SPRINGS ROAD EXTENSION FROM FLEALAND TO THE NATCHER PARKWAY INCLUDING BRIDGE OVER PARKWAY. (14CCN)(18CCN) (2020CCR)	PL DN RW UT CN	SPP	9,520,000			
Project Cost:						9,520,000	0	0	0
Warren	8853	US-31	WIDEN US-31W FROM WARREN/SIMPSON COUNTY LINE TO BUCHANON PARK. (14CCN) (2020CCN)	PL DN RW UT CN	SPP	14,240,000			
Project Cost:						14,240,000	0	0	0

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Warren	8854	KY-234	MAJOR WIDENING/RECONSTRUCTION OF CEMETERY ROAD (KY-234) FROM FOUNTAIN TRACE TO ROGER PORTER ROAD (MP 7.878 TO MP 9.625).(14CCN) (2020CCN)	PL DN RW UT CN	SPP		3,380,000	7,280,000	
Project Cost:						0	3,380,000	7,280,000	0
Warren	8857	US-31	IMPROVE US-31W FROM CAMPBELL LANE (US-231) TO UNIVERSITY BOULEVARD (US-231X). (14CCN) (16CCR)(18CCR) (2020CCR)	PL DN RW UT CN	SPP			3,800,000	
Project Cost:						0	0	3,800,000	0
Warren	8904.1000	US-31	WIDEN US 31W FROM PARK AVENUE TO FAIRVIEW AVENUE MP 13.7-14.25. (18CCN) (2020CCR)	PL DN RW UT CN	SPP	4,000,000	2,870,000		
Project Cost:						4,000,000	2,870,000	0	0
Warren	8905	US-31	IMPROVE MOBILITY AND REDUCE CONGESTION ON US-31W FROM US-68 TO MIZPAH. (16CCN) (2020CCR)	PL DN RW UT CN	STP1	3,000,000			
Project Cost:						3,000,000	0	0	0
Warren	10049	KY-185	BRIDGE PROJECT IN WARREN COUNTY ON (114B00003N) KY-185 AT BARREN RIVER	PL DN RW UT CN	BRX BRX	675,000			6,750,000
Project Cost:						675,000	0	0	6,750,000

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Warren	10051	US-68	BRIDGE PROJECT IN WARREN COUNTY ON (114B00076N) KY-880 AT JENNINGS CREEK	PL DN RW UT CN	BRO BRO	378,000 3,780,000			
Project Cost:						4,158,000	0	0	0
Warren	10052	I -65	BRIDGE PROJECT IN WARREN COUNTY ON (114B00095N) I-65 AT BARREN RIVER	PL DN RW UT CN	FBP FBP		1,752,000		
Project Cost:						0	0	1,752,000	17,520,000
Warren	10053	CR-1388	BRIDGE PROJECT IN WARREN COUNTY ON (114C00016N) GREENCASTLE RD AT TAYLOR BRANCH	PL DN RW UT CN			46,000		
Project Cost:						0	506,000	0	0
Warren	22132	I -165	ADDRESS CONDITION OF I-165 FROM MILEPOINT 0.521 TO MILEPOINT 7.121	PL DN RW UT CN	NHPM NHPM				501,600
Project Cost:						0	0	0	5,016,000
Warren	80051	KY-3225	SAFETY IMPROVEMENTS AND REHABILITATION ON KY-3225. KEEP EXISTING FOOTPRINT BY REPLACING CURBLINE IN SAME LOCATION FROM MP 0 TO MP 1(18CCN)	PL DN RW UT CN	SPP	1,350,000			
Project Cost:						1,350,000	0	0	0

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Warren	80052	KY-234	WIDEN KY-234 FROM MP 11.9 TO 12.4. IMPROVEMENTS MAY INCLUDE A ROUNDBOUT, TURN LANE, AND A SIGNAL AT HAMPTON DR. (18CCN)	PL DN RW UT CN	SPP	1,760,000	1,710,000		
Project Cost:						<u>1,760,000</u>	<u>1,710,000</u>	<u>0</u>	<u>0</u>
Warren	80201	cs-1432	Reduce congestion and increase safety on Cave Mill Road/Dishman Lane from the end of the three-lane section near Raintree Drive (MP 0.570) just east of Grider Pond Road.	PL DN RW UT CN	SPP SPP SPP	6,500,000 6,200,000		12,400,000	
Project Cost:						<u>12,700,000</u>	<u>0</u>	<u>12,400,000</u>	<u>0</u>
Warren	80203	US-31	Improve mobility and reduce congestion on US-31W from Mizpah Road to Freeport Road	PL DN RW UT CN	NH	3,000,000			
Project Cost:						<u>3,000,000</u>	<u>0</u>	<u>0</u>	<u>0</u>
Warren	80212	CR-1704	REDUCE CONGESTION AND INCREASE SAFETY AND MOBILITY ON DISHMAN LANE EXT. (CS-6010) FROM MP 0.570 TO JUST EAST OF GRIDER POND ROAD ON CAVE MILL ROAD (CS-1432)	PL DN RW UT CN	SPP SPP	6,500,000	6,200,000	12,400,000	
Project Cost:						<u>6,500,000</u>	<u>6,200,000</u>	<u>12,400,000</u>	<u>0</u>
Warren	80214	KY-101	Construct a two-lane roundabout at the intersection of KY 101 and the I-65 southbound entrance and exit ramps in Smiths Grove. Widen the existing I-65 southbound exit ramp to two lanes and	PL DN RW UT CN	SPP		1,000,000 1,000,000	7,500,000	
Project Cost:						<u>0</u>	<u>2,000,000</u>	<u>7,500,000</u>	<u>0</u>

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Total for Warren county				PL					
				DN		1,053,000	46,000	1,752,000	501,600
				RW		13,000,000	1,000,000		
				UT		12,395,000	10,580,000		
				CN		40,320,000	5,040,000	48,045,000	29,286,000
				Total Amounts:		66,768,000	16,666,000	49,797,000	29,787,600
Washington	164.1000	KY-555	IMPROVE MOBILITY ON THE KY 555 HEARTLAND PARKWAY CORRIDOR FROM US 150X (MP 0.00) TO KY 53 (MP 8.7)	PL					
				DN					
				RW					
				UT					
				CN	STPF	15,800,000			
				Project Cost:		15,800,000	0	0	0
Washington	164.2000	KY-555	IMPROVE MOBILITY ON THE KY 555 HEARTLAND PARKWAY CORRIDOR FROM KY 53 TO BLUEGRASS PARKWAY	PL					
				DN					
				RW	STPF	2,000,000			
				UT			4,100,000		
				CN	STPF			15,000,000	
				Project Cost:		2,000,000	4,100,000	15,000,000	0
Washington	396.2000	US-150	IMPROVE SAFETY, MOBILITY, AND GEOMETRICS ALONG US-150 FROM WEST OF OLD FREDERICKTOWN-BARDSTOWN ROAD (KY-1872) THROUGH GRUNDY HOME	PL					
				DN					
				RW					
				UT					
				CN	STPF	10,000,000			
				Project Cost:		10,000,000	0	0	0
Washington	396.3000	US-150	ADDRESS SAFETY, MOBILITY, AND GEOMETRIC ISSUES ALONG US 150 IN WASHINGTON COUNTY FROM 0.7 MILES EAST OF GRUNDY HOME ROAD (MILEPOINT 2.50) TO US 150X (MP 6.557)	PL					
				DN					
				RW					
				UT	SPP	1,250,000			
				CN			8,000,000		
				Project Cost:		1,250,000	8,000,000	0	0

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Washington	10068	KY-53	BRIDGE PROJECT IN WASHINGTON COUNTY ON (115B00004N) KY-53 AT CHAPLIN RIVER	PL					
				DN					
				RW					
				UT					
				CN	BRX	2,100,000			
				Project Cost:		2,100,000	0	0	0
Total for Washington county				PL					
				DN					
				RW		2,000,000			
				UT		1,250,000	4,100,000		
				CN		27,900,000	8,000,000	15,000,000	
				Total Amounts:		31,150,000	12,100,000	15,000,000	0
Wayne	20010	KY-90	ADDRESS CONDITION OF KY-90 FROM MILEPOINT 0 TO MILEPOINT 3.54	PL					
				DN			442,750		
				RW					
				UT					
				CN	STP4			3,984,750	
				Project Cost:		0	442,750	3,984,750	0
Wayne	22374	KY-90	ADDRESS CONDITION OF KY-90 FROM MILEPOINT 12.9 TO MILEPOINT 17.7	PL					
				DN	STP4			217,350	
				RW					
				UT					
				CN	STP4			1,956,150	
				Project Cost:		0	0	2,173,500	0
Wayne	80006	KY-1275	Reduce congestion and improve safety, capacity, and mobility along KY 1275, including sidewalks, from KY 90 to Bell Lane. (18CCN) (2020CCR)	PL					
				DN					
				RW					
				UT					
				CN	STP2	3,000,000			
				Project Cost:		3,000,000	0	0	0

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Wayne	80105	KY-90	REDUCE CONGESTION AND IMPROVES SAFETY, CAPACITY AND MOBILITY OF KY 90 BETWEEN KY 90X/KY 1275 AND KY 3106 (2020CCN)	PL DN RW UT CN	SPP	2,920,000	22,143,000		
Project Cost:						<u>2,920,000</u>	<u>22,143,000</u>	<u>0</u>	<u>0</u>
Wayne	80108	KY-90, KY-92	ADDRESS SAFETY, MOBILITY, AND CONNECTIVITY BY RELOCATING ALONG KY 92 IN MONTICELLO BETWEEN LOCUST ST AND ELK SPRINGS CREEK RD (2020CCN)	PL DN RW UT CN	SPP	1,000,000			
Project Cost:						<u>1,000,000</u>	<u>0</u>	<u>0</u>	<u>0</u>
Total for Wayne county				PL DN RW UT CN			442,750	217,350	
Total Amounts:						<u>6,920,000</u>	<u>22,585,750</u>	<u>5,940,900</u>	<u>0</u>
Webster	228	KY-138	RECONSTRUCT BETWEEN KY 120 AND RR BRIDGE AT SLAUGHTERS TO ALLEVIATE FLOODING. (12CCR)(18CCN) (2020CCR)	PL DN RW UT CN	SPP	1,360,000			
Project Cost:						<u>1,360,000</u>	<u>0</u>	<u>0</u>	<u>0</u>
Webster	10138	KY-132	BRIDGE PROJECT IN WEBSTER COUNTY ON (117B00038N) KY-132 AT UNNAMED STREAM	PL DN RW UT CN			119,000		
Project Cost:						<u>0</u>	<u>1,190,000</u>	<u>0</u>	<u>0</u>

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Webster	10139	KY-143	BRIDGE PROJECT IN WEBSTER COUNTY ON (117B00042N) KY-143 AT CRAB ORCHARD CREEK	PL DN RW UT CN	BRX		138,000	1,380,000	
Project Cost:						0	138,000	1,380,000	0
Webster	22091	I -69	ADDRESS CONDITION OF I-069 FROM MILEPOINT 133.686 TO MILEPOINT 134.982	PL DN RW UT CN	NHPM			250,000	
Project Cost:						0	0	2,500,000	0
Webster	22092	I -69	ADDRESS CONDITION OF I-069 FROM MILEPOINT 136.5 TO MILEPOINT 137.141	PL DN RW UT CN	NHPM			55,000	
Project Cost:						0	0	550,000	0
Total for Webster county				PL DN RW UT CN			257,000	305,000	
Total Amounts:						1,360,000	1,190,000	4,430,000	0
Whitley	4384	KY-11	INSTALL GUARDRAIL ON KY-11 IN WHITLEY COUNTY	PL DN RW UT CN	GR	15,000			
Project Cost:						15,000	0	0	0

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Whitley	4385	KY-204	INSTALL GUARDRAIL ON KY-204 IN WHITLEY COUNTY	PL DN RW UT CN	GR	15,000			
Project Cost:						15,000	0	0	0
Whitley	4386	KY-204	INSTALL GUARDRAIL ON KY-204 IN WHITLEY COUNTY	PL DN RW UT CN	GR	17,000			
Project Cost:						17,000	0	0	0
Whitley	4387	KY-204	INSTALL GUARDRAIL ON KY-204 IN WHITLEY COUNTY	PL DN RW UT CN	GR	15,000			
Project Cost:						15,000	0	0	0
Whitley	4388	KY-204	INSTALL GUARDRAIL ON KY-204 IN WHITLEY COUNTY	PL DN RW UT CN	GR	35,000			
Project Cost:						35,000	0	0	0
Whitley	4389	KY-204	INSTALL GUARDRAIL ON KY-204 IN WHITLEY COUNTY	PL DN RW UT CN	GR	9,000			
Project Cost:						9,000	0	0	0

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Whitley	4390	KY-26	INSTALL GUARDRAIL ON KY-26 IN WHITLEY COUNTY	PL DN RW UT CN	GR	4,000			
Project Cost:						4,000	0	0	0
Whitley	4391	KY-478	INSTALL GUARDRAIL ON KY-478 IN WHITLEY COUNTY	PL DN RW UT CN	GR	49,000			
Project Cost:						49,000	0	0	0
Whitley	4392	KY-856	INSTALL GUARDRAIL ON KY-856 IN WHITLEY COUNTY	PL DN RW UT CN	GR	12,000			
Project Cost:						12,000	0	0	0
Whitley	4409	KY-204	INSTALL GUARDRAIL ON KY-204 IN WHITLEY COUNTY	PL DN RW UT CN			9,000		
Project Cost:						0	9,000	0	0
Whitley	4410	KY-204	INSTALL GUARDRAIL ON KY-204 IN WHITLEY COUNTY	PL DN RW UT CN			9,000		
Project Cost:						0	9,000	0	0

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Whitley	4411	KY-904	INSTALL GUARDRAIL ON KY-904 IN WHITLEY COUNTY	PL DN RW UT CN			14,000		
				Project Cost:		0	14,000	0	0
Whitley	4412	KY-904	INSTALL GUARDRAIL ON KY-904 IN WHITLEY COUNTY	PL DN RW UT CN			14,000		
				Project Cost:		0	14,000	0	0
Whitley	4413	KY-904	INSTALL GUARDRAIL ON KY-904 IN WHITLEY COUNTY	PL DN RW UT CN			39,000		
				Project Cost:		0	39,000	0	0
Whitley	4414	KY-904	INSTALL GUARDRAIL ON KY-904 IN WHITLEY COUNTY	PL DN RW UT CN			32,000		
				Project Cost:		0	32,000	0	0
Whitley	4415	KY-904	INSTALL GUARDRAIL ON KY-904 IN WHITLEY COUNTY	PL DN RW UT CN			11,000		
				Project Cost:		0	11,000	0	0

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Whitley	10219	KY-92	BRIDGE PROJECT IN WHITLEY COUNTY ON (118B00024N) KY-92 AT PLEASANT RUN	PL DN RW UT CN	FBP2 FBP2	89,000 890,000			
Project Cost:						979,000	0	0	0
Whitley	22107	I-75	ADDRESS CONDITION OF I-075 FROM MILEPOINT 11.27 TO MILEPOINT 20.101	PL DN RW UT CN	NHPM NHPM	700,000 7,000,000			
Project Cost:						7,700,000	0	0	0
Whitley	80107	us-25	IMPROVE SAFETY AND MOBILITY ON US 25W (MILEPOINT 13.3 TO MILEPOINT 14.6) INCLUDED IN THIS RECONSTRUCTION WILL BE APPROXIMATELY 1.3 MILES OF ROADWAY TO BE WIDENED/IMPROVED,	PL DN RW UT CN	BRO	10,000,000			
Project Cost:						10,000,000	0	0	0
Total for Whitley county				PL DN RW UT CN		789,000 18,061,000	128,000		
Total Amounts:						18,850,000	128,000	0	0
Wolfe	177	KY-15	Minor widening to improve redundancy of Regional travel.	PL DN RW UT CN	PROT PROT	250,000 500,000			
Project Cost:						750,000	0	0	0

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Wolfe	212	KY-191	IMPROVE THE KY-191 AND KY-1812 INTERSECTION.	PL DN RW UT CN	STP2	870,000			
Project Cost:						870,000	0	0	0
Wolfe	4319	KY-191	INSTALL GUARDRAIL ON KY-191 IN WOLFE COUNTY	PL DN RW UT CN			15,000		
Project Cost:						0	15,000	0	0
Wolfe	4320	KY-746	INSTALL GUARDRAIL ON KY-746 IN WOLFE COUNTY	PL DN RW UT CN			65,000		
Project Cost:						0	65,000	0	0
Wolfe	10059	CR-1135	BRIDGE PROJECT IN WOLFE COUNTY ON (119C00014N) CAVE BRANCH RD AT HOLLY CREEK	PL DN RW UT CN			53,000		
Project Cost:						0	530,000	0	0
Total for Wolfe county				PL DN RW UT CN		250,000 500,000 870,000	53,000 610,000		
Total Amounts:						1,620,000	663,000	0	0

2024-2028 HIGHWAY CONSTRUCTION PLAN

1595

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
Woodford	117	US-60	IMPROVE US 60 (VERSAILLES ROAD) FROM THE BLUEGRASS PARKWAY/HUNTERTOWN PIKE TO PISGAH PIKE.	PL DN RW UT CN	NH		250,000 1,500,000		3,500,000
Project Cost:						0	1,750,000	0	3,500,000
Woodford	8905	US-60	ACCESS MANAGEMENT IMPROVEMENTS ON US 60 FROM LEXINGTON ROAD AT WOODFORD FEED TO MARSAILLES DRIVE (MP 9.38 TO MP 9.70).(16CCN) (18CCN)	PL DN RW UT CN	SPP	2,250,000			
Project Cost:						2,250,000	0	0	0
Woodford	22033	I -64	ADDRESS CONDITION OF I-064 FROM MILEPOINT 59.431 TO MILEPOINT 64.856	PL DN RW UT CN	NHPM			3,255,000	
Project Cost:						0	0	35,805,000	0
Woodford	80252	US-62	RECONSTRUCT INTERSECTION AT US 62 (ROSE HILL AVE & TYRONE PK) AND KY 1964 (CLIFTON RD) IN VERSAILLES	PL DN RW UT CN	SPP	350,000	500,000	1,000,000	2,000,000
Project Cost:						350,000	500,000	1,000,000	2,000,000
Total for Woodford county				PL DN RW UT CN		350,000	750,000 1,500,000	3,255,000 1,000,000	5,500,000 5,500,000
Total Amounts:						2,600,000	2,250,000	36,805,000	5,500,000

2024-2028 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
ZVarious	65.1900	CO-0	BRIDGE REPAIRS ON VARIOUS BRIDGES FOR FY 2022 THROUGH FY 2028.	PL					
				DN					
				RW					
				UT					
				CN	BRO	5,000,000	5,000,000	13,000,000	10,000,000
				Project Cost:		<u>5,000,000</u>	<u>5,000,000</u>	<u>13,000,000</u>	<u>10,000,000</u>
ZVarious	65.2000	CO-0	BRIDGE REPAIRS ON VARIOUS BRIDGES FOR FY 2022 THROUGH FY 2028.	PL					
				DN					
				RW					
				UT					
				CN	BRX	2,000,000	2,000,000	2,000,000	1,000,000
				Project Cost:		<u>2,000,000</u>	<u>2,000,000</u>	<u>2,000,000</u>	<u>1,000,000</u>
ZVarious	65.2100	CO-0	BRIDGE REPAIRS ON VARIOUS OFF SYSTEM BRIDGES FOR FY 2022 THROUGH FY 2028.	PL					
				DN					
				RW					
				UT					
				CN	BRZ	1,000,000	1,000,000	1,000,000	1,000,000
				Project Cost:		<u>1,000,000</u>	<u>1,000,000</u>	<u>1,000,000</u>	<u>1,000,000</u>
ZVarious	65.2300	CO-0	BRIDGE REPAIRS ON VARIOUS BRIDGES FOR FY 2022-2028. (FBP2 PROGRAM)	PL					
				DN					
				RW					
				UT					
				CN	FBP2	3,000,000	3,500,000	3,500,000	3,500,000
				Project Cost:		<u>3,000,000</u>	<u>3,500,000</u>	<u>3,500,000</u>	<u>3,500,000</u>
ZVarious	66.1900	CO-0	'ITS' AND 'TSMO' ACTIVITIES ON VARIOUS NHS ROUTES IN KENTUCKY FOR FY 2022 THROUGH FY 2028.	PL					
				DN					
				RW					
				UT					
				CN	NH	5,000,000	5,000,000	5,000,000	5,000,000
				Project Cost:		<u>5,000,000</u>	<u>5,000,000</u>	<u>5,000,000</u>	<u>5,000,000</u>

2024-2028 HIGHWAY CONSTRUCTION PLAN

1597

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
ZVarious	66.2100	CO-0	Transportation Systems Management and Operations (TSMO) activities on various routes for FY-2022 through FY 2028.	PL					
				DN					
				RW					
				UT					
				CN	SPP	2,000,000	2,000,000	2,000,000	2,000,000
			Project Cost:			2,000,000	2,000,000	2,000,000	2,000,000
ZVarious	195.1600	CO-0	STATEWIDE TRANSPORTATION ALTERNATIVES PROGRAM FOR FY 2022 THROUGH FY 2028	PL					
				DN					
				RW					
				UT					
				CN	TAP	12,083,448	12,325,117	12,325,117	12,325,117
			Project Cost:			12,083,448	12,325,117	12,325,117	12,325,117
ZVarious	219.1800	CO-0	NON-ATTAINMENT AREAS STATEWIDE CMAQ FUNDED PROJECTS FOR FY 2022 THROUGH FY 2028.	PL					
				DN					
				RW					
				UT					
				CN	CM	15,840,263	16,157,068	16,157,068	16,157,068
			Project Cost:			15,840,263	16,157,068	16,157,068	16,157,068
ZVarious	224.1400	CO-0	PAVEMENT REHAB ON STATE (NON RS) SYSTEM ROUTES IN KENTUCKY FOR FY 2022 THROUGH FY 2028.	PL					
				DN					
				RW					
				UT					
				CN	STP5	5,000,000	5,000,000	5,000,000	5,000,000
			Project Cost:			5,000,000	5,000,000	5,000,000	5,000,000
ZVarious	239	CO-0	PROMOTING RESILIENT OPERATIONS FOR TRANSFORMATIVE, EFFICIENT, AND COST SAVING TRANSPORTATION (PROTECT) PROGRAM FORMULA FUNDS.	PL					
				DN					
				RW					
				UT					
				CN	PROT	7,911,000	9,880,000	27,080,000	33,100,000
			Project Cost:			7,911,000	9,880,000	27,080,000	33,100,000

2024-2028 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
ZVarious	244	CO-0	STATEWIDE CARBON REDUCTION PROGRAM.	PL					
				DN					
				RW					
				UT					
				CN	CARB	28,520,000	29,090,000	29,090,000	29,090,000
				Project Cost:		28,520,000	29,090,000	29,090,000	29,090,000
ZVarious	247	CO-0	STATEWIDE ELECTRIC VEHICLE CHARGING STATION PROGRAM	PL					
				DN					
				RW					
				UT					
				CN	EV	13,800,000	13,800,000	13,800,000	13,800,000
				Project Cost:		13,800,000	13,800,000	13,800,000	13,800,000
ZVarious	327.1600	CO-0	STATEWIDE BRIDGE INSPECTION FOR FY 2022 THROUGH FY 2028.	PL					
				DN					
				RW					
				UT					
				CN	BRX	5,000,000	5,000,000	5,000,000	5,000,000
				Project Cost:		5,000,000	5,000,000	5,000,000	5,000,000
ZVarious	337.1500	CO-0	STATEWIDE I-STATE ROUTES FOR FY 2022 THROUGH FY 2028.	PL					
				DN					
				RW					
				UT					
				CN	NHPM	5,000,000	5,000,000	5,000,000	5,000,000
				Project Cost:		5,000,000	5,000,000	5,000,000	5,000,000
ZVarious	346.1600	CO-0	STATEWIDE OFF-SYSTEM BRIDGE INSPECTION FOR FY 2022 THROUGH FY 2028.	PL					
				DN					
				RW					
				UT					
				CN	BRZ	3,000,000	3,000,000	3,000,000	3,000,000
				Project Cost:		3,000,000	3,000,000	3,000,000	3,000,000

2024-2028 HIGHWAY CONSTRUCTION PLAN

1599

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
ZVarious	352.1600	CO-0	RAILWAY-HIGHWAY CROSSINGS PROGRAM ON VARIOUS ROUTES FOR FY 2022 THROUGH FY 2028.	PL DN RW UT CN	RRP	4,000,000	4,000,000	4,000,000	4,000,000
				Project Cost:		<u>4,000,000</u>	<u>4,000,000</u>	<u>4,000,000</u>	<u>4,000,000</u>
ZVarious	369.1000	CO-0	PAVEMENT REHABILITATION FOR VARIOUS NHS ROUTES IN KENTUCKY FOR FY 2022 THROUGH FY 2028.	PL DN RW UT CN	NHPM	5,000,000	5,000,000	5,000,000	5,000,000
				Project Cost:		<u>5,000,000</u>	<u>5,000,000</u>	<u>5,000,000</u>	<u>5,000,000</u>
ZVarious	388.1000	CO-0	OHIO RIVER BRIDGES FRACTURE CRITICAL FOR FY 2022 THROGH FY 2028.	PL DN RW UT CN	BRX	4,000,000	4,000,000	4,000,000	4,000,000
				Project Cost:		<u>4,000,000</u>	<u>4,000,000</u>	<u>4,000,000</u>	<u>4,000,000</u>
ZVarious	391.0600	CO-0	STATEWIDE HIGHWAY PROJECT DESIGN ACTIVITIES FOR FY 2022 THROUGH FY 2028.	PL DN RW UT CN	STPF	1,000,000	1,000,000	1,000,000	1,000,000
				Project Cost:		<u>1,000,000</u>	<u>1,000,000</u>	<u>1,000,000</u>	<u>1,000,000</u>
ZVarious	391.0700	CO-0	STATEWIDE HIGHWAY PROJECT DESIGN ACTIVITIES FOR FY 2022 THROUGH FY 2028.	PL DN RW UT CN	SPP	5,000,000	5,000,000	5,000,000	5,000,000
				Project Cost:		<u>5,000,000</u>	<u>5,000,000</u>	<u>5,000,000</u>	<u>5,000,000</u>

2024-2028 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
ZVarious	400.0700	CO-0	UPGRADE NAVIGATIONAL LIGHTING FOR BRIDGES OVER MAJOR STREAMS AND WATERWAYS FOR FY 2022 THROUGH FY 2028.	PL DN RW UT CN	BRX	500,000	500,000	500,000	500,000
				Project Cost:		<u>500,000</u>	<u>500,000</u>	<u>500,000</u>	<u>500,000</u>
ZVarious	510.0500	CO-0	HONORING BORDER STATES COMMITMENTS FOR EXISTING BRIDGES(CANNOT BE MOVED) FOR FY 2022 THROUGH FY 2028.	PL DN RW UT CN	BRX	2,000,000	2,000,000	2,000,000	2,000,000
				Project Cost:		<u>2,000,000</u>	<u>2,000,000</u>	<u>2,000,000</u>	<u>2,000,000</u>
ZVarious	511.0400	CO-0	STATEWIDE CORRECTIONS OF ROCK FALL OR EMBANKMENT STABILIZATION FOR FY 2022 THROUGH FY 2028.	PL DN RW UT CN	SPP	1,000,000	1,000,000	1,000,000	1,000,000
				Project Cost:		<u>1,000,000</u>	<u>1,000,000</u>	<u>1,000,000</u>	<u>1,000,000</u>
ZVarious	514.0100	CO-0	PREVENTATIVE MAINTENANCE FOR BRIDGE STRUCTURES FOR FY 2022 THROUGH FY 2028.	PL DN RW UT CN	BRX	2,000,000	2,000,000	2,000,000	1,000,000
				Project Cost:		<u>2,000,000</u>	<u>2,000,000</u>	<u>2,000,000</u>	<u>1,000,000</u>
ZVarious	518.0100	CO-0	STATEWIDE CORRECTIONS OF ROCKFALL OR EMBANKMENT STABILIZATION ON NH ROUTES FOR FY 2020. (2020CCR)	PL DN RW UT CN	NH	4,000,000	5,000,000	5,000,000	5,000,000
				Project Cost:		<u>4,000,000</u>	<u>5,000,000</u>	<u>5,000,000</u>	<u>5,000,000</u>

2024-2028 HIGHWAY CONSTRUCTION PLAN

1601

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
ZVarious	518.0300	CO-0	STATEWIDE CORRECTIONS OF ROCKFALL OR EMBANKMENT STABILIZATION ON NON NH ROUTES FOR FY 2022 THROUGH FY 2028.	PL DN RW UT CN	STPF	5,000,000	5,000,000	5,000,000	5,000,000
				Project Cost:		<u>5,000,000</u>	<u>5,000,000</u>	<u>5,000,000</u>	<u>5,000,000</u>
ZVarious	911.0900	CO-0	STATEWIDE SAFETY PROGRAM FOR FY 2022 THROUGH FY 2028. (HSIP)	PL DN RW UT CN	SAF	55,721,626	56,915,752	56,915,752	56,915,752
				Project Cost:		<u>55,721,626</u>	<u>56,915,752</u>	<u>56,915,752</u>	<u>56,915,752</u>
ZVarious	911.5000	CO-0	STATEWIDE SAFETY FUNDING TO BE USED ALONGSIDE FEDERAL HSIP FUNDING TO ENHANCE ROADWAY SAFETY, AND SCHOOL SAFETY PROJECTS IN KENTUCKY.	PL DN RW UT CN	SPP	11,500,000	11,500,000	11,500,000	11,500,000
				Project Cost:		<u>11,500,000</u>	<u>11,500,000</u>	<u>11,500,000</u>	<u>11,500,000</u>
ZVarious	1063.1600	CO-0	STATEWIDE UNDERWATER BRIDGE INSPECTION FOR FY 2022 THROUGH FY 2028.	PL DN RW UT CN	BRX	1,000,000	1,000,000	1,000,000	1,000,000
				Project Cost:		<u>1,000,000</u>	<u>1,000,000</u>	<u>1,000,000</u>	<u>1,000,000</u>
ZVarious	1071.0800	CO-0	STATEWIDE PROGRAM TO FUND BRIDGE SCOUR COUNTER-MEASURES FOR STATE-MAINTAINED BRIDGES FOR FY 2022 THROUGH FY 2028.	PL DN RW UT CN	BRX	3,000,000	3,000,000	3,000,000	3,000,000
				Project Cost:		<u>3,000,000</u>	<u>3,000,000</u>	<u>3,000,000</u>	<u>3,000,000</u>

2024-2028 HIGHWAY CONSTRUCTION PLAN

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
ZVarious	1074.0800	CO-0	STATEWIDE BRIDGE REPLACEMENT PROGRAM FOR FY 2022 THROUGH FY 2028.	PL DN RW UT CN	BRX	2,000,000	2,000,000	2,000,000	1,000,000
				Project Cost:		<u>2,000,000</u>	<u>2,000,000</u>	<u>2,000,000</u>	<u>1,000,000</u>
ZVarious	2700.1400	CO-0	PAVEMENT PREVENTATIVE MAINTENANCE PROGRAM FOR FY 2022 THROUGH FY 2028 STP5 FUNDING.	PL DN RW UT CN	STP5	2,000,000	2,000,000	2,000,000	2,000,000
				Project Cost:		<u>2,000,000</u>	<u>2,000,000</u>	<u>2,000,000</u>	<u>2,000,000</u>
ZVarious	3011.0100	CO-0	AMERICANS WITH DISABILITIES ACT (ADA) TRANSITION PLAN IMPLEMENTATION PROJECTS FY 2022 THROUGH FY 2028.	PL DN RW UT CN	STPF	1,000,000	1,000,000	1,000,000	1,000,000
				Project Cost:		<u>1,000,000</u>	<u>1,000,000</u>	<u>1,000,000</u>	<u>1,000,000</u>
ZVarious	8500.1600	CO-0	SCHOOL TURN LANE PROJECTS FOR NEW SCHOOLS FOR FY 2022 THROUGH FY 2028.	PL DN RW UT CN	SPP	2,500,000	2,500,000	2,500,000	2,500,000
				Project Cost:		<u>2,500,000</u>	<u>2,500,000</u>	<u>2,500,000</u>	<u>2,500,000</u>
ZVarious	8601	CO-0	ADVANCE CONSTRUCTION COMMITMENTS FOR I-MOVE, I-69 AND OTHER ACTIVE DESIGN/BUILD PROJECTS.	PL DN RW UT CN	NH	44,000,000			
				Project Cost:		<u>44,000,000</u>	<u>0</u>	<u>0</u>	<u>0</u>

2024-2028 HIGHWAY CONSTRUCTION PLAN

1603

<u>County</u>	<u>Item No.</u>	<u>Route</u>	<u>Description</u>	<u>Phase</u>	<u>Fund</u>	<u>FY2025</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>
ZVarious	9068.6100	CO-0	US 68/KY 80 LAKE BARKLEY AND KENTUCKY LAKE GARVEE BOND DEBT SERVICE FOR FY 2022 THROUGH FY 2028.	PL DN RW UT CN	GAR	21,000,000	36,000,000	36,000,000	6,000,000
			Project Cost:			<u>21,000,000</u>	<u>36,000,000</u>	<u>36,000,000</u>	<u>6,000,000</u>
ZVarious	9068.6600	CO-0	US 68/KY 80 LAKE BARKLEY AND KENTUCKY LAKE GARVEE BOND DEBT SERVICE (STP) FOR FY 2022 THROUGH FY 2028.	PL DN RW UT CN	GAR	21,000,000	36,000,000	36,000,000	6,000,000
			Project Cost:			<u>21,000,000</u>	<u>36,000,000</u>	<u>36,000,000</u>	<u>6,000,000</u>
ZVarious	9659.2300	CO-0	GARVEE BOND DEBT SERVICE FOR LOUISVILLE BRIDGES PROJECT FOR FY 2022 THROUGH FY 2025 "NH" FUNDING.	PL DN RW UT CN	GAR	30,000,000			
			Project Cost:			<u>30,000,000</u>	<u>0</u>	<u>0</u>	<u>0</u>
Total for ZVarious county				PL DN RW UT CN		6,000,000	6,000,000	6,000,000	6,000,000
				CN		<u>336,376,337</u>	<u>298,167,937</u>	<u>323,367,937</u>	<u>263,387,937</u>
				Total Amounts:		<u>342,376,337</u>	<u>304,167,937</u>	<u>329,367,937</u>	<u>269,387,937</u>

2024-2028 HIGHWAY CONSTRUCTION PLAN

Fund Summary

Fund	Description	FY 2025	FY 2026	FY 2027	FY 2028	Total
APD	FEDERAL APPALACHIAN DEVELOPMENT HIGHWAYS	5,000,000	22,260,000	0	0	27,260,000
BRO	FEDERAL BRIDGE REPLACEMENT - ON SYSTEM	84,733,000	69,657,000	63,251,000	67,910,000	285,551,000
BRX	FEDERAL BRIDGE REPLACEMENT - ON/OFF SYSTEM	58,241,000	52,805,000	52,560,000	65,840,000	229,446,000
BRZ	FEDERAL BRIDGE REPLACEMENT - OFF SYSTEM	33,720,000	11,758,000	9,480,000	4,000,000	58,958,000
CARB	CARBON REDUCTION PROGRAM	28,520,000	29,090,000	29,090,000	29,090,000	115,790,000
CM	FEDERAL CONGESTION MITIGATION FUNDS	15,840,263	16,157,068	16,157,068	16,157,068	64,311,467
EV	ELECTRIC VEHICLE CHARGING STATION FUNDS	13,800,000	13,800,000	13,800,000	13,800,000	55,200,000
FBP	FEDERAL BRIDGE PROGRAM	54,120,000	54,142,000	56,146,000	55,663,000	220,071,000
FBP2	FEDERAL BRIDGE PROGRAM - OFF SYSTEM	56,658,000	58,530,000	61,539,000	58,347,000	235,074,000
GAR	BIENNIAL GARVEE BOND FUNDS DESIGNATED FOR LSIORB	72,000,000	72,000,000	72,000,000	12,000,000	228,000,000
GR	GUARD RAIL INSTALLATION	4,005,000	3,836,000	0	0	7,841,000
IF	INNOVATIVE FINANCING	205,000,000	205,000,000	80,000,000	80,000,000	570,000,000
NH	FEDERAL NATIONAL HIGHWAY SYSTEM FUNDS	475,780,100	417,373,000	571,877,500	288,650,000	1,753,680,600
NHPM	NATIONAL HIGHWAYS SYSTEM FUNDS FOR PAVEMENT	223,382,708	243,259,796	232,749,384	234,642,686	934,034,574
PROT	PROTECT FORMULA PROGRAM	32,400,000	33,080,000	33,080,000	33,100,000	131,660,000
RRP	SAFETY-RAILROAD PROTECTION	4,000,000	4,000,000	4,000,000	4,000,000	16,000,000
SAF	FEDERAL SAFETY FUNDS	55,721,626	56,915,752	56,915,752	56,915,752	226,468,882
SAH	FEDERAL STP FUNDS DEDICATED TO ASHLAND	1,788,269	1,824,034	1,824,034	1,824,034	7,260,371
SHN	FEDERAL STP FUNDS DEDICATED TO HENDERSON	903,171	921,234	921,234	921,234	3,666,873
SLO	FEDERAL STP FUNDS DEDICATED TO LOUISVILLE	26,301,262	26,827,287	26,827,287	26,827,287	106,783,123
SLX	FEDERAL STP FUNDS DEDICATED TO LEXINGTON	7,717,515	7,871,865	7,871,865	7,871,865	31,333,110
SNK	FEDERAL STP FUNDS DEDICATED TO NORTHERN KENTUCKY	8,398,573	8,566,545	8,566,545	8,566,545	34,098,208
SPP	STATE CONSTRUCTION HIGH PRIORITY PROJECTS	758,848,300	891,673,800	1,315,890,466	849,722,900	3,816,135,466
STP	FEDERAL STATEWIDE TRANSPORTATION PROGRAM FUNDS	38,120,000	49,015,000	18,540,000	0	105,675,000
STP1	SURFACE TRANSPORTATION (5-200K POP)	57,830,800	15,199,200	25,165,000	0	98,195,000
STP2	SURFACE TRANSPORTATION (<5K POP)	122,912,500	106,530,000	61,258,000	24,530,625	315,231,125
STP3	SURFACE TRANSPORTATION (5-200K POP) FOR PAVEMENT	0	6,450,000	4,615,000	6,350,000	17,415,000
STP4	SURFACE TRANSPORTATION (<5K POP) FOR PAVEMENT	33,267,000	12,677,750	12,948,250	600,000	59,493,000
STP5	SURFACE TRANSPORTATION FLEX FUNDING FOR PAVEMENT	27,830,000	13,975,000	12,105,000	24,295,000	78,205,000
STPF	SURFACE TRANSPORTATION FLEX FUNDING	278,530,000	89,841,000	233,620,000	49,230,000	651,221,000
TAP	FEDERAL TRANSPORTATION ALTERNATIVES PROGRAM	12,083,448	12,325,117	12,325,117	12,325,117	49,058,799
Total Amount		2,797,452,535	2,607,361,448	3,095,123,502	2,033,180,113	10,533,117,598

CHAPTER 195**(HB 248)**

AN ACT relating to the expenditure of appropriated funds and declaring an emergency.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 48 IS CREATED TO READ AS FOLLOWS:

- (1) *Notwithstanding any statute, administrative regulation, or common law to the contrary, and except as provided in this subsection, appropriations from the general fund, any restricted fund, the road fund, or any federal funds, whether for employee time or any other purpose, shall not be expended by an elected statewide constitutional officer, except the Attorney General, or by any other state official, employee, or agency, other than the Department of Public Advocacy in a criminal matter, to bring or support a challenge to the constitutionality of any legislative act or resolution of the General Assembly. Nothing in this section shall limit any officer, official, employee, or agency in the defense of any action brought against him or her by a party with proper standing.*
- (2) *If the constitutionality of subsection (1) of this section is challenged through litigation, the Attorney General shall be the sole named respondent for the Commonwealth of Kentucky in such litigation and shall consult with the Legislative Research Commission regarding defense of such litigation.*

➔Section 2. This Act shall retroactively apply to January 1, 2022.

➔Section 3. Whereas the provisions of this Act are imperative to the General Assembly's constitutional authority to make the laws, the Governor's constitutional obligation to enforce those laws, and the public's confidence in its elected chief legal officer to advise as to the constitutionality of legislation, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Veto Overridden and Signed by Secretary of State April 13, 2022.

CHAPTER 196**(SB 1)**

AN ACT relating to education and declaring an emergency.

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

➔Section 1. KRS 160.345 is amended to read as follows:

- (1) For the purpose of this section:
- (a) "Minority" means American Indian; Alaskan native; African-American; Hispanic, including persons of Mexican, Puerto Rican, Cuban, and Central or South American origin; Pacific islander; or other ethnic group underrepresented in the school;
- (b) "School" means an elementary or secondary educational institution that is under the administrative control of a principal and is not a program or part of another school. The term "school" does not include district-operated schools that are:
1. Exclusively vocational-technical, special education, or preschool programs;
 2. Instructional programs operated in institutions or schools outside of the district; or
 3. Alternative schools designed to provide services to at-risk populations with unique needs;
- (c) "Teacher" means any person for whom certification is required as a basis of employment in the public schools of the state, with the exception of principals and assistant principals; and
- (d) "Parent" means:
1. A parent, stepparent, or foster parent of a student; or

2. A person who has legal custody of a student pursuant to a court order and with whom the student resides.
- (2) Each local board of education shall adopt a policy for implementing school-based decision making in the district which shall include but not be limited to a description of how the district's policies, including those developed pursuant to KRS 160.340, have been amended to allow the professional staff members of a school to be involved in the decision-making process as they work to meet educational goals established in KRS 158.645 and 158.6451. The policy may include a requirement that each school council make an annual report at a public meeting of the board describing the school's progress in meeting the educational goals set forth in KRS 158.6451 and district goals established by the board. The policy shall also address and comply with the following:
- (a) Except as provided in paragraph (b)2. of this subsection, each participating school shall form a school council composed of two (2) parents, three (3) teachers, and the principal or administrator. The membership of the council may be increased, but it may only be increased proportionately. A parent representative on the council shall not be an employee or a relative of an employee of the school in which that parent serves, nor shall the parent representative be an employee or a relative of an employee in the district administrative offices. A parent representative shall not be a local board member or a board member's spouse. None of the members shall have a conflict of interest pursuant to KRS Chapter 45A, except the salary paid to district employees;
 - (b)
 1. The teacher representatives shall be elected for one (1) year terms by a majority of the teachers. A teacher elected to a school council shall not be involuntarily transferred during his or her term of office. The parent representatives shall be elected for one (1) year terms. The parent members shall be elected by the parents of students preregistered to attend the school during the term of office in an election conducted by the parent and teacher organization of the school or, if none exists, the largest organization of parents formed for this purpose. ***Council elections may allow voting to occur over multiple days and via electronic means.*** A school council, once elected, may adopt a policy setting different terms of office for parent and teacher members subsequently elected. The principal shall be the chair of the school council.
 2. School councils in schools having eight percent (8%) or more minority students enrolled, as determined by the enrollment on the preceding October 1, shall have at least one (1) minority member. If the council formed under paragraph (a) of this subsection does not have a minority member, the principal, in a timely manner, shall be responsible for carrying out the following:
 - a. Organizing a special election to elect an additional member. The principal shall call for nominations and shall notify the parents of the students of the date, time, and location of the election to elect a minority parent to the council by ballot; and
 - b. Allowing the teachers in the building to select one (1) minority teacher to serve as a teacher member on the council. If there are no minority teachers who are members of the faculty, an additional teacher member shall be elected by a majority of all teachers. Term limitations shall not apply for a minority teacher member who is the only minority on faculty;
 - (c)
 1. The school council shall have the responsibility to set school policy ***that shall be*** consistent with district board policy ***and*** which shall provide an environment to enhance the students' achievement and help the school meet the goals established by KRS 158.645 and 158.6451 ***and goals for the district established by the board.*** The principal shall be the primary administrator and the instructional leader of the school, and with the assistance of the total school staff shall administer the policies established by the school council and the local board.
 2. If a school council establishes committees, it shall adopt a policy to facilitate the participation of interested persons, including, but not limited to, classified employees and parents. The policy shall include the number of committees, their jurisdiction, composition, and the process for membership selection;
 - (d) The school council and each of its committees shall determine the frequency of and agenda for their meetings. Matters relating to formation of school councils that are not provided for by this section shall be addressed by local board policy;
 - (e) The meetings of the school council shall be open to the public and all interested persons may attend. However, the exceptions to open meetings provided in KRS 61.810 shall apply;

- (f) After receiving notification of the funds available for the school from the local board, the school council shall determine, within the parameters of the total available funds, the number of persons to be employed in each job classification at the school. The council may make personnel decisions on vacancies occurring after the school council is formed but shall not have the authority to recommend transfers or dismissals;
- (g) The **local superintendent**~~school council~~ shall determine which **curriculum**, textbooks, instructional materials, and student support services shall be provided in the school **after consulting with the local board of education, the school principal, and the school council and after a reasonable review and response period for stakeholders in accordance with local board of education policy**. Subject to available resources, the local board shall allocate an appropriation to each school that is adequate to meet the school's needs related to instructional materials and school-based student support services, as determined by the **school principal after consultation with the school council**. The school council shall consult with the school media librarian on the maintenance of the school library media center, including the purchase of instructional materials, information technology, and equipment;
- (h) Personnel decisions at the school level shall be as follows:
1. From a list of qualified applicants submitted by the local superintendent, the principal at the participating school shall select personnel to fill vacancies, after consultation with the school council, consistent with paragraph (i)11. of this subsection. The superintendent shall provide additional applicants to the principal upon request when qualified applicants are available. The superintendent may forward to the school **principal**~~council~~ the names of qualified applicants who have pending certification from the Education Professional Standards Board based on recent completion of preparation requirements, out-of-state preparation, or alternative routes to certification pursuant to KRS 161.028 and 161.048. Requests for transfer shall conform to any employer-employee bargained contract which is in effect;
 2. ***If the vacancy to be filled is the position of principal:***
 - a. ***The superintendent shall fill the vacancy after consultation with the school council consistent with paragraph (i)11. of this subsection;***
 - b. ***Prior to consultation with the school council, each member shall sign a nondisclosure agreement forbidding the disclosure of information shared and discussions held during consultation;***
 - c. ***A person who believes a violation of the nondisclosure agreement referred to in subdivision b. of this subparagraph has occurred may file a written complaint with the Kentucky Board of Education; and***
 - d. ***A school council member found to have violated the nondisclosure agreement referred to in subdivision b. of this subparagraph may be subject to removal from the school council by the Kentucky Board of Education under subsection (9)(e) of this section;***
 3. ***Notwithstanding subparagraph 2. of this paragraph, if the vacancy to be filled is the position of principal in a county school district in a county with a consolidated local government adopted under KRS Chapter 67C, then:***
 - a. ~~*i. If the vacancy to be filled is the position of principal, the outgoing principal shall not serve on the council during the principal selection process. The superintendent or the superintendent's designee shall serve as the chair of the council for the purpose of the hiring process and shall have voting rights during the selection process;*~~
 - b. ~~*ii. Except as provided in subdivision b. of this subparagraph, the council shall have access to the applications of all persons certified for the position. The principal shall be elected on a majority vote of the membership of the council. The school council shall receive training in recruitment and interviewing techniques prior to carrying out the process of selecting a principal. The council shall select the trainer to deliver the training; and*~~
 - c. ***Notwithstanding the requirement that a principal be elected by a majority vote of the council, the selection of a principal shall be subject to approval by the superintendent. If the superintendent does not approve the principal selected by the council, then the superintendent may select the principal;***

- ~~{b. — An alternative principal selection process may be used by the school council as follows:~~
- ~~i. — Prior to a meeting called to select a principal, all school council members shall receive informational materials regarding Kentucky open records and open meetings laws and sign a nondisclosure agreement forbidding the sharing of information shared and discussions held in the closed session;~~
 - ~~ii. — The superintendent shall convene the school council and move into closed session as provided in KRS 61.810(1)(f) to confidentially recommend a candidate;~~
 - ~~iii. — The council shall have the option to interview the recommended candidate while in closed session; and~~
 - ~~iv. — After any discussion, at the conclusion of the closed session, the council shall decide, in a public meeting by majority vote of the membership of the council, whether to accept or reject the recommended principal candidate;~~
 - ~~e. — If the recommended candidate is selected, and the recommended candidate accepts the offer, the name of the candidate shall be made public during the next meeting in open session;~~
 - ~~d. — i. — If the recommended candidate is not accepted by the school council under subdivision b. of this subparagraph, then the process set forth in subdivision a. of this subparagraph shall apply.~~
 - ~~ii. — The confidentially recommended candidate's name and the discussions of the closed session shall remain confidential under KRS 61.810(1)(f), and any documents used or generated during the closed meeting shall not be subject to an open records request as provided in KRS 61.878(1)(i) and (j).~~
 - ~~iii. — A recommended candidate who believes a violation of this subdivision has occurred may file a written complaint with the Kentucky Board of Education.~~
 - ~~iv. — A school council member who is found to have disclosed confidential information regarding the proceeding of the closed session shall be subject to removal from the school council by the Kentucky Board of Education under subsection (9)(e) of this section;}~~

- ~~4.{3-} No principal who has been previously removed from a position in the district for cause may be considered for appointment as principal in that district;~~
- ~~5.{4-} Personnel decisions made at the school level under the authority of *subparagraph*{subparagraphs} 1.{-and-}2. of this paragraph shall be binding on the superintendent who completes the hiring process;~~
- ~~6.{5-} Applicants subsequently employed shall provide evidence that they are certified prior to assuming the duties of a position in accordance with KRS 161.020; *and*~~
- ~~7.{6-} Notwithstanding other provisions of this paragraph, if the applicant is the spouse of the superintendent and the applicant meets the service requirements of KRS 160.380(3)(a), the applicant shall only be employed upon the recommendation of the principal and the approval of a majority vote of the school council;{-and-}~~
- ~~{7. — Beginning June 27, 2019, notwithstanding the requirement that a principal be elected on a majority vote of the council in subparagraph 2. of this paragraph, if the school council is in a county school district in a county with a consolidated local government adopted under KRS Chapter 67C, then the selection of a principal shall be subject to approval by the superintendent. If the superintendent does not approve the principal selected by the council, then the superintendent may select the principal;}~~
- (i) The school council shall adopt a policy *that shall be consistent with local board policy and shall*{to} be implemented by the principal in the following additional areas:
- 1. ~~{Determination of curriculum, including needs assessment, }Curriculum {development and} responsibilities under KRS 158.6453(19);~~
 - 2. Assignment of all instructional and noninstructional staff time;

3. Assignment of students to classes and programs within the school;
 4. Determination of the schedule of the school day and week, subject to the beginning and ending times of the school day and school calendar year as established by the local board;
 5. Determination of use of school space during the school day related to improving classroom teaching and learning;
 6. Planning and resolution of issues regarding instructional practices;
 7. Selection and implementation of discipline and classroom management techniques as a part of a comprehensive school safety plan, including responsibilities of the student, parent, teacher, counselor, and principal;
 8. Selection of extracurricular programs and determination of policies relating to student participation based on academic qualifications and attendance requirements, program evaluation, and supervision;
 9. Adoption of an emergency plan as required in KRS 158.162;
 10. Procedures, consistent with local school board policy, for determining alignment with state standards, technology utilization, and program appraisal; and
 11. Procedures to assist the council with consultation in the selection of *the principal by the superintendent, and the selection of* personnel by the principal, including but not limited to meetings, timelines, interviews, review of written applications, and review of references. Procedures shall address situations in which members of the council are not available for consultation; and
- (j) Each school council shall annually review data as shown on state and local student assessments required under KRS 158.6453. The data shall include but not be limited to information on performance levels of all students tested, and information on the performance of students disaggregated by race, gender, disability, and participation in the federal free and reduced price lunch program. After completing the review of data, each school council, with the involvement of parents, faculty, and staff, shall develop and adopt a plan to ensure that each student makes progress toward meeting the goals set forth in KRS 158.645 and 158.6451(1)(b) by April 1 of each year and submit the plan to the superintendent and local board of education for review as described in KRS 160.340. The Kentucky Department of Education shall provide each school council the data needed to complete the review required by this paragraph no later than October 1 of each year. If a school does not have a council, the review shall be completed by the principal with the involvement of parents, faculty, and staff.
- (3) The policies adopted by the local board to implement school-based decision making shall also address the following:
- (a) School budget and administration, including: discretionary funds; activity and other school funds; funds for maintenance, supplies, and equipment; and procedures for authorizing reimbursement for training and other expenses;
 - (b) Assessment of individual student progress, including testing and reporting of student progress to students, parents, the school district, the community, and the state;
 - (c) School improvement plans, including the form and function of strategic planning and its relationship to district planning, as well as the school safety plan and requests for funding from the Center for School Safety under KRS 158.446;
 - (d) Professional development plans developed pursuant to KRS 156.095;
 - (e) Parent, citizen, and community participation including the relationship of the council with other groups;
 - (f) Cooperation and collaboration within the district, with other districts, and with other public and private agencies;
 - (g) Requirements for waiver of district policies;
 - (h) Requirements for record keeping by the school council; and
 - (i) A process for appealing a decision made by a school council.

- (4) In addition to the authority granted to the school council in this section, the local board may grant to the school council any other authority permitted by law. The board shall make available liability insurance coverage for the protection of all members of the school council from liability arising in the course of pursuing their duties as members of the council.
- (5) All schools shall implement school-based decision making in accordance with this section and with the policy adopted by the local board pursuant to this section. Upon favorable vote of a majority of the faculty at the school and a majority of at least twenty-five (25) voting parents of students enrolled in the school, a school meeting its goal as determined by the Department of Education pursuant to KRS 158.6455 may apply to the Kentucky Board of Education for exemption from the requirement to implement school-based decision making, and the state board shall grant the exemption. The voting by the parents on the matter of exemption from implementing school-based decision making shall be in an election conducted by the parent and teacher organization of the school or, if none exists, the largest organization of parents formed for this purpose. Notwithstanding the provisions of this section, a local school district shall not be required to implement school-based decision making if the local school district contains only one (1) school.
- (6) The Department of Education shall provide professional development activities to assist schools in implementing school-based decision making. School council members elected for the first time shall complete a minimum of six (6) clock hours of training in the process of school-based decision making, no later than thirty (30) days after the beginning of the service year for which they are elected to serve. School council members who have served on a school council at least one (1) year shall complete a minimum of three (3) clock hours of training in the process of school-based decision making no later than one hundred twenty (120) days after the beginning of the service year for which they are elected to serve. Experienced members may participate in the training for new members to fulfill their training requirement. School council training required under this subsection shall be conducted by trainers endorsed by the Department of Education. By November 1 of each year, the principal through the local superintendent shall forward to the Department of Education the names and addresses of each council member and verify that the required training has been completed. School council members elected to fill a vacancy shall complete the applicable training within thirty (30) days of their election.
- (7) A school that chooses to have school-based decision making but would like to be exempt from the administrative structure set forth by this section may develop a model for implementing school-based decision making, including but not limited to a description of the membership, organization, duties, and responsibilities of a school council. The school shall submit the model through the local board of education to the commissioner of education and the Kentucky Board of Education, which shall have final authority for approval. The application for approval of the model shall show evidence that it has been developed by representatives of the parents, students, certified personnel, and the administrators of the school and that two-thirds (2/3) of the faculty have agreed to the model.
- (8) The Kentucky Board of Education, upon recommendation of the commissioner of education, shall adopt by administrative regulation a formula by which school district funds shall be allocated to each school council. Included in the school council formula shall be an allocation for professional development that is at least sixty-five percent (65%) of the district's per pupil state allocation for professional development for each student in average daily attendance in the school. The school council shall plan professional development in compliance with requirements specified in KRS 156.095, except as provided in KRS 158.649. School councils of small schools shall be encouraged to work with other school councils to maximize professional development opportunities.
- (9)
 - (a) No board member, superintendent of schools, district employee, or member of a school council shall intentionally engage in a pattern of practice which is detrimental to the successful implementation of or circumvents the intent of school-based decision making to allow the professional staff members of a school and parents to be involved in the decision making process in working toward meeting the educational goals established in KRS 158.645 and 158.6451 or to make decisions in areas of policy assigned to a school council pursuant to paragraph (i) of subsection (2) of this section.
 - (b) An affected party who believes a violation of this subsection has occurred may file a written complaint with the Office of Education Accountability. The office shall investigate the complaint and resolve the conflict, if possible, or forward the matter to the Kentucky Board of Education.
 - (c) The Kentucky Board of Education shall conduct a hearing in accordance with KRS Chapter 13B for complaints referred by the Office of Education Accountability.

- (d) If the state board determines a violation has occurred, the party shall be subject to reprimand. A second violation of this subsection may be grounds for removing a superintendent or a member of a school council from office or grounds for dismissal of an employee for misconduct in office or willful neglect of duty.
 - (e) Notwithstanding paragraph (d) of this subsection and KRS 7.410(2)(c), if the state board determines a violation of the *nondisclosure agreement required by*~~confidentiality requirements set forth in~~ subsection (2)(h)2.b. of this section by a school council member has occurred, the state board shall remove the member from the school council, and the member shall be permanently prohibited from serving on any school council in the district.
- (10) Notwithstanding subsections (1) to (9) of this section, a school's right to establish or maintain a school-based decision making council and the powers, duties, and authority granted to a school council may be rescinded or the school council's role may be advisory if the commissioner of education or the Kentucky Board of Education takes action under KRS 160.346.
- (11) Each school council of a school containing grades K-5 or any combination thereof, or if there is no school council, the principal, shall develop and implement a wellness policy that includes moderate to vigorous physical activity each day and encourages healthy choices among students. The policy may permit physical activity to be considered part of the instructional day, not to exceed thirty (30) minutes per day, or one hundred and fifty (150) minutes per week. Each school council, or if there is no school council, the principal, shall adopt an assessment tool to determine each child's level of physical activity on an annual basis. The council or principal may utilize an existing assessment program. The Kentucky Department of Education shall make available a list of available resources to carry out the provisions of this subsection. The department shall report to the Legislative Research Commission no later than November 1 of each year on how the schools are providing physical activity under this subsection and on the types of physical activity being provided. The policy developed by the school council or principal shall comply with provisions required by federal law, state law, or local board policy.
- ~~{(12) Discretionary authority exercised under subsection (2)(h)2.b. of this section shall not violate provisions of any employer-employee bargained contract existing between the district and its employees.}~~

➔Section 2. KRS 158.6453 is amended to read as follows:

- (1) As used in this section:
- (a) "Accelerated learning" means an organized way of helping students meet individual academic goals by providing direct instruction to eliminate student performance deficiencies or enable students to move more quickly through course requirements and pursue higher level skill development;
 - (b) "Constructed-response items" or "performance-based items" means individual test items that require the student to create an answer rather than select a response and may include fill-in-the-blank, short-answer, extended-answer, open-response, and writing-on-demand formats;
 - (c) "Criterion-referenced test" means a test that is aligned with defined academic content standards and measures an individual student's level of performance against the standards;
 - (d) "End-of-course examination" means the same as defined in KRS 158.860;
 - (e) "Formative assessment" means a process used by teachers and students during instruction to adjust ongoing teaching and learning to improve students' achievement of intended instructional outcomes. Formative assessments may include the use of commercial assessments, classroom observations, teacher-designed classroom tests and assessments, and other processes and assignments to gain information about individual student learning;
 - (f) "Interim assessments" means assessments that are given periodically throughout the year to provide diagnostic information and to show individual student performance against content standards;
 - (g) "Summative assessment" means an assessment given at the end of the school year, semester, or other period of time to evaluate students' performance against content standards within a unit of instruction or a course; and
 - (h) "Writing" means a purposeful act of thinking and expression that uses language to explore ideas and communicate meaning to others. Writing is a complex, multifaceted act of communication.

- (2) (a) Beginning in fiscal year 2017-2018, and every six (6) years thereafter, the Kentucky Department of Education shall implement a process for reviewing Kentucky's academic standards and the alignment of corresponding assessments for possible revision or replacement to ensure alignment with transition readiness standards necessary for global competitiveness, ~~and with~~ state career and technical education standards, *and Section 4 of this Act*.
- (b) The revisions to the content standards shall:
1. Focus on critical knowledge, skills, and capacities needed for success in the global economy;
 2. Result in fewer but more in-depth standards to facilitate mastery learning;
 3. Communicate expectations more clearly and concisely to teachers, parents, students, and citizens;
 4. Be based on evidence-based research;
 5. Consider international benchmarks; and
 6. Ensure that the standards are aligned from elementary to high school to postsecondary education so that students can be successful at each education level.
- (c) 1. The department shall establish four (4) standards and assessments review committees, with each committee composed of a minimum of six (6) Kentucky public school teachers and a minimum of two (2) representatives from Kentucky institutions of higher education, including at least one (1) representative from a public institution of higher education. Each committee member shall teach in the subject area that his or her committee is assigned to review and have no prior or current affiliation with a curriculum or assessment resources vendor.
2. One (1) of the four (4) committees shall be assigned to focus on the review of language arts and writing academic standards and assessments, one (1) on the review of mathematics academic standards and assessments, one (1) on the review of science academic standards and assessments, and one (1) on the review of social studies academic standards and assessments.
- (d) 1. The department shall establish twelve (12) advisory panels to advise and assist each of the four (4) standards and assessments review committees.
2. Three (3) advisory panels shall be assigned to each standards and assessments review committee. One (1) panel shall review the standards and assessments for kindergarten through grade five (5), one (1) shall review the standards and assessments for grades six (6) through eight (8), and one (1) shall review the standards and assessments for grades nine (9) through twelve (12).
 3. Each advisory panel shall be composed of at least one (1) representative from a Kentucky institution of higher education and a minimum of six (6) Kentucky public school teachers who teach in the grade level and subject reviewed by the advisory panel to which they are assigned and have no prior or current affiliation with a curriculum or assessment resources vendor.
- (e) The commissioner of education and the president of the Council on Postsecondary Education shall also provide consultants for the standards and assessments review committees and the advisory panels who are business and industry professionals actively engaged in career fields that depend on the various content areas.
- (f) 1. The standards and assessments process review committee is hereby established and shall be composed of the commissioner of education or designee as a nonvoting member and nine (9) voting representatives of public schools, of whom at least two (2) shall be parents of public school students, appointed by the Governor and confirmed by the Senate in accordance with KRS 11.160 as follows:
- a. One (1) language arts teacher;
 - b. One (1) math teacher;
 - c. One (1) science teacher;
 - d. One (1) social studies teacher;
 - e. Two (2) school principals;
 - f. Two (2) school superintendents; and

- g. One (1) school board member.
 - 2. On making appointments to the committee, the Governor shall ensure broad geographical urban and rural representation and representation of elementary, middle, and high school levels; ensure equal representation of the two (2) sexes, inasmuch as possible; and ensure that appointments reflect the minority racial composition of the Commonwealth.
 - 3. The review of the committee shall be limited to the procedural aspects of the review process undertaken prior to its consideration.
 - 4. Notwithstanding KRS 12.028, the committee shall not be subject to reorganization by the Governor.
- (g)
- 1. The review process implemented under this subsection shall be an open, transparent process that allows all Kentuckians an opportunity to participate. The department shall ensure the public's assistance in reviewing and suggesting changes to the standards and alignment adjustments to corresponding state assessments by establishing a Web site dedicated to collecting comments by the public and educators. An independent third party, which has no prior or current affiliation with a curriculum or assessment resources vendor, shall be selected by the department to collect and transmit the comments to the department for dissemination to the appropriate advisory panel for review and consideration.
 - 2. Each advisory panel shall review the standards and assessments for its assigned subject matter and grade level and the suggestions made by the public and educators. After completing its review, each advisory panel shall make recommendations for changes to the standards and alignment adjustments for assessments to the appropriate standards and assessments review committee.
 - 3. Each standards and assessments review committee shall review the findings and make recommendations to revise or replace existing standards and to adjust alignment of assessments.
 - 4. The recommendations shall be published on the Web site established in this subsection for the purpose of gathering additional feedback from the public. The commissioner shall subsequently present the recommendations and the public feedback to the Interim Joint Committee on Education.
 - 5. The commissioner shall subsequently provide a report to the standards and assessments process review committee summarizing the process conducted under this subsection and the resulting recommendations. The report shall include but not be limited to the timeline of the review process, public feedback, and responses from the Interim Joint Committee on Education.
 - 6. After receiving the commissioner's report, the standards and assessments process review committee shall either concur that stakeholders have had adequate opportunity to provide input on standards and the corresponding alignment of state assessments or find the input process deficient. If the process is found deficient, the recommendations may be returned to the appropriate standards and assessments review committee for review as described in subparagraph 3. of this paragraph. If the process is found sufficient, the recommendations shall be forwarded without amendment to the Kentucky Board of Education.
- (h) The Kentucky Board of Education shall promulgate administrative regulations in accordance with KRS Chapter 13A as may be needed for the administration of the review process, including staggering the timing and sequence of the review process by subject area and remuneration of the review committees and advisory panels described in paragraphs (c) and (d) of this subsection.
- (i)
- 1. The Kentucky Board of Education shall consider for approval the revisions to academic standards for a content area and the alignment of the corresponding state assessment once recommendations are received from the standards and assessments process review committee. Existing state academic standards shall remain in place until the board approves new standards.
 - 2. Any revision to, or replacement of, the academic standards and assessments as a result of the review process conducted under this subsection shall be implemented in Kentucky public schools no later than the second academic year following the review process. Existing academic standards shall be used until new standards are implemented.

3. The Department of Education shall disseminate the academic content standards to the schools and teacher preparation programs.
- (j) The Department of Education shall provide or facilitate statewide training sessions for existing teachers and administrators on how to:
 1. Integrate the revised content standards into classroom instruction;
 2. Better integrate performance assessment of students within their instructional practices; and
 3. Help all students use higher-order thinking and communication skills.
- (k) The Education Professional Standards Board in cooperation with the Kentucky Board of Education and the Council on Postsecondary Education shall coordinate information and training sessions for faculty and staff in all of the teacher preparation programs in the use of the revised academic content standards. The Education Professional Standards Board shall ensure that each teacher preparation program includes use of the academic standards in the pre-service education programs and that all teacher interns will have experience planning classroom instruction based on the revised standards.
- (l) The Council on Postsecondary Education in cooperation with the Kentucky Department of Education and the postsecondary education institutions in the state shall coordinate information sessions regarding the academic content standards for faculty who teach in the various content areas.
- (3) (a) The Kentucky Board of Education shall be responsible for creating and implementing a balanced statewide assessment program that measures the students', schools', and districts' achievement of the goals set forth in KRS 158.645 and 158.6451, to ensure compliance with the federal Every Student Succeeds Act of 2015, Pub. L. No. 114-95, or its successor, and to ensure school accountability.
- (b) The board shall revise the annual statewide assessment program as needed in accordance with revised academic standards and corresponding assessment alignment adjustments approved by the board under subsection (2) of this section.
- (c) The statewide assessments shall not include any academic standards not approved by the board under subsection (2) of this section.
- (d) The board shall seek the advice of the Office of Education Accountability; the School Curriculum, Assessment, and Accountability Council; the Education Assessment and Accountability Review Subcommittee, and the department's technical advisory committee in the development of the assessment program. The statewide assessment program shall not include measurement of a student's ability to become a self-sufficient individual or to become a responsible member of a family, work group, or community.
- (4) (a) The academic components of the statewide assessment program shall be composed of annual student summative tests, which may include a combination of multiple competency-based assessment and performance measures approved by the Kentucky Board of Education.
- (b) The annual student summative tests shall:
 1. Measure individual student achievement in language, reading, English, mathematics, science, and social studies at designated grades;
 2. Provide teachers and parents a valid and reliable comprehensive analysis of skills mastered by individual students;
 3. Provide diagnostic information that identifies strengths and academic deficiencies of individual students in the content areas;
 4. Provide information to teachers that can enable them to improve instruction for current and future students;
 5. Provide longitudinal profiles for students; and
 6. Ensure school and district accountability for student achievement of the goals set forth in KRS 158.645 and 158.6451, except the statewide assessment program shall not include measurement of a student's ability to become a self-sufficient individual or to become a responsible member of a family, work group, or community.
- (5) The state student assessments shall include the following components:

- (a) Elementary and middle grades requirements are:
 - 1. A criterion-referenced test each in mathematics and reading in grades three (3) through eight (8) that is valid and reliable for an individual student and that measures the depth and breadth of Kentucky's academic content standards;
 - 2. A criterion-referenced test each in science and social studies that is valid and reliable for an individual student as necessary to measure the depth and breadth of Kentucky's academic content standards to be administered one (1) time within the elementary and middle grades, respectively;
 - 3. An on-demand assessment of student writing to be administered one (1) time within the elementary grades and one (1) time within the middle grades; and
 - 4. An editing and mechanics test relating to writing, using multiple choice and constructed response items, to be administered one (1) time within the elementary and the middle grades, respectively;
 - (b) High school requirements are:
 - 1. A criterion-referenced test in mathematics, reading, and science that is valid and reliable for an individual student and that measures the depth and breadth of Kentucky's academic content standards to be administered one (1) time within the high school grades;
 - 2. A criterion-referenced test in social studies that is valid and reliable for an individual student as necessary to measure the depth and breadth of Kentucky's academic content standards to be administered one (1) time within the high school grades;
 - 3. An on-demand assessment of student writing to be administered one (1) time within the high school grades;
 - 4. An editing and mechanics test relating to writing, using multiple choice and constructed response items, to be administered one (1) time within the high school grades; and
 - 5. A college admissions examination to assess English, reading, mathematics, and science in the spring of grade ten (10) and the spring of grade eleven (11);
 - (c) The Kentucky Board of Education shall add any other component necessary to comply with the Every Student Succeeds Act of 2015, Pub. L. No. 114-95, or its successor, as determined by the United States Department of Education;
 - (d) The criterion-referenced components required in this subsection shall be composed of constructed response items and multiple choice items;
 - (e) The Kentucky Board of Education may incorporate end-of-course examinations into the assessment program to be used in lieu of requirements for criterion-referenced tests required under paragraph (b) of this subsection; and
 - (f) The results of the assessment program developed under this subsection shall be used by schools and districts to determine appropriate instructional modifications for all students in order for students to make continuous progress, including that needed by advanced learners.
- (6) Each school district shall administer the statewide student assessment during the last fourteen (14) days of school in the district's instructional calendar. The Kentucky Board of Education may change the testing window to allow for innovative assessment systems or other online test administration and shall promulgate administrative regulations that minimize the number of days of testing and outline the procedures to be used during the testing process to ensure test security, including procedures for testing makeup days, and to comply with federal assessment requirements.
 - (7) A student enrolled in a district-operated or district-contracted alternative program shall participate in the appropriate assessments required by this section.
 - (8) A local school district may select and use commercial interim or formative assessments or develop and use its own formative assessments to provide data on how well its students are growing toward mastery of Kentucky academic standards, so long as the district's local school board develops a policy minimizing the reduction in instructional time related to the administration of the interim assessments. Nothing in this section precludes teachers from using ongoing teacher-developed formative processes.
 - (9) Each school that enrolls primary students shall use diagnostic assessments and prompts that measure readiness in reading and mathematics for its primary students as determined by the school to be developmentally

appropriate. The schools may use commercial products, use products and procedures developed by the district, or develop their own diagnostic procedures. The results shall be used to inform the teachers and parents or guardians of each student's skill level.

- (10) The state board shall ensure that a technically sound longitudinal comparison of the assessment results for the same students shall be made available.
- (11) The following provisions shall apply to the college admissions examinations described in subsection (5)(b)5. of this section:
 - (a) The cost of both college admissions examinations administered to students in high school shall be paid for by the Kentucky Department of Education. The costs of additional college admissions examinations shall be the responsibility of the student;
 - (b) If funds are available, the Kentucky Department of Education shall provide a college admissions examination preparation program to all public high school juniors. The department may contract for necessary services; and
 - (c) Accommodations provided to a student with a disability taking the college admissions assessments under this subsection shall consist of:
 1. Accommodations provided in a manner allowed by the college admissions assessment provider when results in test scores are reportable to a postsecondary institution for admissions and placement purposes, except as provided in subparagraph 2. of this paragraph; or
 2. Accommodations provided in a manner allowed by a student's individualized education program as defined in KRS 158.281 for a student whose disability precludes valid assessment of his or her academic abilities using the accommodations provided under subparagraph 1. of this paragraph when the student's scores are not reportable to a postsecondary institution for admissions and placement purposes.
- (12) Kentucky teachers shall have a significant role in providing feedback about the design of the assessments, except for the college admissions exams described in subsection (5)(b)5. of this section. The assessments shall be designed to:
 - (a) Measure grade appropriate core academic content, basic skills, and higher-order thinking skills and their application;
 - (b) Provide valid and reliable scores for schools. If scores are reported for students individually, they shall be valid and reliable;
 - (c) Minimize the time spent by teachers and students on assessment; and
 - (d) Assess Kentucky academic standards only.
- (13) The results from assessment under subsections (3) and (5) of this section shall be reported to the school districts and schools no later than seventy-five (75) days following the last day the assessment can be administered. Assessment reports provided to the school districts and schools shall include an electronic copy of an operational subset of test items from each assessment administered to their students and the results for each of those test items by student and by school.
- (14) The Department of Education shall gather information to establish the validity of the assessment and accountability program. It shall develop a biennial plan for validation studies that shall include but not be limited to the consistency of student results across multiple measures, the congruence of school scores with documented improvements in instructional practice and the school learning environment, and the potential for all scores to yield fair, consistent, and accurate student performance level and school accountability decisions. Validation activities shall take place in a timely manner and shall include a review of the accuracy of scores assigned to students and schools, as well as of the testing materials. The plan shall be submitted to the Commission by July 1 of the first year of each biennium. A summary of the findings shall be submitted to the Legislative Research Commission by September 1 of the second year of the biennium.
- (15) The Department of Education and the state board shall offer optional assistance to local school districts and schools in developing and using continuous assessment strategies needed to assure student progress. The continuous assessment shall provide diagnostic information to improve instruction to meet the needs of individual students.

- (16) The Administration Code for Kentucky's Assessment Program shall include prohibitions of inappropriate test preparation activities by school district employees charged with test administration and oversight, including but not limited to the issue of teachers being required to do test practice in lieu of regular classroom instruction and test practice outside the normal work day. The code shall include disciplinary sanctions that may be taken toward a school or individuals.
- (17) The Kentucky Board of Education, after the Department of Education has received advice from the Office of Education Accountability; the School Curriculum, Assessment, and Accountability Council; and the department's technical advisory committee, shall promulgate an administrative regulation under KRS Chapter 13A to establish the components of a reporting structure for assessments administered under this section. The reporting structure shall include the following components:
- (a) A school report card that clearly communicates with parents and the public about school performance. The school report card shall be sent to the parents of the students of the districts, and information on electronic access to a summary of the results for the district shall be published in the newspaper with the largest circulation in the county. It shall include but not be limited to the following components reported by race, gender, and disability when appropriate:
 - 1. Student academic achievement, including the results from each of the assessments administered under this section;
 - 2. For Advanced Placement, Cambridge Advanced International, and International Baccalaureate, the courses offered, the number of students enrolled, completing, and taking the examination for each course, and the percentage of examinees receiving a score of three (3) or better on AP examinations, a score of "e" or better on Cambridge Advanced International examinations, or a score of four (4) or better on IB examinations. The data shall be disaggregated by gender, race, students with disabilities, and economic status;
 - 3. Nonacademic achievement, including the school's attendance, retention, graduation rates, and student transition to postsecondary;
 - 4. School learning environment, including measures of parental involvement; and
 - 5. Any other school performance data required by the Every Student Succeeds Act of 2015, Pub. L. No. 114-95, or its successor;
 - (b) An individual student report to parents for each student in grades three (3) through eight (8) summarizing the student's skills in reading, science, social studies, and mathematics. The school's staff shall develop a plan for accelerated learning for any student with identified deficiencies or strengths; and
 - (c) A student's highest scores on the college admissions assessments administered under subsection (5)(b)5. of this section.
- (18) (a) Beginning in fiscal year 2017-2018, and every six (6) years thereafter, the Kentucky Department of Education shall implement a comprehensive process for reviewing and revising the academic standards in visual and performing arts and practical living skills and career studies for all levels and in foreign language for middle and high schools. The department shall develop review committees for the standards for each of the content areas that include representation from certified specialist public school teachers and postsecondary teachers in those subject areas.
- (b) The academic standards in practical living skills for elementary, middle, and high school levels shall include a focus on drug abuse prevention, with an emphasis on the prescription drug epidemic and the connection between prescription opioid abuse and addiction to other drugs, such as heroin and synthetic drugs.
 - (c) The department shall provide to all schools guidelines for programs that incorporate the adopted academic standards in visual and performing arts and practical living and career studies. The department shall provide to middle and high schools guidelines for including a foreign language program. The guidelines shall address program length and time, courses offered, staffing, resources, and facilities.
 - (d) The Kentucky Department of Education, in consultation with certified public school teachers of visual and performing arts, may develop program standards for the visual and performing arts.

- (19) The Kentucky Department of Education shall provide to all *school districts*~~[schools]~~ guidelines for including an effective writing program within the curriculum.~~[Each school based decision making council or, if there is no school council, a committee appointed by the principal, shall adopt policies that determine the writing program for its school and submit it to the Department of Education for review and comment. The writing program shall incorporate a variety of language resources, technological tools, and multiple opportunities for students to develop complex communication skills for a variety of purposes.]~~
- (20) (a) The Kentucky Department of Education, in consultation with the review committees described in subsection (18) of this section, shall develop a school profile report to be used by all schools to document how they will address the adopted academic standards in their implementation of the programs as described in subsection (18) of this section, which may include student opportunities and experiences in extracurricular activities. The department shall include the essential workplace ethics program on the school profile report.
- (b) By October 1 of each year, each school principal shall complete the school profile report, which shall be signed by the members of the school council, or the principal if no school council exists, and the superintendent. The report shall be electronically transmitted to the Kentucky Department of Education, and the original shall be maintained on file at the local board office and made available to the public upon request. The department shall include a link to each school's profile report on its Web site.
- (c) If a school staff member, student, or a student's parent has concerns regarding deficiencies in a school's implementation of the programs described in subsection (18) of this section, he or she may submit a written inquiry to the school council.

➔Section 3. KRS 160.370 is amended to read as follows:

- (1) The superintendent shall be the executive agent of the board that appoints him or her and shall meet with the board, except when his or her own tenure, salary, or the administration of his or her office is under consideration. As executive officer of the board, the superintendent shall see that the laws relating to the schools, the bylaws, rules, and regulations of the Kentucky Board of Education, and the regulations and policies of the district board of education are carried into effect. He or she may administer the oath required by the board of education to any teacher or other person. He or she shall be the professional adviser of the board in all matters. He or she shall prepare, under the direction of the board, all rules, regulations, bylaws, and statements of policy for approval and adoption by the board. He or she shall have general supervision, subject to the control of the board of education, of the general conduct of the schools, the course of instruction, the discipline of pupils, and the management of business affairs. He or she shall be responsible for the hiring and dismissal of all personnel in the district.
- (2) *For a county school district in a county with a consolidated local government adopted under KRS Chapter 67C:*
- (a) *A local board of education shall:*
1. *Delegate authority to the superintendent over the district's day-to-day operations and implementation of the board-approved strategic plan in a manner that promotes the efficient, timely operation of the district, including but not limited to the authority over contracts related to daily operations of the district, pupil transportation, personnel matters, and the organizational structure of administrative staff;*
 2. *Except as expressly required by statute, including subparagraphs 3. and 5. of this paragraph, not meet more than once every four (4) weeks for the purpose of approving necessary administrative matters;*
 3. *By December 1 each year, approve a rolling three (3) year strategic plan for the district that outlines student achievement goals, faculty and staff improvement goals, facility and infrastructure improvement, and other key objectives that the superintendent and board believe are in the best interest of student outcomes and the community;*
 4. *Approve an annual budget for the district, which shall include any budgetary decisions relevant to the district's ability to obtain necessary revenue, including tax revenue, in accordance with the requirements of state law and regulation;*
 5. *By November 1 each year, oversee:*

- a. *An annual audit of the financial dealings of the district and the reporting of key financial performance data in order to ensure fair and accurate reporting to the board; and*
 - b. *An annual review of student performance in the district and the reporting of key student performance data to ensure compliance with state and federal law and accurate reporting to the board;*
- 6. *Recruit and hire the superintendent and negotiate the terms of employment and compensation of a prospective superintendent;*
 - 7. *Complete an annual review of the superintendent's performance with regard to the duties assigned in subsection (1) of this section and paragraph (b) of this subsection; and*
 - 8. *Be responsible for the dismissal of the superintendent;*
- (b) *Notwithstanding any provision to the contrary in subsection (1) of this section, the superintendent shall:*
- 1. *Provide a quarterly, informational report to the board on the administrative actions taken by the superintendent to carry out the district's daily operations and implementation of the strategic plan as well as a budget to actual financial update;*
 - 2. *Prepare all rules, regulations, bylaws, and statements of policy for approval and adoption by the board, with approval not to be withheld without a two-thirds (2/3) vote of the board to deny approval or adoption;*
 - 3. *Supervise the general conduct of the schools, the course of instruction, the discipline of pupils, the employment matters of all employees and contractors, and the management of business affairs of the district;*
 - 4. *Be responsible for the hiring, employment terms, dismissal, and organizational structure of all personnel in the district in compliance with all laws and in a manner that best serves the students of the district; and*
 - 5. *Notwithstanding any law that assigns an administrative duty, responsibility, or authority to a board of education, or other law to the contrary, be responsible for any administrative duty not explicitly granted to the board under paragraph (a) of this subsection; and*
- (c) ~~(2)~~ *If the [For a county school district in a] county [with a consolidated local government adopted under KRS Chapter 67C that] adopts the provisions of the Kentucky Model Procurement Code, the board shall authorize the superintendent to approve purchases, in accordance with small purchase procedures adopted by the board, for any contract for which a determination is made that the aggregate amount of the contract does not exceed **two hundred fifty thousand dollars (\$250,000)** [twenty thousand dollars (\$20,000)]. **The board shall authorize the superintendent to approve a line-item transfer within its annual budget as she or he deems necessary, provided that the aggregate amount of any individual transfer does not exceed two hundred fifty thousand dollars (\$250,000).** The superintendent shall provide a quarterly report to the board on any purchases made under this subsection.*

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

- (1) *A public school or public charter school shall provide instruction and instructional materials that are aligned with the social studies academic standards adopted in accordance with Section 2 of this Act and consistent with the following concepts:*
- (a) *All individuals are created equal;*
 - (b) *Americans are entitled to equal protection under the law;*
 - (c) *An individual deserves to be treated on the basis of the individual's character;*
 - (d) *An individual, by virtue of the individual's race or sex, does not bear responsibility for actions committed by other members of the same race or sex;*
 - (e) *The understanding that the institution of slavery and post-Civil War laws enforcing racial segregation and discrimination were contrary to the fundamental American promise of life, liberty,*

and the pursuit of happiness, as expressed in the Declaration of Independence, but that defining racial disparities solely on the legacy of this institution is destructive to the unification of our nation;

- (f) *The future of America's success is dependent upon cooperation among all its citizens;*
 - (g) *Personal agency and the understanding that, regardless of one's circumstances, an American has the ability to succeed when he or she is given sufficient opportunity and is committed to seizing that opportunity through hard work, pursuit of education, and good citizenship; and*
 - (h) *The significant value of the American principles of equality, freedom, inalienable rights, respect for individual rights, liberty, and the consent of the governed.*
- (2) *Nothing in subsection (1) of this section shall be construed to restrict a public school or public charter school from providing instruction or using instructional materials that include:*
- (a) *The history of an ethnic group, as described in textbooks and instructional materials adopted by a school district;*
 - (b) *The discussion of controversial aspects of history; or*
 - (c) *The instruction and instructional materials on the historical oppression of a particular group of people.*
- (3) (a) *Notwithstanding the every six (6) year schedule set forth in subsection(2)(a) of Section 2 of this Act, no later than July 1, 2023, the Kentucky Department of Education shall incorporate fundamental American documents and speeches into the grade-level appropriate middle and high school social studies academic standards and align corresponding assessments, including but not limited to:*
1. *The Mayflower Compact;*
 2. *The Declaration of Independence;*
 3. *The Constitution of the United States;*
 4. *The Federalist No. 1 (Alexander Hamilton);*
 5. *The Federalist Nos. 10 and 51 (James Madison);*
 6. *The June 8, 1789, speech on amendments to the Constitution of the United States by James Madison;*
 7. *The first ten (10) amendments to the Constitution of the United States, also known as the Bill of Rights;*
 8. *The 1796 Farewell Address by George Washington;*
 9. *The United States Supreme Court opinion in Marbury v. Madison, 5 U.S. 137 (1803);*
 10. *The Monroe Doctrine by James Monroe;*
 11. *What to the Slave is the Fourth of July? speech by Frederick Douglass;*
 12. *The United States Supreme Court opinion in Dred Scott v. Sandford, 60 U.S. 393 (1857);*
 13. *Final Emancipation Proclamation by Abraham Lincoln;*
 14. *The Gettysburg Address by Abraham Lincoln;*
 15. *Declaration of Rights of the Women of the United States by Susan B. Anthony, Matilda Joslyn Gage, and Elizabeth Cady Stanton;*
 16. *The September 18, 1895, Atlanta Exposition Address by Booker T. Washington;*
 17. *Of Booker T. Washington and Others by W.E.B. Du Bois;*
 18. *The United States Supreme Court opinion in Plessy v. Ferguson, 163 U.S. 537 (1896);*
 19. *The August 31, 1910, New Nationalism speech by Theodore Roosevelt;*
 20. *The January 11, 1944, State of the Union Address by Franklin D. Roosevelt;*
 21. *The United States Supreme Court opinions in Brown v. Board of Education of Topeka, 347 U.S. 483 (1954) and Brown v. Board of Education of Topeka, 349 U.S. 294 (1955);*

- 22. *Letter from Birmingham Jail by Martin Luther King, Jr.;*
- 23. *The August 28, 1963, I Have a Dream speech by Martin Luther King, Jr.; and*
- 24. *A Time for Choosing by Ronald Reagan.*

(b) *This revision shall not delay or otherwise impact the existing schedule as set forth in subsection (2) of Section 2 of this Act.*

➔Section 5. KRS 161.164 is amended to read as follows:

- (1) No employee of the local school district shall take part in the management or activities of any political campaign for school board.
- (2) No candidate for school board shall solicit or accept any political assessment, subscription, contribution, or service of any employee of the school district.
- (3) No person shall use or promise to use, directly or indirectly, any official authority or influence, whether possessed or anticipated, to secure or attempt to secure for any person an appointment or advantage in appointment to a position as teacher or employee of any district board of education, or an increase in pay or other advantage in employment in any such position, for the purpose of influencing the vote or political action of any person.
- (4) No teacher or employee of any district board of education shall be appointed or promoted to, or demoted or dismissed from, any position or in any way favored or discriminated against with respect to employment because of his political or religious opinions or affiliations or ethnic origin or race or color or sex or age or disabling condition.
- (5) *Any instruction or instructional materials on current, controversial topics related to public policy or social affairs provided to public school or public charter school students, regardless of whether the individual that provides the instruction is employed by the local school district or public charter school, shall be:*
 - (a) *Within the range of knowledge, understanding, age, and maturity of the students receiving the instruction; and*
 - (b) *Relevant, objective, nondiscriminatory, and respectful to the differing perspectives of students.*
- (6) *An employee of a public school district or public charter school shall not violate a student's first amendment rights by requiring or incentivizing a student to advocate in a civic space on behalf of a perspective with which the student or the parent or guardian of a minor student does not agree.*
- (7) *An employee of a local school district or public charter school shall not be required to engage in training, orientation, or therapy that coerces the employee to stereotype any group.*
- (8) The local superintendent shall inform all school employees of the provisions of this section.

➔Section 6. (1) Notwithstanding any statute or regulation to the contrary, from the beginning of the 2021-2022 school year through February 28, 2022, up to 15 sick-leave days used by a school district employee due to the employee having an active COVID-19 infection documented by a positive COVID-19 test shall be credited to the employee as unused sick-leave days.

(2) Beginning March 1, 2022, through June 30, 2022, each school district shall grant an employee up to five days of paid leave due to the employee having an active COVID-19 infection documented by a positive COVID-19 test. This leave shall be in addition to any other leave provided by statute or board policy. Leave granted pursuant to this subsection shall not accumulate or carry over beyond the 2021-2022 school year and shall not be transferrable to any other classification of paid leave established by statute or local school district policy.

➔Section 7. The provisions of Section 6 of this Act shall be retroactive to March 1, 2022.

➔Section 8. Sections 4 and 5 of this Act may be cited as the Teaching American Principles Act.

➔Section 9. Whereas school employees have been negatively impacted by the COVID-19 public health crisis, and while school employees who were quarantined due to COVID-19 were provided paid leave for that purpose while school employees with active COVID-19 infections were not afforded that same benefit, an emergency is declared to exist, and Section 6 of this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Veto Overridden and Signed by Secretary of State April 13, 2022.

CHAPTER 197**(SB 217)**

AN ACT relating to the Department of Fish and Wildlife Resources and declaring an emergency.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 150 IS CREATED TO READ AS FOLLOWS:

- (1) *Notwithstanding any provision of law to the contrary, the department shall conduct all procurements necessary for the performance of its duties in accordance with KRS Chapter 45A and this chapter. Upon approval of the commission, the commissioner shall be deemed the chief purchasing officer for the purposes of conducting procurements for the department and shall have all of the authority and responsibility with regard to the department's procurements as the secretary for the Finance and Administration Cabinet has for procurements under KRS Chapter 45A. All department personal service contracts, tax incentive agreements, and memoranda of agreement shall be subject to review by the Government Contract Review Committee established by KRS 45A.705.*
- (2) *In its bidding and negotiation processes, the department, upon approval of the commission, shall perform its own bidding and procurement in accordance with the procedures established by KRS Chapter 45A.*
- (3) *All members of the commission, the commissioner, and employees of the department shall be subject to the requirements of the Executive Branch Code of Ethics established under KRS Chapter 11A.*

➔Section 2. KRS 45A.030 is amended to read as follows:

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

- (1) "Business" means any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture, or any other legal entity through which business is conducted;
- (2) "Change order" means a written order signed by the purchasing officer, directing the contractor to make changes that the changes clause of the contract authorizes the purchasing officer to order without the consent of the contractor;
- (3) "Chief purchasing officer" means the secretary of the Finance and Administration Cabinet, who shall be responsible for all procurement of the Commonwealth except as provided by KRS Chapters **150**, 175, 175B, 176, 177, and 180;
- (4) "Construction" means the process of building, altering, repairing, improving, or demolishing any public structures or buildings, or other public improvements of any kind to any public real property. It does not include the routine maintenance of existing structures, buildings, or real property;
- (5) "Construction manager-agency" means services to assist the purchasing agency manage construction that are procured through a contract that is qualifications-based;
- (6) "Construction management-at-risk" means a project delivery method in which the purchasing officer enters into a single contract with an offeror that assumes the risk for construction at a contracted guaranteed maximum price as a general contractor, and provides consultation and collaboration regarding the construction during and after design of a capital project. The contract shall be subject to the bonding requirements of KRS 45A.190;
- (7) "Construction manager-general contractor" means a project delivery method in which the purchasing officer enters into a single contract with an offeror to provide preconstruction and construction services. During the preconstruction phase, the successful offeror provides design consulting services. During the construction phase, the successful offeror acts as general contractor by:
 - (a) Contracting with subcontractors; and
 - (b) Providing for management and construction at a fixed price with a completion deadline;
- (8) "Contract" means all types of state agreements, including grants and orders, for the acquisition, purchase, or disposal of supplies, services, construction, or any other item. It includes: awards; contracts of a fixed-price,

cost, cost-plus-a-fixed-fee, contingency fee, or incentive type; contracts providing for the issuance of job or task orders; leases; letter contracts; purchase orders; public-private partnership agreements; and insurance contracts except as provided in KRS 45A.022. It includes supplemental agreements with respect to any of the foregoing;

- (9) "Contract modification" means any written alteration in the specifications, delivery point, rate of delivery, contract period, price, quantity, or other contract provisions of any existing contract, whether accomplished by unilateral action in accordance with a contract provision or by mutual action of the parties to the contract. It includes bilateral actions, such as supplemental agreements, and unilateral actions, such as change orders, administrative changes, notices of termination, and notices of the exercise of a contract option;
- (10) "Contractor" means any person having a contract with a governmental body;
- (11) "Data" means recorded information, regardless of form or characteristic;
- (12) "Design-bid-build" means a project delivery method in which the purchasing officer sequentially awards separate contracts, the first for architectural, engineering, or engineering-related services to design the project and the second for construction of the capital project according to the design. The contract shall be subject to the bonding requirements of KRS 45A.185;
- (13) "Design-build" means a project delivery method in which the purchasing officer enters into a single contract for design and construction of a capital project. The contract shall be subject to the bonding requirements of KRS 45A.190;
- (14) "Designee" means a duly authorized representative of a person holding a superior position;
- (15) "Document" means any physical embodiment of information or ideas, regardless of form or characteristic, including electronic versions thereof;
- (16) "Employee" means an individual drawing a salary from a governmental body, whether elected or not, and any nonsalaried individual performing personal services for any governmental body;
- (17) "Governmental body" means any department, commission, council, board, bureau, committee, institution, legislative body, agency, government corporation, or other establishment of the executive or legislative branch of the state government;
- (18) "Meeting" means all gatherings of every kind, including video teleconferences;
- (19) "Negotiation" means contracting by either the method set forth in KRS 45A.085, 45A.090, or 45A.095;
- (20) "Person" means any business, individual, organization, or group of individuals;
- (21) "Private partner" means any entity that is a partner in a public-private partnership other than:
 - (a) The Commonwealth of Kentucky, or any agency or department thereof;
 - (b) The federal government;
 - (c) Any other state government; or
 - (d) Any agency of a state, federal, or local government;
- (22) "Procurement" means the purchasing, buying, renting, leasing, or otherwise obtaining of any supplies, services, or construction. It includes all functions that pertain to the procurement of any supply, service, or construction item, including description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration;
- (23) "Public-private partnership" means a project delivery method for construction or financing of capital projects, as defined in KRS 45.750, or procurement of services, pursuant to a written public-private partnership agreement entered into pursuant to KRS 45A.077 and administrative regulations promulgated thereunder, between:
 - (a) At least one (1) private partner; and
 - (b) The Commonwealth of Kentucky, or any agency or department thereof;
- (24) "Purchase request" or "purchase requisition" means that document whereby a using agency requests that a contract be obtained for a specified need, and may include, but is not limited to, the technical description of the requested item, delivery schedule, transportation, criteria for evaluation of solicitees, suggested sources of

supply, and information supplied for the making of any written determination and finding required by KRS 45A.025;

- (25) "Purchasing agency" means any governmental body that is authorized by this code or its implementing administrative regulations or by way of delegation from the chief purchasing officer to contract on its own behalf rather than through the central contracting authority of the chief purchasing officer;
- (26) "Purchasing officer" means any person authorized by a governmental body in accordance with procedures prescribed by administrative regulations to enter into and administer contracts and make written determinations and findings with respect thereto. The term includes an authorized representative acting within the limits of authority;
- (27) "Services" means the rendering by a contractor of its time and effort rather than the furnishing of a specific end product, other than reports that are merely incidental to the required performance of services;
- (28) "Supplemental agreement" means any contract modification that is accomplished by the mutual action of the parties;
- (29) "Supplies" means all property, including but not limited to leases of real property, printing, and insurance, except land or a permanent interest in land;
- (30) "Using agency" means any governmental body of the state that utilizes any supplies, services, or construction purchased under this code;
- (31) "Video teleconference" means one (1) meeting, occurring in two (2) or more locations, where individuals can see and hear each other by means of video and audio equipment; and
- (32) "Writing" or "written" means letters, words, or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostating, photographing, magnetic impulse, mechanical or electronic recording, or other form of data compilation.

➔Section 3. KRS 150.021 is amended to read as follows:

- (1) The Department of Fish and Wildlife Resources shall constitute *an independent* ~~a~~ department of state government within the meaning of KRS Chapter 12, *and shall be administratively attached to the Tourism, Arts and Heritage Cabinet only for those limited functions and purposes expressly requested by the department to be performed by the Tourism, Arts and Heritage Cabinet. The department shall have sole discretion as to which functions shall be deemed necessary for the efficient operation of the department and the properties in its custody and control.* The department shall consist of a commissioner, a Fish and Wildlife Resources Commission, the Division of Law Enforcement, and other agents and employees provided for in this chapter. The department shall enforce the laws and regulations adopted under this chapter relating to wildlife and shall exercise all powers necessarily incident thereto.
- (2) ~~Except with regard to the commissioner's authority to appoint and compensate a commissioner under KRS 150.061, any powers conferred by this chapter upon the Department of Fish and Wildlife Resources, the Fish and Wildlife Resources Commission, or the commissioner of the Department of Fish and Wildlife Resources, and any powers conferred by KRS Chapter 235 shall be exercised subject to the provisions of KRS Chapters 42, 45, 45A, 56, and 64, which chapters in all respects are controlling.~~
- (3) (a) The Finance and Administration Cabinet shall assess the Department of Fish and Wildlife Resources each fiscal year a fee in an amount equal to five percent (5%) of the debt service associated with all phases and implementation of the capital project to replace, repair, or maintain the two (2) way radio system utilized by the Department of Kentucky State Police.
- (b) The fee shall be assessed on each phase of the implementation of the two (2) way radio system and shall continue to be assessed until all debt for the system has been retired.
- (3) *On the effective date of this Act, copies of any records, files, or documents, including any legal documents or memoranda, associated with functions of the Department of Fish and Wildlife Resources that were previously performed by the Tourism, Arts and Heritage Cabinet but for which it is no longer deemed responsible, shall be transmitted to the department.*
- (4) *The department shall not be subject to reorganization under KRS Chapter 12.*

➔Section 4. KRS 150.022 is amended to read as follows:

- (1) The Department of Fish and Wildlife Resources Commission shall consist of nine (9) members, one (1) from each ~~commission~~~~[wildlife]~~ district, as set out by the commissioner with the approval of the commission, and not more than five (5) of the same political party.
- (2) The Governor shall appoint the members of the commission subject to confirmation by the Senate *as described in subsection (3) of this section*. Each of the members shall be appointed for a term *ending on December 31 of the fourth calendar year following his or her appointment, except that a member's term shall continue until his or her successor is duly appointed and confirmed by the Senate, but no later than one (1) year following the expiration of the member's term. If after one (1) year a successor has not been duly appointed and confirmed by the Senate, the commissioner's seat for that district shall be vacant until a successor is duly appointed and confirmed by the Senate. A member shall serve no more than two (2) full terms, not including any partial term that a member may additionally serve*~~[of four (4) years and may be reappointed only once]~~. A ~~[No]~~ person who has been convicted of a felony offense, in Kentucky or under the law of any other state, or any other law of the United States shall *not* be eligible to serve on the commission.
- (3)
 - (a) Vacancies through the expiration of terms of the members of the commission shall be filled by appointment by the Governor from a list of five (5) names from each ~~commission~~~~[wildlife]~~ district, recommended and submitted by the sportsmen of each respective district.
 - (b) When the term of a member expires, the commissioner shall call a meeting of the sportsmen in that district not later than thirty (30) days prior to the expiration of the member's term. Notice of the meeting shall be given by publication pursuant to KRS Chapter 424.
 - (c) At the meeting, the sportsmen in attendance shall select and submit to the Governor a list of five (5) residents and citizens of the district who *have held hunting and fishing licenses in Kentucky or another state for at least the previous five (5) consecutive years, or who have been hunting and fishing in the Commonwealth for the previous five (5) consecutive years while license-exempt under KRS 150.170, and who* are well informed on the subject of wildlife conservation and restoration. Each sportsman may vote for one (1) candidate only, and the list submitted to the Governor shall be made up of the names of the five (5) candidates receiving the five (5) highest vote totals.
 - (d) The Governor shall appoint a successor to the member whose term *has expired no later than January 20 of the year following the year in which the member's term expired*~~[is about to expire within sixty (60) days following the submission to him of the list referred to in this subsection, and in no event later than August 13]~~.
- (4) Upon appointment to the ~~commission of the~~ Department of Fish and Wildlife Resources *Commission*, each commissioner shall execute a bond of one thousand dollars (\$1,000) in favor of the Department of Fish and Wildlife Resources, the premium on this bond to be paid out of department funds.
- (5) In the event of vacancies other than by expiration, the Governor shall fill the vacancy for the unexpired part of the term from the names remaining on the list previously submitted for the district from which the vacancy arose.
- (6) Each member of the commission shall take the constitutional oath of office.
- (7) The Governor shall remove any member of the commission for cause under subsection (2) of this section and may remove ~~a~~~~[any]~~ member of the commission for *nonfeasance*~~[inefficiency]~~, neglect of duty, or misconduct in office; but shall first deliver to the member a copy of all charges in writing and afford to him *or her* an opportunity *for an administrative hearing to be conducted in accordance with KRS Chapter 13B*~~[of being publicly heard in person or by counsel in defense of the charges, upon not less than ten (10) days' notice]~~. *In order to remove*~~[ff]~~ a member *of the commission*~~[shall be removed]~~, the Governor shall file in the office of the Secretary of State a complete statement of all charges made against the member and his *or her* findings thereon, together with a complete record of the proceedings.
- (8) Each member of the commission shall be entitled to reimbursement for actual and necessary traveling and other expenses incurred by him *or her* in the discharge of his *or her* official duties and to be paid from the game and fish fund.
- (9) A majority of the commission shall constitute a quorum for the transaction of any business, for the performance of any duty or for the exercise of any power vested in the commission.
- (10) The department shall have its principal office in Franklin County, and is authorized to purchase all supplies, equipment, and printed forms and to issue any notices and publications as the commissioner may deem necessary to carry out the provisions of this chapter.

- (11) The word "sportsman" as used in this section shall mean a resident hunter or fisherman who has been licensed in Kentucky for each of the past two (2) consecutive years.

➔Section 5. KRS 150.0241 is amended to read as follows:

- (1) As used in this section unless the context otherwise requires:
- (a) "Commission" has the same meaning as in KRS 150.010;
 - (b) "Commission-managed lands" means those lands owned by the commission, those lands owned by the Commonwealth over which the commission holds management authority, or those privately owned lands that are leased or managed by the commission; and
 - (c) "Hunting" means the lawful pursuit, trapping, shooting, capture, collection, or killing of wildlife or the lawful attempt to do the same.
- (2) Commission-managed lands shall be open to access and use for hunting except as limited by the commission for reasons of fish or wildlife management, or as otherwise limited by a statute outside KRS Chapter 150 or 235.
- (3) The commission, in exercising its authority under the Constitution of the Commonwealth of Kentucky and statutes, shall exercise its authority consistent with subsection (2) of this section, in a manner that supports, promotes, and enhances hunting opportunities to the extent authorized by law.
- (4) Commission land management decisions and actions, including decisions made by private owners to close land managed by the commission, shall not result in any net loss of habitat land acreage available for hunting opportunities on commission-managed lands that exists on July 15, 2010. The commission shall expeditiously find replacement acreage for hunting to compensate for closures of any existing hunting land. Replacement lands shall, to the greatest extent possible, be located within the same ~~commission~~ ~~wildlife~~ district and shall be consistent with the hunting discipline that the commission allowed on the closed land.
- (5) Any state agency that owns or manages lands shall assist and coordinate and cooperate with the commission to allow hunting on these lands if the lands are determined by the commission and that agency to be suitable for hunting. To ensure no net loss of land acreage available for hunting, state agencies shall cooperate with the commission to open new, additional hunting lands to replace lost hunting acreage. Lands officially designated as units within the state park system may be considered for replacement hunting lands and may be open for hunting when necessary as a wildlife control or management tool as determined by the Department of Parks.
- (6) By October 1 of each year, the commissioner shall submit to the Legislative Research Commission and the Interim Joint Committee on Natural Resources and Environment a written report describing:
- (a) The acreage managed by the commission that was closed to hunting during the previous fiscal year and the reasons for the closures; and
 - (b) The acreage managed by the commission that was opened to hunting to compensate for closures of existing land pursuant to subsection (4) of this section.
- (7) By October 1 of each year, any state agency that owns or manages lands shall submit a written report to the commission, the Legislative Research Commission, and the Interim Joint Committee on Natural Resources and Environment describing:
- (a) A list of properties that were open for hunting during the previous fiscal year;
 - (b) A list of properties that were not open for hunting during the previous fiscal year; and
 - (c)
 - 1. The acreage for each property and the county where each property is located, including lands on which a right-of-way exists which make the lands unsuitable for hunting, and an explanation of why the right-of-way makes the land unsuitable for hunting; and
 - 2. Parcels under fifty (50) acres. No agency shall subdivide land it owns or manages into parcels under fifty (50) acres in an attempt to avoid compliance with the provisions of this section.
- (8) The first report under this section shall be due no later than October 1, 2010.

➔Section 6. KRS 150.061 is amended to read as follows:

- (1) Notwithstanding any provisions of KRS Chapter 18A, 42, 45, 45A, 56, or 64 to the contrary, the commission shall have the sole authority to appoint a commissioner of the Department of Fish and Wildlife Resources, who shall be a person with knowledge of and experience in the requirements for the protection, conservation and

restoration of the wildlife resources of the state. The commission shall be the sole contracting body for the purposes of KRS Chapter 45A and shall submit any proposed personal service contract with a commissioner to the Government Contract Review Committee for its review pursuant to KRS 45A.690 to 45A.725. The commissioner shall serve for a defined employment contract term not to exceed four (4) years and shall be subject to:

- (a) Annual review by the commission in closed, executive session;
 - (b) Removal by the commission for the same cause and in the same manner in which the Governor may remove a member of the commission; and
 - (c) Reappointment by the commission.
- (2) The commissioner shall receive such compensation as the commission may solely determine, and shall be reimbursed for all actual and necessary travel and other expenses incurred by him or her in the performance of his or her official duties.
 - (3) Before entering upon the duties of his or her office, the commissioner shall take and subscribe to the constitutional oath of office, and shall, in addition thereto, swear or affirm that he or she holds no other public office, nor any position upon or under any political committee or party. Upon appointment by the commission, the commissioner shall execute a bond of five thousand dollars (\$5,000) in favor of the Department of Fish and Wildlife Resources, the premium on said bond to be paid out of department funds.
 - (4) ***Notwithstanding any provision of law to the contrary***, the commissioner shall ***be the sole appointing authority for the department for the purposes of KRS Chapter 18A and shall*** have general supervision and control of all activities, functions, appointments, and employees of the department ~~of Fish and Wildlife Resources~~. He or she shall enforce all provisions of the laws of the state relating to wild animals, birds, fish and amphibians, and shall exercise all powers necessarily incident thereto not specifically conferred on the commission. The commissioner shall make an annual report of all receipts and disbursements and file same with the Secretary of State of the Commonwealth of Kentucky.
 - (5) If federal or other grant funds become available to pay their salaries, the commissioner may appoint and employ other persons that he or she may deem necessary or desirable to accomplish the purposes of this chapter. The commissioner shall determine the compensation, duties, and terms of employment of these employees, and grant funded, time-limited positions shall be approved by the commission as needed. Employees whose salaries are funded through federal or other grant funds shall not be counted in any tally of permanent employees made for employee cap or budgetary purposes.

➔Section 7. KRS 150.152 is amended to read as follows:

Each year when the Auditor of Public Accounts conducts the statewide single audit of the Commonwealth of Kentucky, the Auditor of Public Accounts shall with respect to the Department of Fish and Wildlife Resources:

- (1) Examine the separate revenue streams of each account within the game and fish fund to ensure compliance with the prohibition against commingling of funds;
- (2) Disaggregate and report the revenue and expenditures, by type, within the program income fund of the fish and game fund;
- (3) Identify internal controls, weaknesses, operating inefficiencies, and make recommendations for improvements;~~and~~
- (4) ***Examine all department procurement procedures and procurements made by the department since the previous annual statewide audit to ensure compliance with the requirements of KRS Chapter 45A and Section 1 of this Act; and***
- (5) Submit a written report to the Interim Joint Committee on Natural Resources and ***Energy***~~Environment~~ in conjunction with the release of the statewide single audit of the Commonwealth of Kentucky.

➔Section 8. KRS 235.010 is amended to read as follows:

As used in this chapter, unless the context clearly requires a different meaning:

- (1) "Vessel" means every description of watercraft, other than a seaplane on the water;
- (2) "Motorboat" means any vessel propelled by machinery, whether or not such machinery is the principal source of propulsion, except for the following:

- (a) Boats or vessels propelled totally by a direct current battery-powered motor when used on private waters;
 - (b) Boats propelled by human power employing the use of hand or foot operation; and
 - (c) Federally regulated commercial vessels;
- (3) "Owner" means a person, other than a lienholder, having the property in or title to a motorboat. The term includes a person entitled to the use or possession of a motorboat subject to an interest in another person, reserved or created by agreement and securing payment or performance of an obligation, but the term excludes a lessee under a lease not intended as security;
 - (4) "Personal watercraft" means a vessel which uses an internal combustion engine to power a jet pump for its primary source of propulsion and is designed to be operated by a person sitting, standing, or kneeling on the vessel rather than to be operated by a person sitting or standing inside the vessel;
 - (5) "Safe boating certificate" means a document attesting the successful completion of instruction, approved by the department or given by the United States Coast Guard or Coast Guard Auxiliary or the United States Power Squadron, to prepare an individual to safely operate a motorboat or personal watercraft on the waters of the Commonwealth;
 - (6) "Waters of this state" means any waters within the territorial limits of this state;
 - (7) "Person" means an individual, partnership, firm, corporation, association, or other entity;
 - (8) "Operate" means to navigate or otherwise use a motorboat or a vessel;
 - (9) "Cabinet" means the Tourism, Arts and Heritage Cabinet;
 - (10) "Department" means the Department of Fish and Wildlife Resources;
 - (11) "License" and "certificate of number" as used herein are synonymous;
 - (12) "Clerk" means county clerk;
 - (13) "Division of Law Enforcement" means the Division of Law Enforcement, Department of Fish and Wildlife Resources *administratively attached to the* ~~within the~~ Tourism, Arts and Heritage Cabinet;
 - (14) "Title" means the certificate of title;
 - (15) "Commissioner" means the commissioner of the Department of Fish and Wildlife Resources;
 - (16) "Federally regulated commercial vessel" means any vessel holding a United States certificate of documentation with a coastwise trade endorsement;
 - (17) "Marina" means a dock or basin providing moorings for motorboats and offering supply, repair, or other services for remuneration; and
 - (18) "Marine sanitation device" means equipment that is identified by the United States Coast Guard as meeting the standards of the United States Environmental Protection Agency or that is approved by the Energy and Environment Cabinet, to eliminate the discharge of untreated sewage from vessels into the waters of the Commonwealth and is a device that receives, treats, retains, or discharges sewage.

➔Section 9. KRS 235.030 is amended to read as follows:

This chapter shall be known as the State Boating Act and shall be administered by the Department of Fish and Wildlife Resources, *which is administratively attached to the Tourism, Arts and Heritage Cabinet only for those limited functions and purposes expressly requested by the department to be performed by the Tourism, Arts and Heritage Cabinet. The department shall have sole discretion as to which functions shall be deemed necessary for the efficient operation of the department and the properties in its custody and control.* ~~in the Tourism, Arts and Heritage Cabinet, except~~ The Transportation Cabinet shall be responsible for administering the boat numbering, registration, and titling requirements.

➔Section 10. KRS 235.130 is amended to read as follows:

- (1) No person acting for himself or another shall buy or trade for any motorboat without receiving the certificate of title issued for that boat with a certificate of transfer endorsed thereon. If the motorboat has not been issued a certificate of title as noted on the certificate of registration, the person shall receive a completed assignment of title on a boat transaction record and the certificate of registration.

- (2) It shall be the duty of the purchaser to promptly submit the endorsed certificate of title or boat transaction record and certificate of registration to the county clerk of the county of the purchaser's residence or in which the motorboat is to be principally operated. The purchaser shall apply for a new certificate of title and registration pursuant to KRS 235.050. The county clerk shall thereupon issue to the purchaser a transfer of registration bearing the same data and information. The clerk shall forward the endorsed certificate of title or boat transaction record and certificate of registration and new application for title and registration to the Transportation Cabinet. Except when registration is prohibited by law, any unexpired registration shall remain valid after transfer until expiration occurs according to law.
- (3) For transferring the registration, the clerk shall collect a fee of five dollars (\$5). The clerk shall retain two dollars (\$2), the Transportation Cabinet shall receive two dollars (\$2) and the Department of Fish and Wildlife Resources *administratively attached to* ~~within~~ the Tourism, Arts and Heritage Cabinet shall receive one dollar (\$1). The fee received by the Transportation Cabinet shall be deposited in a trust and agency account for use by the Transportation Cabinet in defraying the cost of implementing and operating the boat titling and registration program. The fee for transferring the title shall be as required by KRS 235.085.
- (4) If a transferee does not promptly submit the necessary documents to the county clerk as required by law in order to complete the transfer transaction, a transferor may submit to the county clerk, after the passage of fifteen (15) calendar days, in his county of residence, an affidavit that he has transferred his interest in a specific motorboat and the clerk may enter appropriate data into the AVIS system which would restrict any registration transaction from occurring on that vehicle until the transfer was processed.
- (5) If the owner junks or otherwise renders a motorboat unfit for future use, he shall deliver the title to the county clerk of the county in which the motorboat is junked. The county clerk shall immediately return the title to the Transportation Cabinet. The owner shall pay to the county clerk fifty cents (\$0.50) for his services.

➔Section 11. (1) The Finance and Administration Cabinet is directed to acquire perpetual conservation easements for the benefit of the Department of Fish and Wildlife Resources on approximately 54,000 acres of real property in Knox, Bell, and Leslie Counties, that was conveyed by Ataya Hardwoods LLC to Cumberland Forest LP, which is a fund established by The Nature Conservancy, by special warranty deeds dated December 17, 2007, and recorded in:

(a) Knox County on December 26, 2007, in deed book D368, pages 615 to 700, and by correction deed dated February 13, 2008, and recorded in Knox County, deed book 369, page 716;

(b) Bell County on December 21, 2007, deed book 339, page 533, and by correction deed dated February 13, 2008, and recorded in Bell County, deed book 340, page 518; and

(c) Leslie County on December 26, 2007, in deed book 177, page 20, and by correction deed dated February 13, 2008, and recorded in Leslie County, deed book 177, page 520.

(2) The Finance and Administration Cabinet shall procure outside legal counsel who has real property acquisition expertise and who does not currently have a contract to render legal service to the Commonwealth to advise the Department of Fish and Wildlife Resources on all issues related to the transaction.

(3) The terms of the conservation easements acquired pursuant to subsection (1) of this section shall protect the Commonwealth from all liability arising from conditions of the properties as they were prior to the acquisition of the conservation easements, including but not limited to conditions that resulted from prior mining, oil and gas drilling, or other natural resource extraction activities.

(4) The cost of the acquisition of the conservation easements directed by subsection (1) of this section shall be paid from federal funds, grants, and gifts made available to the Department of Fish and Wildlife Resources. The purchase price shall not exceed \$250 per acre and shall be substantiated by an appraisal paid for by Cumberland Forest LP or The Nature Conservancy.

(5) The terms of the conservation easements acquired pursuant to subsection (1) of this section shall set forth, in a comprehensive manner, the rights and obligations of the parties.

(6) Acquisition of the conservation easements as provided for in this section shall follow a reasonable time for due diligence and negotiation, but all transactions for the acquisition of conservation easements shall close no later than 18 months after the effective date of this Act.

➔Section 12. Whereas it is critical to the proper management and administration of the Department of Fish and Wildlife Resources that it is able to exercise independent authority in managing the natural resources under its

jurisdiction, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Veto Overridden and Signed by Secretary of State April 13, 2022.

CHAPTER 198

(SB 83)

AN ACT relating to athletics.

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

➔Section 1. KRS 156.070 is amended to read as follows:

- (1) The Kentucky Board of Education shall have the management and control of the common schools and all programs operated in these schools, including interscholastic athletics, the Kentucky School for the Deaf, the Kentucky School for the Blind, and community education programs and services.
- (2) The Kentucky Board of Education may designate an organization or agency to manage interscholastic athletics in the common schools, provided that the rules, regulations, and bylaws of any organization or agency so designated shall be approved by the board, and provided further that any administrative hearing conducted by the designated managing organization or agency shall be conducted in accordance with KRS Chapter 13B.
 - (a) The state board or its designated agency shall assure through promulgation of administrative regulations that if a secondary school sponsors or intends to sponsor an athletic activity or sport that is similar to a sport for which National Collegiate Athletic Association members offer an athletic scholarship, the school shall sponsor the athletic activity or sport for which a scholarship is offered. The administrative regulations shall specify which athletic activities are similar to sports for which National Collegiate Athletic Association members offer scholarships.
 - (b) Beginning with the 2003-2004 school year, the state board shall require any agency or organization designated by the state board to manage interscholastic athletics to adopt bylaws that establish as members of the agency's or organization's board of control one (1) representative of nonpublic member schools who is elected by the nonpublic school members of the agency or organization from regions one (1) through eight (8) and one (1) representative of nonpublic member schools who is elected by the nonpublic member schools of the agency or organization from regions nine (9) through sixteen (16). The nonpublic school representatives on the board of control shall not be from classification A1 or D1 schools. Following initial election of these nonpublic school representatives to the agency's or organization's board of control, terms of the nonpublic school representatives shall be staggered so that only one (1) nonpublic school member is elected in each even-numbered year.
 - (c) The state board or any agency designated by the state board to manage interscholastic athletics shall not promulgate rules, administrative regulations, or bylaws that prohibit pupils in grades seven (7) to eight (8) from participating in any high school sports except for high school varsity soccer and football, or from participating on more than one (1) school-sponsored team at the same time in the same sport. The Kentucky Board of Education, or an agency designated by the board to manage interscholastic athletics, may promulgate administrative regulations restricting, limiting, or prohibiting participation in high school varsity soccer and football for students who have not successfully completed the eighth grade.
 - (d)
 1. The state board or any agency designated by the state board to manage interscholastic athletics shall allow a member school's team or students to play against students of a non-member at-home private school, or a team of students from non-member at-home private schools, if the non-member at-home private schools and students comply with this subsection.
 2. A non-member at-home private school's team and students shall comply with the rules for student athletes, including rules concerning:
 - a. Age;
 - b. School semesters;
 - c. Scholarships;
 - d. Physical exams;

- e. Foreign student eligibility; and
 - f. Amateurs.
3. A coach of a non-member at-home private school's team shall comply with the rules concerning certification of member school coaches as required by the state board or any agency designated by the state board to manage interscholastic athletics.
 4. This subsection shall not allow a non-member at-home private school's team to participate in a sanctioned:
 - a. Conference;
 - b. Conference tournament;
 - c. District tournament;
 - d. Regional tournament; or
 - e. State tournament or event.
 5. This subsection does not allow eligibility for a recognition, award, or championship sponsored by the state board or any agency designated by the state board to manage interscholastic athletics.
 6. A non-member at-home private school's team or students may participate in interscholastic athletics permitted, offered, or sponsored by the state board or any agency designated by the state board to manage interscholastic athletics.
- (e) Every local board of education shall require an annual medical examination performed and signed by a physician, physician assistant, advanced practice registered nurse, or chiropractor, if performed within the professional's scope of practice, for each student seeking eligibility to participate in any school athletic activity or sport. The Kentucky Board of Education or any organization or agency designated by the state board to manage interscholastic athletics shall not promulgate administrative regulations or adopt any policies or bylaws that are contrary to the provisions of this paragraph.
- (f) Any student who turns nineteen (19) years of age prior to August 1 shall not be eligible for high school athletics in Kentucky. Any student who turns nineteen (19) years of age on or after August 1 shall remain eligible for that school year only. An exception to the provisions of this paragraph shall be made, and the student shall be eligible for high school athletics in Kentucky if the student:
1. Qualified for exceptional children services and had an individual education program developed by an admissions and release committee (ARC) while the student was enrolled in the primary school program;
 2. Was retained in the primary school program because of an ARC committee recommendation; and
 3. Has not completed four (4) consecutive years or eight (8) consecutive semesters of eligibility following initial promotion from grade eight (8) to grade nine (9).
- (g) ***The state board or any agency designated by the state board to manage interscholastic athletics shall promulgate administrative regulations or bylaws that provide that:***
1. ***A member school shall designate all athletic teams, activities, and sports for students in grades six (6) through twelve (12) as one (1) of the following categories:***
 - a. ***"Boys";***
 - b. ***"Coed"; or***
 - c. ***"Girls";***
 2. ***The sex of a student for the purpose of determining eligibility to participate in an athletic activity or sport shall be determined by:***
 - a. ***A student's biological sex as indicated on the student's original, unedited birth certificate issued at the time of birth; or***

Finance and Administration Cabinet before the close of business on the last working day in April immediately preceding the beginning of the succeeding biennium.

- (c) The Kentucky Board of Education shall not itself operate leased television facilities, or undertake the preparation of the educational presentations or films to be transmitted thereby, but may enter into one (1) or more contracts to provide therefor, with any public agency and instrumentality of the Commonwealth having, or able to provide, a staff with proper technical qualifications, upon which agency and instrumentality the board, through the chief state school officer and the Department of Education, is represented in such manner as to coordinate matters of curriculum with the curricula prescribed for the public schools of the Commonwealth. Any contract for the operation of the leased television or related facilities may permit limited and special uses of the television or related facilities for other programs in the public interest, subject to the reasonable terms and conditions as the board and the operating agency and instrumentality may agree upon; but any contract shall affirmatively forbid the use of the television or related facilities, at any time or in any manner, in the dissemination of political propaganda or in furtherance of the interest of any political party or candidate for public office, or for commercial advertising. No lease between the board and the State Property and Buildings Commission shall bind the board to pay rentals for more than one (1) fiscal biennium at a time, subject to the aforesaid renewal options. The board may receive and may apply to rental payments under any lease and to the cost of providing for the operation of the television or related facilities not only appropriations which may be made to it from state funds, from time to time, but also contributions, gifts, matching funds, devises, and bequests from any source, whether federal or state, and whether public or private, so long as the same are not conditioned upon any improper use of the television or related facilities in a manner inconsistent with the provisions of this subsection.
- (4) The state board may, on the recommendation and with the advice of the chief state school officer, prescribe, print, publish, and distribute at public expense such administrative regulations, courses of study, curriculums, bulletins, programs, outlines, reports, and placards as each deems necessary for the efficient management, control, and operation of the schools and programs under its jurisdiction. All administrative regulations published or distributed by the board shall be enclosed in a booklet or binder on which the words "informational copy" shall be clearly stamped or printed.
- (5) Upon the recommendation of the chief state school officer or his or her designee, the state board shall establish policy or act on all matters relating to programs, services, publications, capital construction and facility renovation, equipment, litigation, contracts, budgets, and all other matters which are the administrative responsibility of the Department of Education.

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

- (1) (a) *A public postsecondary education institution or private postsecondary education institution that is a member of a national intercollegiate athletic association shall designate all intercollegiate and intramural athletic teams, activities, sports, and events that are sponsored or authorized by the institution as one (1) of the following categories:*
1. *"Mens";*
 2. *"Coed"; or*
 3. *"Womens."*
- (b) 1. *A public postsecondary education institution or private postsecondary education institution that is a member of a national intercollegiate athletic association shall prohibit a member of the male sex from competing in any intercollegiate or intramural athletic team, activity, sport, or event designated as "womens."*
2. *Nothing in this section shall be construed to restrict the eligibility of any student to participate in an athletic activity or sport designated as "mens" or "coed."*
- (2) *The sex of a student for the purpose of determining eligibility to participate in an athletic activity or sport or to use an athletic facility designated for the exclusive use of a single sex shall be determined by:*
- (a) *A student's biological sex as indicated on the student's original, unedited birth certificate issued at the time of birth; or*

- (b) *An affidavit signed and sworn to by a physician, physician assistant, advanced practice registered nurse, or chiropractor under penalty of perjury establishing the student's biological sex at the time of birth.*
- (3) *A government entity, licensing or accrediting organization, or athletic association or organization shall not entertain a complaint, open an investigation, or take any other adverse action against a postsecondary education institution for maintaining a separate interscholastic or intramural athletic team, activity, sport, or event for members of the female sex.*

➔Section 3. This Act may be cited as the "Fairness in Womens' Sports Act."

Veto Overridden and Signed by Secretary of State April 13, 2022.

CHAPTER 199

(HB 1)

Provisions of this bill that are to be deleted due to vetoes of the Governor that were not overridden by the General Assembly are displayed as bracketed text with intervening strikethrough and enclosed in double asterisks, e.g.,
***[text]**.*

AN ACT relating to appropriations measures providing funding and establishing conditions for the operations, maintenance, support, and functioning of the government of the Commonwealth of Kentucky and its various officers, cabinets, departments, boards, commissions, institutions, subdivisions, agencies, and other state-supported activities.

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

➔Section 1. Notwithstanding KRS 48.100 and 48.300, the State/Executive Branch Budget is as follows:

PART I

OPERATING BUDGET

(1) **Funds Appropriations:** There is appropriated out of the General Fund, Road Fund, Restricted Funds accounts, Federal Funds accounts, or Bond Funds accounts for the fiscal year beginning July 1, 2021, and ending June 30, 2022, for the fiscal year beginning July 1, 2022, and ending June 30, 2023, and for the fiscal year beginning July 1, 2023, and ending June 30, 2024, the following discrete sums, or so much thereof as may be necessary. Appropriated funds are included pursuant to KRS 48.700 and 48.710. Each appropriation is made by source of respective fund or funds accounts. Appropriations for the following officers, cabinets, departments, boards, commissions, institutions, subdivisions, agencies, and budget units of the state government, and any and all other activities of the government of the Commonwealth, are subject to the provisions of Chapters 12, 42, 45, and 48 of the Kentucky Revised Statutes and compliance with the conditions and procedures set forth in this Act.

(2) **Tobacco Settlement Funds:** Appropriations identified as General Fund (Tobacco) in Part I, Operating Budget, of this Act are representative of the amounts provided in Part X, Phase I Tobacco Settlement, of this Act and are not to be appropriated in duplication.

A. GENERAL GOVERNMENT

Budget Units

1. OFFICE OF THE GOVERNOR

	2021-22	2022-23	2023-24
General Fund	206,500	6,446,700	6,476,300
Restricted Funds	12,400	295,000	295,000
Federal Funds	-0-	500,000	500,000
TOTAL	218,900	7,241,700	7,271,300

(1) **Salary Increment:** Notwithstanding KRS 64.480(2), the increment provided on the base salary of the Lieutenant Governor shall be the same as that provided for eligible state employees in Part IV of this Act.

Notwithstanding KRS 64.480(4), the increment provided on the base salary of the Governor shall be the same as that provided for eligible state employees in Part IV of this Act.

2. OFFICE OF STATE BUDGET DIRECTOR

	2021-22	2022-23	2023-24
General Fund	136,300	3,847,700	3,865,600
Restricted Funds	-0-	261,400	261,400
Federal Funds	6,005,400	132,300	132,300
TOTAL	6,141,700	4,241,400	4,259,300

(1) Participation in Transparent Governing - Full Disclosure of Inmate Population Forecasts and Related Materials: The Office of State Budget Director shall provide the methodology, assumptions, data, and all other related materials used to project biennial offender population forecasts conducted by the Office of State Budget Director, the Kentucky Department of Corrections, and any consulting firms, to the Interim Joint Committee on Appropriations and Revenue by November 1, 2023. This submission shall include but not be limited to the projected state, county, and community offender populations for the 2024-2026 fiscal biennium and must coincide with the budgeted amount for these populations. This submission shall clearly divulge the methodology and reasoning behind the budgeted and projected offender population in a commitment to participate in transparent governing.

(2) State Fiscal Recovery Fund: Included in the above Federal Funds appropriation is \$5,400 in fiscal year 2021-2022 and \$132,300 in each fiscal year of the 2022-2024 biennium from the State Fiscal Recovery Fund of the American Rescue Plan Act of 2021 for costs associated with reporting and auditing the Commonwealth's uses of the Fund.

3. HOMELAND SECURITY

	2021-22	2022-23	2023-24
General Fund	7,600	611,400	618,700
Restricted Funds	18,700	3,759,100	3,134,300
Federal Funds	47,300	4,782,000	4,790,700
TOTAL	73,600	9,152,500	8,543,700

4. VETERANS' AFFAIRS

	2021-22	2022-23	2023-24
General Fund	765,100	30,092,600	31,333,500
Restricted Funds	1,478,000	67,154,900	67,003,500
Federal Funds	-0-	2,433,600	-0-
TOTAL	2,243,100	99,681,100	98,337,000

(1) Weekend and Holiday Premium Pay Incentive: The Kentucky Veterans Centers are authorized to continue the weekend and holiday premium pay incentive for the 2022-2024 fiscal biennium.

(2) Congressional Medal of Honor Recipients - Travel and Per Diem: The Commissioner of the Department of Veterans' Affairs may approve travel and per diem expenses incurred when Kentucky residents who have been awarded the Congressional Medal of Honor attend veterans, military, or memorial events in the Commonwealth of Kentucky.

(3) Bowling Green Veterans' Center Funding: Included in the above General Fund appropriation is \$1,048,400 in fiscal year 2023-2024 for the operations of the Bowling Green Veterans Center.

(4) State Veterans Nursing Home: With the exception of the Bowling Green Veterans Center construction project, all state veterans' nursing homes must meet a combined 80 percent bed occupancy rate before any future projects will be considered. Once the 80 percent threshold has been met, it is the intent of the General Assembly that any future beds allocated from the United States Department of Veterans Affairs or reallocated from the Kentucky Department of Veterans' Affairs be dedicated to a state veterans nursing home in Magoffin County to serve that area.

(5) **Brain Injury Association of America, Kentucky Chapter and the Epilepsy Foundation of Kentuckiana Funding:** Included in the above General Fund appropriation is \$93,700 in each fiscal year for grants to the Brain Injury Association of America, Kentucky Chapter and \$93,700 in each fiscal year for grants to the Epilepsy Foundation of Kentuckiana to be used solely for the purpose of working with veterans who have experienced brain trauma and their families.

(6) **Veterans' Service Organization Funding:** Included in the above General Fund appropriation is \$187,500 in each fiscal year for grants to Veterans' Service Organization programs.

(7) **Kentucky Homeless Veterans Program:** Included in the above General Fund appropriation is \$200,000 in each fiscal year to provide emergency financial assistance to Kentucky's homeless veterans.

(8) **Kentucky Medal of Honor Memorial:** Included in the above General Fund appropriation is \$84,700 in fiscal year 2022-2023 for the renovation and rededication of the Kentucky Medal of Honor Memorial in the Medal of Honor Grove on the campus of Freedoms Foundation at Valley Forge.

5. KENTUCKY INFRASTRUCTURE AUTHORITY

	2021-22	2022-23	2023-24
General Fund	900	18,280,800	4,260,600
Restricted Funds	63,000	2,896,500	2,885,700
Federal Funds	-0-	333,740,200	29,745,700
TOTAL	63,900	354,917,500	36,892,000

(1) **Drinking Water and Wastewater Infrastructure:** Included in the above Federal Funds appropriation is \$250,000,000 in fiscal year 2022-2023 from the State Fiscal Recovery Fund of the American Rescue Plan Act of 2021 for a Drinking Water and Wastewater Grant program, which shall be allocated to each county based on population. The county's allocation shall be determined by each county's proportion of the state's population from the 2020 Census, with the exception of Jefferson County's share, which is discounted by 50 percent based on the high per capita allocation from the Local Fiscal Recovery Fund of the American Rescue Plan Act of 2021. The allocation by county shall serve as a funding cap for projects within that county, and no county's share shall be reallocated unless by express authority of the General Assembly. The Kentucky Infrastructure Authority shall receive the application from each county and forward all qualifying applications, grouped by county, to the Interim Joint Committee on Appropriations and Revenue by November 1, 2022. The Kentucky Infrastructure Authority shall receive up to \$75,000 of this appropriation for the administrative expense of collecting and qualifying the applications and distributing the checks for the awards of the General Assembly.

(2) **Debt Service:** Included in the above General Fund appropriation is \$467,500 in fiscal year 2022-2023 and \$2,335,000 in fiscal year 2023-2024 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

(3) **Office for Broadband:** Included in the above General Fund appropriation is \$1,174,400 in fiscal year 2022-2023 and \$1,134,400 in fiscal year 2023-2024 to establish an Office for Broadband to provide direction and planning for the deployment of last-mile broadband services across the Commonwealth.

(4) **Water Management Assistance Fund:** Included in the above General Fund appropriation is \$10,000,000 in fiscal year 2022-2023 to establish the Water Management Assistance Fund to provide assistance for capital and non-capital expenses of governmental entities that provide drinking water and wastewater services to the public. The Kentucky Infrastructure Authority shall provide a report by December 1 of each year to the Interim Joint Committee on Appropriations and Revenue detailing the use of these funds.

(5) **Wastewater Pre-Treatment Facility:** Included in the above Federal Funds appropriation is \$8,000,000 in fiscal year 2022-2023 from the State Fiscal Recovery Fund of the American Rescue Plan Act of 2021 for modifications to the wastewater pre-treatment facility at the Marzetti Horse Cave Plant in Hart County.

(6) **Regional Water Supply Improvements:** Included in the above Federal Funds appropriation is \$35,000,000 in fiscal year 2022-2023 from the State Fiscal Recovery Fund of the American Rescue Plan Act of 2021 for regional water supply infrastructure projects related to the Ford Blue Oval SK Battery Park in Glendale in Hardin County to be distributed to the county fiscal courts for regional transmission water supply lines as follows:

- (a) \$5,000,000 for Bullitt County Fiscal Court;
- (b) \$10,000,000 for Hardin County Fiscal Court;

- (c) \$10,000,000 for Meade County Fiscal Court; and
- (d) \$10,000,000 for Nelson County Fiscal Court.

(7) Red River Gorge Water and Sewer Upgrades: Included in the above Federal Funds appropriation is \$11,000,000 in fiscal year 2022-2023 from the State Fiscal Recovery Fund of the American Rescue Plan Act of 2021 for upgrades to the following water and sewer projects:

- (a) \$3,000,000 for Beattyville Water Treatment Plant Upgrades;
- (b) \$2,000,000 for Beattyville Water Distribution System Improvements;
- (c) \$1,000,000 for Powell's Valley Water Distribution System Improvements;
- (d) \$1,000,000 for Stanton Water Distribution System Improvements;
- (e) \$1,000,000 for Campton Water Distribution System Improvements;
- (f) \$2,000,000 for Powell's Valley Treatment Plant Expansion; and
- (g) \$1,000,000 for Powell's Valley Collection System Expansion.

(8) Georgetown Municipal Water and Sewer Service: Included in the above General Fund appropriation is a one-time allocation of \$5,000,000 in fiscal year 2022-2023 to Georgetown Municipal Water and Sewer Service for the construction of an elevated storage tank.

(9) Fredericks Landing Wastewater Project: Included in the above General Fund appropriation is a one-time allocation of \$400,000 in fiscal year 2022-2023 to the City of Wilder Public Works Department for the Fredericks Landing park wastewater project.

(10) Corbin Utility Commission: Included in the above General Fund appropriation is \$450,000 in fiscal year 2022-2023 for water and sewer line upgrades.

6. MILITARY AFFAIRS

	2021-22	2022-23	2023-24
General Fund	308,300	17,502,000	17,765,300
Restricted Funds	579,500	41,408,000	41,645,400
Federal Funds	915,500	87,433,500	87,621,900
TOTAL	1,803,300	146,343,500	147,032,600

(1) Kentucky National Guard: Included in the above General Fund appropriation is \$4,500,000 in each fiscal year to be expended, subject to the conditions and procedures provided in this Act, which are required as a result of the Governor's declaration of emergency pursuant to KRS Chapter 39A, and the Governor's call of the Kentucky National Guard to active duty when an emergency or exigent situation has been declared to exist by the Governor. Any portion of the \$4,500,000 not expended shall lapse to the General Fund at the end of each fiscal year. In the event that costs for Governor-declared emergencies or the Governor's call of the Kentucky National Guard for emergencies or exigent situations exceed \$4,500,000 annually, the costs shall be deemed necessary government expenses and shall be paid from the General Fund Surplus Account (KRS 48.700) or the Budget Reserve Trust Fund Account (KRS 48.705).

(2) Disaster or Emergency Aid Funds: There is appropriated from the General Fund the necessary funds, subject to the conditions and procedures in this Act, which are required to match federal aid for which the state would be eligible in the event of a presidentially declared disaster or emergency. These necessary funds shall be made available from the General Fund Surplus Account (KRS 48.700) or the Budget Reserve Trust Fund Account (KRS 48.705).

(3) Residential Youth-at-Risk Program: Included in the above General Fund appropriation is \$335,000 in each fiscal year to support the Bluegrass Challenge Academy, and \$335,000 in each fiscal year to support the Appalachian Youth Challenge Academy.

(4) Military Burial Honor Guard: Included in the above General Fund appropriation is \$50,000 in each fiscal year for Military Burial Honor Guard duties.

(5) **Military Family Assistance Trust Fund:** Included in the above General Fund appropriation is \$100,000 in each fiscal year for the Military Family Assistance Trust Fund to provide emergency financial assistance to Kentucky's military families.

(6) **Debt Service:** Included in the above General Fund appropriation is \$154,000 in fiscal year 2022-2023 and \$308,000 in fiscal year 2023-2024 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

(7) **Restricted Funds Transfer:** Notwithstanding any statute to the contrary, \$9,000,000 in Restricted Funds shall be transferred in fiscal year 2022-2023 from the West Kentucky State Aid Funding for Emergencies (SAFE) Fund administered by the Department of Military Affairs, Division of Emergency Management, to the University of Kentucky to support disaster recovery and relief efforts at the Grain and Forage Center of Excellence located in Princeton.

(8) **Bluegrass Station:** Included in the above Restricted Funds appropriation is \$500,000 in fiscal year 2022-2023 to continue preliminary work on the Bluegrass Station Industrial Airport and Airpark project. The Department of Military Affairs shall provide a report to the Interim Joint Committee on Appropriations and Revenue by November 1, 2022.

7. COMMISSION ON HUMAN RIGHTS

	2021-22	2022-23	2023-24
General Fund	71,900	1,953,500	1,971,900
Restricted Funds	-0-	10,000	10,000
Federal Funds	-0-	445,000	445,000
TOTAL	71,900	2,408,500	2,426,900

8. COMMISSION ON WOMEN

(1) **Redistribution of Resources:** Notwithstanding KRS 12.020, 12.023, 14.260, 15A.190, 214.554, and 344.510 to 344.530, no General Fund appropriation is provided for the Commission on Women in order to provide additional funding for Domestic Violence Shelters, Rape Crisis Centers, and Children's Advocacy Centers.

9. DEPARTMENT FOR LOCAL GOVERNMENT

	2021-22	2022-23	2023-24
General Fund	215,500	120,619,100	83,969,800
Restricted Funds	-0-	1,393,400	1,394,500
Federal Funds	36,300	223,845,000	61,833,600
TOTAL	251,800	345,857,500	147,197,900

(1) **Area Development District Funding:** Included in the above General Fund appropriation is \$3,984,000 in each fiscal year for the Joint Funding Administration Program in support of the area development districts.

(2) **Mary Kendall Homes and Gateway Juvenile Diversion:** Included in the above General Fund appropriation is \$257,800 in each fiscal year for the support of the Mary Kendall Homes and \$257,800 in each fiscal year for the support of Gateway Juvenile Diversion. Included in the above General Fund appropriation is an additional one-time allocation of \$125,000 in each fiscal year to support each program at \$320,300 annually.

(3) **Allocation of Area Development District Funding:** The Department for Local Government shall allocate area development district funding appropriated to the Joint Funding Administration Program to the area development districts in accordance with the following formula:

(a) Seventy percent of the total appropriation shall be allocated equally among all area development districts;

(b) Twenty percent of the total appropriation shall be allocated based upon each area development district's proportionate share of total state population, as identified by the most recently completed United States Census; and

(c) Ten percent of the total appropriation shall be allocated based upon each area development district's proportionate share of total incorporated cities and counties, as identified by the records of the Kentucky Secretary of State's Land Office at the time of the allocation.

The Department for Local Government shall, upon the unanimous written direction of all area development districts, reduce the allocation based upon proportionate share of total incorporated cities and counties and instead allocate those funds to provide additional nonfederal dollars to area development districts for the purpose of maximizing federal awards.

(4) County Clerks Grants for Recorded Instruments: Included in the above General Fund appropriation is \$25,000,000 in fiscal year 2023-2024 for grants to county clerks for the acquisition and implementation of software and services to establish electronic capability for recorded instruments with the condition that the procurement by county clerks is from a vendor which has been qualified through a statewide procurement process by the Finance and Administration Cabinet. The statewide procurement process shall require unified data access.

(5) County Clerks Election Equipment Grants: Included in the above General Fund appropriation is \$12,500,000 in each fiscal year for grants to county clerks to purchase election equipment approved by the State Board of Elections.

(6) Debt Service: Included in the above General Fund appropriation is \$217,500 in fiscal year 2022-2023 and \$652,500 in fiscal year 2023-2024 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

(7) 4-H Storm Shelters: Included in the above General Fund appropriation is \$1,000,000 in fiscal year 2022-2023 to meet the required 25 percent match for FEMA funds for storm shelters for three 4-H camps located in West Kentucky, Lake Cumberland, and North Central.

(8) Appalachian Regional Commission Matching Funds: Included in the above General Fund appropriation is \$250,000 in each fiscal year for Area Development Districts to match increased Appalachian Regional Commission grants.

(9) Delta Regional Authority Matching Funds: Included in the above General Fund appropriation is \$250,000 in each fiscal year for Area Development Districts to match increased Delta Regional Authority grants.

(10) Jail Arraignment Equipment Grants: Included in the above General Fund appropriation is a one-time allocation of \$15,000,000 in fiscal year 2022-2023 for jail arraignment equipment grants. The Department for Local Government shall coordinate with the Kentucky Jailer's Association to implement a statewide video arraignment system within county jails that is compatible with technology used by the Administrative Office of the Courts.

(11) Community Development Projects: Included in the above General Fund appropriation are the following one-time allocations for the 2022-2024 fiscal biennium:

(a) \$3,500,000 in each fiscal year to the Boone's Ridge Appalachian Wildlife Foundation for ~~the construction of~~ Boone's Ridge in Bell County;

(b) \$15,000,000 in each fiscal year to the Todd County Fiscal Court for the natural gas pipeline project;

(c) \$200,000 in fiscal year 2022-2023 to the United Methodist Mountain Mission to support operations;

(d) \$400,000 in each fiscal year to the Kentucky Pilots Association Education Foundation;

(e) \$2,000,000 in fiscal year 2022-2023 to the Paducah Symphony;

(f) \$4,300,000 in fiscal year 2022-2023 to the Louisville Orchestra;

(g) \$100,000 in fiscal year 2022-2023 to the Hickman County Fiscal Court for the Civil War Days;

(h) \$2,500,000 in fiscal year 2022-2023 to the Paintsville High School STEM Program;

(i) \$10,000,000 in each fiscal year to the Lincoln County Fiscal Court for the natural gas pipeline project;

(j) \$200,000 in each fiscal year to the Backroads of Appalachia in Harlan, Kentucky, to support economic development;

(k) \$1,500,000 in each fiscal year to the Russell County Regional Agribusiness Training Facility;

(l) \$750,000 in fiscal year 2022-2023 to the Garrard County Fiscal Court for the Garrard County Emergency Medical Services and Crescent Spring Fire Department;

(m) \$500,000 in fiscal year 2023-2024 to the Fern Creek Community Center in Louisville, Kentucky;

(n) \$750,000 in fiscal year 2023-2024 to the Hart County Chamber of Commerce;

(o) \$300,000 in fiscal year 2023-2024 to the City of Greensburg for beautification projects;

- (p) \$20,000 in fiscal year 2022-2023 to the City of Wilmore for the Downtown Greenstage;
- (q) \$6,000 in fiscal year 2022-2023 to the Jessamine County Fiscal Court for the High Bridge Firehouse;
- (r) \$50,000 in fiscal year 2022-2023 to the Jessamine County Fiscal Court for land acquisition at the High Bridge boat ramp;
- (s) \$1,400,000 in fiscal year 2022-2023 to the city of Williamsburg for renovation and expansion of the Kentucky Splash Waterpark and Campground;
- (t) \$10,000,000 in fiscal year 2022-2023 to the Louisville Zoo for construction of Kentucky trails habitat;
- (u) \$2,500,000 in fiscal year 2022-2023 to the City of Corbin for the Corbin Arena and Corbin Center;
- (v) \$1,000,000 in fiscal year 2022-2023 to the City of Barbourville for renovations to the Barbourville City Hall;
- (w) \$1,250,000 in fiscal year 2022-2023 to the Jackson County Fiscal Court for a new building for the Jackson County Emergency Medical Services;
- (x) \$400,000 in fiscal year 2022-2023 to the KCEOC Community Action Partnership for a vocational and technical training facility;
- (y) \$750,000 in fiscal year 2022-2023 to the City of Booneville for a city revitalization project;
- (z) \$4,250,000 in fiscal year 2022-2023 to the City of Manchester Tourism Commission for various land acquisitions, renovations, and upgrades;
- (aa) \$500,000 in fiscal year 2022-2023 to the Scott United Ministries A.M.E.N. House for acquisition or construction of a new building;
- (ab) \$250,000 in fiscal year 2022-2023 to the Monroe County Fiscal Court to allow the Monroe County Medical Center to begin offering emergency medical services and paramedic training;
- (ac) \$600,000 in fiscal year 2022-2023 to the Housing Authority of Bowling Green to create a small business incubator for low income, minority, and women-owned businesses in collaboration with the city of Bowling Green;
- (ad) \$1,000,000 in fiscal year 2022-2023 to the City of Somerset Parks and Recreation for upgrades to youth sports facilities;
- (ae) \$3,000,000 in fiscal year 2022-2023 to the Christian County Board of Education for the Fort Campbell Industrial Training Partnership;
- (af) \$3,000,000 in fiscal year 2022-2023 to the Barren County Family YMCA Foundation for a swimming pool facility, equipment, and HVAC and building repair;
- (ag) \$1,000,000 in fiscal year 2022-2023 to the Green County Fiscal Court for industrial park site development;
- (ah) \$1,000,000 in fiscal year 2022-2023 to the Kentucky Science and Technology Corporation for the VALOR program;
- (ai) \$1,000,000 in fiscal year 2022-2023 to USA Cares to support veterans and their families;
- (aj) \$650,000 in fiscal year 2022-2023 to Bellewood and Brooklawn to support the Avenues to Success pilot program;
- (ak) \$5,000,000 in fiscal year 2022-2023 to the Bell County Fiscal Court to support industrial projects;
- (al) \$1,000,000 in fiscal year 2023-2024 to the Green County Fiscal Court for the American Legion Park Trail Development Project; and
- (am) \$195,000 in fiscal year 2022-2023 to Old Bardstown Village, Inc. for flood damage repairs.

10. LOCAL GOVERNMENT ECONOMIC ASSISTANCE FUND

	2022-23	2023-24
General Fund	34,857,300	35,214,200

(1) Allocation of the Local Government Economic Assistance Fund: Notwithstanding KRS 42.470(1)(a), 70 percent of moneys in the Local Government Economic Assistance Fund shall be distributed to each coal producing county on the basis of the ratio of coal severed in each respective county to the coal severed statewide. Notwithstanding KRS 42.470(1)(c), no allocation shall be distributed to non-coal producing counties.

(2) Coal Haul Road System: Notwithstanding KRS 42.455(2), no funds appropriated to the Local Government Economic Assistance Fund are required to be spent on the coal haul road system.

11. LOCAL GOVERNMENT ECONOMIC DEVELOPMENT FUND

	2021-22	2022-23	2023-24
General Fund	-0-	37,467,000	39,816,600
Restricted Funds	125,000	125,000	125,000
TOTAL	125,000	37,592,000	39,941,600

(1) Coal Severance Tax Transfers: Notwithstanding KRS 42.450 to 42.495, 70 percent of the severance and processing taxes on coal collected annually, except items described in subsection (2) below, shall be transferred to the Local Government Economic Development Fund. Notwithstanding KRS 42.450 to 42.495, 30 percent of the severance and processing taxes on coal collected annually, except items described in subsection (2) below, shall be transferred to the Local Government Economic Assistance Fund. Transfers to the Local Government Economic Development Fund and the Local Government Economic Assistance Fund shall be made quarterly in July, October, January, and April based upon actual revenues from the prior quarter.

(2) Coal Severance Tax Collections Calculations and Transfers: The above appropriations from the General Fund are based on the official estimate presented by the Office of State Budget Director. Notwithstanding KRS 42.450 to 42.495, coal severance tax collections during the 2022-2024 fiscal biennium shall first be allocated to the following programs or purposes on a quarterly basis:

(a) Department for Local Government: An annual appropriation of \$669,700 in each fiscal year is appropriated as General Fund moneys to the Department for Local Government budget unit for Local Government Economic Development Fund and Local Government Economic Assistance Fund project administration costs;

(b) Debt Service: An annual appropriation of 100 percent of the debt service necessary to support bonds authorized in 2003 Ky. Acts ch. 156, 2005 Ky. Acts ch. 173, 2006 Ky. Acts ch. 252, 2008 Ky. Acts ch. 127, and 2010 (1st Extra. Sess.) Ky. Acts ch. 1, in the amount of \$20,306,000 in fiscal year 2022-2023 and \$19,649,500 in fiscal year 2023-2024 is appropriated for that purpose;

(c) Osteopathic Medicine Scholarship Program: Notwithstanding KRS 164.7891(11)(b), no transfers shall be made to the Osteopathic Medicine Scholarship Program within the Kentucky Higher Education Assistance Authority;

(d) Pharmacy Scholarships: Notwithstanding KRS 164.7890(11)(c), no transfers shall be made to the Coal County Pharmacy Scholarship Program within the Kentucky Higher Education Assistance Authority; and

(e) Kentucky Coal Fields Endowment Authority: Notwithstanding KRS 42.453(3), no transfers shall be made to the Kentucky Coal Field Endowment Authority.

(3) Allocation of the Local Government Economic Development Fund: Notwithstanding KRS 42.4592(1), 50 percent of Local Government Economic Development Fund moneys shall be allocated in accordance with KRS 42.4592(1)(a), and 50 percent shall be allocated in accordance with KRS 42.4592(1)(b).

(4) Use of the Local Government Economic Development Fund: Notwithstanding KRS 42.450 to 42.495, all funds appropriated to Local Government Economic Development Fund Single-County Accounts shall be allocated to projects with the concurrence of the respective county judge/executive, state senator(s), and state representative(s) of each county. If concurrence is not achieved, the fiscal court of each county may apply for grants through the Department for Local Government pursuant to KRS 42.4588.

(5) Clay County Historical Society: Notwithstanding KRS 42.453, \$25,000 in Restricted Funds shall be transferred in fiscal year 2021-2022 and in each year of the 2022-2024 fiscal biennium from the Kentucky Coal Fields Endowment Fund to the Clay County Historical Society.

(6) Clay County Eastern Kentucky University Scholarships: Notwithstanding KRS 42.453, \$100,000 in Restricted Funds shall be transferred in fiscal year 2021-2022 and in each year of the 2022-2024 fiscal biennium from the Kentucky Coal Fields Endowment Fund to Eastern Kentucky University for scholarships.

12. AREA DEVELOPMENT FUND**2022-23****2023-24**

(1) **Area Development Fund:** Notwithstanding KRS 42.345 to 42.370 and 48.185, or any statute to the contrary, no funding is provided for the Area Development Fund.

(2) **Area Development District Flexibility:** Notwithstanding KRS 42.350(2) and provided that sufficient funds are maintained in the Joint Funding Agreement program to meet the match requirements for the Economic Development Administration grants, Community Development Block Grants, Appalachian Regional Commission grants, or any federal program where the Joint Funding Agreement funds are utilized to meet nonfederal match requirements, an area development district with authorization from its Board of Directors may request approval to transfer funding between the Area Development Fund and the Joint Funding Agreement Program from the Commissioner of the Department for Local Government.

13. REGIONAL DEVELOPMENT AGENCY ASSISTANCE FUND**2022-23****2023-24**

Restricted Funds	6,000,000	6,000,000
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14. EXECUTIVE BRANCH ETHICS COMMISSION**2021-22****2022-23****2023-24**

General Fund	36,100	618,900	624,600
Restricted Funds	-0-	420,000	420,000
TOTAL	36,100	1,038,900	1,044,600

(1) **Use of Restricted Funds:** All penalties collected or received by the Executive Branch Ethics Commission shall be deposited in the State Treasury and credited to a trust and agency fund account to the credit of the Commission to be used by the Commission for the cost of conducting administrative hearings pursuant to KRS Chapter 13B. Notwithstanding KRS 45.229, these funds shall not lapse and shall carry forward.

15. SECRETARY OF STATE**2021-22****2022-23****2023-24**

Restricted Funds	145,800	6,410,200	6,434,600
TOTAL	145,800	6,410,200	6,434,600

(1) **Use of Restricted Funds:** Notwithstanding KRS 14.140(1) and (3), the above Restricted Funds may be used for the continuation of current activities within the Office of the Secretary of State.

(2) **Salary Increment:** Notwithstanding KRS 64.480(2), the increment provided on the base salary of the Secretary of State shall be the same as that provided for eligible state employees in Part IV of this Act.

16. BOARD OF ELECTIONS**2021-22****2022-23****2023-24**

General Fund	135,200	6,971,000	6,361,000
Restricted Funds	51,900	246,000	148,200
Federal Funds	-0-	1,829,800	1,829,800
TOTAL	187,100	9,046,800	8,339,000

(1) **Cost of Elections:** Costs associated with special elections, KRS 117.345(2) costs associated with additional precincts with a voting machine, KRS 117.343 costs for additional registered voters, and KRS 116.145 costs for additional new registered voters shall be deemed a necessary government expense and shall be paid from the General Fund Surplus Account (KRS 48.700) or the Budget Reserve Trust Fund Account (KRS 48.705). Any reimbursements authorized as a necessary government expense according to the above provisions shall be at the same rates as those established by the State Board of Elections.

(2) **List Maintenance:** Included in the above General Fund appropriation is \$250,000 in each fiscal year for list maintenance of Kentucky's voter rolls by the State Board of Elections.

(3) **Electronic Poll Book:** Included in the above General Fund appropriation is \$980,000 in fiscal year 2022-2023 and \$662,000 in fiscal year 2023-2024 to develop and administer an electronic poll book system within the State Board of Elections.

17. REGISTRY OF ELECTION FINANCE

	2021-22	2022-23	2023-24
General Fund	62,400	1,703,200	1,713,600
TOTAL	62,400	1,703,200	1,713,600

18. ATTORNEY GENERAL

	2021-22	2022-23	2023-24
General Fund (Tobacco)	-0-	150,000	150,000
General Fund	438,500	18,660,800	18,727,200
Restricted Funds	375,400	19,630,900	19,696,700
Federal Funds	142,700	5,874,300	5,896,200
TOTAL	956,600	44,316,000	44,470,100

(1) **State Enforcement:** Notwithstanding KRS 248.654 and 248.703(4), a total of \$150,000 of the Tobacco Settlement payments received in each fiscal year is appropriated to the Attorney General for the state's diligent enforcement of noncompliant nonparticipating manufacturers.

(2) **Expert Witnesses:** In addition to such funds as may be appropriated, the Office of the Attorney General may request from the Finance and Administration Cabinet, as a necessary government expense, such funds as may be necessary for expert witnesses. Upon justification of the request, the Finance and Administration Cabinet shall provide up to \$3,000,000 for the 2022-2024 fiscal biennium for this purpose to the Office of the Attorney General from the General Fund Surplus Account (KRS 48.700) or the Budget Reserve Trust Fund Account (KRS 48.705). Without charge, the Department of Insurance shall provide the Office of the Attorney General any available information to assist in the preparation of a rate hearing pursuant to KRS 304.17A-095. Expenditures under this subsection shall be reported to the Interim Joint Committee on Appropriations and Revenue by August 1 of each year.

(3) **Annual and Sick Leave Service Credit:** Notwithstanding any statutory or regulatory restrictions to the contrary, any former employee of the Unified Prosecutorial System who has been appointed to a permanent full-time position under KRS Chapter 18A shall be credited annual and sick leave based on service credited under the Kentucky Retirement Systems solely for the purpose of computation of sick and annual leave. This provision shall only apply to any new appointment or current employee as of July 1, 1998.

(4) **Operations of the Office of the Attorney General:** Notwithstanding KRS 367.478(2), 367.805(3), and 367.905(5), funds may be expended in support of the operations of the Office of the Attorney General.

(5) **Purdue Pharma Settlement Funds:** In each fiscal year, the Attorney General shall transfer \$1,500,000 of any lawfully received settlement funds resulting from Commonwealth of Kentucky, ex rel. v. Purdue Pharma L. P., et al., Civil Action No: 07-CI-01303 to the Justice Administration budget unit for Operation UNITE.

(6) **Legal Services Contracts:** The Office of the Attorney General may present proposals to state agencies specifying legal work that is presently accomplished through personal service contracts that indicate the Office of the Attorney General's capacity to perform the work at a lesser cost. State agencies may agree to make arrangements with the Office of the Attorney General to perform the legal work and compensate the Office of the Attorney General for the legal services.

(7) **Civil Action Representation:** To ensure adequate representation of the interest of the Commonwealth and to protect the financial condition of the Kentucky Retirement Systems, it has been determined that it is necessary to allow the Attorney General appropriate authority to engage private lawyers as co-counsel in Civil Action No. 17-CI-01348. Due to the highly complex and specialized nature of that litigation, KRS Chapter 45A, et seq. would prevent the Attorney General from engaging counsel of his choice. Accordingly, to protect the interest of the Commonwealth, and notwithstanding the requirements of KRS Chapter 45A, et seq., which are hereby waived in respect to the Attorney General retaining private lawyers to prosecute Civil Action No. 17-CI-01348, the Attorney General is vested with the authority to hire and pay counsel of his choice on any contractual basis the Attorney General deems advisable.

(8) Additional Personnel: Included in the above General Fund appropriation is \$2,855,000 in each fiscal year to support additional personnel.

(9) Regional Offices: Included in the above General Fund appropriation is \$200,000 in each fiscal year to establish regional offices.

~~**[(10) Training Incentive Payments: Notwithstanding KRS 15.460(1), included in the above Restricted Funds appropriation is \$18,000 in each fiscal year for each participant for training incentive payments.]**~~

(11) Electronic Crimes Laboratories: (a) The Attorney General and the Commissioner of the Kentucky State Police shall work collaboratively to identify a pathway for consolidation of the Commonwealth's electronic crimes laboratories.

(b) The Attorney General and the Commissioner of the Kentucky State Police shall work collaboratively to develop a report of all cases at the Commonwealth's electronic crimes laboratories and shall submit this report to the Interim Joint Committee on Appropriations and Revenue by December 1, 2022.

(12) Salary Increment: Notwithstanding KRS 64.480(2), the increment provided on the base salary of the Attorney General shall be the same as that provided for eligible state employees in Part IV of this Act.

19. UNIFIED PROSECUTORIAL SYSTEM

(1) Prosecutors Advisory Council Administrative Functions: The Prosecutors Advisory Council shall approve compensation for employees of the Unified Prosecutorial System subject to the appropriations in this Act.

a. Commonwealth's Attorneys

	2021-22	2022-23	2023-24
General Fund	2,541,100	69,532,100	69,940,100
Restricted Funds	138,800	6,279,300	6,351,600
Federal Funds	31,600	935,400	957,400
TOTAL	2,711,500	76,746,800	77,249,100

(1) Rocket Docket Program: Included in the above General Fund appropriation is \$1,399,600 in fiscal year 2022-2023 and \$1,416,700 in fiscal year 2023-2024 to support the Rocket Docket Program.

(2) Additional Personnel: Included in the above General Fund appropriation is \$2,410,300 in fiscal year 2022-2023 and \$2,462,200 in fiscal year 2023-2024 for additional personnel for the Commonwealth's Attorneys.

(3) Full-Time Commonwealth's Attorneys: Included in the above General Fund appropriation is \$643,200 in fiscal year 2022-2023 and \$547,100 in fiscal year 2023-2024 for the conversion of four part-time Commonwealth's Attorneys to full-time status. Pursuant to KRS 15.757(2), a circuit which has been authorized to have a full-time Commonwealth's attorney shall not revert to part-time status for that position.

(4) Salary Increment: Notwithstanding KRS 15.755, the increment provided on the base salary of the Commonwealth's Attorneys shall be the same as that provided for eligible state employees in Part IV of this Act.

b. County Attorneys

	2021-22	2022-23	2023-24
General Fund	2,442,300	64,528,600	65,134,300
Restricted Funds	11,200	963,300	963,300
Federal Funds	47,300	1,127,800	1,156,200
TOTAL	2,500,800	66,619,700	67,253,800

(1) Rocket Docket Program: Included in the above General Fund appropriation is \$549,800 in each fiscal year to support the Rocket Docket Program.

(2) County Attorney Retirement Costs: Pursuant to KRS 61.5991, included in the above General Fund appropriation is \$1,930,200 in each fiscal year for each County Attorney's Office's fiscal year 2019-2020 baseline subsidy as adjusted and located under the 2022 Budget Bills tile on the Legislative Research Commission's Web site.

(3) Additional Positions: Included in the above General Fund appropriation is \$2,945,300 in fiscal year 2022-2023 and \$3,011,900 in fiscal year 2023-2024 for additional positions for County Attorneys.

(4) **Expert Witnesses:** Included in the above General Fund appropriation is \$75,000 in each fiscal year for costs associated with Expert Witnesses in cases involving juvenile defendants.

(5) **Salary Increment:** Notwithstanding KRS 15.765, the increment provided on the base salary of the County Attorneys shall be the same as that provided for eligible state employees in Part IV of this Act.

TOTAL - UNIFIED PROSECUTORIAL SYSTEM

	2021-22	2022-23	2023-24
General Fund	4,983,400	134,060,700	135,074,400
Restricted Funds	150,000	7,242,600	7,314,900
Federal Funds	78,900	2,063,200	2,113,600
TOTAL	5,212,300	143,366,500	144,502,900

20. TREASURY

	2021-22	2022-23	2023-24
General Fund	115,400	3,503,700	3,520,000
Restricted Funds	31,500	1,907,100	1,916,100
Federal Funds	15,900	1,203,600	1,206,500
TOTAL	162,800	6,614,400	6,642,600

(1) **Unclaimed Property Fund:** Included in the above Restricted Funds appropriation is \$1,907,100 in fiscal year 2022-2023 and \$1,916,100 in fiscal year 2023-2024 from the Unclaimed Property Fund to provide funding for services performed by the Unclaimed Property Division of the Department of the Treasury.

(2) **Additional Personnel:** Included in the above General Fund appropriation is \$355,300 in each fiscal year to support three additional positions, including a Division Director, a Special Assistant, and a Systems Technician Specialist.

(3) **Salary Increment:** Notwithstanding KRS 64.480(2), the increment provided on the base salary of the State Treasurer shall be the same as that provided for eligible state employees in Part IV of this Act.

21. AGRICULTURE

	2021-22	2022-23	2023-24
General Fund (Tobacco)	-0-	41,718,600	41,712,000
General Fund	637,400	20,176,000	20,390,900
Restricted Funds	218,500	12,661,400	12,660,700
Federal Funds	95,100	12,000,700	12,000,400
TOTAL	951,000	86,556,700	86,764,000

(1) **Use of Restricted Funds:** Notwithstanding KRS 217.570 and 217B.580, funds may be expended in support of the operations of the Department of Agriculture.

(2) **Farms to Food Banks:** Included in the above General Fund (Tobacco) appropriation is \$600,000 in each fiscal year to support the Farms to Food Banks Program. The use of the moneys provided by this appropriation shall be restricted to purchases of Kentucky-grown produce from Kentucky farmers who participate in the Farms to Food Banks Program.

(3) **County Fair Grants:** Included in the above General Fund appropriation is \$455,000 in each fiscal year to support capital improvement grants to the Local Agricultural Fair Aid Program.

(4) **Kentucky Grape and Wine Council:** Notwithstanding KRS 260.175(2), no General Fund is provided for the Kentucky Small Farm Wineries Support Fund for use by the Kentucky Grape and Wine Council.

(5) **Counties Account:** Notwithstanding KRS 248.703(1), included in the above General Fund (Tobacco) appropriation is \$14,478,000 in each fiscal year for the counties account as specified in KRS 248.703(1)(a).

(6) **State Account:** Notwithstanding KRS 248.703(1), included in the above General Fund (Tobacco) appropriation is \$26,140,600 in fiscal year 2022-2023 and \$26,134,000 in fiscal year 2023-2024 for the state account as specified in KRS 248.703(1)(b).

(7) **Tobacco Settlement Funds - Allocations:** Notwithstanding KRS 248.711(2), and from the allocation provided therein, counties that are allocated in excess of \$20,000 annually may provide up to four percent of the individual county allocation, not to exceed \$15,000 annually, to the county council in that county for administrative costs.

(8) **Kentucky Rural Mental Health, Suicide Prevention, and Farm Safety Program:** Included in the above General Fund (Tobacco) appropriation is \$500,000 in each fiscal year to support the Kentucky Rural Mental Health, Suicide Prevention, and Farm Safety Program known as the Raising Hope Initiative. The Department for Behavioral Health, Developmental and Intellectual Disabilities shall coordinate with the Kentucky Department of Agriculture, the University of Kentucky Southeast Center for Agricultural Health and Injury Prevention, and other entities to enhance awareness of the National Suicide Prevention Lifeline (988) in rural communities in Kentucky and to improve access to information on mental health issues and available treatment services. The Department for Behavioral Health, Developmental and Intellectual Disabilities shall provide cultural competency training to staff to address the unique mental health challenges affecting the state’s rural communities. The Department for Behavioral Health, Developmental and Intellectual Disabilities shall also provide outreach, treatment, and other necessary services to improve the mental health outcomes of rural communities in Kentucky. The Department for Behavioral Health, Developmental and Intellectual Disabilities, in conjunction with the Kentucky Department of Agriculture and the University of Kentucky Southeast Center for Agricultural Health and Injury Prevention, shall apply for Federal Funds as provided by the Agriculture Improvement Act of 2018, 7 U.S.C. sec. 5936, to supplement the General Fund (Tobacco) appropriation provided above. The Department of Agriculture may utilize up to \$50,000 in each fiscal year for program administration purposes. The Department of Agriculture shall coordinate with the Raising Hope Initiative partners to take custody of and maintain any intellectual property assets that were created or developed by any state agency in connection with the Raising Hope Initiative.

(9) **Training Incentive Payments:** Notwithstanding KRS 15.460(1), included in the above Restricted Funds appropriation is \$4,300 in each fiscal year for each participant for training incentive payments.

(10) **Salary Increment:** Notwithstanding KRS 64.480(2), the increment provided on the base salary of the Commissioner of Agriculture shall be the same as that provided for eligible state employees in Part IV of this Act.

22. AUDITOR OF PUBLIC ACCOUNTS

	2021-22	2022-23	2023-24
General Fund	689,100	11,608,700	11,335,300
Restricted Funds	-0-	10,920,400	10,920,000
TOTAL	689,100	22,529,100	22,255,300

(1) **Audit Services Contracts:** Notwithstanding KRS 45.149, no state agency shall enter into any contract with a nongovernmental entity for audit services unless the Auditor of Public Accounts has declined in writing to perform the audit or has failed to respond within 30 days of receipt of a written request for such services. The agency’s request for audit services shall include a comprehensive statement of the scope and nature of the proposed audit.

(2) **Kentucky State University Special Examination:** Included in the above General Fund appropriation is \$50,000 in fiscal year 2021-2022 and \$150,000 in fiscal year 2022-2023 to provide funds for a special examination of Kentucky State University.

(3) **Financial Audit Receipts:** The Auditor of Public Accounts shall provide a listing of fee receipts for all audits and special examinations, itemized by type, agency, or unit of government, as well as billing methodology to the Interim Joint Committee on Appropriations and Revenue by August 1 of each fiscal year.

(4) **Salary Increment:** Notwithstanding KRS 64.480(2), the increment provided on the base salary of the Auditor of Public Accounts shall be the same as that provided for eligible state employees in Part IV of this Act.

(5) **Outlier Audit Assistance Program:** Included in the above General Fund appropriation is \$500,000 in fiscal year 2022-2023 and \$250,000 in fiscal year 2023-2024 to support the establishment of the Outlier Audit Assistance Program. Beginning with fiscal year 2018-2019, the Auditor of Public Accounts shall calculate the annual average cost of audits conducted pursuant to KRS 43.070(1)(a)2. by audit type. Beginning with audits billed during fiscal year 2019-2020 or thereafter, any such audit with a cost exceeding the threshold of 150 percent of the average

cost for its type in the preceding fiscal year shall be deemed an outlier audit. If a county has paid the cost of the outlier audit up to the amount of the threshold set out in this subsection, the county shall be eligible for a credit from the Outlier Audit Assistance Program for audit costs that exceed the threshold. For every audit qualifying for disbursement, the auditor shall provide a detailed report for the reason for the outlier expense to the Interim Joint Committee on Appropriations and Revenue by August 1 of each fiscal year. Notwithstanding KRS 45.229, these funds shall not lapse and shall carry forward.

(6) Lost Revenue Replacement: Included in the above General Fund appropriation is \$2,250,000 in each fiscal year to replace lost revenue related to audit billings for county officials. Notwithstanding KRS 43.070(3), during the 2022-2024 fiscal biennium, counties shall bear one-half of the actual expense of audits conducted pursuant to KRS 43.070(1)(a)2. and (2)(a).

23. PERSONNEL BOARD

	2021-22	2022-23	2023-24
Restricted Funds	50,000	910,000	914,200

24. KENTUCKY PUBLIC PENSIONS AUTHORITY

	2021-22	2022-23	2023-24
General Fund	215,000,000	135,000,000	135,000,000
Restricted Funds	1,302,500	50,184,500	50,440,800
TOTAL	216,302,500	185,184,500	185,440,800

(1) State Police Retirement System Pension Fund: (a) Included in the above General Fund appropriation is \$215,000,000 in fiscal year 2021-2022 to be applied to the unfunded pension liability of the State Police Retirement System pension fund and recognized as part of the 2021 actuarial valuation.

(b) Notwithstanding KRS 61.565(2)(b), the Kentucky Retirement Systems board of trustees shall amend the June 30, 2021, actuarial valuation to include the fiscal year 2021-2022 appropriation made in paragraph (a) of this subsection and report revisions, including employer contribution rates, to the Legislative Research Commission no later than June 1, 2022.

(c) Notwithstanding KRS 61.565 and 61.702, the employer contribution for members of the State Police Retirement System shall conform to Part IV, Section 5. of this Act.

(2) Kentucky Employees Retirement System Nonhazardous Pension Fund: Included in the above General Fund appropriation is \$135,000,000 in each fiscal year to be applied to the unfunded pension liability of the Kentucky Employees Retirement System Nonhazardous pension fund.

25. OCCUPATIONAL AND PROFESSIONAL BOARDS AND COMMISSIONS

a. Accountancy

	2021-22	2022-23	2023-24
Restricted Funds	20,600	690,400	694,200

b. Certification of Alcohol and Drug Counselors

	2022-23	2023-24
Restricted Funds	210,200	210,200

c. Applied Behavior Analysis Licensing

	2022-23	2023-24
Restricted Funds	70,600	70,600

d. Architects

	2021-22	2022-23	2023-24
Restricted Funds	14,000	456,500	458,900

e. Certification for Professional Art Therapists

	2022-23	2023-24

Restricted Funds		11,200	11,200
f. Barbering			
	2021-22	2022-23	2023-24
Restricted Funds	15,200	477,600	480,200
g. Chiropractic Examiners			
		2022-23	2023-24
Restricted Funds		300,000	300,000
h. Dentistry			
	2021-22	2022-23	2023-24
Restricted Funds	24,100	966,100	971,700
i. Licensed Diabetes Educators			
		2022-23	2023-24
Restricted Funds		29,300	29,300
j. Licensure and Certification for Dietitians and Nutritionists			
		2022-23	2023-24
Restricted Funds		93,900	93,900
k. Embalmers and Funeral Directors			
	2021-22	2022-23	2023-24
Restricted Funds	18,200	514,100	518,000
l. Licensure for Professional Engineers and Land Surveyors			
	2021-22	2022-23	2023-24
Restricted Funds	51,400	1,882,700	1,968,100
m. Certification of Fee-Based Pastoral Counselors			
		2022-23	2023-24
Restricted Funds		3,600	3,600
n. Registration for Professional Geologists			
		2022-23	2023-24
Restricted Funds		109,000	109,000
o. Hairdressers and Cosmetologists			
	2021-22	2022-23	2023-24
Restricted Funds	60,100	2,017,300	2,031,500
p. Specialists in Hearing Instruments			
		2022-23	2023-24
Restricted Funds		78,000	78,000
q. Interpreters for the Deaf and Hard of Hearing			
		2022-23	2023-24
Restricted Funds		49,200	49,200
r. Examiners and Registration of Landscape Architects			
	2021-22	2022-23	2023-24

Restricted Funds	2,400	82,800	83,500
s. Licensure of Marriage and Family Therapists			
		2022-23	2023-24
Restricted Funds		133,600	133,600
t. Licensure for Massage Therapy			
		2022-23	2023-24
Restricted Funds		150,500	150,500
u. Medical Imaging and Radiation Therapy			
	2021-22	2022-23	2023-24
Restricted Funds	11,300	466,700	480,700
v. Medical Licensure			
	2021-22	2022-23	2023-24
Restricted Funds	91,600	3,714,100	3,713,300
w. Nursing			
	2021-22	2022-23	2023-24
Restricted Funds	284,900	9,265,000	9,312,500
x. Licensure for Nursing Home Administrators			
		2022-23	2023-24
Restricted Funds		101,100	101,100
y. Licensure for Occupational Therapy			
		2022-23	2023-24
Restricted Funds		211,600	211,600
z. Ophthalmic Dispensers			
		2022-23	2023-24
Restricted Funds		71,400	71,400
aa. Optometric Examiners			
	2021-22	2022-23	2023-24
Restricted Funds	14,000	247,600	248,400
ab. Pharmacy			
	2021-22	2022-23	2023-24
Restricted Funds	98,800	2,894,700	2,907,900
ac. Physical Therapy			
	2021-22	2022-23	2023-24
Restricted Funds	17,900	694,700	698,100
ad. Podiatry			
		2022-23	2023-24
Restricted Funds		46,500	46,500
ae. Private Investigators			
		2022-23	2023-24

Restricted Funds		113,700	113,700
af. Licensed Professional Counselors			
		2022-23	2023-24
Restricted Funds		390,800	390,800
ag. Prosthetics, Orthotics, and Pedorthics			
		2022-23	2023-24
Restricted Funds		46,200	46,200
ah. Examiners of Psychology			
		2022-23	2023-24
Restricted Funds		306,400	306,400
ai. Respiratory Care			
	2021-22	2022-23	2023-24
Restricted Funds	8,700	258,200	260,000
aj. Social Work			
	2021-22	2022-23	2023-24
Restricted Funds	86,300	374,000	375,000
ak. Speech-Language Pathology and Audiology			
		2022-23	2023-24
Restricted Funds		222,900	222,900
al. Veterinary Examiners			
		2022-23	2023-24
Restricted Funds		525,000	525,000
TOTAL - OCCUPATIONAL AND PROFESSIONAL BOARDS AND COMMISSIONS			
	2021-22	2022-23	2023-24
Restricted Funds	819,500	28,277,200	28,476,700
26. KENTUCKY RIVER AUTHORITY			
	2021-22	2022-23	2023-24
General Fund	12,200	307,900	311,400
Restricted Funds	2,917,900	11,791,600	6,196,500
TOTAL	2,930,100	12,099,500	6,507,900
27. SCHOOL FACILITIES CONSTRUCTION COMMISSION			
	2021-22	2022-23	2023-24
General Fund	13,300	125,661,200	127,169,800
TOTAL	13,300	125,661,200	127,169,800

(1) **Debt Service:** Included in the above General Fund appropriation is \$1,632,400 in fiscal year 2022-2023 and \$3,672,900 in fiscal year 2023-2024 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

(2) **Additional Offers of Assistance:** Notwithstanding KRS 157.611 to 157.665, the School Facilities Construction Commission is authorized to make an additional \$85,000,000 in offers of assistance during the 2022-2024 fiscal biennium in anticipation of debt service availability during the 2024-2026 fiscal biennium. No bonded indebtedness based on the above amount is to be incurred during the 2022-2024 fiscal biennium.

(3) Special Offers of Assistance - 2022-2023: Notwithstanding KRS 157.611 to 157.665, the School Facilities Construction Commission shall make offers of assistance in the specified amounts to the following local school districts in fiscal year 2022-2023:

- (a) \$7,146,500 to Bath County Schools for Bath County Middle School;
- (b) \$12,726,200 to Bellevue Independent Schools for Grandview Elementary School;
- (c) \$11,477,300 to Boyd County Schools for Cannonsburg Elementary School;
- (d) \$14,659,900 to Breckinridge County Schools for Breckinridge County Middle School;
- (e) \$9,073,900 to Campbell County Schools for Grants Lick Elementary School;
- (f) \$12,300,000 to Campbellsville Independent Schools for Campbellsville Middle School;
- (g) \$27,375,000 to Carter County Schools for East Carter High School;
- (h) \$13,163,100 to Cumberland County Schools for Cumberland County Elementary School;
- (i) \$10,975,500 to Floyd County Schools for Duff-Allen Central Elementary School;
- (j) \$7,283,900 to Grant County Schools for Dry Ridge Elementary School;
- (k) \$10,853,000 to Jackson County Schools for Jackson County Middle School;
- (l) \$23,010,000 to Ludlow Independent Schools for Ludlow High School;
- (m) \$17,475,000 to Martin County Schools for Inez Elementary School;
- (n) \$10,686,200 to Mayfield Independent Schools for Mayfield High School; and
- (o) \$8,131,300 to Pendleton County Schools for Phillip Sharp Middle School.

These schools are A1 schools, are ranked as a Priority 1 or 2 on the local school district's facility plan, and have levied a ten-cent equivalent tax dedicated to capital improvements. No local school districts receiving offers of assistance under this Act shall be eligible to receive additional offers of assistance until the 2026-2028 fiscal biennium.

(4) Local Area Vocational Education Center Renovation Projects – 2022-2023: Notwithstanding KRS 157.611 to 157.665, the School Facilities Construction Commission shall make awards to support renovation costs from the Local Area Vocational Education Center Pool in the specified amounts to the following local school districts subject to a ten percent needs-based local match in fiscal year 2022-2023:

- (a) \$5,154,300 to Bath County Schools;
- (b) \$4,763,200 to Boone County Schools;
- (c) \$8,332,300 to Bowling Green Independent Schools;
- (d) \$10,000,000 to Boyd County Schools;
- (e) \$10,000,000 to Carter County Schools;
- (f) \$4,925,000 to Covington Independent Schools;
- (g) \$10,000,000 to Edmonson County Schools;
- (h) \$9,569,200 to Fleming County Schools;
- (i) \$2,734,300 to Grant County Schools;
- (j) \$10,000,000 to Grayson County Schools;
- (k) \$6,738,200 to Green County Schools;
- (l) \$2,032,200 to Hardin County Schools;
- (m) \$3,983,600 to Henderson County Schools;
- (n) \$6,811,000 to Jefferson County Schools;
- (o) \$10,000,000 to Lewis County Schools;
- (p) \$5,687,000 to Livingston County Schools;

- (q) \$9,590,200 to Marshall County Schools;
- (r) \$3,888,400 to McCreary County Schools;
- (s) \$10,000,000 to Nelson County Schools;
- (t) \$2,145,300 to Newport Independent Schools;
- (u) \$4,033,400 to Simpson County Schools;
- (v) \$6,662,700 to Taylor County Schools; and
- (w) \$8,582,500 to Union County Schools.

(5) Local Area Vocational Education Center Renovation Projects Lapse and Carry Forward of General Fund Appropriation Balance: Notwithstanding KRS 45.229, the General Fund appropriation balance for Local Area Vocational Education Center Renovation Projects for fiscal year 2021-2022 shall not lapse and shall carry forward.

28. TEACHERS' RETIREMENT SYSTEM

	2021-22	2022-23	2023-24
General Fund	479,242,300	761,425,500	767,731,100
Restricted Funds	503,100	18,553,300	19,330,200
TOTAL	479,745,400	779,978,800	787,061,300

(1) Debt Service: Included in the above General Fund appropriation is \$17,365,500 in fiscal year 2022-2023 for debt service on previously issued bonds.

(2) Dependent Subsidy for All Retirees under age 65: Pursuant to KRS 161.675(4), health insurance supplement payments made by the retirement system shall not exceed the amount of the single coverage insurance premium.

(3) Retiree Health Insurance: Pursuant to KRS 161.550(2)(b) and notwithstanding any statute to the contrary, included in the above General Fund appropriation is \$71,200,000 in fiscal year 2022-2023 and \$77,700,000 in fiscal year 2023-2024 to support the state's contribution for the cost of retiree health insurance for members not eligible for Medicare who have retired on or after July 1, 2010. Notwithstanding KRS 161.675, the Teachers' Retirement System Board of Trustees shall provide health insurance supplement payments towards the cost of the single coverage insurance premium based on age and years of service credit of eligible recipients of a retirement allowance, the cost of which shall be paid from the Medical Insurance Fund. Notwithstanding KRS 161.675, the Teachers' Retirement System Board of Trustees shall authorize eligible recipients of a retirement allowance from the Teachers' Retirement System who are less than age 65 to be included in the state-sponsored health insurance plan that is provided to active teachers and state employees under KRS 18A.225. Notwithstanding KRS 161.675(4)(a), the contribution paid by retirees who are less than age 65 who qualify for the maximum health insurance supplement payment for single coverage shall be no more than the sum of (a) the employee contribution paid by active teachers and state employees for a similar plan, and (b) the standard Medicare Part B premium as determined by the Centers for Medicare and Medicaid Services. Notwithstanding KRS 161.675(4)(a), the contribution paid by retirees who are less than age 65 who do not qualify for the maximum health insurance supplement payment for single coverage shall be determined by the same graduated formula used by the Teachers' Retirement System for Plan Year 2022.

(4) Medical Insurance Fund Employee Contributions: Notwithstanding KRS 161.540(1), the employee contribution to the Medical Insurance Fund shall not be changed in fiscal year 2022-2023 or fiscal year 2023-2024.

(5) Amortized Benefits Payoff: Included in the above General Fund appropriation is \$479,242,300 in fiscal year 2021-2022 to pay off the principal balance for past benefit enhancements. Notwithstanding KRS 45.229, any funds in excess of the principal balance shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705).

(6) Sick Leave Liability Payment: Included in the above General Fund appropriation is \$39,325,100 in each fiscal year to support the actuarial cost of sick leave benefits for new retirees. The Teachers' Retirement System shall provide a report on the cost of sick leave to the Public Pension Oversight Board no later than December 1, 2023.

(7) Actuarially Determined Employer Contribution: Included in the above General Fund appropriation is \$629,415,000 in fiscal year 2022-2023 and \$646,456,000 in fiscal year 2023-2024 to provide the full actuarially determined employer contribution. The Teachers' Retirement System shall provide a report on the actuarially determined employer contribution to the Public Pension Oversight Board no later than December 1, 2023.

(8) Salary Increment: Notwithstanding Part III, 2. of this Act, unexpended Restricted Funds to administer the salary increment pursuant to Part IV, 2. of this Act shall become available for expenditure in the 2022-2024 fiscal biennium. The Teachers’ Retirement System shall submit a report on the cost to implement the salary increment to the Interim Joint Committee on Appropriations and Revenue no later than August 1, 2022.

29. APPROPRIATIONS NOT OTHERWISE CLASSIFIED

	2022-23	2023-24
General Fund	20,526,400	20,526,400

(1) Funding Sources for Appropriations Not Otherwise Classified: Funds required to pay the costs of items included within Appropriations Not Otherwise Classified are appropriated. Any required expenditure over the above amounts is to be paid first from the General Fund Surplus Account (KRS 48.700), if available, or from any available balance in either the Judgments budget unit appropriation or the Budget Reserve Trust Fund Account (KRS 48.705), subject to the conditions and procedures provided in this Act.

The above appropriation is for the payment of Attorney General Expense, Office of Claims and Appeals awards, Guardian Ad Litem, Prior Year Claims, Unredeemed Checks Refunded, Involuntary Commitments - ICF/MR, Frankfort in Lieu of Taxes, Frankfort Cemetery, Police Officer, Firefighter, and National Guard and Reserve Survivor Benefits, Medical Malpractice Liability Insurance Reimbursement, and Blanket Employee Bonds.

(2) Repayment of Awards or Judgments: Funds are appropriated from the General Fund for the repayment of awards or judgments made by the Office of Claims and Appeals against departments, boards, commissions, and other agencies funded with appropriations out of the General Fund. However, awards under \$5,000 shall be paid from funds available for the operations of the agency.

(3) Guardian Ad Litem Fees: Included in the above appropriation is funding for fees to be paid to each guardian ad litem appointed by the court pursuant to KRS 311.732. The fee shall be fixed by the court and shall not exceed \$500.

(4) Reissuance of Uncashed Checks: Checks written by the State Treasurer and not cashed within the statutory period may be presented to the State Treasurer for reissuance in accordance with KRS 41.370.

(5) Police Officer, Firefighter, and Active Duty National Guard and Reserve Survivor Benefits: Funds are appropriated for payment of benefits for survivors of state and local police officers, firefighters, and active duty National Guard and Reserve members in accordance with KRS 61.315 and for the cost of insurance premiums for firefighters as provided in KRS 95A.070.

30. JUDGMENTS

(1) Payment of Judgments and Carry Forward of General Fund Appropriation Balance: Notwithstanding KRS 45A.275, the payment of judgments that exceed the above appropriation, as may be rendered against the Commonwealth by courts and orders of the State Personnel Board and, where applicable, shall be subject to KRS Chapter 45 and shall not be deemed a necessary governmental expense. Notwithstanding KRS 45A.270(1), funds required to pay any award or judgment against any department or agency of the state in excess of the above appropriation, shall be paid out of the funds created or collected for the maintenance and operation of such department or agency and otherwise paid pursuant to KRS 45A.270(2). Notwithstanding KRS 45.229, the General Fund appropriation in fiscal year 2021-2022 and fiscal year 2022-2023 shall not lapse and shall carry forward.

31. KENTUCKY COMMUNICATIONS NETWORK AUTHORITY

	2021-22	2022-23	2023-24
General Fund	6,188,800	38,784,000	39,634,700
Restricted Funds	-0-	10,563,000	10,563,000
TOTAL	6,188,800	49,347,000	50,197,700

(1) Authority to Sell: Notwithstanding KRS 154.15-020, the Kentucky Communications Network Authority shall have the authority to enter into contracts with public and private entities to carry out its duties and responsibilities, which may include the sale of all or portions of the Commonwealth’s open-access broadband network known as KentuckyWired. A contract or other agreement involving the acquisition or disposition of a property interest by the Commonwealth shall be signed by the Secretary of the Finance and Administration Cabinet. KRS Chapters 45A and 56 may require the Secretary’s signature on other contracts or agreements.

(2) **Availability Payments and Contractual Costs:** Included in the above General Fund appropriation is \$6,097,000 in fiscal year 2021-2022, \$4,398,900 in fiscal year 2022-2023, and \$5,240,500 in fiscal year 2023-2024 for availability payments and contractual costs.

(3) **Rate Assessments:** Notwithstanding KRS 154.15-020, rate assessments charged to state agencies for access to the KentuckyWired broadband network shall not exceed rates currently charged for broadband services to those state agencies in fiscal year 2019-2020.

TOTAL - GENERAL GOVERNMENT

	2021-22	2022-23	2023-24
General Fund (Tobacco)	-0-	41,868,600	41,862,000
General Fund	709,266,200	1,550,686,100	1,513,412,900
Restricted Funds	8,842,700	303,021,500	298,187,400
Federal Funds	7,337,100	676,283,200	208,115,700
TOTAL	725,446,000	2,571,859,400	2,061,578,000

B. ECONOMIC DEVELOPMENT CABINET

Budget Unit

1. ECONOMIC DEVELOPMENT

	2021-22	2022-23	2023-24
General Fund	50,268,300	285,495,200	30,482,200
Restricted Funds	362,800	3,044,500	3,064,400
Federal Funds	-0-	301,000	301,000
TOTAL	50,631,100	288,840,700	33,847,600

(1) **Funding for Commercialization and Innovation:** Notwithstanding KRS 154.12-278, interest income earned on the balances in the High-Tech Construction/Investment Pool and loan repayments received by the High-Tech Construction/Investment Pool shall be used to support the Office of Entrepreneurship and are appropriated in addition to amounts appropriated above.

(2) **Lapse and Carry Forward of General Fund Appropriation Balance for Bluegrass State Skills Corporation:** Notwithstanding KRS 45.229, the General Fund appropriation balance for Bluegrass State Skills Corporation training grants for fiscal year 2021-2022 and fiscal year 2022-2023 shall not lapse and shall carry forward. The amount available to the Corporation for disbursement in each fiscal year shall be limited to the unexpended training grant allotment balance at the end of each fiscal year combined with the additional training grant allotment amounts in each fiscal year of the 2022-2024 fiscal biennium, less any disbursements. If the required disbursements exceed the Bluegrass State Skills Corporation training grants allotment balance, notwithstanding KRS 154.12-278, Restricted Funds may be expended for training grants.

(3) **Science and Technology Program:** Notwithstanding KRS 164.6011 to 164.6035 and any other statute to the contrary, the Cabinet for Economic Development shall have the authority to carry out the provisions of KRS 164.6013 to 164.6035.

(4) **Carry Forward of General Fund Appropriation Balance:** Notwithstanding KRS 45.229, the General Fund appropriation in fiscal year 2021-2022 and fiscal year 2022-2023 to the Cabinet for Economic Development, Science and Technology Program, shall not lapse and shall carry forward in the Cabinet for Economic Development.

(5) **Executive Officers' Compensation:** Notwithstanding KRS 154.10-050(2), any additional executive officers as described in KRS 154.10-050(2) shall not be paid a salary greater than the salary of the Governor of the Commonwealth.

(6) **Training Grants:** Included in the above General Fund appropriation is \$2,500,000 in each fiscal year for the Bluegrass State Skills Corporation to make training grants to support manufacturing-related investments. The Corporation shall utilize these funds for a manufacturer designated by the United States Department of Commerce, United States Census Bureau North American Industry Classification System code of 336111, 336112, 336120, or 336211 that employs at least 10,000 full-time persons at the same facility or at multiple facilities located within the same county to help offset associated costs of retraining its workforce.

(7) **Rapid Response Grants:** Included in the above Restricted Funds appropriation is \$258,600 in fiscal year 2021-2022 for the Bluegrass State Skills Corporation Rapid Response training grants.

(8) **Debt Service:** Included in the above General Fund appropriation is \$566,000 in fiscal year 2022-2023 and \$1,698,000 in fiscal year 2023-2024 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

(9) **Site Infrastructure Improvement:** Included in the above General Fund appropriation is \$46,000,000 in fiscal year 2022-2023 to support site infrastructure improvements through the Intermodal Transportation Authority, Inc. for infrastructure critical to water and sewer requirements for Economic Development.

(10) **Covington Wet Research Lab:** Included in the above General Fund appropriation is \$15,000,000 in fiscal year 2022-2023 to be distributed to regional economic development authorities to support the construction and fit-out of a wet research lab facility located in the city of Covington.

(11) **KEDFA Forgivable Loans:** Included in the above General Fund appropriation is \$16,800,000 in fiscal year 2022-2023 for funding of Kentucky Economic Development Finance Authority forgivable loans ("KEDFA loans") for economic development projects with a minimum investment of \$2,000,000,000. Such forgivable loans may be offered as the net present value of and as a substitute for economic incentives offered under the Kentucky Business Investment Program (KRS 154.32), the Kentucky Enterprise Initiative Act (KRS 154.20-200 to 154.20-216), and the Economic Development Fund Program (KRS 154.12-100). Therefore, if such a loan is offered and awarded, the state shall collect the sales and use taxes, Kentucky income tax, limited liability entity tax, and any payroll withholding tax eligible for a wage assessment that would otherwise be exempted under those incentive programs. The Cabinet for Economic Development shall determine the terms and conditions of the KEDFA loans, monitor the performance of the economic development projects, and secure reasonable collateral. The annual status of any KEDFA loans awarded shall be reported to the Interim Joint Committee on Appropriations and Revenue by November 1 of each year as long as the KEDFA loans are in effect.

(12) **Kentucky Product Development Initiative:** Included in the above General Fund appropriation is \$50,000,000 in fiscal year 2021-2022 and \$150,000,000 in fiscal year 2022-2023 to support the creation and implementation of the Kentucky Product Development Initiative. The appropriation shall be divided between two funding distribution models as follows:

(a) \$50,000,000 in fiscal year 2021-2022 and \$50,000,000 in fiscal year 2022-2023 to support approved mega-development projects of at least \$10,000,000; and

(b) \$100,000,000 in fiscal year 2022-2023 to support approved development projects which shall be allocated to each county based on population. The county's allocation shall be determined by each county's proportion of the state's population from the 2020 Census with the exception of Jefferson County's share, which shall be discounted by 50 percent. ~~**[The allocation by county shall serve as a funding cap for projects within that county, and no county's share shall be reallocated unless by express authority of the General Assembly.]**~~ If a county has already utilized mega-development funding from paragraph (a) of this subsection, then no funds shall be distributed from this paragraph. No funding shall be allocated for approved development projects greater than \$2,000,000 per county.

Notwithstanding KRS 45.229, the General Fund appropriation balances from paragraphs (a) and (b) of this subsection for the Kentucky Product Development Initiative for fiscal year 2021-2022 and fiscal year 2022-2023 shall not lapse and shall carry forward.

(13) **Kenton County Fiscal Court Site Development and Acquisition:** Included in the above General Fund appropriation is a one-time allocation of \$13,000,000 in fiscal year 2022-2023 to the Kenton County Fiscal Court for acquisition and site development.

(14) **Southbank Partners:** Included in the above General Fund appropriation is a one-time allocation of \$2,500,000 in fiscal year 2022-2023 to Southbank Partners for economic development projects.

(15) **Waterfront Botanical Gardens:** Included in the above General Fund appropriation is a one-time allocation of \$1,500,000 in fiscal year 2022-2023 to the Waterfront Botanical Gardens for the construction of a new access road and to mitigate flooding on the property.

(16) **Southeast Kentucky Regional Industrial Authority:** Included in the above General Fund appropriation is a one-time allocation of \$1,400,000 in fiscal year 2022-2023 to the Southeast Kentucky Regional Industrial Authority for the construction of an access road and utility upgrades making the site Certified Pad Ready.

(17) Waterfront Development Corporation: Included in the above General Fund appropriation is a one-time allocation of \$10,000,000 in fiscal year 2022-2023 to the Waterfront Development Corporation for the expansion of the Waterfront Park.

C. DEPARTMENT OF EDUCATION

Budget Units

1. SUPPORT EDUCATION EXCELLENCE IN KENTUCKY (SEEK) PROGRAM

	2022-23	2023-24
General Fund	3,205,077,100	3,195,808,600

(1) Common School Fund Earnings: Accumulated earnings for the Common School Fund shall be transferred in each fiscal year to the SEEK Program.

(2) Allocation of SEEK Funds: Notwithstanding KRS 157.360(2)(c), the above General Fund appropriation to the base SEEK Program is intended to provide a base guarantee of \$4,100 per student in average daily attendance in fiscal year 2022-2023 and \$4,200 per student in average daily attendance in fiscal year 2023-2024, as well as to meet the other requirements of KRS 157.360. Notwithstanding KRS 157.360(2), each district's base funding level shall be adjusted for the number of students demonstrating limited proficiency in English language skills, multiplied by 0.096.

Funds appropriated to the SEEK Program shall be allotted to school districts in accordance with KRS 157.310 to 157.440, except that the total of the funds allotted shall not exceed the appropriation for this purpose, except as provided in this Act. The total appropriation for the SEEK Program shall be measured by, or construed as, estimates of the state expenditures required by KRS 157.310 to 157.440. If the required expenditures exceed these estimates, the Secretary of the Finance and Administration Cabinet, upon the written request of the Commissioner of Education and with the approval of the Governor, may increase the appropriation by such amount as may be available and necessary to meet, to the extent possible, the required expenditures under the cited sections of the Kentucky Revised Statutes, but any increase of the total appropriation to the SEEK Program is subject to Part III, General Provisions, of this Act and KRS Chapter 48. If funds appropriated to the SEEK Program are insufficient to provide the amount of money required under KRS 157.310 to 157.440, allotments to local school districts may be reduced in accordance with KRS 157.430.

(3) SEEK Lapse: Any unexpended SEEK funds in each fiscal year shall lapse to the General Fund.

(4) Base SEEK Allotments: Notwithstanding KRS 157.420(2), included in the above General Fund appropriation is \$2,044,568,000 in fiscal year 2022-2023 and \$2,044,371,700 in fiscal year 2023-2024 for the base SEEK Program as defined by KRS 157.360. Funds appropriated to the SEEK Program shall be allotted to school districts in accordance with KRS 157.310 to 157.440, except that the total of the funds allotted shall not exceed the appropriation for this purpose, except as provided in this Act.

(5) Tier I Component: Included in the above General Fund appropriation is \$200,458,100 in fiscal year 2022-2023 and \$194,519,400 in fiscal year 2023-2024 for the Tier I component as established by KRS 157.440.

(6) Vocational Transportation: Included in the above General Fund appropriation is \$7,833,100 in each fiscal year for vocational transportation.

(7) Teachers' Retirement System Employer Match: Included in the above General Fund appropriation is \$438,670,000 in fiscal year 2022-2023 and \$448,530,000 in fiscal year 2023-2024 to enable local school districts to provide the employer match for qualified employees.

(8) Salary Supplements for Nationally Certified Teachers: Notwithstanding KRS 157.395, included in the above General Fund appropriation is \$4,600,000 in fiscal year 2022-2023 and \$4,655,500 in fiscal year 2023-2024 for the purpose of providing salary supplements for public school teachers attaining certification by the National Board for Professional Teaching Standards. Notwithstanding KRS 157.395, if the appropriation is insufficient to provide the mandated salary supplement for teachers who have obtained this certification, the Department of Education is authorized to pro rata reduce the supplement.

(9) SEEK Adjustment Factors: Funds allocated for the SEEK base and its adjustment factors that are not needed for the base or a particular adjustment factor may be allocated to other adjustment factors, if funds for that adjustment factor are not sufficient.

(10) Facilities Support Program of Kentucky/Equalized Nickel Levies: Included in the above General Fund appropriation is \$113,492,000 in fiscal year 2022-2023 and \$107,463,200 in fiscal year 2023-2024 to provide facilities equalization funding pursuant to KRS 157.440 and 157.620.

(11) Growth Levy Equalization Funding: Included in the above General Fund appropriation is \$45,469,700 in fiscal year 2022-2023 and \$41,044,100 in fiscal year 2023-2024 to provide facilities equalization funding pursuant to KRS 157.440 and 157.620 for districts meeting the eligibility requirements of KRS 157.621(1) and (4). Notwithstanding KRS 157.621(1)(b)2., a school district that imposes the levy authorized by KRS 157.621(1)(b)1. shall be equalized for that levy, in addition to the equalization funding appropriated in accordance with KRS 157.621(1)(b)2., and all funds for this purpose shall be committed to debt service, new facilities, or major renovations in accordance with KRS 157.440(1)(b). It is the intent of the 2022 General Assembly that any local school district receiving equalization under this subsection shall receive full calculated equalization until the earlier of 20 years of the effective date of this Act, or the date the bonds for the local school district supported by this equalization are retired, in accordance with KRS 157.621(2).

(12) Retroactive Equalized Facility Funding: Included in the above General Fund appropriation is \$46,147,700 in fiscal year 2022-2023 and \$44,580,700 in fiscal year 2023-2024 to provide equalized facility funding pursuant to KRS 157.440 and 157.620 to districts meeting the eligibility requirements of KRS 157.621(2) and (4). In addition, a local board of education that levied a tax rate subject to recall by January 1, 2014, in addition to the five cents levied pursuant to KRS 157.440(1)(b) and that committed the receipts to debt service, new facilities, or major renovations of existing facilities shall be eligible for equalization funds from the state at 150 percent of the statewide average per pupil assessment. Revenue to generate the five cent equivalent levy may be obtained from levies on property, motor vehicles, or the taxes authorized by KRS 160.593 to 160.597, 160.601 to 160.633, and 160.635 to 160.648 if the levy was dedicated to facilities funding at the time of the levy. The equalization funds shall be used as provided in KRS 157.440(1)(b). Notwithstanding KRS 157.621(2)(a) and (4), for the 2022-2024 fiscal biennium, school districts that levied the tax rate subject to recall prior to January 1, 2021, shall be equalized at 100 percent of the calculated equalization funding, school districts that levied the tax rate subject to recall after January 1, 2021, and before January 30, 2022, shall be equalized at 25 percent of the calculated equalization funding, and all funds for this purpose shall be committed to debt service, new facilities, or major renovations in accordance with KRS 157.440(1)(b). It is the intent of the 2022 General Assembly that any local school district receiving partial equalization under this subsection in the 2022-2024 fiscal biennium shall receive full calculated equalization in the 2024-2026 fiscal biennium and thereafter, until the earlier of 20 years of the effective date of this Act, or the date the bonds for the local school district supported by this equalization are retired, in accordance with KRS 157.621(2).

(13) Equalized Facility Funding: Included in the above General Fund appropriation is \$15,435,900 in fiscal year 2022-2023 and \$14,833,300 in fiscal year 2023-2024 to provide equalized facility funding pursuant to KRS 157.440 and 157.620 to districts meeting the eligibility requirements of KRS 157.621(3) and (4). Notwithstanding KRS 157.621(3)(c), a school district meeting the criteria of KRS 157.621(3)(a) and (b) shall be equalized at 100 percent of the calculated equalization funding in each fiscal year, and all funds for this purpose shall be committed to debt service, new facilities, or major renovations in accordance with KRS 157.440(1)(b). In addition, notwithstanding KRS 157.621(1) and (3), a school district that has levied a five-cent equivalent rate authorized by KRS 157.621(1)(a) and is not receiving state equalization funding for that levy under KRS 157.621(1)(b), 157.621(3), or any other provision of this Act, shall be equalized at 100 percent of the calculated equalization funding in each fiscal year, and all funds for this purpose shall be committed to debt service, new facilities, or major renovations in accordance with KRS 157.440(1)(b). It is the intent of the 2022 General Assembly that any local school district receiving equalization under this subsection shall receive full calculated equalization until the earlier of 20 years of the effective date of this Act, or the date the bonds for the local school district supported by this equalization are retired, in accordance with KRS 157.621(3).

(14) BRAC Equalized Facility Funding: Notwithstanding KRS 157.621(1)(c)2., included in the above General Fund appropriation is \$2,908,800 in fiscal year 2022-2023 and \$2,843,300 in fiscal year 2023-2024 to provide equalized facility funding to school districts meeting the eligibility requirements of KRS 157.621(1)(c)1. pursuant to KRS 157.440 and 157.620.

(15) Equalization Funding for Critical Construction Needs Schools: Included in the above General Fund appropriation is \$8,735,500 in fiscal year 2022-2023 and \$8,376,000 in fiscal year 2023-2024 to school districts in accordance with KRS 157.621(5).

(16) Hold-Harmless Guarantee: A modified hold-harmless guarantee is established in each fiscal year which provides that every local school district shall receive at least the same amount of SEEK state funding per pupil as was received in fiscal year 1991-1992. If funds appropriated to the SEEK Program are insufficient to provide the

amount of money required under KRS 157.310 to 157.440, and allotments to local school districts are reduced in accordance with KRS 157.430, allocations to school districts subject to this provision shall not be reduced.

(17) Residential Youth-at-Risk Programs: In accordance with KRS 157.360, no funds from the SEEK Program shall be distributed to the programs operated by the Kentucky Guard Youth Challenge Division of the Department of Military Affairs. Notwithstanding KRS 157.350, 157.360, 157.410, and any other statute to the contrary, any school district providing educational services to students enrolled in programs operated by the Kentucky Guard Youth Challenge Division of the Department of Military Affairs shall be paid for those services solely from the General Fund appropriation in Part I, A., 6. of this Act, and students enrolled in such programs shall not be included in the average daily attendance for purposes of SEEK Program funding.

(18) Salary Supplements for Certified Audiologists and Speech Language Pathologists: Included in the above General Fund appropriation is \$2,312,000 in each fiscal year for the purpose of providing a \$2,000 salary supplement each year for full-time public school Audiologists and Speech Language Pathologists that have active Certificates of Clinical Competence, as offered by the American Speech-Language-Hearing Association. Notwithstanding any statute to the contrary, if the appropriation is insufficient to provide all full-time public school American Speech-Language-Hearing Association certified Audiologists and Speech Language Pathologists with the \$2,000 stipend, then the Department of Education is authorized to pro rata reduce the supplement.

(19) Additional SEEK Resources: Additional funds are made available to local school districts through an increase in the SEEK resources. The 2022 General Assembly encourages local school districts to provide certified and classified staff a salary or compensation increase.

(20) Full-Day Kindergarten: Notwithstanding KRS 157.320 or any other statute or regulation to the contrary, the Department of Education shall count each kindergarten pupil in full for that respective school year, for the purpose of determining SEEK funds and any other state funding based in whole or in part on average daily attendance for the district, except that a district shall receive an amount equal to one-half of the state portion of the average statewide per pupil guaranteed base funding level for each student who graduated early under the provisions of KRS 158.142.

(21) SEEK Transportation: Notwithstanding KRS 157.370 and 157.360(2)(c), included in the above General Fund appropriation is \$274,446,300 in each fiscal year to support pupil transportation.

~~**{(22) — District Administration Expenditure Limitations: No local school district shall expend funds above the percentage level published in the Legislative Research Commission’s Office of Education Accountability’s Kentucky District Data Profiles for School Year 2020 in the categories of District Administration Support, School Administration Support, or Business Support. It is the intent of the 2022 General Assembly to reduce a school district’s transportation funding in the 2024-2026 fiscal biennium should a district violate this provision.}**~~

~~**{(23) — Residential Academic Academies: Notwithstanding KRS 157.350, 157.360, 157.410, and any other statute to the contrary, the Department of Education shall transfer to each residential academic academy the state share of SEEK funds for the average daily attendance and add on factors for students enrolled in the Craft Academy for Excellence in Science and Mathematics or Gatton Academy of Mathematics and Science in Kentucky.}**~~

2. OPERATIONS AND SUPPORT SERVICES

	2021-22	2022-23	2023-24
General Fund	603,800	63,901,300	64,606,600
Restricted Funds	91,400	8,179,100	8,200,100
Federal Funds	130,400	465,364,900	465,407,300
TOTAL	825,600	537,445,300	538,214,000

(1) Employment of Leadership Personnel: Notwithstanding KRS 18A.005 to 18A.200, the Kentucky Board of Education shall continue to have sole authority to determine the employees of the Department of Education who are exempt from the classified service and to set those employees’ compensation comparable to the competitive market.

(2) Debt Service: Included in the above General Fund appropriation is \$584,000 in fiscal year 2022-2023 and \$1,168,000 in fiscal year 2023-2024 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

(3) **Blind/Deaf Residential Travel Program:** Included in the above General Fund appropriation is \$492,300 in each fiscal year for the Blind/Deaf Residential Travel Program.

(4) **School Food Services:** Included in the above General Fund appropriation is \$3,827,000 in each fiscal year for the School Food Services Program.

(5) **Advanced Placement and International Baccalaureate Exams:** Notwithstanding KRS 160.348(3), included in the above General Fund appropriation is \$1,000,000 in each fiscal year to pay the cost of Advanced Placement and International Baccalaureate examinations for those students who meet the eligibility requirements for free or reduced-price meals. Notwithstanding KRS 154A.130(4) and 160.348(3), included in the above General Fund appropriation is \$2,600,000 in each fiscal year to pay the cost of Advanced Placement examinations for students on a first-come, first-served basis.

(6) **Review of the Classification of Primary and Secondary School Buildings:** Included in the above General Fund appropriation is \$600,000 in each fiscal year to implement KRS 157.420(9) and (10). Notwithstanding KRS 45.229, any portion of the \$600,000 that has not been expended by the end of fiscal year 2022-2023 shall not lapse and shall carry forward into fiscal year 2023-2024. Notwithstanding KRS 157.420(9) and (10), only schools classified as A1, A2, A3, A4, A5, A6, C2, and D1 shall be included in the evaluation process. Notwithstanding KRS 157.420(9) and (10), the Department of Education may limit the school buildings included in the evaluation process based on the time elapsed since the building's construction or last major renovation as defined in 702 KAR 4:160. The Department of Education shall provide an updated list of school buildings evaluated by the process pursuant to KRS 157.420(9) and (10) to the Legislative Research Commission by October 1, 2023.

(7) **District Facility Plan Modifications:** Notwithstanding any statute to the contrary, a district may modify its district facility plan without convening the local planning committee for the sole purpose of complying with KRS 158.162(3)(d). Any modification shall identify an unmet requirement of KRS 158.162(3)(d) as the highest priority on the modified district facility plan, subject to approval by the local board of education and the Commissioner of Education.

(8) **Kentucky Dataseam Initiative:** Included in the above General Fund appropriation is a one-time allocation of \$3,500,000 in each fiscal year for the Kentucky Dataseam Initiative.

3. LEARNING AND RESULTS SERVICES

	2021-22	2022-23	2023-24
General Fund	2,210,800	1,191,944,300	1,267,839,300
Restricted Funds	703,100	35,392,400	35,571,300
Federal Funds	299,200	1,363,689,900	1,362,754,700
TOTAL	3,213,100	2,591,026,600	2,666,165,300

(1) **Kentucky Education Technology System:** Notwithstanding KRS 157.650 to 157.665, the School for the Deaf and the School for the Blind shall be fully eligible, along with local school districts, to participate in the Kentucky Education Technology System in a manner that takes into account the special needs of the students of these two schools.

(2) **Family Resource and Youth Services Centers:** Funds appropriated to establish and support Family Resource and Youth Services Centers shall be transferred in each fiscal year to the Cabinet for Health and Family Services consistent with KRS 156.496. The Cabinet for Health and Family Services is authorized to use, for administrative purposes, no more than three percent of the total funds transferred from the Department of Education for the Family Resource and Youth Services Centers. If a certified person is employed as a director or coordinator of a Family Resource and Youth Services Center, that person shall retain his or her status as a certified employee of the school district.

(3) **Health Insurance:** Included in the above General Fund appropriation is \$776,548,700 in fiscal year 2022-2023 and \$849,223,600 in fiscal year 2023-2024 for employer contributions for health insurance and the contribution to the health reimbursement account for employees waiving coverage.

(4) **Program Flexibility:** Notwithstanding KRS 158.070(8) and 158.446, local school districts shall be provided additional flexibility in the utilization of funds for Extended School Services and Safe Schools. Local school districts shall continue to address the governing statutes and serve the intended student population but may utilize funds from these programs for general operating expenses in each year of the fiscal biennium. Local school districts that utilize these funds for general operating expenses shall report to the Kentucky Department of Education

and the Interim Joint Committee on Education the amount of funding from each program utilized for general operating expenses.

(5) Center for School Safety: Included in the above General Fund appropriation is \$13,000,000 in each fiscal year for the Center for School Safety. Notwithstanding KRS 158.446, the Center for School Safety shall develop and implement allotment policies for all moneys received for the purposes of KRS 158.440, 158.441, 158.4415, 158.4416, 158.442, 158.445, and 158.446, except that no more than \$1,300,000 in each fiscal year may be retained for administrative purposes.

(6) Allocations to School-Based Decision Making Councils: Notwithstanding KRS 160.345(8), for each fiscal year, a local board of education may reduce the allocations to individual schools within the district as outlined in 702 KAR 3:246, secs. 6, 7, and 8. The allocation under 702 KAR 3:246, sec. 6, shall not be less than \$100 per pupil in average daily attendance.

(7) Kentucky School for the Blind and Kentucky School for the Deaf: Included in the above General Fund appropriation is \$8,091,600 in fiscal year 2022-2023 and \$8,097,800 in fiscal year 2023-2024 for the Kentucky School for the Blind and \$10,876,100 in fiscal year 2022-2023 and \$10,885,800 in fiscal year 2023-2024 for the Kentucky School for the Deaf. Of this amount, \$534,000 in fiscal year 2022-2023 and \$549,900 in fiscal year 2023-2024 is provided to support step and rank increases. Notwithstanding KRS 45.229, any portion of General Fund not expended for this purpose shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705).

(8) Career and Technical Education: Included in the above General Fund appropriation is \$126,887,800 in fiscal year 2022-2023 and \$126,890,900 in fiscal year 2023-2024 for career and technical education. Notwithstanding KRS 157.069, of this amount, \$70,063,400 in each fiscal year shall be distributed as supplemental funding to local area vocational education centers and \$424,400 in fiscal year 2022-2023 and \$443,900 in fiscal year 2023-2024 is provided to support step and rank increases for state-operated Area Technology Center employees.

Notwithstanding KRS 157.069, Category II and III programs in districts established after June 21, 2001, shall be included in the distribution. The Department of Education shall classify each comprehensive high school with five or more career and technical education program areas as a local area vocational education center and shall also include any comprehensive high school with less than five career and technical education programs in the supplemental funding. The Department of Education shall communicate the updated status with the superintendent of each local school district no later than June 30, 2022.

(9) Advisory Council for Gifted and Talented Education: Notwithstanding KRS 158.648(1), a member of the State Advisory Council for Gifted and Talented Education may be reappointed but shall not serve more than six consecutive terms. Notwithstanding KRS 158.648(1), a member of the Kentucky Association for Gifted Education shall be a voting member of the State Advisory Council for Gifted and Talented Education.

(10) Redistribution of Resources: Notwithstanding KRS 156.095, 156.553, 156.555, 157.390, 158.070, 158.770, 158.775, 158.805, 161.027 to 161.030, 161.165, and 161.167, no General Fund is provided for the Professional Development Program, the Commonwealth School Improvement Fund, the Leadership and Mentor Fund, the Middle School Academic Center, the Teacher's Professional Growth Fund, the Teacher Academies Program, the Writing Program, the Kentucky Principal Internship Program, the Kentucky Teacher Internship Program, and the Kentucky Academy for Equity in Teaching in order to increase funding for school-based mental health services providers.

(11) Learning and Results Services Programs: Included in the above General Fund appropriation are the following allocations for the 2022-2024 fiscal biennium, but no portion of these funds shall be utilized for state-level administrative purposes:

- (a) \$1,900,000 in each fiscal year for AdvanceKentucky;
- (b) \$1,200,000 in each fiscal year for the Collaborative Center for Literacy Development;
- (c) \$1,850,000 in each fiscal year for the Community Education Program;
- (d) \$1,400,000 in fiscal year 2022-2023 and \$2,500,000 in fiscal year 2023-2024 for Dolly Parton's Imagination Library;
- (e) \$23,916,300 in each fiscal year for the Extended School Services Program;
- (f) \$48,889,000 in each fiscal year for the Family Resource and Youth Services Centers Program;
- (g) \$10,000,000 in each fiscal year for the Gifted and Talented Program;
- (h) \$100,000 in each fiscal year for the Hearing and Speech Center;

- (i) \$100,000 in each fiscal year for the Heuser Hearing and Language Academy;
- (j) Notwithstanding KRS 154A.130(4), \$1,000,000 in each fiscal year for the Jobs for America’s Graduates Program;
- (k) \$500,000 in each fiscal year for the Kentucky Alliance of Boys & Girls Clubs;
- (l) \$11,000,000 in fiscal year 2022-2023 and \$12,500,000 in fiscal year 2023-2024 for the Kentucky Educational Collaborative for State Agency Children;
- (m) \$1,391,000 in each fiscal year for Local School District Life Insurance;
- (n) \$5,019,000 in each fiscal year for the Mathematics Achievement Fund;
- (o) \$84,481,100 in each fiscal year for the Preschool Program;
- (p) \$15,936,600 in each fiscal year for the Read to Achieve Program;
- (q) \$2,000,000 in each fiscal year for Save the Children;
- (r) \$700,000 in each fiscal year for Teach for America. Teach for America shall submit a report on the outcomes of the program to the Interim Joint Committee on Education by August 1, 2023; and
- (s) \$500,000 in each fiscal year for the Visually Impaired Preschool Services Program.

The Kentucky Department of Education shall perform a comprehensive review and evaluation of all Learning and Results Services programs and shall provide a report and recommendation of changes to the Interim Joint Committees on Education and Appropriations and Revenue by August 1, 2023, for action by the 2024 General Assembly.

(12) Early Learning Initiative: Included in the above General Fund appropriation is \$11,000,000 in each fiscal year for the Early Learning Initiative.

(13) Locally Operated Vocational Centers Allocation: Notwithstanding KRS 157.069, the allocation under 705 KAR 2:140, sec. 5, (2) for the school year 2021-2022, shall be determined by the school year 2018-2019 full-time equivalent student enrollment.

(14) School-Based Mental Health Services Providers: Included in the above General Fund appropriation is \$7,412,500 in each fiscal year to fund school-based mental health services provider full-time equivalent positions on a reimbursement basis. The Kentucky Center for School Safety, in consultation with the Office of the State School Security Marshal, shall develop criteria to determine which districts shall receive funding to meet the requirements of KRS 158.4416(3)(a). The criteria shall include:

- (a) A local district’s use of Medicaid funding to supplement General Fund;
- (b) An equitable and balanced statewide distribution; and
- (c) Any other criteria to support a trauma-informed approach in schools.

(15) Math Nation: Included in the above Federal Funds appropriation is \$3,000,000 in fiscal year 2022-2023 and \$2,000,000 in fiscal year 2023-2024 from the State Fiscal Recovery Fund of the American Rescue Plan Act of 2021 for the Math Nation Program.

TOTAL - DEPARTMENT OF EDUCATION

	2021-22	2022-23	2023-24
General Fund	2,814,600	4,460,922,700	4,528,254,500
Restricted Funds	794,500	43,571,500	43,771,400
Federal Funds	429,600	1,829,054,800	1,828,162,000
TOTAL	4,038,700	6,333,549,000	6,400,187,900

D. EDUCATION AND LABOR CABINET

Budget Units

1. GENERAL ADMINISTRATION AND PROGRAM SUPPORT

	2021-22	2022-23	2023-24
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General Fund (Tobacco)	-0-	1,400,000	1,400,000
General Fund	125,600	18,156,400	18,005,900
Restricted Funds	728,400	25,095,900	25,215,700
Federal Funds	24,000	6,636,800	6,636,000
TOTAL	878,000	51,289,100	51,257,600

(1) **Early Childhood Development:** Included in the above General Fund (Tobacco) appropriation is \$1,400,000 in each fiscal year for the Early Childhood Advisory Council.

(2) **Governor's Scholars Program:** Included in the above General Fund appropriation is \$1,758,700 in each fiscal year for the Governor's Scholars Program.

(3) **Governor's School for Entrepreneurs:** Included in the above General Fund appropriation is \$895,000 in each fiscal year for the Governor's School for Entrepreneurs.

(4) **Kentucky Center for Statistics:** (a) Included in the above General Fund appropriation is \$1,200,000 in fiscal year 2022-2023 and \$1,733,300 in fiscal year 2023-2024 to sustain the State Longitudinal Data System.

(b) Included in the above General Fund appropriation is \$1,363,200 in each fiscal year for the Workforce Data Quality Initiative and Supplemental Nutrition Assistance Program data collection and analysis.

(5) **The Hope Center:** Included in the above General Fund appropriation is \$100,000 in each fiscal year for the Hope Center. Included in the above General Fund appropriation is an additional one-time allocation of \$250,000 in fiscal year 2022-2023 for the Hope Center.

(6) **Kentucky Adult Learner Program:** Included in the above General Fund appropriation is \$2,000,000 in each fiscal year for the Kentucky Adult Learner Program. The purpose of the program is to provide adults 18 years of age or older who have not graduated high school the opportunity to earn a high school diploma. The Education and Labor Cabinet (ELC) and the Kentucky Department of Education shall authorize a single eligible entity to operate the program for not more than 350 adult learners. The eligible entity shall be a Kentucky-based non-profit organization, agree to commit at least \$1,000,000 to the program, and staff the program with certified teachers teaching core academic subjects.

Notwithstanding any statute to the contrary, the Kentucky Adult Learner Program shall have authorization to issue a Kentucky high school diploma to an adult learner participant if all of the minimum graduation requirements under Kentucky law are met.

The Kentucky Board of Education and the ELC shall develop metrics that will appropriately assess the expected performance outcomes of the program.

(7) **Heuser Hearing Institute:** Included in the above General Fund appropriation is \$1,500,000 in each fiscal year for the Heuser Hearing Institute to develop a program to close the education and achievement gaps for deaf and hard-of-hearing individuals.

(8) **Workforce Development Program Analysis:** Included in the above General Fund appropriation is \$500,000 in fiscal year 2022-2023 to study the effectiveness of Kentucky's state-sponsored workforce development programs. The Cabinet shall collaborate with the Center for Business and Economic Research at the University of Kentucky to establish the scope of the study. The Cabinet shall provide a report regarding the outcome of the study to the Interim Joint Committee on Economic Development and Workforce Investment by December 1, 2023.

(9) **Everybody Counts Program:** Included in the above General Fund appropriation is \$5,000,000 in each fiscal year for the Everybody Counts Program.

2. PROPRIETARY EDUCATION

	2021-22	2022-23	2023-24
Restricted Funds	9,100	534,700	537,600

3. DEAF AND HARD OF HEARING

	2021-22	2022-23	2023-24
General Fund	40,600	1,037,100	1,051,500

Restricted Funds	12,100	1,391,000	1,391,000
TOTAL	52,700	2,428,100	2,442,500

4. KENTUCKY EDUCATIONAL TELEVISION

	2021-22	2022-23	2023-24
General Fund	572,600	16,090,800	16,200,000
Restricted Funds	-0-	2,037,000	2,037,000
TOTAL	572,600	18,127,800	18,237,000

5. ENVIRONMENTAL EDUCATION COUNCIL

	2021-22	2022-23	2023-24
Restricted Funds	8,800	516,500	517,400
Federal Funds	-0-	429,900	429,900
TOTAL	8,800	946,400	947,300

(1) **Environmental Education Council:** Notwithstanding KRS 224.43-505(2)(b), the Council may use interest received to support the operations of the Council.

6. LIBRARIES AND ARCHIVES**a. General Operations**

	2021-22	2022-23	2023-24
General Fund	170,200	6,561,100	6,615,300
Restricted Funds	-0-	1,613,500	1,406,700
Federal Funds	50,200	3,482,600	3,017,200
TOTAL	220,400	11,657,200	11,039,200

b. Direct Local Aid

	2022-23	2023-24
General Fund	4,329,600	4,329,600
Restricted Funds	1,046,900	1,046,900
TOTAL	5,376,500	5,376,500

(1) **Per Capita Grants:** Notwithstanding KRS 171.201, no General Fund is provided for non-construction state aid.

(2) **Public Libraries Facilities Construction:** Included in the above General Fund appropriation is \$4,329,600 in each fiscal year for the Public Libraries Facilities Construction Fund. Notwithstanding KRS 45.229 and 171.027 to 171.223, any expired debt service payments shall lapse to the General Fund.

TOTAL - LIBRARIES AND ARCHIVES

	2021-22	2022-23	2023-24
General Fund	170,200	10,890,700	10,944,900
Restricted Funds	-0-	2,660,400	2,453,600
Federal Funds	50,200	3,482,600	3,017,200
TOTAL	220,400	17,033,700	16,415,700

7. WORKFORCE DEVELOPMENT

	2021-22	2022-23	2023-24
General Fund	635,100	36,717,300	36,878,600

Restricted Funds	1,909,900	12,915,300	12,950,600
Federal Funds	1,819,100	499,851,200	475,761,500
TOTAL	4,364,100	549,483,800	525,590,700

(1) **Carry Forward of General Fund Appropriation:** Notwithstanding KRS 45.229, the General Fund balance for the Office of Adult Education in each fiscal year shall not lapse and shall carry forward.

(2) **Cafeteria Service Contracts:** No state agency shall enter into any contract with a nongovernmental entity for the operation of food services provided in the cafeterias located in the Kentucky Transportation Cabinet office building and/or the Cabinet for Human Resources office building in Frankfort unless the Office of Vocational Rehabilitation has declined in writing to provide such services.

(3) **Adult Education:** Included in the above General Fund appropriation is \$18,407,600 in each fiscal year for the Office of Adult Education.

(4) **Employer and Apprenticeship Services:** Included in the above General Fund appropriation is \$581,100 in each fiscal year for the Office of Employer and Apprenticeship Services. The Education and Labor Cabinet shall provide a report by December 1 of each year to the Interim Joint Committee on State Government detailing the use of these funds.

(5) **Sale of Properties:** Notwithstanding KRS 45A.045(4), the Finance and Administration Cabinet may sell, trade, or otherwise dispose of the three properties used by the Labor Cabinet located in the cities of Winchester, Morehead, and Hazard at a selling price that is below the appraised value. Notwithstanding KRS 45.777, up to \$3,000,000 of proceeds from the disposal of the above-mentioned properties shall be used to reduce the Wagner-Peyser deficit.

(6) **Overpayment of Unemployment Insurance Benefits Waiver:** Notwithstanding KRS 341.413, the Secretary may waive an overpayment of benefits for unemployment insurance claims filed between January 27, 2020, and September 6, 2021.

8. WORKPLACE STANDARDS

	2021-22	2022-23	2023-24
General Fund	62,900	1,898,100	1,911,900
Restricted Funds	215,400	8,698,200	9,070,500
Federal Funds	191,500	4,467,300	4,466,600
TOTAL	469,800	15,063,600	15,449,000

9. WORKERS' CLAIMS

	2021-22	2022-23	2023-24
Restricted Funds	520,400	61,552,300	61,677,800

10. OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

	2021-22	2022-23	2023-24
Restricted Funds	19,100	790,800	794,300

11. WORKERS' COMPENSATION FUNDING COMMISSION

	2021-22	2022-23	2023-24
Restricted Funds	1,393,400	114,163,600	91,509,900

(1) **Bankrupt Workers' Compensation Plans and Self-Insurance Fund Shortfall:** Included in the above Restricted Funds appropriation is \$23,000,000 in fiscal year 2022-2023 to account for bankrupt plans and shortfalls under the Workers' Compensation Funding Commission. Of this amount, \$20,000,000 is to support bankrupt workers' compensation plans and \$3,000,000 is to cover an expected shortfall in the Self-Insurance Fund established in KRS 342.920. Notwithstanding KRS 304.2-300 and 304.2-400, excess Restricted Funds may be transferred from the Department of Insurance to the Workers' Compensation Funding Commission to support the additional Restricted Funds required.

12. WORKERS' COMPENSATION NOMINATING COMMITTEE

		2022-23	2023-24
Restricted Funds		1,100	1,100
TOTAL - EDUCATION AND LABOR CABINET			
	2021-22	2022-23	2023-24
General Fund (Tobacco)	-0-	1,400,000	1,400,000
General Fund	1,607,000	84,790,400	84,992,800
Restricted Funds	4,816,600	230,356,800	208,156,500
Federal Funds	2,084,800	514,867,800	490,311,200
TOTAL	8,508,400	831,415,000	784,860,500

E. ENERGY AND ENVIRONMENT CABINET**Budget Units****1. SECRETARY**

	2021-22	2022-23	2023-24
General Fund	180,200	4,155,900	4,202,700
Restricted Funds	85,600	2,065,600	2,063,500
Federal Funds	57,000	1,858,800	1,858,500
TOTAL	322,800	8,080,300	8,124,700

(1) **Volkswagen Settlement:** Notwithstanding Part III, 2. of this Act, unexpended Restricted Funds appropriated to administer the Consent Decrees in Volkswagen "Clean Diesel" Marketing, Sales 14 Practices, and Products Liability litigation shall become available for expenditure in the 2022-2024 fiscal biennium.

2. ADMINISTRATIVE SERVICES

	2021-22	2022-23	2023-24
General Fund	187,000	5,621,300	5,698,300
Restricted Funds	969,200	4,868,500	4,864,200
Federal Funds	52,100	2,441,400	2,441,200
TOTAL	1,208,300	12,931,200	13,003,700

3. ENVIRONMENTAL PROTECTION

	2021-22	2022-23	2023-24
General Fund	1,640,500	27,672,200	28,851,300
Restricted Funds	778,000	78,130,500	78,309,100
Federal Funds	476,200	28,354,300	28,563,600
TOTAL	2,894,700	134,157,000	135,724,000

(1) **Replacement Vehicles and Equipment:** Included in the above General Fund appropriation is \$247,000 in fiscal year 2023-2024 to support the replacement of fleet vehicles and monitoring equipment. A preference for vehicles manufactured in Kentucky shall be considered.

(2) **Debt Service:** Included in the above General Fund appropriation is \$492,500 in fiscal year 2022-2023 and \$985,000 in fiscal year 2023-2024 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

(3) **Brownfield Program:** Included in the above Federal Funds appropriation is \$450,000 in fiscal year 2022-2023 and \$650,000 in fiscal year 2023-2024 from the Infrastructure Investment and Jobs Act to support the Brownfield Program.

(4) **Gulf Hypoxia Program:** Included in the above Federal Funds appropriation is \$1,000,000 in each fiscal year from the Infrastructure Investment and Jobs Act to support the Gulf Hypoxia Program.

4. NATURAL RESOURCES

	2021-22	2022-23	2023-24
General Fund (Tobacco)	-0-	3,400,000	3,400,000
General Fund	1,208,100	47,081,900	42,882,600
Restricted Funds	265,000	12,370,800	12,190,100
Federal Funds	630,700	144,748,300	176,855,300
TOTAL	2,103,800	207,601,000	235,328,000

(1) **Emergency Forest Fire Suppression:** Not less than \$2,500,000 of the above General Fund appropriation in each fiscal year shall be set aside for emergency forest fire suppression. Any portion of the \$2,500,000 not expended for emergency forest fire suppression shall lapse to the General Fund at the end of each fiscal year. There is appropriated from the General Fund the necessary funds, subject to the conditions and procedures provided in this Act, which are required as a result of emergency fire suppression activities in excess of \$2,500,000 in each fiscal year. Fire suppression costs in excess of \$2,500,000 annually shall be deemed necessary government expenses and shall be paid from the General Fund Surplus Account (KRS 48.700) or the Budget Reserve Trust Fund Account (KRS 48.705).

(2) **Environmental Stewardship Program:** Included in the above General Fund (Tobacco) appropriation is \$2,500,000 in each fiscal year for the Environmental Stewardship Program.

(3) **Conservation District Local Aid:** Included in the above General Fund (Tobacco) appropriation is \$900,000 in each fiscal year for the Division of Conservation to provide direct aid to local conservation districts.

(4) **Forestry Equipment and Seasonal Firefighters:** Included in the above General Fund appropriation is \$833,900 in fiscal year 2022-2023 and \$1,088,000 in fiscal year 2023-2024 to support forestry equipment replacement and a \$2 per hour pay increase for seasonal firefighters.

(5) **Watershed Dam Infrastructure Revolving Fund:** Included in the above General Fund appropriation is \$5,000,000 in fiscal year 2022-2023 for the Soil and Water Conservation Commission (KRS 146.110) to leverage federal and local funds to establish a Watershed Dam Infrastructure Revolving Fund for the purpose of rehabilitating non-compliant or high hazard Kentucky watershed dams.

(6) **Wildfire Management:** Included in the above Federal Funds appropriation is \$3,800,000 in each fiscal year from the Infrastructure Investment and Jobs Act to support wildfire management.

(7) **Orphan Well and Tank Cleanup:** Included in the above Federal Funds appropriation is \$21,000,000 in fiscal year 2022-2023 and \$37,000,000 in fiscal year 2023-2024 from the Infrastructure Investment and Jobs Act to support orphan well and tank cleanup.

(8) **Abandoned Mine Land Reclamation:** Included in the above Federal Funds appropriation is \$60,000,000 in fiscal year 2022-2023 and \$76,000,000 in fiscal year 2023-2024 from the Infrastructure Investment and Jobs Act to support the Abandoned Mine Land Reclamation Program. The Department for Natural Resources shall submit a report to the Interim Joint Committee on Appropriations and Revenue by December 1 of each fiscal year detailing the progress and cost of projects within the program.

5. ENERGY POLICY

	2021-22	2022-23	2023-24
General Fund	12,500	877,500	877,400
Restricted Funds	28,800	605,300	617,800
Federal Funds	-0-	8,356,000	6,263,900
TOTAL	41,300	9,838,800	7,759,100

(1) **UK STEM Education Program:** Included in the above Restricted Funds appropriation is \$201,900 in fiscal year 2022-2023 and \$207,600 in fiscal year 2023-2024 to support the University of Kentucky Science, Technology, Engineering, and Math education program.

(2) **State Energy Program:** Included in the above Federal Funds appropriation is \$4,050,000 in each fiscal year from the Infrastructure Investment and Jobs Act to support the State Energy Program.

(3) **Energy Efficiency Block Grant Program:** Included in the above Federal Funds appropriation is \$2,092,000 in fiscal year 2022-2023 from the Infrastructure Investment and Jobs Act to support the Energy Efficiency Block Grant Program.

(4) **Energy Efficiency Revolving Loan - Capitalization Program:** Included in the above Federal Funds appropriation is \$1,450,000 in each fiscal year from the Infrastructure Investment and Jobs Act to support the Energy Efficiency Revolving Loan Fund-Capitalization Program.

6. KENTUCKY NATURE PRESERVES

	2021-22	2022-23	2023-24
General Fund	33,700	1,449,100	1,563,400
Restricted Funds	62,100	2,871,900	2,881,000
Federal Funds	5,700	119,300	119,300
TOTAL	101,500	4,440,300	4,563,700

7. PUBLIC SERVICE COMMISSION

	2021-22	2022-23	2023-24
General Fund	387,500	12,529,100	12,862,500
Restricted Funds	225,500	3,259,100	3,042,200
Federal Funds	3,400	889,800	889,500
TOTAL	616,400	16,678,000	16,794,200

(1) **Kentucky State Board on Electric Generation and Transmission Siting:** Notwithstanding Part III, 2. of this Act, unexpended Restricted Funds appropriated for the purposes of administering KRS 278.700 to 278.716 shall become available for expenditure in the 2022-2024 fiscal biennium.

TOTAL - ENERGY AND ENVIRONMENT CABINET

	2021-22	2022-23	2023-24
General Fund (Tobacco)	-0-	3,400,000	3,400,000
General Fund	3,649,500	99,387,000	96,938,200
Restricted Funds	2,414,200	104,171,700	103,967,900
Federal Funds	1,225,100	186,767,900	216,991,300
TOTAL	7,288,800	393,726,600	421,297,400

F. FINANCE AND ADMINISTRATION CABINET

Budget Units

1. GENERAL ADMINISTRATION

	2021-22	2022-23	2023-24
General Fund	365,300	8,035,300	8,337,400
Restricted Funds	108,300	36,817,000	36,834,100
Federal Funds	132,302,100	60,000,000	56,115,600
TOTAL	132,775,700	104,852,300	101,287,100

(1) **Fleet Management Vehicle Replacement:** Included in the above Restricted Funds appropriation is \$6,400,000 in each fiscal year to support replacing, leasing, or renting state fleet vehicles.

(2) **Postal Equipment Replacement and Maintenance:** Included in the above Restricted Funds appropriation is \$525,000 in each fiscal year to replace and perform required maintenance on postal equipment.

(3) Emergency Rental Assistance Program: Included in the above Federal Funds appropriation is \$132,302,100 in fiscal year 2021-2022, \$60,000,000 in fiscal year 2022-2023 and \$56,115,600 in fiscal year 2023-2024 for the Emergency Rental Assistance Program.

2. CONTROLLER

	2021-22	2022-23	2023-24
General Fund	388,900	7,859,600	8,737,400
Restricted Funds	450,500	14,759,600	14,789,900
TOTAL	839,400	22,619,200	23,527,300

(1) Social Security Contingent Liability Fund: Any expenditures that may be required by KRS 61.470 are hereby deemed necessary government expenses and shall be paid first from the General Fund Surplus Account (KRS 48.700), if available, or from any available balance in the Budget Reserve Trust Fund Account (KRS 48.705), subject to the conditions and procedures provided in this Act.

(2) System Organization Controls Audit: Included in the above Restricted Funds appropriation is \$80,000 in each fiscal year to conduct a System Organization Controls audit.

(3) Debt Service: Included in the above General Fund appropriation is \$844,000 in fiscal year 2022-2023 and \$1,688,000 in fiscal year 2023-2024 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

3. DEBT SERVICE

	2022-23	2023-24
General Fund (Tobacco)	25,268,800	23,666,200
General Fund	384,997,200	392,545,500
TOTAL	410,266,000	416,211,700

(1) General Fund (Tobacco) Debt Service Lapse: Notwithstanding Part X, (4) of this Act, \$1,666,700 in fiscal year 2022-2023 and \$1,498,900 in fiscal year 2023-2024 shall lapse to the General Fund.

4. FACILITIES AND SUPPORT SERVICES

	2021-22	2022-23	2023-24
General Fund	2,783,600	17,184,600	27,879,500
Restricted Funds	793,100	55,977,500	56,175,500
TOTAL	3,576,700	73,162,100	84,055,000

(1) Capitol Annex Building Property: Notwithstanding any statute, administrative regulation, executive order, or any other Executive Branch order or directive to the contrary, any furniture, fixtures, or other property remaining in the Capitol Annex Building on or after January 1, 2022, which was left on the premises by any Executive Branch agency relocating office space, shall be automatically transferred to the Legislative Research Commission, provided that any lease payments or other financial obligation or encumbrance on any of the furniture, fixtures, or other property that was not removed shall remain the sole responsibility of the Executive Branch agency that left it. The Legislative Research Commission, in its sole discretion, may utilize any of the furniture, fixtures, or other property by incorporating all or part into its inventory, or it may dispose of said furniture, fixtures, or other property by any means, including but not limited to the surplus inventory procedures in KRS Chapter 45A.

(2) Debt Service: Included in the above General Fund appropriation is \$10,321,500 in fiscal year 2022-2023 and \$20,643,000 in fiscal year 2023-2024 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

5. COUNTY COSTS

	2021-22	2022-23	2023-24
General Fund	25,400	29,243,500	29,243,500
Restricted Funds	-0-	1,702,500	1,702,500
TOTAL	25,400	30,946,000	30,946,000

(1) **County Costs:** Funds required to pay county costs are appropriated and additional funds may be allotted from the General Fund Surplus Account (KRS 48.700) or the Budget Reserve Trust Fund Account (KRS 48.705) by the Secretary of the Finance and Administration Cabinet, subject to the conditions and procedures provided in this Act.

(2) **Reimbursement to Sheriffs' Offices for Court Security Services:** Notwithstanding KRS 64.092(6), the sheriff or other law enforcement officer serving a Circuit or District Court shall be compensated at the rate of \$15 per hour of service. To be eligible for this enhanced rate, deputies providing services must be paid at least \$10 per hour.

(3) **Compensation of Jurors:** Notwithstanding KRS 29A.170(1), all jurors in Circuit and District Court shall be paid \$7.50 per day for jury service. In addition thereto, they shall be paid \$7.50 per day as reimbursement of expenses incurred.

6. COMMONWEALTH OFFICE OF TECHNOLOGY

	2021-22	2022-23	2023-24
General Fund	-0-	8,574,400	8,793,800
Restricted Funds	1,394,000	144,880,600	145,160,400
Federal Funds	-0-	894,400	1,619,200
TOTAL	1,394,000	154,349,400	155,573,400

(1) **Computer Services Fund Receipts:** The Secretary of the Finance and Administration Cabinet shall provide a listing of fee receipts from the Executive, Judicial, and Legislative Branches of government itemized by appropriation units, cost allocation methodology, and a report detailing the rebate of excess fee receipts to the agencies to the Interim Joint Committee on Appropriations and Revenue by August 1 of each fiscal year.

(2) **Security Modernization:** Included in the above Restricted Funds appropriation is \$2,000,000 in each fiscal year to support up to three new Systems Consultant IT positions and expand IT security training.

(3) **Microsoft Licensing:** Included in the above Restricted Funds appropriation is \$3,000,000 in each fiscal year to support upgrading to Microsoft Office 365 for Government.

(4) **Aerial Mapping Project:** Included in the above General Fund appropriation is \$8,500,000 in each fiscal year for an aerial mapping project. The Commonwealth Office of Technology shall work with the Office of Property Valuation to develop a common digital mapping base that can be used by property valuation administrators and all other state agencies and local governments. The Commonwealth Office of Technology shall provide a report by December 1 of each year to the Legislative Oversight and Investigations Committee detailing the use of these funds.

(5) **State Cybersecurity Grant Program:** Included in the above appropriation is \$74,400 in General Fund and \$744,000 in Federal Funds in fiscal year 2022-2023 and \$293,800 in General Fund and \$1,468,800 in Federal Funds in 2023-2024 to support the State Cybersecurity Grant program from the Infrastructure Investment and Jobs Act.

7. REVENUE

	2021-22	2022-23	2023-24
General Fund (Tobacco)	-0-	250,000	250,000
General Fund	5,950,300	117,130,800	121,304,300
Restricted Funds	315,900	13,133,500	13,132,600
TOTAL	6,266,200	130,514,300	134,686,900

(1) **Operations of Revenue:** Notwithstanding KRS 132.672, 134.552(2), 136.652, and 365.390(2), funds may be expended in support of the operations of the Department of Revenue.

(2) **State Enforcement:** Notwithstanding KRS 248.654 and 248.703(4), a total of \$250,000 of the Tobacco Settlement payments received in each fiscal year is appropriated to the Finance and Administration Cabinet, Department of Revenue for the state's diligent enforcement of noncompliant nonparticipating manufacturers.

(3) **Office of Property Valuation Technical Equipment:** Included in the above General Fund appropriation is \$3,188,000 in fiscal year 2023-2024 to purchase computers, tablets, scanners, and other technical

equipment needed to modernize the county property valuation offices. The Office of Property Valuation shall work with the Commonwealth Office of Technology to ensure the technical equipment is compatible with the digital mapping base that is being developed.

8. PROPERTY VALUATION ADMINISTRATORS

	2021-22	2022-23	2023-24
General Fund	2,767,500	63,823,200	64,518,800
Restricted Funds	286,300	4,786,300	4,786,300
TOTAL	3,053,800	68,609,500	69,305,100

(1) **Management of Expenditures:** Notwithstanding KRS 132.590 and 132.597, the property valuation administrators are authorized to take necessary actions to manage expenditures within the appropriated amounts contained in this Act.

(2) **Mandatory Services:** Included in the above General Fund appropriation is \$1,635,900 in fiscal year 2022-2023 and \$1,664,700 in fiscal year 2023-2024 to support the continuation of mandatory services in the property valuation administrators' offices.

(3) **Salary Increment:** Notwithstanding KRS 132.590, the increment provided on the base salary or wages of each eligible property valuation administrator shall be the same as that provided for eligible state employees in Part IV of this Act.

TOTAL - FINANCE AND ADMINISTRATION CABINET

	2021-22	2022-23	2023-24
General Fund (Tobacco)	-0-	25,518,800	23,916,200
General Fund	12,281,000	636,848,600	661,360,200
Restricted Funds	3,348,100	272,057,000	272,581,300
Federal Funds	132,302,100	60,894,400	57,734,800
TOTAL	147,931,200	995,318,800	1,015,592,500

G. HEALTH AND FAMILY SERVICES CABINET

Budget Units

1. GENERAL ADMINISTRATION AND PROGRAM SUPPORT

	2021-22	2022-23	2023-24
General Fund	178,200	10,640,300	10,640,200
Restricted Funds	1,876,400	57,039,700	57,428,200
Federal Funds	798,200	50,499,000	50,668,200
TOTAL	2,852,800	118,179,000	118,736,600

(1) **Human Services Transportation Delivery:** Notwithstanding KRS 281.010(27), the Kentucky Works Program shall not participate in the Human Services Transportation Delivery Program or the Coordinated Transportation Advisory Committee.

(2) **Federally Funded Positions:** Notwithstanding KRS 18A.010(2) and any provisions of this Act to the contrary, direct service units of the Office of Inspector General, Department for Income Support, Office for Children with Special Health Care Needs, Department for Community Based Services, Department for Behavioral Health, Developmental and Intellectual Disabilities, Family Resource Centers and Volunteer Services, Department for Aging and Independent Living, and the Department for Public Health shall be authorized to establish and fill such positions that are 100 percent federally funded for salary and fringe benefits.

(3) **Special Olympics:** Included in the above General Fund appropriation is \$150,000 in each fiscal year to support the operations of Special Olympics Kentucky.

(4) **Electronic Health Records System Implementation:** The Cabinet for Health and Family Services shall implement a single, comprehensive, and integrated electronic health records system within the Cabinet which shall be utilized by all Cabinet departments.

2. OFFICE FOR CHILDREN WITH SPECIAL HEALTH CARE NEEDS

	2021-22	2022-23	2023-24
General Fund	286,600	7,568,200	7,379,200
Restricted Funds	91,800	9,385,700	9,322,000
Federal Funds	117,200	4,753,900	4,754,300
TOTAL	495,600	21,707,800	21,455,500

(1) **Office for Children with Special Health Care Needs Operating Expenses:** Included in the above appropriation is \$863,000 in General Fund and \$100,000 in Restricted Funds in fiscal year 2022-2023 and \$798,500 in General Fund and \$35,600 in Restricted Funds in fiscal year 2023-2024 to support increased operating expenses.

(2) **Kids Center for Pediatric Therapies:** Included in the above General Fund appropriation is \$250,000 in fiscal year 2022-2023 to support program operations.

(3) **Electronic Health Records System Implementation:** Any funds expended for the implementation of an electronic health records system within the Office for Children with Special Health Care Needs shall be coordinated as specified in Part I, G., 1., (4) of this Act.

3. MEDICAID SERVICES

a. Medicaid Administration

	2021-22	2022-23	2023-24
General Fund	5,700	69,695,000	70,437,500
Restricted Funds	411,500	57,157,600	52,020,600
Federal Funds	196,000	289,555,900	302,093,100
TOTAL	613,200	416,408,500	424,551,200

(1) **Transfer of Excess Administrative Funds for Medicaid Benefits:** If any portion of the above General Fund appropriation in either fiscal year is deemed to be in excess of the necessary expenses for administration of the Department, the amount may be used for Medicaid Benefits in accordance with statutes governing the functions and activities of the Department for Medicaid Services. In no instance shall these excess funds be used without prior written approval of the State Budget Director to:

- (a) Establish a new program;
- (b) Expand the services of an existing program; or
- (c) Increase rates or payment levels in an existing program.

Any transfer authorized under this subsection shall be approved by the Secretary of the Finance and Administration Cabinet upon recommendation of the State Budget Director.

(2) **Medicaid Service Category Expenditure Information:** No Medicaid managed care contract shall be valid and no payment to a Medicaid managed care vendor by the Finance and Administration Cabinet or the Cabinet for Health and Family Services shall be made, unless the Medicaid managed care contract contains a provision that the contractor shall collect Medicaid expenditure data by the categories of services paid for by the Medicaid Program. Actual statewide Medicaid expenditure data by all categories of Medicaid services, including mandated and optional Medicaid services, special expenditures/offsets, and Disproportionate Share Hospital payments by type of hospital, shall be compiled by the Department for Medicaid Services for all Medicaid providers and forwarded to the Interim Joint Committee on Appropriations and Revenue on a quarterly basis. Projections of Medicaid expenditures by categories of Medicaid services shall be provided to the Interim Joint Committee on Appropriations and Revenue upon request.

(3) **Medicaid Information Technology Development:** Included in the above appropriation is \$2,660,100 in General Fund, \$4,713,300 in Restricted Funds, and \$60,856,200 in Federal Funds in fiscal year 2022-2023 and \$5,837,300 in General Fund, \$3,635,800 in Restricted Funds, and \$74,898,200 in Federal Funds in fiscal year 2023-

2024 to support information technology projects for Medicaid claims administration, electronic visit verification, utilization management, and data analytics.

(4) Electronic Health Record System: Included in the above appropriation is \$607,300 in Restricted Funds and \$5,465,400 in Federal Funds in fiscal year 2022-2023 and \$2,095,600 in Restricted Funds and \$18,860,100 in Federal Funds in fiscal year 2023-2024 to support enhancements to the electronic health record system.

(5) Home and Community Based Services (HCBS) Enhanced FMAP Reinvestment: Included in the above appropriation is \$37,810,800 in Restricted Funds and \$52,502,500 in Federal Funds in fiscal year 2022-2023 and \$32,264,200 in Restricted Funds and \$40,022,600 in Federal Funds in fiscal year 2023-2024 to support activities to enhance, expand, and strengthen HCBS waiver services as provided in Section 9817 of the American Rescue Plan Act of 2021. Any additional nonclinical and clinical staff hired to perform duties funded through the above appropriation shall be federally funded time limited positions which shall expire as of March 31, 2024, notwithstanding federally provided extensions of funding timelines.

(6) Medicaid Eligibility Determination Services: Included in the above General Fund appropriation is \$4,000,000 in each fiscal year to support services performed by the Department for Community Based Services to determine eligibility for Medicaid benefits.

(7) Program of All-Inclusive Care for the Elderly (PACE): Included in the above appropriation is \$1,000,000 in Restricted Funds and \$1,000,000 in Federal Funds in each fiscal year to support the coordination of PACE services for eligible recipients.

(8) Basic Health Program Information Technology System: Included in the above appropriation is \$3,500,000 in General Fund and \$3,500,000 in Federal Funds in fiscal year 2022-2023 and \$1,000,000 in General Fund and \$1,000,000 in Federal Funds in fiscal year 2023-2024 to support enhancements to the Medicaid Management Information System (MMIS) for implementation of a Basic Health Program to provide a bridge health insurance plan for eligible recipients.

(9) Electronic Health Records System Implementation: Any funds expended for the implementation of an electronic health records system within the Department for Medicaid Services shall be coordinated as specified in Part I, G., 1., (4) of this Act.

b. Medicaid Benefits

	2021-22	2022-23	2023-24
General Fund	-0-	1,962,892,300	2,402,688,700
Restricted Funds	4,550,000	1,586,012,300	1,383,080,900
Federal Funds	721,214,300	11,723,695,600	12,061,242,200
TOTAL	725,764,300	15,272,600,200	15,847,011,800

(1) Transfer of Medicaid Benefits Funds: Any portion of the General Fund appropriation in either fiscal year that is deemed to be necessary for the administration of the Medicaid Program may be transferred from the Medicaid Benefits budget unit to the Medicaid Administration budget unit in accordance with statutes governing the functions and activities of the Department for Medicaid Services. The Secretary shall recommend any proposed transfer to the State Budget Director for approval prior to transfer. Such action shall be reported by the Cabinet for Health and Family Services to the Interim Joint Committee on Appropriations and Revenue.

(2) Intergovernmental Transfers (IGTs): Any funds received through an Intergovernmental Transfer (IGT) agreement between the Department for Medicaid Services and other governmental entities, in accordance with a federally approved State Plan amendment, shall be used to provide for the health and welfare of the citizens of the Commonwealth through the provision of Medicaid Benefits. Revenues from IGTs are contingent upon agreement by the parties, including but not limited to the Cabinet for Health and Family Services, Department for Medicaid Services, and the appropriate providers. The Secretary of the Cabinet for Health and Family Services shall make the appropriate interim appropriations increase requests pursuant to KRS 48.630.

(3) Medicaid Benefits Budget Deficit: If Medicaid Benefits expenditures are projected to exceed available funds, the Secretary of the Cabinet for Health and Family Services may recommend and implement that reimbursement rates, optional services, eligibles, or programs be reduced or maintained at levels existing at the time of the projected deficit in order to avoid a budget deficit. The projected deficit shall be confirmed and approved by the Office of State Budget Director. No rate, service, eligible, or program reductions shall be implemented by the

Cabinet for Health and Family Services without written notice of such action to the Interim Joint Committee on Appropriations and Revenue and the State Budget Director. Such actions taken by the Cabinet for Health and Family Services shall be reported, upon request, at the next meeting of the Interim Joint Committee on Appropriations and Revenue.

(4) **Kentucky Access Fund:** Notwithstanding KRS 304.17B-021, funds are transferred from this source to Medicaid Benefits in each fiscal year.

(5) **Disproportionate Share Hospital (DSH) Program:** Hospitals shall report the uncompensated care for which, under federal law, the hospital is eligible to receive disproportionate share payments. Disproportionate share payments shall equal the maximum amounts established under federal law.

(6) **Hospital Indigent Patient Billing:** Hospitals shall not bill patients for services if the services have been reported to the Cabinet and the hospital has received disproportionate share payments for the specific services.

(7) **Provider Tax Information:** Any provider who posts a sign or includes information on customer receipts or any material distributed for public consumption indicating that it has paid provider tax shall also post, in the same size typeset as the provider tax information, the amount of payment received from the Department for Medicaid Services during the same period the provider tax was paid. Providers who fail to meet this requirement shall be excluded from the Disproportionate Share Hospital and Medicaid Programs. The Cabinet for Health and Family Services shall include this provision in facilities' annual licensure inspections.

(8) **Medicaid Budget Analysis Reports:** The Department for Medicaid Services shall submit a quarterly budget analysis report to the Interim Joint Committee on Appropriations and Revenue no later than 75 days after the quarter's end. The report shall provide monthly detail of actual expenditures, eligibles, and average monthly cost per eligible by eligibility category along with current trailing 12-month averages for each of these figures. The report shall also provide actual figures for all categories of noneligible-specific expenditures such as Supplemental Medical Insurance premiums, Kentucky Patient Access to Care, nonemergency transportation, drug rebates, cost settlements, and Disproportionate Share Hospital payments by type of hospital. The report shall compare the actual expenditure experience with those underlying the enacted or revised enacted budget and explain any significant variances which may occur.

(9) **Medicaid Managed Care Organization Reporting:** Except as provided by KRS 61.878, all records and correspondence relating to Kentucky Medicaid, revenues derived from Kentucky Medicaid funds, and expenditures utilizing Kentucky Medicaid funds of a Medicaid managed care company operating within the Commonwealth shall be subject to the Kentucky Open Records Act, KRS 61.870 to 61.884. All records and correspondence relating to Medicaid specifically prohibited from disclosure by the federal Health Insurance Portability and Accountability Act privacy rules shall not be provided under this Act.

No later than 60 days after the end of a quarter, each Medicaid managed care company operating within the Commonwealth shall prepare and submit to the Department for Medicaid Services sufficient information to allow the department to meet the following requirements 90 days after the end of the quarter. The Department shall forward to the Legislative Research Commission Budget Review Office a quarterly report detailing monthly actual expenditures by service category, monthly eligibles, and average monthly cost per eligible for Medicaid and the Kentucky Children's Health Insurance Program (KCHIP) along with current trailing 12-month averages for each of these figures. The report shall also provide actual figures for other categories such as pharmacy rebates and reinsurance. Finally, the Department shall include in this report the most recent information or report available regarding the amount withheld to meet Department of Insurance reserve requirements, and any distribution of moneys received or retained in excess of these reserve requirements.

(10) **Critical Access Hospitals:** Beginning with the effective date of this Act through June 30, 2024, no acute care hospital shall convert to a critical access hospital unless the hospital has either received funding for a feasibility study from the Kentucky State Office of Rural Health or filed a written request by January 1, 2022, with the Kentucky State Office of Rural Health requesting funding for conducting a feasibility study.

(11) **Appeals:** An appeal from denial of a service or services provided by a Medicaid managed care organization for medical necessity, or denial, limitation, or termination of a health care service in a case involving a medical or surgical specialty or subspecialty, shall, upon request of the recipient, authorized person, or provider, include a review by a board-eligible or board-certified physician in the appropriate specialty or subspecialty area; except in the case of a health care service rendered by a chiropractor or optometrist, for which the denial shall be made respectively by a chiropractor or optometrist duly licensed in Kentucky as specified in KRS 304.17A-607(1)(b). The physician reviewer shall not have participated in the initial review and denial of service and shall not be the provider of the service or services under consideration in the appeal.

(12) Medicaid Prescription Benefits Reporting: Notwithstanding KRS 205.647, the Department for Medicaid Services shall submit a report to the Interim Joint Committee on Appropriations and Revenue and the Medicaid Oversight and Advisory Committee by December 1 of each fiscal year on the dispensing of prescription medications to persons eligible under KRS 205.560. The report shall include:

- (a) The total Medicaid dollars paid to the state pharmacy benefit manager by a managed care organization;
- (b) The total amount of Medicaid dollars paid to the state pharmacy benefit manager by a managed care organization which were not subsequently paid to a pharmacy licensed in Kentucky;
- (c) The average reimbursement by drug ingredient cost, dispensing fee, and any other fee paid by the state pharmacy benefit manager to licensed pharmacies with which the state pharmacy benefit manager shares common ownership, management, or control; or which are owned, managed, or controlled by any of the state pharmacy benefit manager's management companies, parent companies, subsidiary companies, jointly held companies, or companies otherwise affiliated by a common owner, manager, or holding company; or which share any common members on the board of directors; or which share managers in common;
- (d) The average reimbursement by drug ingredient cost, dispensing fee, or any other fee paid by the state pharmacy benefit manager to pharmacies licensed in Kentucky which operate ten locations, ten or fewer locations, or ten or more locations; and
- (e) All common ownership, management, common members of a board of directors, shared managers, or control of the state pharmacy benefit manager, or any of the state pharmacy benefit manager's management companies, parent companies, subsidiary companies, jointly held companies, or companies otherwise affiliated by a common owner, manager, or holding company with any managed care organization contracted to administer Kentucky Medicaid benefits, any entity which contracts on behalf of a pharmacy, or any pharmacy services administration organization, or any common ownership management, common members of a board of directors, shared managers, or control of a pharmacy services administration organization that is contracted with the state pharmacy benefit manager, with any drug wholesaler or distributor or any of the pharmacy services administration organizations, management companies, parent companies, subsidiary companies, jointly held companies, or companies otherwise affiliated by a common owner, common members of a board of directors, manager, or holding company.

(13) Kentucky Children's Health Insurance Program (KCHIP): Included in the above appropriation is \$86,492,800 in General Fund, \$400,000 in Restricted Funds, and \$362,367,900 in Federal Funds in fiscal year 2022-2023 and \$91,336,100 in General Fund, \$400,000 in Restricted Funds, and \$380,029,200 in Federal Funds in fiscal year 2023-2024 to support the continuation of KCHIP services.

(14) Supports for Community Living Waiver Program Rates: If the Supports for Community Living Waiver Program experiences a material change in funding based upon a new or amended waiver that is approved by the Centers for Medicare and Medicaid Services, the Department for Medicaid Services may adjust the upper payment limit amount for a Supports for Community Living Waiver Program service as long as the upper payment limit for each service is not less than the upper payment limit in effect on January 1, 2020.

(15) Substance Abuse Treatment for Incarcerated Individuals - Medicaid Demonstration Waiver: Upon approval of the Section 1115 demonstration waiver to provide substance use disorder treatment services to individuals incarcerated for conviction under KRS Chapter 218A, the cost of treatment for a substance use disorder or patient navigation provided by a licensed clinical social worker shall be a covered Medicaid benefit for an incarcerated individual.

(16) Nursing Home Pandemic Relief Reimbursement Increase: Included in the above appropriation is \$41,527,500 in General Fund and \$108,472,500 in Federal Funds in fiscal year 2022-2023 and \$41,745,000 in General Fund and \$108,255,000 in Federal Funds in fiscal year 2023-2024 to support an additional reimbursement of \$29.00 per resident day for Medicaid eligible nursing home residents.

(17) Medicaid Benefits Program Support: Included in the above appropriation is \$709,067,100 in Federal Funds in fiscal year 2021-2022, \$116,100,000 in Restricted Funds and \$31,489,200 in Federal Funds in fiscal year 2022-2023, and \$438,009,300 in General Fund, \$232,200,000 in Restricted Funds, and \$354,170,400 in Federal Funds in fiscal year 2023-2024 to support estimated program needs.

(18) Michelle P. Waiver Slots: Included in the above appropriation is \$464,700 in General Fund and \$1,194,900 in Federal Funds in fiscal year 2022-2023 to support 50 additional slots and \$929,400 in General Fund and \$2,389,800 in Federal Funds in fiscal year 2023-2024 to support 50 additional slots for a total of 100 slots over the 2022-2024 fiscal biennium.

(19) Supports for Community Living Waiver Slots: Included in the above appropriation is \$1,104,900 in General Fund and \$2,841,200 in Federal Funds in fiscal year 2022-2023 to support 50 additional slots and \$2,209,800 in General Fund and \$5,682,400 in Federal Funds in fiscal year 2023-2024 to support 50 additional slots for a total of 100 slots over the 2022-2024 fiscal biennium.

(20) Home and Community Based Waiver Services Funding Initiatives: (a) Pending approval from the Centers for Medicare and Medicaid Services, included in the above Federal Funds appropriation is \$48,311,000 in fiscal year 2022-2023 and \$71,505,000 in fiscal year 2023-2024 from the enhanced FMAP funds for Home and Community Based Services authorized by Section 9817 of the American Rescue Plan Act of 2021. The Cabinet for Health and Family Services shall use these funds to strengthen and improve Kentucky’s Acquired Brain Injury (ABI), Acquired Brain Injury Long Term Care (ABI-LTC), Home and Community Based (HCB), Model II Waiver (MIIW), Supports for Community Living (SCL), and Michelle P. waiver programs through the following initiatives:

1. In fiscal year 2022-2023, the reimbursement rate for SCL Level I and ABI residential services shall be increased by 50 percent over the rate in effect on December 31, 2019. This reimbursement increase shall remain in effect in fiscal year 2023-2024. The Cabinet for Health and Family Services shall not implement exclusions to this reimbursement rate increase for day service attendance.

2. In fiscal year 2022-2023, the reimbursement rate for all services in the ABI, ABI-LTC, HCB, SCL, and Michelle P. waiver programs shall be increased by 10 percent, excluding the services described in subparagraph 1. of this paragraph.

3. In fiscal year 2023-2024, the reimbursement rate increase as provided in subparagraph 2. of this paragraph shall remain in effect, and the reimbursement rate for all services in the ABI, ABI-LTC, HCB, SCL, and Michelle P. waiver programs shall be increased by an additional 10 percent, excluding the services described in subparagraph 1. of this paragraph.

(b) It is the intent of the 2022 General Assembly that General Fund dollars will be appropriated to maintain the funding initiatives outlined in paragraph (a) of this subsection after the funds from the enhanced FMAP for Home and Community Based Services authorized by Section 9817 of the American Rescue Plan Act of 2021 are no longer available.

(21) Medicaid Managed Care Chronic Disease Management Pilot Program: The Department for Medicaid Services shall implement a pilot program to manage and reduce the adverse outcomes of chronic diseases such as diabetes experienced by individuals enrolled in the Medicaid program. The pilot program shall include strategies to effectuate behavioral change such as real-time monitoring via cellphones and additional evidence-based measures. The Department for Medicaid services shall require each Medicaid managed care organization participating in the Kentucky Medicaid program to provide the chronic disease management services as implemented through the pilot program as part of the contracted services.

(22) Basic Health Program: Notwithstanding any provision of law to the contrary, the Cabinet for Health and Family Services shall not exercise the state’s option to develop a basic health program as permitted under 42 U.S.C. sec. 18051 without first obtaining specific authorization from the General Assembly to do so.

TOTAL - MEDICAID SERVICES

	2021-22	2022-23	2023-24
General Fund	5,700	2,032,587,300	2,473,126,200
Restricted Funds	4,961,500	1,643,169,900	1,435,101,500
Federal Funds	721,410,300	12,013,251,500	12,363,335,300
TOTAL	726,377,500	15,689,008,700	16,271,563,000

4. BEHAVIORAL HEALTH, DEVELOPMENTAL AND INTELLECTUAL DISABILITIES

	2021-22	2022-23	2023-24
General Fund (Tobacco)	-0-	1,400,000	1,400,000
General Fund	1,215,500	177,840,100	186,810,300
Restricted Funds	249,300	217,643,800	219,142,900
Federal Funds	161,400	117,259,600	107,459,000

TOTAL	1,626,200	514,143,500	514,812,200
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(1) Disproportionate Share Hospital Funds: Pursuant to KRS 205.640(3)(a)2., mental health disproportionate share funds are budgeted at the maximum amounts permitted by Section 1923(h) of the Social Security Act. Upon publication in the Federal Register of the Annual Institutions for Mental Disease (IMD) Disproportionate Share Hospital (DSH) limit, 92.3 percent of the federal IMD DSH limit goes to the state-operated mental hospitals. If there are remaining funds within the psychiatric pool after all private psychiatric hospitals reach their hospital-specific DSH limit, state mental hospitals may exceed the 92.3 percent limit but may not exceed their hospital-specific DSH limit

(2) Lease Payments for Eastern State Hospital: Included in the above General Fund appropriation is \$9,811,200 in fiscal year 2022-2023 and \$9,810,000 in fiscal year 2023-2024 to make lease payments to the Lexington-Fayette Urban County Government to retire its debt for the construction of the new facility.

(3) Tobacco Settlement Funds: Included in the above General Fund (Tobacco) appropriation is \$1,400,000 in each fiscal year for substance abuse prevention and treatment for pregnant women with a history of substance abuse problems.

(4) Debt Service: Included in the above General Fund appropriation is \$590,000 in fiscal year 2022-2023 and \$1,180,000 in fiscal year 2023-2024 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

(5) The Healing Place: Included in the above General Fund appropriation is \$900,000 in each fiscal year to support direct services to clients provided by The Healing Place.

(6) Tim's Law Pilot Program Expansion: Included in the above General Fund appropriation is \$500,000 in fiscal year 2022-2023 and \$1,000,000 in fiscal year 2023-2024 to support expansion of a pilot program for individuals with severe mental illness to additional locations to ensure statewide access to services offered through the pilot program.

(7) Mobile Crisis Services Expansion and 988 Suicide Hotline Support: Included in the above General Fund appropriation is \$6,170,700 in fiscal year 2022-2023 and \$13,437,000 in fiscal year 2023-2024 to support the establishment of additional mobile crisis units and implementation of the 988 federally designated suicide hotline.

(8) Lee Specialty Clinic: Included in the above General Fund appropriation is an additional \$1,495,000 in each fiscal year to support specialty medical services for individuals with moderate developmental and intellectual disabilities living in residential and community settings.

(9) Appalachian Regional Hospital: Included in the above General Fund appropriation is \$14,600,000 in each fiscal year to support contracted inpatient psychiatric services provided within Hospital District IV under KRS 210.300. The Secretary of the Cabinet for Health and Family Services shall provide a report on total expenditures by fund source and program area for fiscal year 2022-2023 and estimated funding required for a continuation of services in fiscal year 2023-2024 to the Interim Joint Committees on Health and Family Services and Appropriations and Revenue by September 1, 2023.

(10) Substance Abuse Funding Report: The Department for Behavioral Health, Developmental and Intellectual Disabilities shall compile for each fiscal year a report on the funding received by the Cabinet for Health and Family Services to provide substance abuse prevention, treatment, and recovery services in the Commonwealth. The report shall include the amount, source, and duration of the funding, the purpose of the funding, the number of individuals served, and any available information on outcomes demonstrated as a result of the funding provided for substance abuse prevention, treatment, and recovery services. The report shall be submitted to the Legislative Research Commission, Office of Budget Review, by September 1 of each fiscal year.

(11) Electronic Health Records System Implementation: Any funds expended for the implementation of an electronic health records system within the Department for Behavioral Health, Developmental and Intellectual Disabilities shall be coordinated as specified in Part I, G., 1., (4) of this Act.

(12) Harbor House: Included in the above Federal Funds appropriation is \$5,000,000 in fiscal year 2022-2023 from the State Fiscal Recovery Fund of the American Rescue Plan Act of 2021 to support the operations of the Harbor House.

(13) Mental Health Workforce Development: The Cabinet for Health and Family Services shall develop a pilot project to provide training for primary care providers relating to the diagnosis and treatment of common psychiatric disorders in order to strengthen the mental health workforce in rural and underserved areas and to expand

the access to psychiatric services. The Cabinet shall develop the pilot project in coordination with the Train New Trainers Primary Care program at the University of California, Irvine.

5. PUBLIC HEALTH

	2021-22	2022-23	2023-24
General Fund (Tobacco)	-0-	12,200,000	12,200,000
General Fund	690,400	76,890,300	100,158,400
Restricted Funds	351,000	94,200,700	102,193,300
Federal Funds	700,100	439,878,200	307,606,700
TOTAL	1,741,500	623,169,200	522,158,400

(1) **Tobacco Settlement Funds:** Included in the above General Fund (Tobacco) appropriation is \$7,000,000 in each fiscal year for the Health Access Nurturing Development Services (HANDS) Program, \$900,000 in each fiscal year for the Healthy Start initiatives, \$900,000 in each fiscal year for Early Childhood Mental Health, \$900,000 in each fiscal year for Early Childhood Oral Health, \$500,000 in each fiscal year for the Lung Cancer Screening Program, and \$2,000,000 in each fiscal year for Smoking Cessation.

(2) **Local and District Health Department Fees:** Notwithstanding KRS 211.170 and 211.186, local and district health departments shall retain 90 percent of the fees collected for delivering foundational public health program services to fund the costs of operations, services, and the employer contributions for the Kentucky Employees Retirement System.

(3) **Kentucky Poison Control Center:** Included in the above General Fund appropriation is \$750,000 in each fiscal year for the Kentucky Poison Control Center. If federal emergency relief funds become available for COVID-19 related poison control expenditures, those Federal Funds shall be used to support the Kentucky Poison Control Center, and any unexpended General Fund balance from the appropriations set forth in this subsection shall lapse to the General Fund.

(4) **Kentucky Colon Cancer Screening Program:** Included in the above General Fund appropriation is \$500,000 in each fiscal year to support the Kentucky Colon Cancer Screening Program.

(5) **Kentucky Pediatric Cancer Research Trust Fund:** Included in the above General Fund appropriation is \$2,500,000 in each fiscal year to the Kentucky Pediatric Cancer Research Trust Fund for general pediatric cancer research and support of expansion of clinical trials at the University of Kentucky and the University of Louisville. Included in the above General Fund appropriation is an additional one-time allocation of \$3,750,000 in each fiscal year to the Kentucky Pediatric Cancer Research Trust Fund.

(6) **Folic Acid Program:** General Fund (Tobacco) continuing appropriation reserves allotted to the Folic Acid Program shall be utilized by the Department for Public Health during the 2022-2024 fiscal biennium to continue the Folic Acid Program.

(7) **Public Health Transformation:** Included in the above General Fund appropriation is \$17,688,000 in fiscal year 2022-2023 and \$19,068,000 in fiscal year 2023-2024 to support the costs of workforce and operations for the local health departments.

(8) **Health Access Nurturing Development Services:** Included in the above Restricted Funds appropriation is \$6,068,900 in fiscal year 2022-2023 and \$13,972,900 in fiscal year 2023-2024 to support direct services for eligible clients of the Health Access Nurturing Development Services Program for the Department for Public Health.

(9) **Area Health Education Centers:** Included in the above Federal Funds appropriation is \$2,500,000 in each fiscal year from the State Fiscal Recovery Fund of the American Rescue Plan Act of 2021 to support the operations of the eight regional Area Health Education Centers in the Commonwealth.

(10) **Electronic Health Record System:** Included in the above General Fund appropriation is \$1,207,900 in fiscal year 2022-2023 and \$22,950,100 in fiscal year 2023-2024 to support the purchase and implementation cost of an Electronic Health Record system for the Department for Public Health.

(11) **Lung Cancer Screening MCO:** Each Medicaid Managed Care Organization that has a participating contract with the Commonwealth for the next contract renewal cycle shall provide services for lung cancer screenings.

(12) Electronic Health Records System Implementation: Any funds expended for the implementation of an electronic health records system within the Department for Public Health shall be coordinated as specified in Part I, G., 1., (4) of this Act.

6. FAMILY RESOURCE CENTERS AND VOLUNTEER SERVICES

	2021-22	2022-23	2023-24
General Fund	54,900	22,557,300	22,566,200
Federal Funds	19,200	9,114,300	9,118,900
TOTAL	74,100	31,671,600	31,685,100

(1) Family Resource and Youth Services Centers Funds: No more than three percent of the total funds transferred from the Department of Education to the Family Resource and Youth Services Centers, as consistent with KRS 156.496, shall be used for administrative purposes in each fiscal year.

(2) Per Eligible Student Amount: Included in the above General Fund appropriation is \$9,400,000 in each fiscal year to support an increase in the per eligible student amount from \$183.86 to \$210.00 for the Family Resource and Youth Service Centers.

(3) AmeriCorps Match: Included in the above General Fund appropriation is \$500,000 in each fiscal year to support the matching requirements of Federal Funds for the Division of Serve Kentucky.

7. INCOME SUPPORT

	2021-22	2022-23	2023-24
General Fund	-0-	14,293,100	14,969,600
Restricted Funds	164,100	16,633,600	16,663,500
Federal Funds	1,424,400	100,206,100	100,567,100
TOTAL	1,588,500	131,132,800	132,200,200

(1) Contractual Services: Included in the above appropriation is \$2,725,200 in Restricted Funds and \$5,290,300 in Federal Funds in each fiscal year to support the cost of contractual services for the Division of Child Support Enforcement.

(2) Staffing Vacancies: Included in the above appropriation is \$429,600 in Restricted Funds and \$1,002,300 in Federal Funds in each fiscal year to support hiring an additional 12 full-time staff positions, which include seven full-time positions for the creation of a Division of Fiscal Management and five Child Support Specialist positions for the Division of Child Support Enforcement.

(3) Debt Service: Included in the above General Fund appropriation is \$676,500 in fiscal year 2022-2023 and \$1,353,000 in fiscal year 2023-2024 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

8. COMMUNITY BASED SERVICES

	2021-22	2022-23	2023-24
General Fund (Tobacco)	-0-	12,400,000	12,400,000
General Fund	13,859,100	631,088,600	652,595,200
Restricted Funds	771,900	209,841,100	210,454,900
Federal Funds	3,064,100	1,035,567,300	773,871,800
TOTAL	17,695,100	1,888,897,000	1,649,321,900

(1) Tobacco Settlement Funds: Included in the above General Fund (Tobacco) appropriation is \$9,900,000 in each fiscal year for the Early Childhood Development Program. Included in the above General Fund (Tobacco) appropriation is \$2,500,000 in each fiscal year for the Early Childhood Adoption and Foster Care Supports Program.

(2) CCAP Reimbursement Rate Increase: Included in the above Federal Funds appropriation is \$12,000,000 in each fiscal year from the State Fiscal Recovery Fund of the American Rescue Plan Act of 2021 to continue the \$2 per child increase in the Child Care Assistance Program provider reimbursement rate.

(3) **Fostering Success:** Included in the above General Fund appropriation is \$500,000 in each fiscal year for the Fostering Success Program. The Cabinet for Health and Family Services shall submit a report containing the results of the program, including but not limited to the number of participants, number and type of job placements, job training provided, and any available information pertaining to individual outcomes to the Interim Joint Committee on Appropriations and Revenue by July 1 of each fiscal year.

(4) **Relative Placement Support Benefit:** Included in the above General Fund appropriation is \$1,000,000 in each fiscal year for start-up costs associated with placing children with non-parental relatives.

(5) **Domestic Violence Shelters:** Included in the above General Fund appropriation is \$500,000 in each fiscal year for operational costs.

(6) **Rape Crisis Centers:** Included in the above General Fund appropriation is \$500,000 in each fiscal year for operational costs.

(7) **Dually Licensed Pediatric Facilities:** Included in the above General Fund appropriation is \$550,000 in each fiscal year to provide supplemental payments to dually licensed pediatric facilities for emergency shelter services for children.

(8) **Child Care Assistance Program:** Included in the above General Fund appropriation is \$10,600,000 in each fiscal year to provide services to families at or below 160 percent of the federal poverty level as determined annually by the U.S. Department of Health and Human Services.

(9) **Family Counseling and Trauma Remediation:** Included in the above General Fund appropriation is \$50,000 in each fiscal year to provide forensic interviews, family counseling, and trauma remediation services primarily in Jefferson County and surrounding Kentucky counties.

(10) **Child Advocacy Centers:** Included in the above General Fund appropriation is \$500,000 in each fiscal year to support the operations of the child advocacy centers.

(11) **Family Scholar House:** Included in the above General Fund appropriation is \$1,000,000 in each fiscal year to support the operations of the Family Scholar House.

(12) **Personal Care Homes:** Included in the above General Fund appropriation is \$12,000,000 in each fiscal year to support reimbursements provided to personal care homes.

(13) **Children's Services Contractors:** Notwithstanding KRS Chapter 45A, no contracts awarded for the use and benefit of the Department for Community Based Services shall interfere with the contractor's freedom of religion as set forth in KRS 446.350. Any such contracts shall contain a provision allowing a contractor to allow a substitute contractor who is also licensed or approved by the Cabinet to deliver the contracted services if the contractor cannot perform a contracted service because of religiously held beliefs as outlined in KRS 446.350.

(14) **Additional Social Service Workers:** Included in the above appropriation is \$7,450,200 in General Fund, \$335,300 in Restricted Funds, and \$703,800 in Federal Funds in fiscal year 2022-2023 to support an additional 100 Social Service Worker **H** positions and \$14,900,400 in General Fund, \$670,600 in Restricted Funds, and \$1,407,600 in Federal Funds in fiscal year 2023-2024 to support an additional 100 Social Service Worker **H** positions for a total of 200 Social Service Worker **H** positions over the 2022-2024 fiscal biennium. The Cabinet for Health and Family Services shall submit a quarterly report containing the number of Social Service Worker, Social Service Clinician, Social Service Specialist, and Family Services Office Supervisor filled positions to the Interim Joint Committee on Appropriations and Revenue, with the first report due July 1, 2022.

(15) **Social Service Worker Recruitment:** Included in the above General Fund appropriation is \$1,500,000 in fiscal year 2022-2023 and \$2,400,000 in fiscal year 2023-2024 to support the recruitment initiative. Notwithstanding any statute to the contrary, by July 1, 2022, the Secretary of the Personnel Cabinet shall increase the entry rate salary of the Social Service Worker I, Social Service Worker II, Social Service Clinician I, Social Service Clinician II, Social Service Specialist, and Family Services Office Supervisor classified positions in the Department for Community Based Services within the Cabinet for Health and Family Services by ten percent. Notwithstanding any statute to the contrary, to effectuate the salary increases as specified, the Secretary of the Personnel Cabinet shall establish a special entry rate for the classifications above in the Department for Community Based Services, raise the grade levels of the above classifications, or establish a new classification reserved for use by the Department for Community Based Services.

(16) **Prevention Services Expansion:** Included in the above appropriation is \$10,000,000 in General Fund and \$9,600,000 in Federal Funds in each fiscal year of the 2022-2024 biennium to support the development of programs included in Kentucky's Title IV-E Prevention Plan as approved by the U.S. Department of Health and

Human Services and to expand Kentucky Strengthening Ties and Empowering Parents (K-STEP) to additional regions in the Commonwealth.

(17) Residential and Therapeutic Foster Care Rates: Included in the above appropriation is \$25,000,000 in General Fund, \$5,000,000 in Restricted Funds, and \$6,000,000 in Federal Funds in each fiscal year to support an increase in the reimbursement rates for private residential and therapeutic providers to meet the requirements of the Family First Prevention Services Act of 2018 in the Department for Community Based Services.

(18) Victims Advocacy Programs: Included in the above General Fund appropriation is an additional \$5,000,000 for the Children's Advocacy Centers, an additional \$3,500,000 for the Domestic Violence Shelters, and an additional \$1,500,000 for the Rape Crisis Centers in each fiscal year. These appropriations shall support direct service costs only, and no administrative overhead costs shall be paid with these appropriations. The Cabinet for Health and Family Services shall submit a report containing the number of participants served and the details of items expended from these funds to the Interim Joint Committee on Appropriations and Revenue by August 1 of each fiscal year.

(19) Debt Service: Included in the above General Fund appropriation is \$572,500 in fiscal year 2022-2023 and \$1,145,000 in fiscal year 2023-2024 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

(20) Social Worker Alternative Work Program: The General Assembly recognizes the vital role, responsibilities, and the resulting stress experienced by social workers in meeting the needs of their clients and the citizens of the Commonwealth. To address the retention of social workers, the Department for Community Based Services shall examine the feasibility of establishing an alternative work program for Social Service Worker classifications within the Department for Community Based Services. The alternative work program is intended to provide Social Service Worker classification personnel who have completed a minimum of four years of service, a period of respite from their regular duties while remaining employees of the Commonwealth. These activities may include service as a classroom substitute teacher, volunteerism, or other approved activities. The Department for Community Based Services shall provide recommendations to the Interim Joint Committee on Appropriations and Revenue by December 1, 2022, on the eligibility criteria for participating in the program, allowable activities, duration of the respite period, process for resumption of regular duties within the Department for Community Based Services, and other factors as deemed pertinent.

(21) Family Recovery Court: Included in the above General Fund appropriation is \$375,000 in each fiscal year to support the operations of the Jefferson County Family Recovery Court to assist families involved with the child welfare system.

(22) Maryhurst: Included in the above General Fund appropriation is \$1,350,000 in each fiscal year to provide a reimbursement rate increase for children in the 5 Specialized Program.

(23) Buckhorn Children and Family Services: Included in the above Federal Funds appropriation is \$1,000,000 in fiscal year 2022-2023 from the State Fiscal Recovery Fund of the American Rescue Plan Act of 2021 to support COVID-19 staffing issues.

(24) Norton Children's Pediatric Protection Specialists: Included in the above General Fund appropriation is \$6,000,000 in fiscal year 2022-2023 to support a team of doctors and specially trained staff to accept cases for children suspected to be victims of child abuse or neglect and at risk of harm. The funds shall be used to create a Center of Excellence in the Commonwealth.

(25) Kentucky Alliance of Boys and Girls Clubs: Included in the above Federal Funds appropriation from the Child Care Development Block Grant of the American Rescue Plan Act of 2021 is \$10,000,000 in fiscal year 2022-2023 for non-licensed providers caring for children ages six to 18 years of age to be used for one-time capital projects specific to each local club's needs.

(26) Bellwood Presbyterian Home for Children: Included in the above General Fund appropriation is a one-time allocation of \$325,000 in fiscal year 2023-2024 to the Bellwood Presbyterian Home for Children to support operations.

(27) Children's Alliance: Included in the above General Fund appropriation is a one-time allocation of \$1,000,000 in each fiscal year to the Children's Alliance to support operations.

(28) Hospice Centers Support: Included in the above General Fund appropriation is a one-time allocation of \$1,000,000 in each fiscal year which shall be distributed equally to all hospice centers across the Commonwealth to support operations.

(29) Foster Care Independent Living: Included in the above General Fund appropriation is \$2,000,000 in each fiscal year for independent living supports to children aging out of the foster care system.

(30) Employee Child-Care Assistance Partnership: Included in the above General Fund appropriation is \$15,000,000 in fiscal year 2023-2024 to the Employee Child-Care Assistance Partnership for matching contributions. There shall be a seven percent cap on administrative costs for the oversight of this program.

9. AGING AND INDEPENDENT LIVING

	2021-22	2022-23	2023-24
General Fund	694,700	47,783,800	47,903,500
Restricted Funds	19,900	2,883,400	3,013,600
Federal Funds	7,276,600	67,667,300	67,668,500
TOTAL	7,991,200	118,334,500	118,585,600

(1) Local Match Requirements: Notwithstanding KRS 205.460, entities contracting with the Cabinet for Health and Family Services to provide essential services under KRS 205.455 and 205.460 shall provide local match equal to or greater than the amount in effect during fiscal year 2021-2022. Local match may include any combination of materials, commodities, transportation, office space, personal services, or other types of facility services or funds. The Secretary of the Cabinet for Health and Family Services shall prescribe the procedures to certify the local match compliance.

(2) Expansion of Senior Meals: Included in the above Federal Funds appropriation is \$7,240,000 in fiscal year 2021-2022 and \$14,480,000 in each fiscal year of the 2022-2024 fiscal biennium from the State Fiscal Recovery Fund of the American Rescue Plan Act of 2021 for the expansion of meals to senior citizens in the community.

(3) Electronic Health Records System Implementation: Any funds expended for the implementation of an electronic health records system within the Department for Public Health shall be coordinated as specified in Part I, G., 1., (4) of this Act.

10. HEALTH DATA AND ANALYTICS

	2021-22	2022-23	2023-24
General Fund	8,300	497,400	500,200
Restricted Funds	83,700	23,461,800	23,472,400
Federal Funds	7,500	18,106,000	18,110,500
TOTAL	99,500	42,065,200	42,083,100

(1) Kentucky Access Fund: Notwithstanding KRS 304.17B-021, funds from this source are transferred to the Health Benefit Exchange in each fiscal year.

TOTAL - HEALTH AND FAMILY SERVICES CABINET

	2021-22	2022-23	2023-24
General Fund (Tobacco)	-0-	26,000,000	26,000,000
General Fund	16,993,400	3,021,746,400	3,516,649,000
Restricted Funds	8,569,600	2,274,259,700	2,076,792,300
Federal Funds	734,979,000	13,856,303,200	13,803,160,300
TOTAL	760,542,000	19,178,309,300	19,422,601,600

H. JUSTICE AND PUBLIC SAFETY CABINET

Budget Units

1. JUSTICE ADMINISTRATION

	2021-22	2022-23	2023-24
General Fund (Tobacco)	-0-	3,250,000	3,250,000
General Fund	636,600	49,307,800	48,296,700

Restricted Funds	-0-	5,265,800	5,595,000
Federal Funds	49,800	55,230,600	55,239,800
TOTAL	686,400	113,054,200	112,381,500

(1) **Operation UNITE:** (a) Notwithstanding KRS 48.005(4), included in the above Restricted Funds appropriation is \$1,500,000 in each fiscal year for the Operation UNITE Program from settlement funds resulting from the suit against Purdue Pharma, et al.. Included in the above General Fund appropriation is \$500,000 in each fiscal year for the Operation UNITE Program.

(b) For the periods ending June 30, 2022, and June 30, 2023, the Secretary of the Justice and Public Safety Cabinet, in coordination with the Chief Executive Officer of Operation UNITE, shall prepare reports detailing for what purpose and function the funds were utilized. The reports shall be submitted to the Interim Joint Committee on Appropriations and Revenue by September 1 of each fiscal year.

(2) **Office of Drug Control Policy:** Included in the above General Fund (Tobacco) appropriation is \$3,000,000 in each fiscal year for the Office of Drug Control Policy.

(3) **Access to Justice:** Included in the above General Fund appropriation is \$500,000 in each fiscal year to support the Access to Justice Program.

(4) **Court Appointed Special Advocate Funding:** (a) Included in the above General Fund appropriation is \$3,000,000 in each fiscal year for grants to support Court Appointed Special Advocate (CASA) funding programs.

(b) No administrative costs shall be paid from the appropriation provided in paragraph (a) of this subsection.

(5) **Restorative Justice:** Included in the above General Fund (Tobacco) appropriation is \$250,000 in each fiscal year to support the Restorative Justice Program administered by the Volunteers of America.

(6) **Medical Examiner Personnel:** Included in the above General Fund appropriation is \$3,774,800 in each fiscal year to support additional positions within the Office of the Kentucky State Medical Examiner and provide salary increases for forensic autopsy technicians, medical examiners, and the Chief Medical Examiner.

(7) **Office of the Kentucky State Medical Examiner:** (a) Included in the above General Fund appropriation is \$6,349,700 in each fiscal year to support the operations of the Office of the Kentucky State Medical Examiner.

(b) Included in the above Restricted Funds appropriation is \$1,157,500 in fiscal year 2022-2023 and \$1,182,000 in fiscal year 2023-2024 to support the operations of the Office of the Kentucky State Medical Examiner.

(8) **Substance Abuse Treatment Programs Evaluation:** (a) The Secretary of the Justice and Public Safety Cabinet shall compile for each fiscal year a report on funding received by the Cabinet to provide substance abuse treatment, prevention, and recovery programs in the Commonwealth. The report shall include the amount, source, and duration of the funding, the purpose of the funding, the number of individuals served, and any available information on program outcomes. The Secretary shall submit the report to the Interim Joint Committee on Appropriations and Revenue by September 1 of each year.

(b) Included in the above General Fund appropriation is \$1,000,000 in fiscal year 2022-2023 to support external performance reviews of substance abuse treatment, prevention, and recovery programs administered or funded by the Cabinet. The Secretary of the Justice and Public Safety Cabinet shall contract for these external performance reviews which shall, at a minimum, describe the program, key performance indicators, the evidence base for program interventions, and rates of relapse and recidivism for individuals served by each program. The Administrative Office of the Courts and the Cabinet for Health and Family Services shall be consulted in developing the framework for the performance reviews. The Secretary shall report the findings of the performance reviews to the Interim Joint Committee on Appropriations and Revenue by June 1, 2023.

(9) **Volunteers of America - Freedom House:** Included in the above General Fund appropriation is \$4,250,000 in each fiscal year to support the Freedom House administered by Volunteers of America. Included in the above General Fund appropriation is an additional one-time allocation of \$100,000 in each fiscal year to support the Freedom House administered by Volunteers of America.

(10) **Child Fatality Review Panel:** Included in the above General Fund appropriation is \$420,000 in each fiscal year to support the operations of the Child Fatality and Near Fatality External Review Panel.

(11) Northern Kentucky Regional Medical Examiners Office: Notwithstanding KRS 45.229, any unexpended funds from the \$1,800,000 included in the fiscal year 2021-2022 General Fund appropriation balance for one-time costs to re-establish the Northern Kentucky Regional Medical Examiners Office shall not lapse and shall carry forward.

(12) Supporting Heroes: Included in the above General Fund appropriation is \$100,000 in fiscal year 2022-2023 to support the mission of Supporting Heroes.

(13) Victims of Crime Act Support: Included in the above Federal Funds appropriation is \$10,000,000 in each fiscal year from the State Fiscal Recovery Fund of the American Rescue Plan Act of 2021 to offset reduced Victims of Crime Act funding.

2. CRIMINAL JUSTICE TRAINING

	2021-22	2022-23	2023-24
General Fund	-0-	1,028,500	2,057,000
Restricted Funds	3,383,000	92,193,300	92,471,800
Federal Funds	-0-	2,000	2,000
TOTAL	3,383,000	93,223,800	94,530,800

(1) Kentucky Law Enforcement Foundation Program Fund: Included in the above Restricted Funds appropriation is \$88,680,100 in fiscal year 2022-2023 and \$89,987,300 in fiscal year 2023-2024 for the Kentucky Law Enforcement Foundation Program Fund.

(2) Training Incentive Payments: (a) Notwithstanding KRS 15.460(1), included in the above Restricted Funds appropriation is \$4,300 in each fiscal year for each participant for training incentive payments. KRS 15.460(1)(b) to (f) shall remain applicable, except that the administrative expense reimbursement cap under KRS 15.460(1)(c)(3) shall not exceed \$1,000,000.

(b) Notwithstanding Part III, 2. of this Act, Restricted Funds appropriations may be increased to ensure sufficient funding to support this provision.

(3) Administrative Reimbursement: Notwithstanding KRS 15.450(3), the Department of Criminal Justice Training shall not receive reimbursement for the salaries and other costs of administering the fund, to include the Kentucky Law Enforcement Council operations and expenses, Peace Officers Professional Standards Office, attorney positions in the Department of Justice Administration, the Professional Development and Wellness Branch, Office of the State School Security Marshal, debt service, capital outlay, and Department personnel costs and expenses in excess of \$34,395,100 in fiscal year 2022-2023 and \$34,902,100 in fiscal year 2023-2024. The Department shall submit a report detailing reimbursed expenditures for the prior fiscal year to the Interim Joint Committee on Appropriations and Revenue by August 1 of each fiscal year.

(4) Criminal Justice Council: Pursuant to KRS 15.410 to 15.518, the Department of Criminal Justice Training shall not transfer funds from the Kentucky Law Enforcement Foundation Program Fund to support the Criminal Justice Council.

(5) Full Maintenance Contract: Included in the above Restricted Funds appropriation is \$350,000 in each fiscal year to support a full facilities maintenance contract.

(6) Critical Staffing: Included in the above Restricted Funds appropriation is \$538,400 in each fiscal year to support additional training positions and costs associated with a reclassification of current instructors.

(7) Kentucky Law Enforcement Council Funding: Notwithstanding KRS 15.450 and any other statute to the contrary, funding to support the operations of the Kentucky Law Enforcement Council shall not exceed \$648,900 in each fiscal year.

(8) Debt Service: Included in the above General Fund appropriation is \$1,028,500 in fiscal year 2022-2023 and \$2,057,000 in fiscal year 2023-2024 to support debt service for new bonds as set forth in Part II, Capital Projects Budget, of this Act.

(9) Western Kentucky Regional Training Center: (a) Included in the above Restricted Funds appropriation is \$2,500,000 in fiscal year 2021-2022 to conduct a comprehensive site and feasibility study of establishing a law enforcement training facility in Madisonville, Kentucky. This report shall be submitted to the Interim Joint Committee on Appropriations and Revenue by October 1, 2022. Notwithstanding KRS 45.229, any

unexpended funds from the \$2,500,000 included in the fiscal year 2021-2022 Restricted Funds appropriation balance for a comprehensive site and feasibility study shall not lapse and shall carry forward.

(b) Subject to the results of the site and feasibility study referenced in paragraph (a) of this subsection, it is the intent of the General Assembly to authorize a capital project for law enforcement professionals receiving training at the Western Kentucky Regional Training Center in Madisonville, Kentucky.

(10) McKinney Firing Range: The Department of Criminal Justice Training shall investigate the potential for architectural malpractice as it relates to the planning, designing, and overseeing of the construction of the McKinney Firing Range.

(11) Blackboard Learning Management System: Included in the above Restricted Funds appropriation is \$120,000 in each fiscal year to support online training software.

(12) Statutory Offices: Included in the above Restricted Funds appropriation is \$298,900 in fiscal year 2022-2023 and \$305,500 in fiscal year 2023-2024 to support statutory offices from the Kentucky Law Enforcement Foundation Program Fund.

3. JUVENILE JUSTICE

	2021-22	2022-23	2023-24
General Fund	3,630,100	113,379,300	114,529,200
Restricted Funds	-0-	13,961,500	13,961,500
Federal Funds	13,300	10,106,600	10,112,200
TOTAL	3,643,400	137,447,400	138,602,900

4. STATE POLICE

	2021-22	2022-23	2023-24
General Fund	7,800,000	221,414,900	220,554,800
Restricted Funds	743,900	35,282,400	35,413,300
Federal Funds	426,100	14,826,500	14,879,700
Road Fund	-0-	59,436,600	59,262,500
TOTAL	8,970,000	330,960,400	330,110,300

(1) Call to Extraordinary Duty: There is appropriated from the General Fund to the Department of Kentucky State Police, subject to the conditions and procedures provided in this Act, funds which are required as a result of the Governor's call of the Kentucky State Police to extraordinary duty when an emergency situation has been declared to exist by the Governor. Funding is authorized to be provided from the General Fund Surplus Account (KRS 48.700) or the Budget Reserve Trust Fund Account (KRS 48.705).

(2) Restricted Funds Uses: Notwithstanding KRS 24A.179, 42.320(2)(h), 65.7631, 189A.050(3)(a), 237.110(18), and 281A.160(2)(b), funds are included in the above Restricted Funds appropriation to maintain the operations and administration of the Kentucky State Police.

(3) Telecommunicator Training Incentive: Included in the above General Fund appropriation is sufficient funding for a \$3,100 annual training incentive stipend for telecommunicators.

(4) Debt Service: Included in the above General Fund appropriation is \$3,338,000 in fiscal year 2022-2023 and \$8,521,000 in fiscal year 2023-2024 to support debt service for new bonds as set forth in Part II, Capital Projects Budget, of this Act.

(5) Capitol Campus Security Personnel: Included in the above General Fund appropriation is \$125,600 in each fiscal year to support two Trooper R contracts designated specifically for the Capitol campus.

(6) Billing for Security Services: Notwithstanding any statute to the contrary, the Department of Kentucky State Police shall bill and accept payment from non-state operated event sponsors for security services provided by the Department.

(7) Lab Equipment: Included in the above General Fund appropriation is \$951,000 in fiscal year 2022-2023 for the purchase of various pieces of laboratory equipment including firearm imaging systems, DNA collections systems, and microscopes.

(8) Pension and Sick Leave Service Credit Obligation: Included in the above General Fund appropriation is \$7,462,100 in fiscal year 2022-2023 and \$4,000,000 in fiscal year 2023-2024 to fund costs associated with the conversion of sick leave to service credit upon an employee's retirement.

(9) Tier III Retirement Sick Leave Buy Back Program: Included in the above General Fund appropriation is \$900,000 in fiscal year 2023-2024 to support the purchase of excess sick leave balance for members participating in Tier III of the State Police Retirement System.

(10) Body Worn Camera Integrated System: Included in the above General Fund appropriation is \$9,759,200 in fiscal year 2022-2023 and \$2,475,800 in fiscal year 2023-2024 to support costs associated with a implementing a body worn camera integrated system.

(11) Training Incentive Payments: Notwithstanding KRS 15.460(1), included in the above Restricted Funds appropriation is \$4,300 in each fiscal year for each participant for training incentive payments.

(12) Background Check Fees: Pursuant to KRS 7.111, 7.112, and 11.160(1)(e), the Department of Kentucky State Police shall not charge a fee for the cost of background checks requested by the Legislative Research Commission during investigation processes related to confirmations of appointments or reappointments to boards and commissions and administrative law judges.

(13) Feasibility Study: The Department of Kentucky State Police shall conduct a comprehensive site and feasibility analysis on relocating its current headquarters to the State Police Academy location, shall research the potential for the current headquarters to be sold, and shall provide a report regarding the findings to the Interim Joint Committee on Appropriations and Revenue by October 1, 2022.

(14) Electronic Crimes Laboratories: (a) The Attorney General and the Commissioner of the Kentucky State Police shall work collaboratively to identify a pathway for consolidation of the Commonwealth's electronic crimes laboratories.

(b) The Attorney General and the Commissioner of the Kentucky State Police shall work collaboratively to develop a report of all cases at the Commonwealth's electronic crimes laboratories and shall submit this report to the Interim Joint Committee on Appropriations and Revenue by December 1, 2022.

(15) Driver Testing Branch Expansion: Included in the above Road Fund appropriation is \$4,082,900 in fiscal year 2022-2023 and \$4,123,800 in fiscal year 2023-2024 to support additional positions within the Driver Testing Branch of the Department of Kentucky State Police.

5. CORRECTIONS

a. Corrections Management

	2021-22	2022-23	2023-24
General Fund	550,500	16,014,200	16,038,300
Restricted Funds	-0-	150,000	150,000
Federal Funds	-0-	173,500	124,800
TOTAL	550,500	16,337,700	16,313,100

(1) Local Correctional Facilities: Notwithstanding KRS 441.420, no funds are provided for reimbursement to counties for design fees for architectural and engineering services associated with any new local correctional facility approved by the Local Correctional Facilities Construction Authority.

(2) Facility Reporting: (a) The Department of Corrections shall continuously monitor its bed utilization of county jails, halfway houses, Recovery Kentucky drug treatment centers, and all other community correctional residential facilities that are under contract with the Department. This monitoring shall include periodic review of its classification system to ensure that all offenders are placed in the least restrictive housing that provides appropriate security to protect public safety and provide ample opportunity for treatment and successful re-entry.

(b) On a quarterly basis, the Department shall submit a report detailing the average occupancy rate for each of these facility types outlined in paragraph (a) of this subsection to the Legislative Research Commission.

(3) Offender Information Specialist I Positions: Included in the above General Fund appropriation is \$427,700 in fiscal year 2022-2023 and \$435,000 in fiscal year 2023-2024 to support the addition of up to six Offender Information Specialist I positions.

(4) **Strategic Plan for Correctional Facilities:** Included in the above General Fund appropriation is \$100,000 in fiscal year 2022-2023 to support a strategic master plan for correctional facilities. The plan shall include details for each adult correctional facility, and the system as a whole, over the next ten years including capacity, services and facilities, a priority ranking of repairs, maintenance and new construction, as well as how each facility integrates into the Department’s overall strategic plan and operational objectives. The report shall be submitted to the Interim Joint Committee on Appropriations and Revenue and the Interim Joint Committee on Judiciary by July 1, 2023.

(5) **Educational Assistance Program:** Included in the above General Fund appropriation is \$200,000 in each fiscal year to support an educational assistance program.

b. Adult Correctional Institutions

	2021-22	2022-23	2023-24
General Fund	7,932,600	362,632,400	425,982,200
Restricted Funds	150,700	16,546,300	16,583,900
Federal Funds	-0-	46,098,000	98,000
TOTAL	8,083,300	425,276,700	442,664,100

(1) **Debt Service:** Included in the above General Fund appropriation is \$9,996,000 in fiscal year 2022-2023 and \$19,992,000 in fiscal year 2023-2024 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

(2) **Transfer to State Institutions:** Notwithstanding KRS 532.100(8), state prisoners, excluding the Class C and Class D felons qualifying to serve time in county jails, may be transferred to a state institution within 90 days of final sentencing, if the county jail does not object to the additional 45 days.

(3) **Operational Costs for Inmate Population:** In the event that actual operational costs exceed the amounts appropriated to support the budgeted average daily population of state felons for each fiscal year, the additional payments shall be deemed necessary government expenses and shall be paid from the General Fund Surplus Account (KRS 48.700) or the Budget Reserve Trust Fund Account (KRS 48.705), subject to notification as to necessity and amount by the State Budget Director who shall report any certified expenditure to the Interim Joint Committee on Appropriations and Revenue.

(4) **Substance Abuse Treatment and Job Training Pilot Project:** (a) It is the intent of the General Assembly to reduce recidivism, enhance public safety, reduce overcrowding across the Commonwealth’s correctional institutions and jails, promote workforce preparedness within the justice-involved population, and encourage successful re-entry of offenders.

(b) No later than September 1, 2022, the Department shall, in conformance with the provisions of KRS Chapter 45A, issue a solicitation for a Substance Abuse Treatment and Job Training pilot project that will include inpatient/residential treatment services for offenders with substance use disorders to receive evidence-based treatment, provide job training services, and coordinate work assignments for offenders within a centrally located facility.

(c) Any cost avoidance pursuant to the provisions of this subsection shall be reported on a quarterly basis to the Legislative Research Commission in each fiscal year. This report shall include but not be limited to the costs associated with the pilot project, the number of offenders participating in the pilot project, and the total number of days of sentence credit awarded by program type for offenders participating in the pilot project.

(d) Within ninety days after the effective date of this Act, the Department for Medicaid Services shall develop and submit an application for a Section 1115 demonstration waiver under 42 U.S.C. sec. 1315 to provide Medicaid coverage for substance use disorder treatment, including peer support services, to individuals incarcerated for a conviction under KRS Chapter 218A. Upon approval of the waiver, the cost of treatment for a substance use disorder or patient navigation provided by a licensed clinical social worker shall be a covered Medicaid benefit for an incarcerated individual.

(5) **Correctional Facilities Growth:** Included in the above General Fund appropriation is \$1,248,800 in fiscal year 2022-2023 and \$2,497,800 in fiscal year 2023-2024 to support additional corrections officer positions and anticipated increases in utility and food service costs.

(6) **Medical Services:** Included in the above General Fund appropriation is \$5,823,700 in fiscal year 2022-2023 and \$8,647,400 in fiscal year 2023-2024 to support increased medical services costs and Hepatitis C pharmaceutical treatment.

(7) **Correctional Facilities Support:** Included in the above Federal Funds appropriation is \$46,000,000 in fiscal year 2022-2023 from the State Fiscal Recovery Fund of the American Rescue Plan Act of 2021 to support the operations of congregate facilities within the Department of Corrections.

(8) **Environmental Impact and Feasibility Study:** Included in the above General Fund appropriation is \$1,000,000 in fiscal year 2023-2024 to support an environmental impact and feasibility study of Kentucky State Reformatory to evaluate the campus’s environmental and structural safety, utility subsequent to the transition of medical services to other prison institutions, and potential costs of necessary remediation activities.

c. Community Services and Local Facilities

	2021-22	2022-23	2023-24
General Fund	3,008,400	262,329,000	263,564,900
Restricted Funds	1,000,100	9,510,400	8,370,400
Federal Funds	12,800	854,700	854,800
TOTAL	4,021,300	272,694,100	272,790,100

(1) **Excess Local Jail Per Diem Costs:** In the event that actual local jail per diem payments exceed the amounts appropriated to support the budgeted average daily population of state felons in county jails for each fiscal year, the payments shall be deemed necessary government expenses and may be paid from the General Fund Surplus Account (KRS 48.700) or the Budget Reserve Trust Fund Account (KRS 48.705), subject to notification as to necessity and amount by the State Budget Director who shall report any certified expenditure to the Interim Joint Committee on Appropriations and Revenue.

(2) **Local Jails Funding:** Notwithstanding KRS 441.605 to 441.695, funds in the amount of \$3,000,000 in each fiscal year shall be expended from the Kentucky Local Correctional Facilities Construction Authority for local correctional facility and operational support.

(3) **Parole for Infirm Inmates:** (a) The Commissioner of the Department of Corrections shall certify and notify the Parole Board when a prisoner meets the requirements of paragraph (c) of this subsection for parole.

(b) Notwithstanding any statute to the contrary, within 30 days of receiving notification as prescribed by paragraph (a) of this subsection, the Parole Board shall grant parole.

(c) A prisoner who has been determined by the Department of Corrections to be physically or mentally debilitated, incapacitated, or infirm as a result of advanced age, chronic illness, disease, or any other qualifying criteria that constitutes an infirm prisoner shall be eligible for parole if:

1. The prisoner was not convicted of a capital offense and sentenced to death or was not convicted of a sex crime as defined in KRS 17.500;
2. The prisoner has reached his or her parole eligibility date or has served one-half of his or her sentence, whichever occurs first;
3. The prisoner is substantially dependent on others for the activities of daily living; and
4. There is a low risk of the prisoner presenting a threat to society if paroled.

(d) Unless a new offense is committed that results in a new conviction subsequent to a prisoner being paroled, paroled prisoners shall not be considered to be under the custody of the state in any way.

(e) Prisoners paroled under this subsection shall be paroled to a licensed long-term-care facility, nursing home, or family placement in the Commonwealth.

(f) The Cabinet for Health and Family Services and the Justice and Public Safety Cabinet shall provide all needed assistance and support in seeking and securing approval from the United States Department of Health and Human Services for federal assistance, including Medicaid funds, for the provision of long-term-care services to those eligible for parole under paragraph (c) of this subsection.

(g) The Cabinet for Health and Family Services and the Justice and Public Safety Cabinet shall have the authority to contract with community providers that meet the requirements of paragraph (e) of this subsection and

that are willing to house any inmates deemed to meet the requirements of this subsection so long as contracted rates do not exceed current expenditures related to the provisions of this subsection.

(h) The Cabinet for Health and Family Services and the Justice and Public Safety Cabinet are encouraged to collaborate with other states that are engaged in similar efforts so as to achieve the mandates of this subsection.

(i) The Cabinet for Health and Family Services and the Justice and Public Safety Cabinet shall provide a report to the Interim Joint Committee on Appropriations and Revenue by December 15 of each fiscal year concerning these provisions. The report shall include the number of persons paroled, the identification of the residential facilities utilized, an estimate of cost savings as a result of the project, and any other relevant material to assist the General Assembly in assessing the value of continuing and expanding the project.

(4) Participation in Transparent Governing - Full Disclosure of Inmate Population Forecasts and Related Materials: The Office of State Budget Director shall provide the methodology, assumptions, data, and all other related materials used to project biennial offender population forecasts conducted by the Office of State Budget Director, the Kentucky Department of Corrections, and any consulting firms, to the Interim Joint Committee on Appropriations and Revenue by November 1, 2023. This submission shall include but not be limited to the projected state, county, and community offender populations for the 2024-2026 fiscal biennium and must coincide with the budgeted amount for these populations. This submission shall clearly divulge the methodology and reasoning behind the budgeted and projected offender population in a commitment to participate in transparent governing.

(5) Calculating Avoided Costs Relating to Legislative Action: Notwithstanding KRS 196.288(5)(a), \$4,630,200 has been determined to meet the intent of the statute for the amount of avoided costs to be provided to the Local Corrections Assistance Fund. The actions implemented pursuant to the implementation of 2011 Ky. Acts ch. 2 now are no longer able to be calculated validly due to the length of time they have been embedded in the criminal justice system.

(6) Probation and Parole Expansion: Included in the above General Fund appropriation is \$2,585,900 in fiscal year 2022-2023 and \$2,490,900 in fiscal year 2023-2024 to support 25 probation and parole officer positions and an anticipated increase in janitorial service contracts.

(7) Substance Abuse Program Staffing Expansion: Included in the above General Fund appropriation is \$471,400 in fiscal year 2022-2023 and \$476,000 in fiscal year 2023-2024 to support seven social service clinician positions.

(8) Probation and Parole Fleet Vehicles: Included in the above General Fund appropriation is \$1,027,800 in fiscal year 2022-2023 to support the purchase and lease of vehicles for the Division of Probation and Parole. A preference for vehicles manufactured in Kentucky shall be considered. Notwithstanding KRS 45.229, for fiscal year 2022-2023, any portion of these funds not expended shall not lapse and shall carry forward.

(9) Reentry Expansion - Kentucky Opioid Response Effort: Included in the above Restricted Funds appropriation is \$1,000,000 in fiscal year 2021-2022 and \$1,000,000 in each fiscal year of the 2022-2024 fiscal biennium to support additional positions in the Reentry Division.

(10) County Jail Per Diem Increase: Included in the above General Fund appropriation is \$13,182,300 in fiscal year 2022-2023 and \$13,243,700 in fiscal year 2023-2024 to support a \$4.00 increase to the per diem payments to county jails that house state inmates.

(11) Substance Abuse, Mental Health, and Reentry Service Centers: (a) Notwithstanding any statute to the contrary, for each fiscal year, the Department of Corrections shall pay each contracted provider of substance abuse, mental health, and reentry centers a minimum of 65 percent of the contracted beds monthly. Any contracted, but unfilled contracted beds as of the effective date of this Act may, at the discretion of the provider, be terminated.

(b) Each contracted provider, as provided for in paragraph (a) of this subsection, shall report 100 percent of their occupancy to the Department of Corrections. The report shall detail the total number of beds, the number of beds available, the type of individual occupying bed space, and shall be submitted in a method and at a frequency established by the Department's discretion.

(c) Notwithstanding any statute to the contrary, the Department of Corrections shall be permitted to negotiate an inflationary price increase for contracted providers of substance abuse, mental health, and reentry centers during the COVID-19 state of emergency.

(12) Jail Inspector Fleet Vehicles: Included in the above General Fund appropriation is \$211,500 in fiscal year 2022-2023 to support the purchase of nine vehicles for jail inspectors. A preference for vehicles manufactured in

Kentucky shall be considered. Notwithstanding KRS 45.229, for fiscal year 2022-2023, any portion of these funds not expended shall not lapse and shall carry forward.

d. Local Jail Support

	2021-22	2022-23	2023-24
General Fund	23,100	16,788,600	16,788,600

(1) Local Corrections Assistance Fund Allocation: Notwithstanding KRS 196.288(5)(a), included in the above General Fund appropriation is \$4,630,200 in each fiscal year for the Local Corrections Assistance Fund. Moneys in the fund shall be distributed to the counties each year. Amounts distributed from the fund shall be used to support local correctional facilities and programs, including the transportation of prisoners, as follows:

(a) In each fiscal year, the first \$3,000,000 received by the fund, or, if the fund receives less than \$3,000,000, the entire balance of the fund, shall be divided equally among all counties; and

(b) Any moneys remaining after making the distributions required by paragraph (a) of this subsection shall be distributed to each county based on a ratio, the numerator of which shall be the county's county inmate population on the second Thursday in January during the prior fiscal year, and the denominator of which shall be the total counties' county inmate population for the entire state on the second Thursday in January during the prior fiscal year.

(2) Life Safety or Closed Jails: Included in the above General Fund appropriation is \$860,000 in each fiscal year to provide a monthly payment of an annual amount of \$20,000 to each county with a life safety jail or closed jail. The payment shall be in addition to the payment required by KRS 441.206(2).

(3) Inmate Medical Care Expenses: Included in the above General Fund appropriation is \$792,800 in each fiscal year for medical care contracts to be distributed, upon approval of the Department of Corrections, to counties by the formula codified in KRS 441.206, and \$851,800 in each fiscal year, on a partial reimbursement basis, for medical claims in excess of the statutory threshold pursuant to KRS 441.045. The funding support for medical contracts and catastrophic medical expenses for indigents shall be maintained in discrete accounts. Any medical claim that exceeds the statutory threshold may be reimbursed for that amount in excess of the statutory threshold.

TOTAL - CORRECTIONS

	2021-22	2022-23	2023-24
General Fund	11,514,600	657,764,200	722,374,000
Restricted Funds	1,150,800	26,206,700	25,104,300
Federal Funds	12,800	47,126,200	1,077,600
TOTAL	12,678,200	731,097,100	748,555,900

6. PUBLIC ADVOCACY

	2021-22	2022-23	2023-24
General Fund	2,423,100	81,917,300	82,432,900
Restricted Funds	78,200	4,504,300	4,504,300
Federal Funds	70,700	2,138,000	2,088,000
TOTAL	2,572,000	88,559,600	89,025,200

(1) Pension and Sick Leave Service Credit Obligation: Included in the above General Fund appropriation is \$54,000 in each fiscal year to fund costs associated with the conversion of sick leave to service credit upon an employee's retirement.

(2) Protection and Advocacy Continuation of Services: Included in the above General Fund appropriation is \$596,900 in each fiscal year for the Division of Protection and Advocacy to maintain current services and compliance with federal grant obligations.

(3) Public Defender Salary Increases: (a) Included in the above General Fund appropriation is \$7,078,900 in each fiscal year to support salary increases for public defender attorneys and staff, including the following positions: Law Clerk, Staff Attorney I, Staff Attorney II, Staff Attorney III, Staff Attorney Supervisor, and Staff Attorney Manager.

(b) Any increase in creditable compensation resulting from the pay raises provided by this subsection shall be exempt from reduction under KRS 61.598, and the pay raises shall be fully used to determine the member's creditable compensation, final compensation, and resulting retirement benefits, regardless of the member's actual retirement date or the system from which the member retires.

(4) **Conflict Case Reimbursements:** Included in the above General Fund appropriation is \$700,000 in each fiscal year to support an increase in reimbursement amounts for conflict case payments.

(5) **Certification of Indigency:** Notwithstanding KRS 31.120, no public defense attorney shall be ordered to represent any individual in criminal matters without receiving, in writing, a sworn certification of indigency. The provisions of this subsection do not apply to the appointment of counsel at the earliest necessary proceeding at which the person is entitled to counsel, upon declaration by the person that they are indigent; however, if later determined not to be indigent, the Department of Public Advocacy is to be reimbursed for its representation pursuant to KRS 31.120(1)(b).

TOTAL - JUSTICE AND PUBLIC SAFETY CABINET

	2021-22	2022-23	2023-24
General Fund (Tobacco)	-0-	3,250,000	3,250,000
General Fund	26,004,400	1,124,812,000	1,190,244,600
Restricted Funds	5,355,900	177,414,000	177,050,200
Federal Funds	572,700	129,429,900	83,399,300
Road Fund	-0-	59,436,600	59,262,500
TOTAL	31,933,000	1,494,342,500	1,513,206,600

I. PERSONNEL CABINET

Budget Units

1. GENERAL OPERATIONS

	2021-22	2022-23	2023-24
Restricted Funds	746,500	32,750,800	32,871,600
TOTAL	746,500	32,750,800	32,871,600

(1) **Classification and Compensation Report:** The Personnel Cabinet Secretary shall perform a comprehensive review of the KRS Chapter 18A Classification and Compensation Plan, specifically the current salary schedule, and shall provide a report and recommendations for changes to the Interim Joint Committees on State Government and Appropriations and Revenue by July 7, 2022, for action by the 2023 General Assembly. The recommendations for changes shall include but not be limited to locality pay, seniority, job classification, and other factors as deemed necessary by the Secretary to provide competitive pay for Executive Branch employees. The Secretary shall work with the Office of State Budget Director to develop cost projections by fund source for their recommendations and include the projections in their report. Failure to provide the recommendation by July 7, 2022, shall result in the reduction of the Restricted Funds appropriation by \$2,000,000 in fiscal year 2022-2023 and an additional reduction of \$2,000,000 for each month the recommendation is delayed.

(2) **KRS Chapter 18A Review and Recommendations Report:** The Personnel Cabinet Secretary shall perform a comprehensive review of KRS Chapter 18A and provide a report with recommendations for changes to the Interim Joint Committees on State Government and Appropriations and Revenue by November 1, 2022. The recommendations for changes shall include but not be limited to probationary periods, lay-off rules, exemptions from classified service, and employee evaluations.

(3) **Public Employee Health Insurance Trust Fund Actuarial Projections:** The Department of Employee Insurance shall prepare a report that includes actuarial projections of the operating net gain or loss, recommended reserves, and remaining balance after reserves, by plan year, for all active plan years and a minimum of two upcoming plan years for the Public Employee Health Insurance Trust Fund, as of September 30 of each fiscal year. This report shall be submitted to the Interim Joint Committee on Appropriations and Revenue by December 1 of each fiscal year.

2. PUBLIC EMPLOYEES DEFERRED COMPENSATION AUTHORITY

	2021-22	2022-23	2023-24
Restricted Funds	79,800	8,386,700	8,401,000

3. WORKERS' COMPENSATION BENEFITS AND RESERVE

	2021-22	2022-23	2023-24
Restricted Funds	31,500	24,358,900	24,358,800

(1) Workers' Compensation Payments: Notwithstanding Part III, 2. of this Act, Restricted Funds appropriations may be increased to ensure sufficient funding to support workers' compensation payments.

4. FIXED ALLOCATION NON-HAZARDOUS PENSION FUND

	2022-23	2023-24
General Fund	89,090,400	84,617,800

(1) Quasi-State Agency Subsidy Distributions: (a) Included in the above General Fund appropriation is \$332,100 in each fiscal year to maintain each Non-P1 state agency's fiscal year 2019-2020 baseline subsidy as adjusted and posted under the 2022 Budget Bills tile on the Legislative Research Commission's Web site.

(b) Included in the above General Fund appropriation is \$18,882,100 in each fiscal year to maintain each Regional Mental Health Unit's fiscal year 2019-2020 baseline subsidy as adjusted and posted under the 2022 Budget Bills tile on the Legislative Research Commission's Web site.

(c) Included in the above General Fund appropriation is \$25,151,300 in each fiscal year to maintain each health department's fiscal year 2019-2020 baseline subsidy as adjusted and posted under the 2022 Budget Bills tile on the Legislative Research Commission's Web site.

(d) The distribution of the baseline subsidy to each employer classification identified in paragraphs (a), (b), and (c) of this subsection shall be distributed in the following manner: In July and January of each year, the Office of State Budget Director shall obtain the total creditable compensation reported by each employer to the Kentucky Public Pensions Authority and utilize that number to determine how much of each total appropriation shall be distributed to each employer within its own unique employer classification. Payments to each employer shall be made on September 1 and April 1 of each fiscal year. The Office of State Budget Director shall provide a report to the Interim Joint Committee on Appropriations and Revenue by May 1 of each fiscal year. The report shall detail the disbursement of funds in this subsection and include the creditable compensation, by employer, for which disbursements are made.

(e) Notwithstanding KRS 61.5991(6)(b), included in the above General Fund appropriation is \$44,724,900 in fiscal year 2022-2023 and \$40,252,300 in fiscal year 2023-2024 to support each employer's share of the anticipated increase in retirement costs over each employer's fiscal year 2019-2020 baseline contribution as adjusted and posted under the 2022 Budget Bills tile on the Legislative Research Commission's Web site.

5. STATE SALARY AND COMPENSATION FUND

	2022-23	2023-24
General Fund	-0-	5,307,000
Restricted Funds	-0-	1,632,000
Federal Funds	-0-	1,259,000
Road Fund	-0-	1,129,000
TOTAL	-0-	9,327,000

(1) State Salary and Compensation Fund: The State Budget Director shall determine the necessary amount of funds from the appropriations included above, by budget unit, to provide for supplemental funds for fiscal year 2023-2024 employer contributions for state agency health insurance benefits. The State Budget Director shall notify the Secretary of the Finance and Administration Cabinet of the respective amounts from the Fund to transfer to each affected budget unit. The State Budget Director shall report to the Interim Joint Committee on Appropriations and Revenue on the implementation of this provision by August 1, 2023.

TOTAL - PERSONNEL CABINET

2021-22	2022-23	2023-24
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General Fund	-0-	89,090,400	89,924,800
Restricted Funds	857,800	65,496,400	67,263,400
Federal Funds	-0-	-0-	1,259,000
Road Fund	-0-	-0-	1,129,000
TOTAL	857,800	154,586,800	159,576,200

J. POSTSECONDARY EDUCATION

Budget Units

1. COUNCIL ON POSTSECONDARY EDUCATION

	2021-22	2022-23	2023-24
General Fund (Tobacco)	-0-	6,250,000	6,250,000
General Fund	222,900	18,436,500	17,871,800
Restricted Funds	17,400	5,020,000	5,023,000
Federal Funds	86,400	26,040,700	5,621,100
TOTAL	326,700	55,747,200	34,765,900

(1) **Interest Earnings Transfer from the Strategic Investment and Incentive Trust Fund Accounts:** Notwithstanding KRS 164.7911 to 164.7927, any expenditures from the Strategic Investment and Incentive Trust Fund accounts in excess of appropriated amounts by the Council on Postsecondary Education shall be subject to KRS 48.630.

(2) **Cancer Research and Screening:** Included in the above General Fund (Tobacco) appropriation is \$6,250,000 in each fiscal year for cancer research and screening. The appropriation in each fiscal year shall be equally shared between the University of Kentucky and the University of Louisville.

(3) **Southern Regional Education Board Dues:** Included in the above General Fund appropriation is \$214,800 in each fiscal year for Southern Regional Education Board dues.

(4) **Doctoral Scholars:** Included in the above General Fund appropriation is \$50,000 in each fiscal year for the Southern Regional Education Board Doctoral Scholars Program.

(5) **Ovarian Cancer Screening:** Included in the above General Fund appropriation is \$1,000,000 in each fiscal year for the Ovarian Cancer Screening Outreach Program at the University of Kentucky.

(6) **Redistribution of Resources:** Notwithstanding KRS 164.028 to 164.0282, no General Fund is provided for Professional Education Preparation.

(7) **Postsecondary Education Debt:** Notwithstanding KRS 45.750 to 45.810, in order to lower the cost of borrowing, any university that has issued or caused to be issued debt obligations through a not-for-profit corporation or a municipality or county government for which the rental or use payments of the university substantially meet the debt service requirements of those debt obligations is authorized to refinance those debt obligations if the principal amount of the debt obligations is not increased and the rental payments of the university are not increased. Any funds used by a university to meet debt obligations issued by a university pursuant to this subsection shall be subject to interception of state-appropriated funds pursuant to KRS 164A.608.

(8) **Disposition of Postsecondary Institution Property:** Notwithstanding KRS 45.777, a postsecondary institution's governing board may elect to sell or dispose of real property or major items of equipment and proceeds from the sale shall be designated to the funding sources, on a proportionate basis, used for acquisition of the equipment or property to be sold.

(9) **Spinal Cord and Head Injury Research:** Included in the above General Fund appropriation is \$2,000,000 in each fiscal year for spinal cord and head injury research. In accordance with KRS 211.500 to 211.504, the appropriation in each fiscal year shall be shared between the University of Kentucky and the University of Louisville.

(10) **Debt Service:** Included in the above General Fund appropriation is \$1,612,000 in fiscal year 2022-2023 and \$3,224,000 in fiscal year 2023-2024 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

(11) Healthcare Workforce Initiative: Included in the above Federal Funds appropriation is \$10,000,000 in fiscal year 2022-2023 from the State Fiscal Recovery Fund of the American Rescue Plan Act of 2021 for establishing the Healthcare Workforce Initiative Program to help grow and strengthen the education and training pipeline of healthcare professions within Kentucky’s public two and four-year colleges and universities.

(12) Workforce Development Trust Fund: Included in the above General Fund appropriation is \$2,225,000 in fiscal year 2022-2023 to support the Workforce Development Trust Fund. The Council on Postsecondary Education shall submit a report to the Interim Joint Committee on Appropriations and Revenue by September 1, 2023, detailing the expenditure of funds and how the funds were utilized to increase credential production capacity for identified supply gaps and support program offerings in targeted industry sectors within the Kentucky Community and Technical College System.

(13) Simmons College: Included in the above Federal Funds appropriation is \$4,200,000 in fiscal year 2022-2023 from the State Fiscal Recovery Fund of the American Rescue Plan Act of 2021 for the Teacher Education Initiative. Included in the above Federal Funds appropriation is \$1,800,000 in fiscal year 2022-2023 from the State Fiscal Recovery Fund of the American Rescue Plan Act of 2021 to expand academic offerings to include the areas of psychology to produce more licensed mental health practitioners, quality control technology, and logistics and supply chain management.

2. KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY

	2021-22	2022-23	2023-24
General Fund	-0-	339,217,100	345,982,100
Restricted Funds	69,600	37,929,300	29,347,000
Federal Funds	-0-	8,040,000	8,040,000
TOTAL	69,600	385,186,400	383,369,100

(1) College Access Program: Notwithstanding KRS 154A.130(4), included in the above General Fund appropriation is \$134,075,000 in fiscal year 2022-2023 and \$139,025,000 in fiscal year 2023-2024 for the College Access Program.

(2) Kentucky Tuition Grant Program: Notwithstanding KRS 154A.130(4), included in the above General Fund appropriation is \$44,325,000 in fiscal year 2022-2023 and \$45,975,000 in fiscal year 2023-2024 for the Kentucky Tuition Grant Program.

(3) Kentucky National Guard Tuition Award Program: Notwithstanding KRS 154A.130(4), included in the above General Fund appropriation is \$7,398,100 in each fiscal year for the National Guard Tuition Award Program.

(4) Kentucky Educational Excellence Scholarships (KEES): Notwithstanding KRS 154A.130(4), included in the above General Fund appropriation is \$116,126,600 in each fiscal year for the Kentucky Educational Excellence Scholarships (KEES). Included in the above Restricted Funds appropriation is \$4,773,400 in fiscal year 2022-2023 and \$5,873,400 in fiscal year 2023-2024 for KEES.

(5) Work Ready Kentucky Scholarship Program: Notwithstanding KRS 154A.130(4), included in the above General Fund appropriation is \$10,800,000 in each fiscal year for the Work Ready Kentucky Scholarship Program. Notwithstanding KRS 164.787, the dual credit component of the Work Ready Kentucky Scholarship Program for high school students shall be funded and administered through the Dual Credit Scholarship Program.

(6) Dual Credit Scholarship Program: (a) Notwithstanding KRS 154A.130(4), included in the above General Fund appropriation is \$13,150,000 in each fiscal year for the Dual Credit Scholarship Program.

(b) Excluding any unclaimed prize money received under Part III, 20. of this Act, there is hereby appropriated from the KEES Program Reserve Account Restricted Funds in the amount of \$5,987,400 for fiscal year 2022-2023 and \$6,290,100 for fiscal year 2023-2024 for the purposes set forth in paragraph (c) of this subsection from fiscal year 2020-2021 excess lottery receipts.

(c) Notwithstanding KRS 164.786(1)(f) and 164.787(2)(d), the dual credit tuition rate ceiling shall be one-half of the per credit hour tuition amount charged by the Kentucky Community and Technical College System for in-state students. Notwithstanding KRS 164.786(1)(g)2. and (4)(b), priority for awarding scholarships shall be given in order to high school seniors, juniors, sophomores, and freshmen. Notwithstanding KRS 164.786(4)(c), eligible high school students may receive a dual credit scholarship for two career and technical education dual credit courses per

academic year and four general education dual credit courses over the junior and senior years, up to a maximum of 12 approved dual credit courses.

(d) Notwithstanding KRS 45.229, any portion of funds provided for in paragraph (b) of this subsection that has not been expended by the end of fiscal year 2022-2023 shall not lapse and shall carry forward into fiscal year 2023-2024.

(7) **Veterinary Medicine Contract Spaces:** Included in the above General Fund appropriation is \$5,494,000 in fiscal year 2022-2023 and \$5,659,000 in fiscal year 2023-2024 to fund 164 veterinary slots.

(8) **Optometry Scholarship Program:** Included in the above General Fund appropriation is \$848,400 in each fiscal year for the Optometry Scholarship Program.

(9) **Use of Lottery Revenues:** Notwithstanding KRS 154A.130(3) and (4), lottery revenues in the amount of \$326,874,700 in fiscal year 2022-2023 and \$333,474,700 in fiscal year 2023-2024 are appropriated to the Kentucky Higher Education Assistance Authority. Notwithstanding KRS 154A.130(4) and any provisions of this Act to the contrary, if lottery receipts received by the Commonwealth, excluding any unclaimed prize money received under Part III, 20. of this Act, exceed \$292,000,000 in fiscal year 2021-2022, \$333,974,700 in fiscal year 2022-2023, or \$340,574,700 in fiscal year 2023-2024, the first \$3,000,000 of excess funds in each fiscal year shall be transferred to the Kentucky Higher Education Assistance Authority and appropriated in accordance with KRS 154A.130(4)(b), and any additional excess shall be transferred to a trust and agency account and shall not be expended or appropriated without the express authority of the General Assembly.

(10) **Redistribution of Resources:** Notwithstanding KRS 164.518, 164.740 to 164.764, 164.7890(11)(c), 164.7891(11)(b), and 164.7894, no General Fund is provided for Early Childhood Development Scholarships, Work Study, Coal County Pharmacy Scholarships, Osteopathic Medicine Scholarships, and Coal County College Completion Scholarships in order to provide additional funding to the College Access Program and Kentucky Tuition Grant Program.

(11) **Teacher Scholarship Program:** Notwithstanding KRS 154A.130(4), included in the above General Fund appropriation is \$1,000,000 in each fiscal year for the Teacher Scholarship Program. The Kentucky Higher Education Assistance Authority, in coordination with the Council on Postsecondary Education, shall submit a report on the number of teacher scholarships provided in each fiscal year, the program of study in which recipients are enrolled, recipient retention rates, total number of applications, and the impact of the scholarships on recruitment. This report shall be submitted to the Interim Joint Committee on Education by September 1 of each fiscal year.

(12) **Early Childhood Development Scholarship Program:** Included in the above Federal Funds appropriation is \$4,000,000 in each fiscal year for the Early Childhood Development Scholarship Program.

(13) **General Administration and Support:** Included in the above General Fund appropriation is \$6,000,000 in each fiscal year to support general administration and support services.

(14) **Innovative Scholarship Pilot Project:** Excluding any unclaimed prize money received under Part III, 20. of this Act, there is hereby appropriated from the KEES Program Reserve Account Restricted Funds in the amount of \$10,000,000 in fiscal year 2022-2023 for the Innovative Scholarship pilot project from fiscal year 2020-2021 excess lottery receipts. The Kentucky Higher Education Assistance Authority shall work in coordination with the Council on Postsecondary Education to develop and implement the Innovative Scholarship pilot project. Notwithstanding KRS 45.229, any portion of funds that have not been expended by the end of fiscal year 2022-2023 shall not lapse and shall carry forward into fiscal year 2023-2024.

3. EASTERN KENTUCKY UNIVERSITY

	2022-23	2023-24
General Fund	76,640,900	81,901,300
Restricted Funds	210,611,400	210,611,400
Federal Funds	135,500,000	135,500,000
TOTAL	422,752,300	428,012,700

(1) **Mandated Programs:** Included in the above General Fund appropriation are the following:

(a) \$4,571,900 in each fiscal year for the Model Laboratory School;

(b) Notwithstanding KRS 61.5991(6)(b)1.a. and b., \$8,909,700 in fiscal year 2022-2023 and \$8,023,100 in fiscal year 2023-2024 for the university’s fiscal year 2019-2020 baseline subsidy as adjusted and located under the 2022 Budget Bills tile on the Legislative Research Commission’s Web site; and

(c) \$200,000 in fiscal year 2022-2023 for the Center for the Arts.

(2) **Debt Service:** Included in the above General Fund appropriation is \$2,117,000 in fiscal year 2022-2023 and \$8,464,000 in fiscal year 2023-2024 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

(3) **Advancement of Childhood Education:** Eastern Kentucky University and the Model Laboratory School shall collaborate on advancing childhood education in the Commonwealth.

4. KENTUCKY STATE UNIVERSITY

	2021-22	2022-23	2023-24
General Fund	671,500	28,165,600	28,690,800
Restricted Funds	-0-	20,624,400	23,791,300
Federal Funds	-0-	29,451,900	26,451,900
TOTAL	671,500	78,241,900	78,934,000

(1) **Mandated Programs:** Included in the above General Fund appropriation are the following:

(a) \$8,881,900 in each fiscal year to fund the state match payments required of land-grant universities under federal law;

(b) Notwithstanding KRS 61.5991(6)(b)1.a. and b., \$558,200 in fiscal year 2022-2023 and \$503,400 in fiscal year 2023-2024 for the university’s fiscal year 2019-2020 baseline subsidy as adjusted and located under the 2022 Budget Bills tile on the Legislative Research Commission’s Web site; and

(c) \$200,000 in each fiscal year to support the West Louisville Historically Black Colleges and Universities pilot projects.

(2) **Debt Service:** Included in the above General Fund appropriation is \$290,000 in fiscal year 2022-2023 and \$870,000 in fiscal year 2023-2024 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

5. MOREHEAD STATE UNIVERSITY

	2022-23	2023-24
General Fund	45,714,100	49,762,400
Restricted Funds	121,153,900	124,536,700
Federal Funds	36,805,800	36,805,800
TOTAL	203,673,800	211,104,900

(1) **Mandated Programs:** Included in the above General Fund appropriation are the following:

(a) \$4,985,100 in each fiscal year for the Craft Academy for Excellence in Science and Mathematics;

(b) Notwithstanding KRS 61.5991(6)(b)1.a. and b., \$4,913,000 in fiscal year 2022-2023 and \$4,411,800 in fiscal year 2023-2024 for the university’s fiscal year 2019-2020 baseline subsidy as adjusted and located under the 2022 Budget Bills tile on the Legislative Research Commission’s Web site; and

(c) \$250,000 in fiscal year 2022-2023 to erect a second satellite dish.

(2) **Debt Service:** Included in the above General Fund appropriation is \$634,500 in fiscal year 2022-2023 and \$5,434,000 in fiscal year 2023-2024 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

6. MURRAY STATE UNIVERSITY

	2022-23	2023-24
General Fund	48,708,900	51,707,100

Restricted Funds	103,967,100	104,294,200
Federal Funds	34,812,400	34,812,400
TOTAL	187,488,400	190,813,700

(1) **Mandated Programs:** Included in the above General Fund appropriation are the following:

(a) \$4,034,200 in each fiscal year for the Breathitt Veterinary Center; and

(b) Notwithstanding KRS 61.5991(6)(b)1.a. and b., \$3,270,900 in fiscal year 2022-2023 and \$2,929,600 in fiscal year 2023-2024 for the university's fiscal year 2019-2020 baseline subsidy as adjusted and located under the 2022 Budget Bills tile on the Legislative Research Commission's Web site.

(2) **Debt Service:** Included in the above General Fund appropriation is \$850,000 in fiscal year 2022-2023 and \$4,189,500 in fiscal year 2023-2024 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

7. NORTHERN KENTUCKY UNIVERSITY

	2022-23	2023-24
General Fund	53,090,500	57,655,000
Restricted Funds	199,178,300	199,178,300
Federal Funds	13,075,600	13,075,600
TOTAL	265,344,400	269,908,900

(1) **Mandated Programs:** Included in the above General Fund appropriation is \$1,323,900 in each fiscal year for the Kentucky Center for Mathematics.

(2) **Debt Service:** Included in the above General Fund appropriation is \$843,000 in fiscal year 2022-2023 and \$5,407,500 in fiscal year 2023-2024 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

8. UNIVERSITY OF KENTUCKY

	2022-23	2023-24
General Fund	289,108,300	303,669,300
Restricted Funds	5,906,559,000	8,271,355,400
Federal Funds	424,800,000	452,037,700
TOTAL	6,620,467,300	9,027,062,400

(1) **Mandated Programs:** Included in the above General Fund appropriation are the following:

(a) \$35,420,800 in each fiscal year for the College of Agriculture, Food and Environment's Cooperative Extension Service. Of this amount, \$4,145,500 in each fiscal year is provided to support extension agent compensation;

(b) \$31,434,100 in each fiscal year for the Kentucky Agricultural Experiment Station. Of this amount, \$1,954,500 is provided to support program increases;

(c) \$10,176,200 in each fiscal year for the Center for Applied Energy Research. Of this amount, \$5,000,000 in each fiscal year is provided to support federal grant match requirements;

(d) \$4,076,300 in each fiscal year for the Kentucky Geological Survey;

(e) \$4,034,200 in each fiscal year for the Veterinary Diagnostic Laboratory;

(f) \$2,040,500 in each fiscal year for the Sanders-Brown Center on Aging;

(g) \$1,800,000 in each fiscal year for the College of Agriculture, Food and Environment's Division of Regulatory Services;

(h) \$600,000 in each fiscal year for the College of Agriculture, Food and Environment's Kentucky Small Business Development Center;

(i) \$586,300 in each fiscal year for the University Press of Kentucky;

(j) Notwithstanding KRS 154A.130(4), \$500,000 in each fiscal year for the Human Development Institute for the Supported Higher Education Project;

(k) \$450,200 in each fiscal year for the Center of Excellence in Rural Health;

(l) \$450,200 in each fiscal year for the Kentucky Cancer Registry; and

(m) \$100,000 in each fiscal year for the Sports Medicine Research Institute.

(2) **Debt Service:** Included in the above General Fund appropriation is \$2,777,500 in fiscal year 2022-2023 and \$17,338,500 in fiscal year 2023-2024 to provide new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

(3) **Restricted Funds Transfer:** Notwithstanding any statute to the contrary, \$9,000,000 in Restricted Funds shall be transferred in fiscal year 2022-2023 from the West Kentucky State Aid Funding for Emergencies (SAFE) Fund administered by the Department of Military Affairs, Division of Emergency Management, to the University of Kentucky to support disaster recovery and relief efforts at the Grain and Forage Center of Excellence located in Princeton.

(4) **Markey Cancer Center:** Included in the above General Fund appropriation is \$10,000,000 in each fiscal year for the Markey Cancer Center in pursuit of a National Cancer Institute designation as a Comprehensive Cancer Center. These funds shall be excluded from the public postsecondary comprehensive funding model and shall be contingent upon the Markey Cancer Center receiving the Comprehensive Cancer Center designation. When the designation is received, the University of Kentucky shall submit the letter of designation to the Interim Joint Committee on Education and the Secretary of the Finance and Administration Cabinet. If the designation is not received, the full appropriation shall lapse to the General Fund.

(5) **Healthcare Worker Loan Relief Program:** Included in the above Federal Funds appropriation is \$2,000,000 in each fiscal year from the State Fiscal Recovery Fund of the American Rescue Plan Act of 2021 to support the Healthcare Worker Loan Relief Program that is to be aligned with the Kentucky State Loan Repayment Program currently administered by the Kentucky Office of Rural Health.

9. UNIVERSITY OF LOUISVILLE

	2022-23	2023-24
General Fund	129,031,800	134,223,800
Restricted Funds	1,042,682,700	1,077,738,100
Federal Funds	205,060,300	211,713,300
TOTAL	1,376,774,800	1,423,675,200

(1) **Mandated Programs:** Included in the above General Fund appropriation are the following:

(a) \$695,200 in each fiscal year for the Rural Health Education Program;

(b) \$150,000 in each fiscal year for the Kentucky Autism Training Center;

(c) \$100,000 in each fiscal year for the School of Dentistry to provide dental care to patients with dental issues related to drug use;

(d) \$300,000 in each fiscal year for the Center for Military-Connected Students; and

(e) \$100,000 in fiscal year 2022-2023 for dental equipment to support clinical rotations in rural areas.

(2) **Debt Service:** Included in the above General Fund appropriation is \$1,475,000 in fiscal year 2022-2023 and \$6,767,000 in fiscal year 2023-2024 to provide new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

10. WESTERN KENTUCKY UNIVERSITY

	2022-23	2023-24
General Fund	79,173,100	83,951,300
Restricted Funds	268,683,500	268,683,500
Federal Funds	35,140,000	32,340,000
TOTAL	382,996,600	384,974,800

(1) **Mandated Programs:** Included in the above General Fund appropriation are the following:

(a) \$4,985,100 in each fiscal year for the Gatton Academy of Mathematics and Science in Kentucky;

(b) \$1,750,000 in each fiscal year for the Kentucky Mesonet; and

(c) Notwithstanding KRS 61.5991(6)(b)1.a. and b., \$3,592,500 in fiscal year 2022-2023 and \$3,237,200 in fiscal year 2023-2024 for the university's fiscal year 2019-2020 baseline subsidy as adjusted and located under the 2022 Budget Bills tile on the Legislative Research Commission's Web site.

(2) **Debt Service:** Included in the above General Fund appropriation is \$1,226,500 in fiscal year 2022-2023 and \$6,360,000 in fiscal year 2023-2024 to provide new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

(3) **LifeWorks at WKU:** Included in the above Federal Funds appropriation is \$2,800,000 in fiscal year 2022-2023 from the State Fiscal Recovery Fund of the American Rescue Plan Act of 2021 to support the LifeWorks at WKU Program.

11. KENTUCKY COMMUNITY AND TECHNICAL COLLEGE SYSTEM

	2022-23	2023-24
General Fund	180,464,900	187,833,700
Restricted Funds	501,724,000	507,027,300
Federal Funds	429,780,700	391,780,700
TOTAL	1,111,969,600	1,086,641,700

(1) **Mandated Programs:** Included in the above General Fund appropriation are the following:

(a) \$4,149,800 in each fiscal year for KCTCS-TRAINS;

(b) \$1,869,900 in each fiscal year for the Kentucky Fire Commission;

(c) \$1,799,700 in each fiscal year for the Kentucky Board of Emergency Medical Services;

(d) \$1,000,000 in each fiscal year for Adult Agriculture Education;

(e) Notwithstanding KRS 61.5991(6)(b)1.a. and b., \$854,900 in fiscal year 2022-2023 and \$765,200 in fiscal year 2023-2024 for the college system's fiscal year 2019-2020 baseline subsidy as adjusted and located under the 2022 Budget Bills tile on the Legislative Research Commission's Web site;

(f) \$900,000 in fiscal year 2022-2023 to establish an aviation program at Western Kentucky Community and Technical College in partnership with Barkley Regional Airport in Paducah; and

(g) \$900,000 in fiscal year 2022-2023 to support the aviation programs at Madisonville Community College.

(2) **Firefighters Foundation Program Fund:** (a) Included in the above Restricted Funds appropriation is \$51,218,100 in fiscal year 2022-2023 and \$51,809,000 in fiscal year 2023-2024 for the Firefighters Foundation Program Fund.

(b) Notwithstanding KRS 95A.250(1)(a), included in the above Restricted Funds appropriation are sufficient funds for an incentive payment of \$4,300, plus an amount equal to the required employer's contribution on the supplement, in each fiscal year for each qualified professional firefighter under the Firefighters Foundation Program Fund. KRS 95A.250(1)(b) to (e) shall remain applicable, except that the administrative expense reimbursement cap under KRS 95A.250(1)(e)(3) shall not exceed \$500,000.

(c) Notwithstanding KRS 95A.262(2), included in the above Restricted Funds appropriation is \$11,500 in each fiscal year for aid payments for each qualified volunteer fire department.

(d) Notwithstanding KRS 95A.200 to 95A.300, \$5,800,000 in fiscal year 2022-2023 shall be transferred to support projects as set forth in Part II, Capital Projects Budget, of this Act.

(e) Notwithstanding Part III, 2. of this Act, Restricted Funds appropriations may be increased to ensure sufficient funding to support the provision of training incentive payments.

(3) **Firefighters Training Center Fund:** Notwithstanding KRS 95A.262(3), \$500,000 in Restricted Funds is provided in each fiscal year for the Firefighters Training Center Fund.

(4) **Guaranteed Energy Savings Performance Contracts:** Notwithstanding KRS 56.770 and 56.774, guaranteed energy savings performance contracts may be executed for buildings operated by the Kentucky Community and Technical College System under agreements governed by KRS 164.593.

(5) **Debt Service:** Included in the above General Fund appropriation is \$3,229,000 in fiscal year 2022-2023 and \$12,487,500 in fiscal year 2023-2024 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

(6) **Commonwealth West Healthcare Workforce Innovation Center:** Included in the above Federal Funds appropriation is \$38,000,000 in fiscal year 2022-2023 from the State Fiscal Recovery Fund of the American Rescue Plan Act of 2021 for operations and start-up costs to establish the Commonwealth West Healthcare Workforce Innovation Center as a collaborative partnership between the Kentucky Community and Technical College System and healthcare providers. Notwithstanding KRS 45.229, these funds shall not lapse and shall carry forward.

12. POSTSECONDARY EDUCATION PERFORMANCE FUND

	2022-23	2023-24
General Fund	97,307,100	97,307,100

TOTAL - POSTSECONDARY EDUCATION

	2021-22	2022-23	2023-24
General Fund (Tobacco)	-0-	6,250,000	6,250,000
General Fund	894,400	1,385,058,800	1,440,555,700
Restricted Funds	87,000	8,418,133,600	10,821,586,200
Federal Funds	86,400	1,378,507,400	1,348,178,500
TOTAL	1,067,800	11,187,949,800	13,616,570,400

K. PUBLIC PROTECTION CABINET

Budget Units

1. SECRETARY

	2021-22	2022-23	2023-24
Restricted Funds	330,300	9,916,400	9,969,200
Federal Funds	-0-	75,300,000	-0-
TOTAL	330,300	85,216,400	9,969,200

(1) **Nonprofit Assistance:** (a) Included in the above Federal Funds appropriation is \$75,000,000 in fiscal year 2022-2023 from the State Fiscal Recovery Fund of the American Rescue Plan Act of 2021 to provide direct relief payments to eligible nonprofit organizations. Notwithstanding KRS 45.229, any unexpended Federal Funds from the American Rescue Plan Act of 2021 Federal Funds appropriations shall not lapse and shall carry forward. Eligible nonprofit organizations will be entitled to apply for a one-time assistance grant of a maximum amount of \$100,000 per organization, not to exceed the net negative revenue difference between the organization’s calendar year 2020 and calendar year 2021 financial statements.

1. One-time assistance grants will be reviewed in the order in which they are received and eligible grants will be provided until the appropriate amount is exhausted.

2. The process for determining an applicant’s eligibility and awarding the grants will be determined by the Secretary of the Public Protection Cabinet.

(b) Eligible nonprofit organization means organizations meeting all of the following criteria:

1. A nonprofit that has been granted exemption from the federal income tax by the United States commissioner of internal revenue as organizations described in Section 501(c)(3), (6), or (8) or as veterans' organizations described in Section 501(c) of the United States Internal Revenue Code of 1986 and subject to the provisions of the Nonprofit Corporation Act;

2. A nonprofit based in Kentucky providing services to Kentuckians;

3. Excluding nonprofit arts organizations, a nonprofit providing services to the following populations most affected by COVID-19:

- a. People living at or below the federal poverty level;
- b. People experiencing homelessness;
- c. Communities of Color;
- d. Minimum or low-wage employees displaced by business closures;
- e. Older adults living at or below the federal poverty level;
- f. People who are immunocompromised or medically fragile;
- g. Immigrant and refugee communities;
- h. People with limited English proficiency;
- i. People with disabilities;
- j. People without health insurance;
- k. Victims of domestic violence or child abuse;
- l. Children in need of services; and
- m. Workers without access to paid sick leave; and

4. A nonprofit that has not already received direct financial assistance, excluding loans, through the federal CARES Act (Pub. L. No. 116-136), the Consolidated Appropriations Act, 2021 (H.R. 133), or any subsequent federal relief package enacted prior to the nonprofit’s grant application being considered.

(2) **State Fiscal Recovery Fund Administration:** Included in the above Federal Funds appropriation is \$300,000 in fiscal year 2022-2023 from the State Fiscal Recovery Fund of the American Rescue Plan Act of 2021 for administrative, monitoring, and reporting costs of the Nonprofit Assistance Program.

2. PROFESSIONAL LICENSING

	2021-22	2022-23	2023-24
Restricted Funds	133,200	5,277,900	5,305,100
Federal Funds	-0-	204,700	204,700
TOTAL	133,200	5,482,600	5,509,800

3. BOXING AND WRESTLING AUTHORITY

	2021-22	2022-23	2023-24
Restricted Funds	5,100	187,100	187,900

4. ALCOHOLIC BEVERAGE CONTROL

	2021-22	2022-23	2023-24
Restricted Funds	206,400	6,706,500	6,732,600
Federal Funds	6,200	454,800	454,800
TOTAL	212,600	7,161,300	7,187,400

~~**[(1) Training Incentive Payments: Notwithstanding KRS 15.460(1), included in the above Restricted Funds appropriation is \$15,100 in each fiscal year for each participant for training incentive payments.]**~~

5. CHARITABLE GAMING

	2021-22	2022-23	2023-24
Restricted Funds	140,600	4,048,700	4,075,400
TOTAL	140,600	4,048,700	4,075,400

~~**[(1) Training Incentive Payments: Notwithstanding KRS 15.460(1), included in the above Restricted Funds appropriation is \$2,300 in each fiscal year for each participant for training incentive payments.]**~~

6. FINANCIAL INSTITUTIONS

	2021-22	2022-23	2023-24
Restricted Funds	507,200	15,187,900	15,266,500
TOTAL	507,200	15,187,900	15,266,500

7. HORSE RACING COMMISSION

	2021-22	2022-23	2023-24
General Fund	133,300	3,794,900	3,794,600
Restricted Funds	2,086,200	48,550,200	48,591,400
TOTAL	2,219,500	52,345,100	52,386,000

(1) **Kentucky Thoroughbred Development Fund Purse:** Included in the above Restricted Funds appropriation is \$2,000,000 in fiscal year 2021-2022 and \$4,500,000 in fiscal years 2022-2023 and 2023-2024 to support the Kentucky Thoroughbred Development Fund supplemental purse money.

8. HOUSING, BUILDINGS AND CONSTRUCTION

	2021-22	2022-23	2023-24
General Fund	71,600	3,694,400	3,419,900
Restricted Funds	815,500	23,876,600	23,744,500
TOTAL	887,100	27,571,000	27,164,400

(1) **School Building Plan Reviews and Inspections:** Notwithstanding KRS 198B.060, local governments may have jurisdiction for plan review, inspection, and enforcement responsibilities over buildings intended for educational purposes, other than licensed day-care centers, at the discretion of the local school districts.

(2) **Fire Marshals and Inspector Vehicles:** Included in the above General Fund appropriation is \$640,000 in fiscal year 2022-2023 and \$440,000 in fiscal year 2023-2024 to support additional Fire Marshal positions and inspector vehicles. A preference for vehicles manufactured in Kentucky shall be considered. Notwithstanding KRS 45.229, for fiscal year 2022-2023, any portion of these funds not expended shall not lapse and shall carry forward.

(3) **Additional Positions:** Included in the above Restricted Funds appropriation is \$1,367,600 in fiscal year 2022-2023 and \$1,061,600 in fiscal year 2023-2024 to support additional inspector and reviewer positions and vehicles. A preference for vehicles manufactured in Kentucky shall be considered. Notwithstanding KRS 45.229, for fiscal year 2022-2023, any portion of these funds not expended shall not lapse and shall carry forward. The Department of Housing, Buildings and Construction shall submit a report to the Interim Joint Committee on Appropriations and Revenue by December 1 of each fiscal year detailing the number of full-time inspectors and reviewers, in addition to the number of completed inspections and plan reviews.

(4) **Vehicle Replacement:** Included in the above General Fund appropriation is \$405,000 in each fiscal year to support the replacement of fleet vehicles. A preference for vehicles manufactured in Kentucky shall be considered. Notwithstanding KRS 45.229, for fiscal year 2022-2023, any portion of these funds not expended shall not lapse and shall carry forward.

(5) **Industrial or Business Project Plan Reviews and Inspections:** Notwithstanding KRS 198B.060, permit applicants may request local or state governments to perform plan review, inspection, and enforcement responsibilities related to industrial or business projects.

9. INSURANCE

	2021-22	2022-23	2023-24
Restricted Funds	383,600	16,940,700	17,013,000
TOTAL	383,600	16,940,700	17,013,000

~~**[(1) Training Incentive Payments: Notwithstanding KRS 15.460(1), included in the above Restricted Funds appropriation is \$5,400 in each fiscal year for each participant for training incentive payments.]**~~

10. CLAIMS AND APPEALS

	2021-22	2022-23	2023-24
General Fund	6,100	1,082,900	1,083,600
Restricted Funds	32,400	917,900	926,100
Federal Funds	-0-	357,200	357,200
TOTAL	38,500	2,358,000	2,366,900

TOTAL - PUBLIC PROTECTION CABINET

	2021-22	2022-23	2023-24
General Fund	211,000	8,572,200	8,298,100
Restricted Funds	4,640,500	131,609,900	131,811,700
Federal Funds	6,200	76,316,700	1,016,700
TOTAL	4,857,700	216,498,800	141,126,500

L. TOURISM, ARTS AND HERITAGE CABINET**Budget Units****1. SECRETARY**

	2021-22	2022-23	2023-24
General Fund	106,100	3,868,900	3,583,100
Restricted Funds	-0-	17,500,000	17,500,000
Federal Funds	75,000,000	17,500,000	-0-
TOTAL	75,106,100	38,868,900	21,083,100

(1) **Kentucky Center for African American Heritage:** Included in the above General Fund appropriation is \$150,000 in each fiscal year for the Kentucky Center for African American Heritage.

(2) **Friends of the Holt House:** Included in the above General Fund appropriation is \$300,000 in fiscal year 2022-2023 to support the Friends of the Holt House.

(3) **Tourism Recovery and Investment:** (a) Included in the above Federal Funds appropriation is \$15,000,000 in fiscal year 2021-2022 from the State Fiscal Recovery Fund of the American Rescue Plan Act of 2021 for marketing and promoting tourism in Kentucky, including but not limited to marketing for meetings, conventions, trade shows, cultural activities, historical sites, and recreational sites. Grant recipients shall provide a report to the Department of Tourism and the Legislative Research Commission detailing expenditures and outcomes including return on investment for affected areas by September 1 of each year.

(b) Included in the above Federal Funds appropriation is \$25,000,000 in fiscal year 2021-2022 from the State Fiscal Recovery Fund of the American Rescue Plan Act of 2021 to be distributed to tourism commissions for marketing communities. The Commissioner of Tourism shall develop and administer the grant program. Recipients shall provide at least ten percent of matching funds per project and provide a report to the Department of Tourism and the Legislative Research Commission detailing expenditures and outcomes including return on investment for affected areas by September 1 of each year. The uses of funds and the formula for allocations of the funding shall be similar to the Tourism Marketing Incentive Program, and the formula shall utilize 2019 county tourism economic impact data.

(c) Included in the above Federal Funds appropriation is \$25,000,000 in fiscal year 2021-2022 from the State Fiscal Recovery Fund of the American Rescue Plan Act of 2021 to be distributed to tourism commissions for attracting meetings and conventions. The Commissioner of Tourism shall develop and administer the grant program for the purpose of more intensely recruiting meetings and conventions. Grant recipients shall provide a report to the Department of Tourism and the Legislative Research Commission detailing expenditures and outcomes including return on investment for affected areas by September 1 of each year.

(d) Included in the above Federal Funds appropriation is \$10,000,000 in fiscal year 2021-2022 from the State Fiscal Recovery Fund of the American Rescue Plan Act of 2021 to be distributed to tourism commissions for

multi-jurisdiction collaborative destination marketing. The Commissioner of Tourism shall develop and administer a competitive grant program that requires a designated primary grantee and at least four tourist commissions applying for these grants. A grant application shall include a multi-county marketing plan and budget. Priority shall be given to initiatives that have the potential for long-term transformational impacts. Recipients shall provide at least ten percent of matching funds per project and provide a report to the Department of Tourism and the Legislative Research Commission detailing expenditures and outcomes including return on investment for affected areas by September 1 of each year. The uses of funds shall be similar to the Tourism Marketing Incentive Program.

(e) For the Federal Funds appropriated in paragraphs (a), (b), (c), and (d) of this subsection, the appropriations shall be made as soon as the funding is available pursuant to the American Rescue Plan Act of 2021.

(4) **Kentucky Science Center:** Included in the above Federal Funds appropriation is \$500,000 in fiscal year 2022-2023 from the State Fiscal Recovery Fund of the American Rescue Plan Act of 2021 to support the Kentucky Science Center.

(5) **Kentucky 4-H Foundation:** Included in the above Federal Funds appropriation is \$5,000,000 in fiscal year 2022-2023 from the State Fiscal Recovery Fund of the American Rescue Plan Act of 2021 to support the Kentucky 4-H Foundation to construct swimming pools at 4-H camps.

(6) **Louisville Arena Authority:** Included in the above Federal Funds appropriation is \$12,000,000 in fiscal year 2022-2023 from the State Fiscal Recovery Fund of the American Rescue Plan Act of 2021 to support the Louisville Arena Authority. The receipt of these funds shall be conditional upon the City of Louisville providing a dollar-for-dollar match.

2. ARTISANS CENTER

	2021-22	2022-23	2023-24
General Fund	49,600	1,145,800	1,163,000
Restricted Funds	5,000	1,620,100	1,620,000
TOTAL	54,600	2,765,900	2,783,000

3. TOURISM

	2021-22	2022-23	2023-24
General Fund	104,300	3,433,700	3,458,200
Restricted Funds	-0-	22,700	22,700
TOTAL	104,300	3,456,400	3,480,900

(1) **Whitehaven Welcome Center:** Included in the above General Fund appropriation is \$130,000 in each fiscal year to support the Whitehaven Welcome Center.

4. PARKS

	2021-22	2022-23	2023-24
General Fund	2,154,800	58,142,400	64,232,500
Restricted Funds	-0-	52,503,000	52,502,500
TOTAL	2,154,800	110,645,400	116,735,000

(1) **Park Capital Maintenance and Renovation Fund:** Notwithstanding KRS 148.810, no transfer to the Park Capital Maintenance and Renovation Fund shall be made.

(2) **Debt Service:** Included in the above General Fund appropriation is \$5,404,000 in fiscal year 2023-2024 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

(3) **Capitol Annex Cafeteria:** Included in the above General Fund appropriation is sufficient funds in each fiscal year to support the Capitol Annex cafeteria operated by the Department of Parks.

(4) **Jefferson Davis State Historic Site:** Included in the above General Fund appropriation is \$300,000 in fiscal year 2022-2023 to restore and maintain the damaged and raised pavilions at the Jefferson Davis State Historic Site. Included in the above General Fund appropriation is an additional one-time allocation of \$150,000 in each fiscal year to restore and maintain the damaged and raised pavilions at the Jefferson Davis State Historic Site.

(5) **Training Incentive Payments:** Notwithstanding KRS 15.460(1), included in the above Restricted Funds appropriation is \$4,300 in each fiscal year for each participant for training incentive payments.

(6) **State Parks Improvement:** The General Assembly recognizes the need to secure the future of Kentucky State Parks for generations to come. To address this need, the project authorization set out in Part II, Capital Projects Budget, of this Act is contingent on the Department of Parks’ submission and approval by the General Assembly of a comprehensive statewide proposal. The proposal shall include the following:

- (a) Recommendations for private and/or local government partnerships;
- (b) Detailed financial information regarding return on investment resulting from partnerships;
- (c) A 50 percent match of the state contribution from private and/or local government partners; and
- (d) Detailed plans for broadband deployment/connectivity.

The proposal may also include a plan of action regarding disposal of property to local governments. The Department shall develop the proposal and present it to the Interim Joint Committee on Appropriations and Revenue by December 1, 2022.

(7) **Rough River Dam:** Included in the above General Fund appropriation is a one-time allocation of \$150,000 in fiscal year 2022-2023 to support the Rough River Dam to provide accessibility to the marina and demolition of the abandoned intake structure.

5. HORSE PARK COMMISSION

	2021-22	2022-23	2023-24
General Fund	-0-	2,199,100	2,411,200
Restricted Funds	265,400	11,718,200	11,717,900
TOTAL	265,400	13,917,300	14,129,100

(1) **Debt Service:** Included in the above General Fund appropriation is \$146,000 in fiscal year 2022-2023 and \$292,000 in fiscal year 2023-2024 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

(2) **Training Incentive Payments:** Notwithstanding KRS 15.460(1), included in the above Restricted Funds appropriation is \$4,300 in each fiscal year for each participant for training incentive payments.

6. STATE FAIR BOARD

	2021-22	2022-23	2023-24
General Fund	18,939,500	5,446,000	12,884,400
Restricted Funds	3,000,000	52,397,000	53,920,300
TOTAL	21,939,500	57,843,000	66,804,700

(1) **Debt Service:** Included in the above General Fund appropriation is \$7,205,000 in fiscal year 2023-2024 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

(2) **State Fair Board Property Improvements:** The General Assembly recognizes the need to secure the future of Kentucky State Fair Board properties. To address this need, the project authorization set out in Part II, Capital Projects Budget, of this Act is contingent on the State Fair Board’s submission and approval by the General Assembly of a comprehensive statewide proposal regarding improvements to the properties. The proposal shall include the following:

(a) Recommendations for private and/or local government partnerships. In developing its proposal regarding private partnerships, the Board shall recommend the participation of Kentucky-based businesses with which it has existing relationships and shall also recommend the participation of other Kentucky-based businesses offering solutions to accomplish the goal of improving Board properties. For the purposes of this paragraph, "Kentucky-based business" means a business that has employees working in Kentucky and that operates a principle executive office in Kentucky from which those employees, other offices, and affiliated entities are directed and controlled;

- (b) Detailed financial information regarding return on investment resulting from partnerships; and
- (c) A 50 percent match of the state contribution from private and/or local government partners.

The proposal may also include a plan of action regarding disposal of property to local governments. The State Fair Board shall develop the proposal and present it to the Interim Joint Committee on Appropriations and Revenue by December 1, 2022.

(3) **Independent Land-Use Survey:** Included in the above appropriations are \$2,000,000 in General Fund and \$3,000,000 in Restricted Funds in fiscal year 2021-2022 to support an independent land-use survey on all State Fair Board properties.

7. FISH AND WILDLIFE RESOURCES

	2021-22	2022-23	2023-24
General Fund	-0-	3,875,000	-0-
Restricted Funds	5,214,000	64,629,700	67,042,300
Federal Funds	585,700	23,183,100	23,181,600
TOTAL	5,799,700	91,687,800	90,223,900

(1) **Fish and Wildlife Resources Peace Officers' Stipend:** (a) Notwithstanding KRS 15.460(1), included in the above Restricted Funds appropriation is \$4,300 in each fiscal year for each participant for training incentive payments.

(b) Notwithstanding Part III, 2. of this Act, Restricted Funds appropriations may be increased to ensure sufficient funding to support the provision of training incentive payments.

(2) **Fees-in-Lieu-of Stream Mitigation Reporting:** The Department of Fish and Wildlife Resources shall develop a report of all projects managed by the Fees-in-Lieu-of Stream Mitigation Program. The Department shall present this report to the Interim Joint Committee on Tourism, Small Business, and Information Technology by August 1 of each fiscal year.

(3) **Save Our West Kentucky Lakes and Rivers Task Force:** Included in the above Restricted Funds appropriation are \$2,000,000 in fiscal year 2022-2023 to support the Save Our West Kentucky Lakes and Rivers Task Force to minimize the threat from Asian Carp.

(4) **Kentucky Cumberland Forest Conservation Program:** Included in the above General Fund appropriation is a one-time allocation of \$3,875,000 in fiscal year 2022-2023 to support the Kentucky Cumberland Forest Conservation Program.

8. HISTORICAL SOCIETY

	2021-22	2022-23	2023-24
General Fund	152,400	7,821,500	7,887,700
Restricted Funds	-0-	479,600	490,800
Federal Funds	-0-	170,000	170,000
TOTAL	152,400	8,471,100	8,548,500

9. ARTS COUNCIL

	2021-22	2022-23	2023-24
General Fund	47,600	1,797,100	1,810,000
Restricted Funds	-0-	107,300	107,200
Federal Funds	-0-	809,200	809,100
TOTAL	47,600	2,713,600	2,726,300

10. HERITAGE COUNCIL

	2021-22	2022-23	2023-24
General Fund	27,500	4,917,500	1,632,100
Restricted Funds	23,000	849,700	690,800
Federal Funds	33,300	983,800	975,000

TOTAL	83,800	6,751,000	3,297,900
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(1) **Kentucky African American Heritage Commission:** Included in the above General Fund appropriation is \$50,000 in each fiscal year to support the Kentucky African American Heritage Commission.

(2) **American Battlefield Trust:** Included in the above General Fund appropriation is \$3,300,000 in fiscal year 2022-2023 to provide matching funds for the American Battlefield Trust.

11. KENTUCKY CENTER FOR THE ARTS

	2022-23	2023-24
General Fund	558,300	558,300

TOTAL - TOURISM, ARTS AND HERITAGE CABINET

	2021-22	2022-23	2023-24
General Fund	21,581,800	93,205,300	99,620,500
Restricted Funds	8,507,400	201,827,300	205,614,500
Federal Funds	75,619,000	42,646,100	25,135,700
TOTAL	105,708,200	337,678,700	330,370,700

M. BUDGET RESERVE TRUST FUND

Budget Unit

1. BUDGET RESERVE TRUST FUND

	2022-23	2023-24
General Fund	250,000,000	-0-

N. KENTUCKY PERMANENT PENSION FUND

Budget Unit

1. KENTUCKY PERMANENT PENSION FUND

	2022-23	2023-24
General Fund	-0-	200,000,000

PART II

CAPITAL PROJECTS BUDGET

(1) **Capital Construction Fund Appropriations and Reauthorizations:** Moneys in the Capital Construction Fund are appropriated for the following capital projects subject to the conditions and procedures in this Act. Items listed without appropriated amounts are previously authorized for which no additional amount is required. These items are listed in order to continue their current authorization into the 2022-2024 fiscal biennium. Unless otherwise specified, reauthorized projects shall conform to the original authorization enacted by the General Assembly.

(2) **Expiration of Existing Line-Item Capital Construction Projects:** All appropriations to existing line-item capital construction projects expire on June 30, 2022, unless reauthorized in this Act with the following exceptions: (a) A construction or purchase contract for the project shall have been awarded by June 30, 2022; (b) Permanent financing or a short-term line of credit sufficient to cover the total authorized project scope shall have been obtained in the case of projects authorized for bonds, if the authorized project completes an initial draw on the line of credit within the fiscal biennium immediately subsequent to the original authorization; and (c) Grant or loan agreements, if applicable, shall have been finalized and properly signed by all necessary parties by June 30, 2022. Notwithstanding the criteria set forth in this subsection and KRS 45.229 and 45.770(5)(d), funds appropriated to 2022-2024 fiscal biennium nonstatutory maintenance pools shall not lapse and shall carry forward.

(3) **Bond Proceeds Investment Income:** Investment income earned from bond proceeds beyond that which is required to satisfy Internal Revenue Service arbitrage rebates and penalties and excess bond proceeds upon the completion of a bond-financed capital project shall be used to pay debt service according to the Internal Revenue Service Code and accompanying regulations.

(4) Appropriations for Projects Not Line-Itemized: Inasmuch as the identification of specific projects in a variety of areas of the state government cannot be ascertained with absolute certainty at this time, amounts are appropriated for specific purposes to projects which are not individually identified in this Act in the following areas: Kentucky Infrastructure Authority Water and Sewer projects; Flood Control projects; Repair of State-Owned Dams; Guaranteed Energy Savings Performance Contract projects; Wetland and Stream Mitigation projects; General Fund, Restricted Fund, Federal Fund, Bond-funded, and Aircraft maintenance pools; Postsecondary Education pools; Commonwealth Office of Technology Infrastructure Upgrades; Legacy System Retirement Pool; the Wastewater Treatment Upgrades pool; the State Schools Roof Repair and Replacement pool; the State Schools HVAC pool; the State Schools Safety and Security pool; State Parks Improvement; and State Fair Board Property Improvements. Notwithstanding any statute to the contrary, projects estimated to cost \$1,000,000 and over and equipment estimated to cost \$200,000 and over shall be reported to the Capital Projects and Bond Oversight Committee.

(5) Capital Construction and Equipment Purchase Contingency Account: If funds in the Capital Construction and Equipment Purchase Contingency Account are not sufficient, then expenditures of the fund are to be paid first from the General Fund Surplus Account (KRS 48.700), if available, or from the Budget Reserve Trust Fund Account (KRS 48.705), subject to the conditions and procedures provided in this Act.

(6) Emergency Repair, Maintenance, and Replacement Account: If funds in the Emergency Repair, Maintenance, and Replacement Account are not sufficient, then expenditures of the fund are to be paid first from the General Fund Surplus Account (KRS 48.700), if available, or from the Budget Reserve Trust Fund Account (KRS 48.705), subject to the conditions and procedures provided in this Act.

(7) Appropriation-Supported Debt: To lower the cost of borrowing, the agencies identified in KRS 45A.850(1)(a) and (2)(a) are authorized to refinance appropriation supported debt obligations that have previously been issued and for which the Commonwealth is currently making lease-rental payments to meet the current debt service requirements. Such action is authorized provided that the principal amount of any such debt obligation is not increased and the term of the debt obligation is not extended. Any such refinancing shall still be subject to the requirements of KRS 45.750 to 45.810 for reporting to the Capital Projects and Bond Oversight Committee.

(8) Cash Defeasance: State agencies identified in KRS 45A.850(1)(a) and (2)(a) are authorized to economically or legally defease debt obligations that have previously been issued by the agency, or through a third party but for which the Commonwealth or the agency is currently making lease-rental payments to meet the current debt service requirements. If Restricted Funds are used for the defeasance of bonds, the agency may use a prior Agency Bond authorization for a new debt obligation so long as the debt service for the new debt obligation is not greater than the debt service of the defeased bonds and the term of the new debt obligation is not greater than the term of the defeased bonds. Any such refinancing shall still be subject to the requirements of KRS 45.750 to 45.810 for reporting to the Capital Projects and Bond Oversight Committee.

A. GENERAL GOVERNMENT

Budget Units	2021-22	2022-23	2023-24
1. VETERANS' AFFAIRS			
001. Maintenance Pool - 2022-2024			
General Fund	-0-	800,000	-0-
Investment Income	-0-	-0-	800,000
TOTAL	-0-	800,000	800,000
002. Heating and Cooling Systems - Western Kentucky Veterans Center			
General Fund	-0-	2,100,000	-0-
003. Expansion of Lawn Crypts - Kentucky Veterans Cemetery West			
Federal Funds	-0-	-0-	2,600,000
004. Bowling Green Veterans Center			
Restricted Funds	-0-	2,000,000	-0-
Federal Funds	-0-	1,950,000	-0-
TOTAL	-0-	3,950,000	-0-
005. Cooling Towers and Domestic Water System - Eastern Kentucky Veterans Center			

	Restricted Funds	-0-	1,154,000	-0-
2.	KENTUCKY INFRASTRUCTURE AUTHORITY			
	001. KIA Fund A - Federally Assisted Wastewater Program			
	Federal Funds	-0-	44,261,000	49,688,000
	Bond Funds	-0-	6,329,000	6,718,000
	TOTAL	-0-	50,590,000	56,406,000
	002. KIA Fund F - Drinking Water Revolving Loan Program			
	Federal Funds	-0-	106,732,000	112,385,000
	Bond Funds	-0-	6,584,000	7,087,000
	TOTAL	-0-	113,316,000	119,472,000
	003. KIA Fund B - Infrastructure Revolving Fund			
	Bond Funds	-0-	-0-	25,000,000
	004. Greenup Rt. 1 Line Upgrade - Reauthorization and Reallocation (\$177,000 Bond Funds)			
	(1) Reauthorization and Reallocation: The above project is authorized from a reallocation of the projects set forth in 2006 Ky. Acts ch. 252, Part II, N., 1., a., Greenup County, 004..			
3.	MILITARY AFFAIRS			
	001. Construct Readiness Center Somerset			
	Federal Funds	-0-	19,312,000	-0-
	Bond Funds	-0-	4,227,000	-0-
	TOTAL	-0-	23,539,000	-0-
	002. Armory Installation Facility Maintenance Pool			
	General Fund	-0-	4,000,000	4,000,000
	003. Bluegrass Station Facility Maintenance Pool - 2022-2024			
	Restricted Funds	-0-	1,000,000	1,000,000
	004. Construct Conditioned Storage Facility - Kentucky Emergency Management			
	General Fund	-0-	1,600,000	-0-
	Federal Funds	-0-	1,600,000	-0-
	TOTAL	-0-	3,200,000	-0-
	005. Install Solar Energy Photovoltaic Panels			
	Federal Funds	-0-	6,000,000	-0-
	006. Construct Field Maintenance Shop - Ashland			
	Federal Funds	-0-	-0-	3,300,000
	007. Construct Field Maintenance Shop - Louisville			
	Federal Funds	-0-	-0-	3,300,000
	008. Install Solar Panels at Armories Statewide			
	Restricted Funds	-0-	500,000	-0-
	Federal Funds	-0-	1,500,000	-0-
	TOTAL	-0-	2,000,000	-0-
	009. Construct Support Building WHFRTC			

	Federal Funds	-0-	-0-	2,000,000
010.	Replace and Repair Roofs Bluegrass Station			
	Restricted Funds	-0-	6,500,000	-0-
011.	Modernization Pool - National Guard			
	General Fund	-0-	2,000,000	-0-
	Federal Funds	-0-	6,000,000	-0-
	TOTAL	-0-	8,000,000	-0-
012.	Construct Chargeable Housing Facility WHFRTC			
	Federal Funds	-0-	-0-	2,000,000
013.	Construct Civil Support Team Facility			
	Federal Funds	-0-	-0-	6,000,000
014.	Youth Challenge Academies Maintenance Pool - 2022-2024			
	General Fund	-0-	1,000,000	1,000,000
015.	Construct New Barracks at HLDTS			
	Federal Funds	-0-	-0-	3,000,000
016.	Construct New Barracks at WHFRTC			
	Federal Funds	-0-	-0-	3,000,000
017.	Construct HLDTS Athletic Field			
	Federal Funds	-0-	-0-	2,000,000
4.	DEPARTMENT FOR LOCAL GOVERNMENT			
001.	Flood Control Local Match			
	Bond Funds	-0-	6,000,000	6,000,000
5.	ATTORNEY GENERAL			
001.	Lease Capital Complex East			
002.	Upgrade Technology Reauthorization (\$2,000,000 Bond Funds)			
6.	TREASURY			
001.	Lease-Purchase Check Printer and Fold Sealers Reauthorization			
	General Fund	66,000	132,000	-0-
	Investment Income	-0-	-0-	132,000
	TOTAL	66,000	132,000	132,000
7.	COMMONWEALTH'S ATTORNEYS			
001.	Jefferson County - Lease			
8.	AGRICULTURE			
001.	AGR Inspection and Licensing Project			
	Restricted Funds	-0-	1,052,000	1,066,000
002.	Franklin County - Lease			
9.	OCCUPATIONAL AND PROFESSIONAL BOARDS AND COMMISSIONS			
a.	Nursing			
001.	Jefferson County - Lease			

10. KENTUCKY RIVER AUTHORITY

001. Design Lock 5			
Restricted Funds	-0-	-0-	800,000
002. Locks 2 and 3 Upper Guide Wall Repairs			
Restricted Funds	-0-	4,131,000	-0-
003. Design and Repair Dam 7			
Restricted Funds	-0-	6,400,000	-0-

11. SCHOOL FACILITIES CONSTRUCTION COMMISSION

001. Offers of Assistance - 2020-2022			
Bond Funds	-0-	58,000,000	-0-
002. School Facilities Construction Commission Reauthorization (\$152,000,000 Bond Funds)			
003. Special Offers of Assistance - 2022-2023			
General Fund	-0-	27,642,000	-0-
Federal Funds	-0-	168,695,000	-0-
TOTAL	-0-	196,337,000	-0-

(1) **State Fiscal Recovery Fund:** The above Federal Funds are authorized from the State Fiscal Recovery Fund of the American Rescue Plan Act of 2021.

004. Local Area Vocational Education Center Pool - 2022-2023			
General Fund	-0-	155,633,000	-0-
005. Pike County Millard Area Vocational Center Replacement			
General Fund	-0-	14,661,000	-0-

B. ECONOMIC DEVELOPMENT CABINET

(1) **Economic Development Bond Issues:** Before any economic development bonds are issued, the proposed bond issue shall be approved by the Secretary of the Finance and Administration Cabinet and the State Property and Buildings Commission under KRS 56.440 to 56.590. In addition to the terms and conditions of KRS 154.12-100, administration of the Economic Development Bond Program by the Secretary of the Cabinet for Economic Development is subject to the following guideline: project selection shall be documented when presented to the Secretary of the Finance and Administration Cabinet. Included in the documentation shall be the rationale for selection and expected economic development impact.

(2) **Use of New Economy Funds:** Notwithstanding KRS 154.12-100, 154.12-278(4) and (5), and 154.20.035, the Secretary of the Cabinet for Economic Development may use funds appropriated in the Economic Development Fund Program, High-Tech Construction/Investment Pool, and the Kentucky Economic Development Finance Authority Loan Pool interchangeably for economic development projects.

Budget Unit	2022-23	2023-24
1. ECONOMIC DEVELOPMENT		
001. Economic Development Bond Programs - 2022-2024		
Bond Funds	5,000,000	5,000,000
002. High-Tech Construction/Investment Pool - 2022-2024		
Bond Funds	5,000,000	5,000,000
003. KY Economic Development Finance Authority Loan Pool - 2022-2024		
Bond Funds	5,000,000	5,000,000

C. DEPARTMENT OF EDUCATION

Budget Unit	2022-23	2023-24
1. OPERATIONS AND SUPPORT SERVICES		
001. Maintenance Pool - 2022-2024		
General Fund	3,100,000	-0-
002. State Schools Roof Repair and Replacement Pool - 2022-2024		
General Fund	2,695,000	-0-
003. State Schools HVAC Pool - 2022-2024		
Federal Funds	33,016,000	-0-
(1) State Fiscal Recovery Fund: The above Federal Funds are authorized from the State Fiscal Recovery Fund of the American Rescue Plan Act of 2021.		
004. State Schools Safety and Security Pool - 2022-2024		
Bond Funds	3,100,000	-0-
005. State Schools Dormitory and Cottage Renovation		
Bond Funds	7,000,000	-0-
006. Construct Leadership Training Center Classrooms and Activity Center		
Bond Funds	6,000,000	-0-
007. Lee Hall Renovation		
General Fund	1,000,000	-0-
008. Education Finance Application		
General Fund	500,000	2,000,000

D. EDUCATION AND LABOR CABINET

Budget Units	2022-23	2023-24
1. GENERAL ADMINISTRATION AND PROGRAM SUPPORT		
001. Maintenance Pool - 2022-2024		
General Fund	500,000	-0-
Investment Income	-0-	500,000
TOTAL	500,000	500,000
002. Labor Market Data Technologies for Job Matching		
Federal Funds	3,318,000	3,318,000
003. Renovate Carl D Perkins Medical Wing		
Federal Funds	1,300,000	350,000
004. Renovate/Replace Carl D Perkins Fire Monitoring Panel		
Federal Funds	750,000	150,000
005. Construct Carl D Perkins Fork Truck Storage and Training Building		
Federal Funds	750,000	750,000
006. Repair Carl D Perkins Storm Water Drainage System		
Federal Funds	500,000	400,000
007. Renovate McDowell Vocational Rehabilitation Center		
Federal Funds	3,000,000	1,500,000

2. KENTUCKY EDUCATIONAL TELEVISION**001. Maintenance Pool - 2022-2024**

General Fund	750,000	-0-
Investment Income	-0-	750,000
TOTAL	750,000	750,000

002. Public Safety Emergency Warning and Alerting

General Fund	1,500,000	-0-
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3. LIBRARIES AND ARCHIVES**a. General Operations****001. Franklin County - Lease****4. WORKFORCE DEVELOPMENT**

001. Replace Unemployment Insurance System Reauthorization (\$7,500,000 General Fund, \$30,000,000 Restricted Funds, \$10,000,000 Bond Funds)

002. Maintenance Pool - 2022-2024

General Fund	700,000	-0-
Investment Income	-0-	700,000
TOTAL	700,000	700,000

003. Kenton County - Lease**004. Hardin County - Lease****E. ENERGY AND ENVIRONMENT CABINET**

Budget Units	2022-23	2023-24
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1. SECRETARY**001. Maintenance Pool - 2022-2024**

General Fund	385,000	-0-
Investment Income	-0-	583,000
TOTAL	385,000	583,000

2. ENVIRONMENTAL PROTECTION**001. State-Owned Dam Repair - 2022-2024**

Bond Funds	8,000,000	-0-
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002. Southern Wood Treatment Site

Bond Funds	5,604,000	-0-
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003. Superfund Sites

General Fund	1,824,000	1,000,000
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3. NATURAL RESOURCES**001. Wildland Fire Equipment Replacement**

General Fund	1,043,000	-0-
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002. Kentucky Abandoned Storage Tank and Orphan Well Program

General Fund	500,000	500,000
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F. FINANCE AND ADMINISTRATION CABINET

Budget Units	2022-23	2023-24
1. CONTROLLER		
001. eMARS Upgrade & Systems Enhancements		
Bond Funds	14,000,000	-0-
2. FACILITIES AND SUPPORT SERVICES		
001. Guaranteed Energy Savings Performance Contracts		
002. Maintenance Pool - 2022-2024		
General Fund	7,500,000	3,713,000
Investment Income	-0-	3,787,000
TOTAL	7,500,000	7,500,000
003. Historic Properties Deferred Maintenance		
Bond Funds	5,000,000	-0-
004. Capitol Campus Renovation-Phase 2		
Bond Funds	260,000,000	-0-
005. HVAC Replacement/Rebuild-Variou		
Bond Funds	7,400,000	-0-
006. Asphalt Pool		
General Fund	1,500,000	-0-
007. Roof Pool		
General Fund	2,000,000	-0-
008. L & N Building Exterior Upgrade		
Bond Funds	6,500,000	-0-
009. Cabinet for Human Services Building-Escalators Replacement/Elevators Upgrade		
Bond Funds	7,500,000	-0-
010. Capitol Annex Maintenance Pool 2022-2024		
General Fund	1,000,000	1,000,000
011. Capitol Campus Renovation Reauthorization and Reallocation (\$5,000,000 Bond Funds)		
(1) Reauthorization and Reallocation: The above project is authorized from a reallocation of the projects set forth in 2021 Ky. Acts ch. 169, Part II, F., 1., 007..		
012. Capital Construction and Equipment Purchase Contingency Fund		
General Fund	15,000,000	15,000,000
3. COMMONWEALTH OFFICE OF TECHNOLOGY		
001. Kentucky Business OneStop (KyBOS) Phase IV		
General Fund	2,064,000	2,064,000
002. Hybrid-Cloud Service Architecture		
Restricted Funds	1,500,000	1,500,000
003. Boone County-Lease		
4. REVENUE		
001. Boone County - Lease		

G. HEALTH AND FAMILY SERVICES CABINET

Budget Units	2021-22	2022-23	2023-24
1. GENERAL ADMINISTRATION AND PROGRAM SUPPORT			
001. Maintenance Pool - 2022-2024			
General Fund	-0-	9,522,000	9,522,000
2. OFFICE FOR CHILDREN WITH SPECIAL HEALTH CARE NEEDS			
001. Jefferson County - Lease			
3. MEDICAID SERVICES			
a. Medicaid Administration			
001. Renovate CHR Complex Sixth Floor			
Restricted Funds	-0-	100,000	100,000
Federal Funds	-0-	400,000	400,000
TOTAL	-0-	500,000	500,000
4. BEHAVIORAL HEALTH, DEVELOPMENTAL AND INTELLECTUAL DISABILITIES			
001. Oakwood-Renovate/Replace Cottages, Phase III			
Bond Funds	-0-	9,998,000	-0-
002. Western State Nursing Facility - Renovations			
Bond Funds	-0-	6,336,000	-0-
003. Oakwood Replace, Upgrade, and Enhance Generators - Additional			
General Fund	675,000	-0-	-0-
5. INCOME SUPPORT			
001. Kentucky Child Support Enforcement System (KASES III)			
Federal Funds	-0-	21,780,000	-0-
Bond Funds	-0-	11,220,000	-0-
TOTAL	-0-	33,000,000	-0-
002. Franklin County - Lease			
6. COMMUNITY BASED SERVICES			
001. The Workers Information System (TWIST) Modernization			
Federal Funds	-0-	9,496,000	-0-
Bond Funds	-0-	9,497,000	-0-
TOTAL	-0-	18,993,000	-0-
002. The Workers Information System (TWIST) Case File Digitization			
Restricted Funds	-0-	5,000,000	5,000,000
003. Franklin County - Lease			
004. Kenton County - Lease			
005. Fayette County - Lease			
006. Warren County - Lease			
007. Daviess County - Lease			

- 008. Perry County - Lease
- 009. Boone County - Lease
- 010. Hardin County - Lease
- 011. Boyd County - Lease
- 012. Campbell County - Lease
- 013. Johnson County - Lease
- 014. Shelby County - Lease
- 015. Muhlenberg County - Lease
- 016. Madison County - Lease
- 017. Marshall County - Lease
- 018. Greenup County - Lease
- 019. Clark County - Lease
- 020. Letcher County - Lease

H. JUSTICE AND PUBLIC SAFETY CABINET

Budget Units	2022-23	2023-24
1. JUSTICE ADMINISTRATION		
001. Lease - Northern Kentucky Medical Examiner Office		
2. CRIMINAL JUSTICE TRAINING		
001. Miscellaneous Maintenance Pool - 2022-2024		
Restricted Funds	2,963,000	2,963,000
002. New Indoor Firing Range		
Bond Funds	28,536,000	-0-
3. JUVENILE JUSTICE		
001. Maintenance Pool - 2022-2024		
General Fund	1,570,000	-0-
Investment Income	-0-	1,770,000
TOTAL	1,570,000	1,770,000
4. STATE POLICE		
001. Maintenance Pool - 2022-2024		
General Fund	5,964,000	2,265,000
Investment Income	-0-	1,500,000
TOTAL	5,964,000	3,765,000
002. Emergency Radio System Replacement - Phase III		
Bond Funds	52,874,000	28,035,000
003. Posts 7 (Richmond) & 10 (Harlan) Construction		
Bond Funds	4,180,000	4,276,000
004. Gas Chromatography/Mass Selective Detector Instruments for Drug Analysis		
General Fund	784,000	-0-
005. Mobile Data Terminal Refresh		

	General Fund	1,045,000	-0-
006.	State Police Cruiser Equipment		
	General Fund	1,045,000	-0-
007.	KY Emergency Warning System (KEWS) Fiberglass Shelter Replacement		
	Bond Funds	5,307,000	-0-
5.	CORRECTIONS		
	a. Adult Correctional Institutions		
001.	Maintenance Pool - 2022-2024		
	General Fund	22,018,000	22,018,000
002.	Various - Water Tower Painting/Repairs		
	General Fund	1,820,000	-0-
003.	Kentucky State Penitentiary - Security Fence Addition		
	General Fund	1,517,000	-0-
004.	Generator Replacement - Various Facilities Reauthorization and Reallocation (\$5,700,000 Bond Funds)		
	General Fund	1,680,000	-0-
	(1) Reauthorization and Reallocation: The above project is authorized from a reallocation of the project set forth in 2021 Ky. Acts ch. 169, Part II, H., 5., 004..		
005.	Lease - Southeast State Correctional Complex		
006.	Lease - Lee Adjustment Center		
007.	Relocate Medical Services		
	Bond Funds	171,126,000	-0-
008.	Little Sandy Correctional Complex-Expansion-Replace Reformat		
	Bond Funds	106,340,000	-0-
	b. Community Services and Local Facilities		
001.	Lease - Bellevue Probation and Parole		
002.	Lease - Lexington Probation and Parole		
003.	Lease - Jefferson County		
6.	PUBLIC ADVOCACY		
001.	Case Management System		
	General Fund	1,500,000	150,000
002.	Franklin County - Lease		
003.	Fayette County - Lease		

I. POSTSECONDARY EDUCATION

(1) Postsecondary Education Asset Preservation Pool: The Postsecondary Education Asset Preservation Pool provides funding for individual asset preservation, renovation, and maintenance projects at Kentucky's public postsecondary institutions in Education, General, and state-owned and operated residential housing facilities. For fiscal years 2022-2023 and 2023-2024, each project for research institutions shall be matched at 30 percent from funds provided by each research institution, and each project for comprehensive institutions and the Kentucky Community and Technical College System shall be matched at 15 percent from funds provided by each comprehensive institution and the Kentucky Community and Technical College System. Capital projects as defined in KRS 45.750(1)(f) are hereby authorized from these funds or combination of funds thereof and shall be reported to the Capital Projects and Bond Oversight Committee.

Budget Units	2021-22	2022-23	2023-24
1. COUNCIL ON POSTSECONDARY EDUCATION			
(1) Bucks for Brains: The funding authorized in this section for Bucks for Brains shall support efforts to grow endowments for initiatives in the fields of science, technology, engineering, mathematics, and health.			
001. Bucks for Brains Research University Trust Fund			
Bond Funds	-0-	30,000,000	-0-
002. Bucks for Brains Comprehensive University Trust Fund			
Bond Funds	-0-	10,000,000	-0-
003. Upgrade Kentucky Regional Optical Network Infrastructure Enhancement			
General Fund	-0-	1,000,000	-0-
2. KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY			
001. KHEAA Building - HVAC and Roof Repair			
Restricted Funds	-0-	2,800,000	-0-
(1) Transfer of Restricted Funds: The funds for the above project shall be transferred from the KEES Program Reserve Account from fiscal year 2020-2021 excess lottery receipts.			
3. KENTUCKY HIGHER EDUCATION STUDENT LOAN CORPORATION			
001. Jefferson County - Lease			
4. EASTERN KENTUCKY UNIVERSITY			
001. Asset Preservation Pool - 2022-2024			
Bond Funds	-0-	27,403,000	27,403,000
Agency Bonds	-0-	4,111,000	4,111,000
TOTAL	-0-	31,514,000	31,514,000
002. Renovate Alumni Coliseum			
Restricted Funds	-0-	5,000,000	-0-
Bond Funds	-0-	31,350,000	-0-
Agency Bonds	-0-	25,000,000	-0-
Other Funds	-0-	11,000,000	-0-
TOTAL	-0-	72,350,000	-0-
003. Construct New Model Laboratory School			
Bond Funds	-0-	-0-	90,000,000
004. Construct Academic Complex			
Other Funds	-0-	3,000,000	-0-
005. Construct Aviation/Aerospace Instructional Facility Additional Reauthorization and Reallocation (\$1,890,800 Bond Funds)			
Restricted Funds	-0-	250,000	-0-
Federal Funds	-0-	400,000	-0-
Other Funds	-0-	2,000,000	-0-
TOTAL	-0-	2,650,000	-0-
(1) Authorization: The above authorization is approved pursuant to KRS 45.763.			

(2) Reauthorization and Reallocation: The above project is authorized from a reauthorization and reallocation of the projects set forth in 2021 Ky. Acts ch. 169, Part II, J., 032. and 033..

006. Renovate Whalen Complex

Other Funds	-0-	2,000,000	-0-
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(1) Authorization: The above authorization is approved pursuant to KRS 45.763.

007. Renovate and Upgrade Heat Plant

Restricted Funds	-0-	7,000,000	-0-
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008. Renovate Mechanical Systems Pool 2022-2024

Restricted Funds	-0-	10,000,000	-0-
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009. Repair/Replace Infrastructure/Building System Pool

Restricted Funds	-0-	20,000,000	-0-
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010. Campus Data Network Pool

Restricted Funds	-0-	13,000,000	-0-
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011. Administrative Computing Pool

Restricted Funds	-0-	6,500,000	-0-
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012. Property Acquisitions Pool

Restricted Funds	-0-	5,000,000	-0-
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Other Funds	-0-	3,000,000	-0-
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TOTAL	-0-	8,000,000	-0-
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(1) Authorization: The above authorization is approved pursuant to KRS 45.763.

013. Academic Computing Pool

Restricted Funds	-0-	8,000,000	-0-
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014. Miscellaneous Maintenance Pool - 2022-2024

Restricted Funds	-0-	20,000,000	-0-
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015. Aviation Acquisition Pool

Restricted Funds	-0-	5,000,000	-0-
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016. Construct EKU Early Childhood Center

Restricted Funds	-0-	10,000,000	-0-
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017. Commonwealth Hall Partial Repurposing and Renovation

Restricted Funds	-0-	6,000,000	-0-
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018. Construct Student Health Center

Other Funds	-0-	2,705,000	-0-
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019. Construct Alumni and Welcome Center

Other Funds	-0-	20,000,000	-0-
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020. Demolish Building Pool

Restricted Funds	-0-	20,000,000	-0-
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Other Funds	-0-	20,000,000	-0-
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TOTAL	-0-	40,000,000	-0-
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021. Steam Line Upgrades

	Other Funds	-0-	10,000,000	-0-
022.	Innovation and Commercialization Pool			
	Restricted Funds	-0-	5,000,000	-0-
	Other Funds	-0-	10,000,000	-0-
	TOTAL	-0-	15,000,000	-0-
(1)	Authorization:	The above authorization is approved pursuant to KRS 45.763.		
023.	Scientific and Research Equipment Pool			
	Restricted Funds	-0-	3,000,000	-0-
	Federal Funds	-0-	2,200,000	-0-
	Other Funds	-0-	2,200,000	-0-
	TOTAL	-0-	7,400,000	-0-
024.	Natural Areas Improvement Pool			
	Restricted Funds	-0-	825,000	-0-
025.	Chemistry and Translational Research Pool			
	Restricted Funds	-0-	675,000	-0-
	Other Funds	-0-	350,000	-0-
	TOTAL	-0-	1,025,000	-0-
026.	Guaranteed Energy Savings Performance Contracts			
027.	Campus Infrastructure Upgrade			
	Other Funds	-0-	35,000,000	-0-
(1)	Authorization:	The above authorization is approved pursuant to KRS 45.763.		
028.	Additional University Services Space			
	Restricted Funds	-0-	2,000,000	-0-
	Other Funds	-0-	500,000	-0-
	TOTAL	-0-	2,500,000	-0-
029.	Aviation - Lease			
030.	New Housing Space - Lease			
031.	Madison County - Student Housing - Lease			
032.	Madison County - Land - Lease			
033.	Multi-Property-Multi-Use - Lease 1			
034.	Multi-Property-Multi-Use - Lease 2			
035.	Residence Hall Renovation Pool Additional Reauthorization (\$24,800,000 Agency Bonds)			
	Agency Bonds	-0-	30,200,000	-0-
5.	KENTUCKY STATE UNIVERSITY			
001.	Asset Preservation Pool - 2022-2024			
	Bond Funds	-0-	8,039,000	8,039,000
	Agency Bonds	-0-	1,206,000	1,206,000
	TOTAL	-0-	9,245,000	9,245,000
002.	Renovation and Renewal Projects Pool - 2022-2024			

	Restricted Funds	-0-	17,000	-0-
003.	Guaranteed Energy Savings Performance Contracts			
004.	Acquire Land/Campus Master Plan - 2022-2024			
	Restricted Funds	-0-	2,000,000	-0-
6.	MOREHEAD STATE UNIVERSITY			
001.	Asset Preservation Pool - 2022-2024			
	Bond Funds	-0-	17,611,000	17,611,000
	Agency Bonds	-0-	2,642,000	2,642,000
	TOTAL	-0-	20,253,000	20,253,000
002.	Construct Science and Engineering Building			
	Bond Funds	-0-	-0-	98,000,000
003.	Capital Renewal and Maintenance Pool - Auxiliary Additional Reauthorization (\$4,539,000 Agency Bonds)			
	Agency Bonds	-0-	100,000	-0-
004.	Comply with ADA - Auxiliary			
	Agency Bonds	-0-	2,079,000	-0-
005.	Construct New Residence Hall			
	Agency Bonds	-0-	38,792,000	-0-
006.	Renovate Alumni Tower Ground Floor Additional Reauthorization (\$3,812,000 Agency Bonds)			
	Agency Bonds	-0-	85,000	-0-
007.	Renovate Cartmell Residence Hall			
	Agency Bonds	-0-	15,521,000	-0-
008.	Renovate and Replace Exterior Precast Panels - Nunn Hall Reauthorization (\$3,148,000 Agency Bonds)			
009.	Replace Turf on Jacobs Field			
	Agency Bonds	-0-	1,127,000	-0-
010.	Renovate Normal Residence Hall			
	Agency Bonds	-0-	3,840,000	-0-
011.	Renovate Fields Residence Hall			
	Agency Bonds	-0-	4,920,000	-0-
012.	Renovate Grote-Thompson Residence Hall			
	Agency Bonds	-0-	4,920,000	-0-
013.	Renovate Cooper Residence Hall			
	Agency Bonds	-0-	9,000,000	-0-
014.	Guaranteed Energy Savings Performance Contracts			
7.	MURRAY STATE UNIVERSITY			
001.	Asset Preservation Pool - 2022-2024			
	Bond Funds	-0-	23,588,000	23,588,000
	Agency Bonds	-0-	3,539,000	3,539,000
	TOTAL	-0-	27,127,000	27,127,000

002. Construct/Renovate Alternate Dining Facility - Additional Reauthorization (\$12,000,000 Other Funds)			
Other Funds	-0-	540,000	-0-

(1) **Authorization:** The above authorization is approved pursuant to KRS 45.763.

003. Construct Residential Housing - Additional Reauthorization (\$66,000,000 Other Funds)			
Agency Bonds	-0-	68,970,000	-0-
Other Funds	-0-	2,970,000	-0-
TOTAL	-0-	71,940,000	-0-

(1) **Authorization:** In lieu of agency bonds, Murray State University is authorized to enter into a public-private partnership, built-to-suit agreement, or lease-purchase for the above projects, not to exceed the above authorized amount. This authorization includes the authorization under KRS 45.763 and 45A.077.

004. Enhance Dining Facility			
Restricted Funds	4,673,000	211,000	-0-

005. Renovate Residence Hall HVAC System - Additional Reauthorization (\$3,503,000 Agency Bonds)			
Agency Bonds	-0-	158,000	-0-
Other Funds	-0-	3,661,000	-0-
TOTAL	-0-	3,819,000	-0-

(1) **Authorization:** In lieu of agency bonds, Murray State University is authorized to enter into a public-private partnership, built-to-suit agreement, or lease-purchase for the above projects, not to exceed the above authorized amount. This authorization includes the authorization under KRS 45.763 and 45A.077.

006. Replace Residence Hall Domestic Water Piping - Additional Reauthorization (\$1,143,000 Agency Bonds)			
Agency Bonds	-0-	52,000	-0-

(1) **Authorization:** In lieu of agency bonds, Murray State University is authorized to enter into a public-private partnership, built-to-suit agreement, or lease-purchase for the above projects, not to exceed the above authorized amount. This authorization includes the authorization under KRS 45.763 and 45A.077.

007. Renovate Residence Hall Electrical System - Additional Reauthorization (\$4,180,000 Agency Bonds)			
Agency Bonds	-0-	189,000	-0-
Other Funds	-0-	4,369,000	-0-
TOTAL	-0-	4,558,000	-0-

(1) **Authorization:** In lieu of agency bonds, Murray State University is authorized to enter into a public-private partnership, built-to-suit agreement, or lease-purchase for the above projects, not to exceed the above authorized amount. This authorization includes the authorization under KRS 45.763 and 45A.077.

008. Renovate Residence Hall Interior - Additional Reauthorization (\$1,601,000 Agency Bonds)			
Agency Bonds	-0-	73,000	-0-
Other Funds	-0-	1,674,000	-0-
TOTAL	-0-	1,747,000	-0-

(1) **Authorization:** In lieu of agency bonds, Murray State University is authorized to enter into a public-private partnership, built-to-suit agreement, or lease-purchase for the above projects, not to exceed the above authorized amount. This authorization includes the authorization under KRS 45.763 and 45A.077.

009. Replace Expo Center Roof			
Restricted Funds	-0-	1,500,000	-0-

010. Acquire Property			
Restricted Funds	-0-	4,180,000	-0-

011.	Acquire Agriculture Research Farm Land			
	Restricted Funds	-0-	1,254,000	-0-
012.	Broadcasting Education Lab Equipment			
	Other Funds	-0-	236,000	-0-
013.	Agriculture Instructional Lab and Technology Equipment			
	Other Funds	-0-	836,000	-0-
014.	Guaranteed Energy Savings Performance Contracts			
015.	Construct School of Nursing and Health Professional Building			
	Bond Funds	-0-	-0-	45,500,000
8.	NORTHERN KENTUCKY UNIVERSITY			
001.	Asset Preservation Pool - 2022-2024			
	Bond Funds	-0-	23,397,000	23,397,000
	Agency Bonds	-0-	3,510,000	3,510,000
	TOTAL	-0-	26,907,000	26,907,000
002.	Expand Herrmann Science Center			
	Bond Funds	-0-	-0-	79,900,000
	Other Funds	-0-	-0-	5,000,000
	TOTAL	-0-	-0-	84,900,000
003.	Renew/Renovate Fine Arts Center Phase II			
	Restricted Funds	-0-	5,000,000	-0-
	Other Funds	-0-	5,000,000	-0-
	TOTAL	-0-	10,000,000	-0-
004.	Renew/Renovate Steely Library			
	Restricted Funds	-0-	5,000,000	-0-
	Other Funds	-0-	5,000,000	-0-
	TOTAL	-0-	10,000,000	-0-
005.	Renew E&G Building Systems Projects Pool Reauthorization (\$20,000,000 Restricted Funds)			
006.	Replace Underground Utility Infrastructure			
	Restricted Funds	-0-	4,400,000	-0-
007.	Scientific/Technology Equipment Pool			
	Restricted Funds	-0-	10,000,000	-0-
008.	Upgrade Admin/IT Infrastructure Pool Additional Reauthorization (\$15,500,000 Restricted Funds, \$6,000,000 Other Funds)			
	Restricted Funds	-0-	450,000	-0-
(1)	Authorization: The above authorization is approved pursuant to KRS 45.763.			
009.	Renovate Residence Halls Additional Reauthorization (\$10,000,000 Agency Bonds)			
	Agency Bonds	-0-	5,000,000	-0-
(1)	Authorization: The above authorization is approved pursuant to KRS 45.763.			
010.	Renovate/Construct Campbell Hall Reauthorization (\$9,000,000 Restricted Funds, \$9,000,000 Other Funds)			

(1) **Authorization:** The above authorization is approved pursuant to KRS 45.763.

011. Renew/Renovate Nunn Hall

Restricted Funds	-0-	5,000,000	-0-
Other Funds	-0-	5,000,000	-0-
TOTAL	-0-	10,000,000	-0-

012. Renovate/Construct Civic Center Building

Other Funds	-0-	14,000,000	-0-
TOTAL	-0-	14,000,000	-0-

013. Acquire Land/Master Plan 2010-2012 Reauthorization (\$17,500,000 Agency Bonds, \$4,000,000 Restricted Funds, \$4,000,000 Other Funds)

(1) **Authorization:** The above authorization is approved pursuant to KRS 45.763.

014. Expand/Renovate Regents Hall

Other Funds	-0-	2,000,000	-0-
TOTAL	-0-	2,000,000	-0-

(1) **Authorization:** The above authorization is approved pursuant to KRS 45.763.

015. Construct Indoor Tennis Facility

Other Funds	12,000,000	-0-	-0-
TOTAL	12,000,000	-0-	-0-

(1) **Authorization:** The above authorization is approved pursuant to KRS 45.763.

016. Replace Recreation Field Turf

Restricted Funds	-0-	2,000,000	-0-
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017. Construct Research/Innovation Building

Other Funds	-0-	30,000,000	-0-
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(1) **Authorization:** The above authorization is approved pursuant to KRS 45.763.

018. Guaranteed Energy Savings Performance Contracts

019. Reconstruct West Side Parking Additional Reauthorization (\$6,529,000 Agency Bonds)

Agency Bonds	-0-	7,000,000	-0-
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(1) **Authorization:** The above authorization is approved pursuant to KRS 45.763.

020. Renovate/Expand Baseball Field

Other Funds	-0-	6,700,000	-0-
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021. Replace Event Center Technology Additional Reauthorization (\$4,000,000 Other Funds)

Other Funds	-0-	500,000	-0-
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(1) **Authorization:** The above authorization is approved pursuant to KRS 45.763.

022. Kenton County - Lease

9. UNIVERSITY OF KENTUCKY

(1) **Royal Blue Health Acquisitions:** Notwithstanding any statute to the contrary, the University of Kentucky, for the benefit of UK HealthCare’s clinical mission to increase access for patients, shall be permitted to assume any and all leases, debt instruments, and liabilities associated with any mergers, acquisitions, or partnerships that are hereby authorized in the 2022-2024 Budget of the Commonwealth. Assumption of leases and debt instruments shall be reported to the Capital Projects and Bond Oversight Committee.

001. Acquire/Partnership Hospital/Medical System 1 - Royal Blue Health (Restricted Funds)

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002.	Acquire/Partnership Hospital/Medical System 2 - Royal Blue Health (Restricted Funds)			
003.	Acquire/Partnership Hospital/Medical System 3 - Royal Blue Health (Restricted Funds)			
004.	Asset Preservation Pool - 2022-2024			
	Bond Funds	-0-	77,098,000	77,098,000
	Agency Bonds	-0-	23,130,000	23,130,000
	TOTAL	-0-	100,228,000	100,228,000
005.	Facilities Renewal and Modernization 2			
	Agency Bonds	-0-	125,000,000	-0-
006.	Construct Health Education Building			
	Restricted Funds	-0-	-0-	30,000,000
	Bond Funds	-0-	-0-	250,000,000
	Agency Bonds	-0-	-0-	50,000,000
	Other Funds	-0-	-0-	50,000,000
	TOTAL	-0-	-0-	380,000,000
(1)	Authorization: The above authorization is approved pursuant to KRS 45.763.			
007.	Improve Funkhouser Building			
	Restricted Funds	-0-	15,000,000	-0-
	Other Funds	-0-	15,000,000	-0-
	TOTAL	-0-	30,000,000	-0-
(1)	Authorization: The above authorization is approved pursuant to KRS 45.763.			
008.	Construct Ambulatory Facility - UK Healthcare Additional Reauthorization (\$50,000,000 Restricted Funds)			
	Restricted Funds	-0-	300,000,000	-0-
	Agency Bonds	-0-	50,000,000	-0-
	Other Funds	-0-	50,000,000	-0-
	TOTAL	-0-	400,000,000	-0-
(1)	Authorization: The above authorization is approved pursuant to KRS 45.763.			
009.	Improve Barnhart Building 1			
	Restricted Funds	-0-	15,000,000	-0-
010.	Improve Barnhart Building 2			
	Other Funds	-0-	45,000,000	-0-
(1)	Authorization: The above authorization is approved pursuant to KRS 45.763.			
011.	Improve Life Safety			
	Restricted Funds	-0-	15,000,000	-0-
012.	ADA Compliance Pool			
	Restricted Funds	-0-	10,000,000	-0-
013.	Construct Student Housing			
	Restricted Funds	-0-	50,000,000	-0-
014.	Upgrade/Renovate/Expand Research Labs			

	Restricted Funds	-0-	50,000,000	-0-
015.	Improve Memorial Coliseum			
	Restricted Funds	-0-	65,000,000	-0-
016.	Construct Indoor Track			
	Restricted Funds	-0-	10,000,000	-0-
	Other Funds	-0-	10,000,000	-0-
	TOTAL	-0-	20,000,000	-0-
(1)	Authorization: The above authorization is approved pursuant to KRS 45.763.			
017.	Construct/Improve Recreation Quad 1			
	Restricted Funds	-0-	15,000,000	-0-
018.	Improve Whalen Building and Bay Facility - Kentucky Advanced Manufacturing			
	Restricted Funds	-0-	5,000,000	-0-
019.	Construct Agriculture Research Facility 1			
	Restricted Funds	-0-	20,000,000	-0-
020.	Construct Agriculture Research Facility 2			
	Restricted Funds	-0-	10,000,000	-0-
021.	Construct Tennis Facility			
	Restricted Funds	-0-	17,500,000	-0-
	Other Funds	-0-	17,500,000	-0-
	TOTAL	-0-	35,000,000	-0-
(1)	Authorization: The above authorization is approved pursuant to KRS 45.763.			
022.	Construct Beam Institute 1			
	Restricted Funds	-0-	10,000,000	-0-
023.	Construct Engineering Building			
	Restricted Funds	-0-	110,000,000	-0-
024.	Construct Equine Campus Phase 2			
	Restricted Funds	-0-	11,000,000	-0-
025.	Construct Library Depository Facility			
	Restricted Funds	-0-	20,000,000	-0-
026.	Construct Metal Arts/Digital Media Building			
	Restricted Funds	-0-	10,000,000	-0-
027.	Construct North Farm Agricultural Research Facility			
	Restricted Funds	-0-	2,000,000	-0-
028.	Construct Teaching Pavilion			
	Restricted Funds	-0-	28,000,000	-0-
029.	Improve Johnson Center			
	Restricted Funds	-0-	30,000,000	-0-
030.	Improve Kastle Hall			

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	Restricted Funds	-0-	43,000,000	-0-
031.	Improve Cooper House			
	Restricted Funds	-0-	4,000,000	-0-
032.	Improve Lexington Theological Seminary Facilities			
	Restricted Funds	-0-	20,000,000	-0-
033.	Improve Anderson Tower			
	Restricted Funds	-0-	6,000,000	-0-
034.	Improve Dentistry Facility			
	Restricted Funds	-0-	30,000,000	-0-
035.	Improve Jacobs Science Building			
	Restricted Funds	-0-	35,000,000	-0-
036.	Improve Library Facility			
	Restricted Funds	-0-	20,000,000	-0-
037.	Improve McVey Hall			
	Restricted Funds	-0-	35,000,000	-0-
038.	Improve Medical Plaza			
	Restricted Funds	-0-	5,000,000	-0-
039.	Improve Pence Hall			
	Restricted Funds	-0-	30,000,000	-0-
040.	Improve Reynolds Building 1			
	Restricted Funds	-0-	41,000,000	-0-
041.	Improve Sanders-Brown Center on Aging/Neuroscience Facilities Reauthorization (\$14,000,000 Bond Funds, \$35,000,000 Restricted Funds, \$14,000,000 Other Funds)			
(1)	Authorization: The above authorization is approved pursuant to KRS 45.763.			
042.	Improve Academic/Administrative Space 2			
	Restricted Funds	-0-	10,000,000	-0-
043.	Improve Scovell Hall			
	Restricted Funds	-0-	45,000,000	-0-
044.	Improve Seaton Center			
	Restricted Funds	-0-	6,000,000	-0-
045.	Improve Taylor Education Building			
	Restricted Funds	-0-	72,000,000	-0-
046.	Improve W.T. Young Facility			
	Restricted Funds	-0-	5,000,000	-0-
047.	Improve Willard Medical Education Building			
	Restricted Funds	-0-	20,000,000	-0-
048.	Improve College of Agriculture, Food, and Environment Motor Pool Building			
	Restricted Funds	-0-	10,000,000	-0-

049.	Construct/Relocate/Replace Greenhouses			
	Restricted Funds	-0-	3,000,000	-0-
050.	Improve Medical Center Library			
	Restricted Funds	-0-	12,000,000	-0-
051.	Improve Memorial Hall			
	Restricted Funds	-0-	25,000,000	-0-
052.	Improve King Library			
	Restricted Funds	-0-	5,000,000	-0-
053.	Renovate Space for a Testing Center			
	Restricted Funds	-0-	5,000,000	-0-
054.	Improve Campus Core Quadrangle Facilities			
	Restricted Funds	-0-	40,000,000	-0-
055.	Improve Chemistry/Physics Building Phase 3			
	Restricted Funds	-0-	65,000,000	-0-
056.	Improve Nursing Building			
	Restricted Funds	-0-	5,000,000	-0-
057.	Improve Multi-Disciplinary Science Building			
	Restricted Funds	-0-	10,000,000	-0-
058.	Construct Digital Village Building 3A			
	Other Funds	-0-	70,000,000	-0-
(1)	Authorization: The above authorization is approved pursuant to KRS 45.763.			
059.	Construct Digital Village Building 3B			
	Restricted Funds	-0-	70,000,000	-0-
060.	Construct Agriculture Federal Research Facility I			
	Federal Funds	-0-	80,000,000	-0-
061.	Construct Agriculture Federal Research Facility II			
	Federal Funds	-0-	10,000,000	-0-
062.	Acquire/Renovate Clinical Research Facility			
	Restricted Funds	-0-	8,000,000	-0-
063.	Improve White Hall Classroom Building			
	Restricted Funds	-0-	120,000,000	-0-
064.	Expand Kentucky Geographical Survey Well Sample and Core Repository			
	Restricted Funds	-0-	6,000,000	-0-
065.	Improve Center for Applied Energy Research Facilities			
	Restricted Funds	-0-	75,000,000	-0-
066.	Improve Division of Laboratory Animal Resources Facilities			
	Restricted Funds	-0-	10,000,000	-0-
067.	Purchase/Construct CO2 Capture Process Plant			
	Restricted Funds	-0-	1,500,000	-0-

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	Federal Funds	-0-	40,000,000	-0-
	Other Funds	-0-	8,500,000	-0-
	TOTAL	-0-	50,000,000	-0-
068.	Improve Mineral Industries Building			
	Restricted Funds	-0-	6,000,000	-0-
069.	Research Equipment Pool			
	Restricted Funds	-0-	30,000,000	-0-
070.	Construct Retail/Parking Facility 2			
	Other Funds	-0-	75,000,000	-0-
(1)	Authorization: The above authorization is approved pursuant to KRS 45.763.			
071.	Construct/Improve Greek Housing			
	Restricted Funds	-0-	36,000,000	-0-
	Other Funds	-0-	36,000,000	-0-
	TOTAL	-0-	72,000,000	-0-
072.	Acquire Land			
	Restricted Funds	-0-	50,000,000	-0-
073.	Acquire Transportation Buses			
	Restricted Funds	-0-	3,000,000	-0-
074.	Acquire/Improve Administrative Facility			
	Restricted Funds	-0-	10,000,000	-0-
075.	Improve Elevator Systems			
	Restricted Funds	-0-	10,000,000	-0-
076.	Construct Childcare Center Facility			
	Restricted Funds	-0-	10,000,000	-0-
077.	Construct Facilities Shops and Storage Facility			
	Restricted Funds	-0-	27,000,000	-0-
078.	Construct New Alumni Center			
	Other Funds	-0-	38,000,000	-0-
(1)	Authorization: The above authorization is approved pursuant to KRS 45.763.			
079.	Construct Police Headquarters			
	Restricted Funds	-0-	27,000,000	-0-
080.	Construct/Fit-up Retail Space			
	Restricted Funds	-0-	10,000,000	-0-
	Other Funds	-0-	5,000,000	-0-
	TOTAL	-0-	15,000,000	-0-
081.	Construct/Improve Office Building			
	Restricted Funds	-0-	55,000,000	-0-
082.	Construct Office Park at Coldstream			
	Other Funds	-0-	65,000,000	-0-

(1) **Authorization:** The above authorization is approved pursuant to KRS 45.763.

083.	Construct/Improve Parking I			
	Restricted Funds	-0-	30,000,000	-0-
084.	Construct/Improve Parking II			
	Restricted Funds	-0-	30,000,000	-0-
085.	Improve Sturgill Development Building			
	Restricted Funds	-0-	4,000,000	-0-
086.	Improve Academic Facility 1			
	Restricted Funds	-0-	16,000,000	-0-
087.	Improve Academic/Administrative Space 1			
	Restricted Funds	-0-	10,000,000	-0-
088.	Improve Academic/Administrative Space 3			
	Restricted Funds	-0-	10,000,000	-0-
089.	Improve Academic/Administrative Space 4			
	Restricted Funds	-0-	10,000,000	-0-
090.	Improve Building Electrical Systems			
	Restricted Funds	-0-	10,000,000	-0-
091.	Improve Building Mechanical Systems			
	Restricted Funds	-0-	35,000,000	-0-
092.	Improve Building Shell Systems			
	Restricted Funds	-0-	40,000,000	-0-
093.	Improve Campus Infrastructure Upgrade			
	Restricted Funds	-0-	10,000,000	-0-
094.	Improve Campus Parking and Transportation System			
	Restricted Funds	-0-	75,000,000	-0-
	Other Funds	-0-	75,000,000	-0-
	TOTAL	-0-	150,000,000	-0-

(1) **Authorization:** The above authorization is approved pursuant to KRS 45.763.

095.	Improve Coldstream Research Campus			
	Restricted Funds	-0-	50,000,000	-0-
096.	Improve Electrical Infrastructure			
	Restricted Funds	-0-	28,000,000	-0-
097.	Improve Mechanical Infrastructure			
	Restricted Funds	-0-	26,000,000	-0-
098.	Improve Parking Garage 1			
	Restricted Funds	-0-	30,000,000	-0-
099.	Improve Parking Garage 2			
	Restricted Funds	-0-	30,000,000	-0-
100.	Improve Peterson Service Building			

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	Restricted Funds	-0-	14,000,000	-0-
101.	Improve Senior Center			
	Restricted Funds	-0-	2,000,000	-0-
102.	Improve Civil/Site Infrastructure			
	Restricted Funds	-0-	50,000,000	-0-
103.	Improve Spindletop Hall Facilities			
	Restricted Funds	-0-	15,000,000	-0-
104.	Improve Student Center Space 2			
	Restricted Funds	-0-	20,000,000	-0-
105.	Improve Student Center Space 3			
	Restricted Funds	-0-	25,000,000	-0-
106.	Improve University Storage Facility			
	Restricted Funds	-0-	12,000,000	-0-
107.	Renovate Carnahan House			
	Restricted Funds	-0-	8,000,000	-0-
108.	Repair Emergency Infrastructure/Building Systems			
	Agency Bonds	-0-	25,000,000	-0-
109.	Repair/Replace Campus Cable Infrastructure			
	Restricted Funds	-0-	4,000,000	-0-
110.	Construct/Improve Dining Facilities			
	Restricted Funds	-0-	10,000,000	-0-
111.	Improve Fume Hood Systems			
	Restricted Funds	-0-	10,000,000	-0-
112.	Improve Housing			
	Agency Bonds	-0-	40,000,000	-0-
	Other Funds	-0-	35,000,000	-0-
	TOTAL	-0-	75,000,000	-0-
(1)	Authorization: The above authorization is approved pursuant to KRS 45.763.			
113.	Construct Retail/Parking Facility 1			
	Other Funds	-0-	75,000,000	-0-
(1)	Authorization: The above authorization is approved pursuant to KRS 45.763.			
114.	Decommission Facilities			
	Restricted Funds	-0-	30,000,000	-0-
115.	Improve Central Plants			
	Restricted Funds	-0-	112,000,000	-0-
116.	Construct/Improve Innovation Facility			
	Other Funds	-0-	70,000,000	-0-
(1)	Authorization: The above authorization is approved pursuant to KRS 45.763.			
117.	Guaranteed Energy Savings Performance Contracts			

118.	Construct/Relocate Data Center			
	Restricted Funds	-0-	50,000,000	-0-
119.	Improve Enterprise Networking 1			
	Restricted Funds	-0-	5,000,000	-0-
120.	Improve Enterprise Networking 2			
	Restricted Funds	-0-	5,000,000	-0-
121.	Lease/Purchase Campus Call Center System			
	Restricted Funds	-0-	5,000,000	-0-
122.	Lease/Purchase Campus Information Technology Systems			
	Restricted Funds	-0-	10,000,000	-0-
123.	Lease/Purchase High-Performance Computer			
	Restricted Funds	-0-	7,000,000	-0-
124.	Lease/Purchase Network Security			
	Restricted Funds	-0-	5,000,000	-0-
125.	Lease/Purchase Voice Infrastructure			
	Restricted Funds	-0-	3,000,000	-0-
126.	Acquire Information Technology Systems			
	Other Funds	-0-	2,000,000	-0-
127.	Acquire Equipment/Furnishings Pool			
	Other Funds	-0-	5,000,000	-0-
128.	Acquire/Improve Golf Facility			
	Other Funds	-0-	8,000,000	-0-
129.	Construct Cross Country Trail			
	Other Funds	-0-	3,000,000	-0-
130.	Construct/Improve Athletics Facility			
	Other Funds	-0-	5,000,000	-0-
131.	Construct/Improve Athletics Playing Fields 1			
	Other Funds	-0-	3,000,000	-0-
132.	Construct/Improve Athletics Playing Fields 2			
	Other Funds	-0-	3,000,000	-0-
133.	Construct/Improve Athletics Playing Fields 3			
	Other Funds	-0-	2,000,000	-0-
134.	Construct/Improve Gymnastic Practice Facility			
	Other Funds	-0-	10,000,000	-0-
135.	Improve Wildcat Coal Lodge			
	Other Funds	-0-	20,000,000	-0-
136.	Improve Athletics Facilities 1			
	Other Funds	-0-	15,000,000	-0-
137.	Improve Athletics Facilities 2			

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	Other Funds	-0-	10,000,000	-0-
138.	Improve Athletics Facilities 3			
	Other Funds	-0-	6,000,000	-0-
139.	Improve Athletics Facilities 4			
	Other Funds	-0-	5,000,000	-0-
140.	Improve Athletics Facilities 5			
	Other Funds	-0-	5,000,000	-0-
141.	Improve Baseball Facility Phase II			
	Other Funds	-0-	7,000,000	-0-
142.	Improve Joe Craft Center			
	Other Funds	-0-	5,000,000	-0-
143.	Improve Joe Craft Football Practice Facility			
	Other Funds	-0-	3,000,000	-0-
144.	Improve Kroger Field Stadium			
	Other Funds	-0-	15,000,000	-0-
145.	Improve Lancaster Aquatic Center 1			
	Other Funds	-0-	14,000,000	-0-
146.	Improve Lancaster Aquatic Center 2			
	Other Funds	-0-	8,000,000	-0-
147.	Improve Nutter Field House			
	Other Funds	-0-	15,000,000	-0-
148.	Improve Nutter Training Facility			
	Other Funds	-0-	7,000,000	-0-
149.	Improve Soccer/Softball Facility			
	Other Funds	-0-	7,000,000	-0-
150.	Improve Boone Tennis Center			
	Other Funds	-0-	15,000,000	-0-
151.	Replace Basketball Playing Floors			
	Other Funds	-0-	3,000,000	-0-
152.	Guaranteed Energy Savings Performance Contracts - UK HealthCare			
153.	Replace UK HealthCare Information Technology Systems 1			
	Restricted Funds	-0-	320,000,000	-0-
154.	Improve Good Samaritan Hospital Facilities - UK HealthCare			
	Restricted Funds	-0-	25,000,000	-0-
155.	Improve Clinical/Ambulatory Services Facilities - UK HealthCare			
	Restricted Funds	-0-	50,000,000	-0-
156.	Improve Markey Cancer Center - UK HealthCare			
	Restricted Funds	-0-	20,000,000	-0-
157.	Construct State Street Medical Facilities - UK HealthCare			

	Restricted Funds	-0-	100,000,000	-0-
158.	Improve State Street Medical Facilities - UK HealthCare			
	Restricted Funds	-0-	100,000,000	-0-
159.	Acquire Medical Facility 1 - UK HealthCare			
	Restricted Funds	-0-	75,000,000	-0-
160.	Acquire Medical Facility 2 - UK HealthCare			
	Restricted Funds	-0-	75,000,000	-0-
161.	Improve Medical Facility 1 - UK HealthCare			
	Restricted Funds	-0-	25,000,000	-0-
162.	Improve Medical Facility 2 - UK HealthCare			
	Restricted Funds	-0-	25,000,000	-0-
163.	Acquire/Improve Medical/Administration Facility 1 - UK HealthCare			
	Restricted Funds	-0-	150,000,000	-0-
	Agency Bonds	-0-	50,000,000	-0-
	Other Funds	-0-	50,000,000	-0-
	TOTAL	-0-	250,000,000	-0-
(1)	Authorization: The above authorization is approved pursuant to KRS 45.763.			
164.	Construct/Improve Medical/Administration Facility 1 - UK HealthCare			
	Restricted Funds	-0-	250,000,000	-0-
165.	Acquire/Improve Medical/Administration Facility 2 - UK HealthCare			
	Restricted Funds	-0-	125,000,000	-0-
166.	Construct/Improve Medical/Administration Facility 2 - UK HealthCare			
	Restricted Funds	-0-	75,000,000	-0-
167.	Acquire/Improve Medical/Administration Facility 3 - UK HealthCare			
	Restricted Funds	-0-	250,000,000	-0-
	Other Funds	-0-	50,000,000	-0-
	TOTAL	-0-	300,000,000	-0-
168.	Construct/Improve Medical/Administration Facility 3 - UK HealthCare			
	Restricted Funds	-0-	200,000,000	-0-
169.	Construct Medical/Administration Facility 3 - UK HealthCare			
	Restricted Funds	-0-	150,000,000	-0-
170.	Construct Medical/Administration Facility 1 - UK HealthCare			
	Restricted Funds	-0-	100,000,000	-0-
171.	Construct Medical/Administration Facility 2 - UK HealthCare			
	Restricted Funds	-0-	75,000,000	-0-
172.	Acquire Data Center Hardware - UK HealthCare			
	Restricted Funds	-0-	15,000,000	-0-
173.	Acquire Telemedicine/Virtual ICU - UK HealthCare			
	Restricted Funds	-0-	10,000,000	-0-

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174.	Acquire/Improve Elevator Systems - UK HealthCare			
	Restricted Funds	-0-	15,000,000	-0-
175.	Acquire Partnership Medical System - UK HealthCare			
	Restricted Funds	-0-	300,000,000	-0-
	Agency Bonds	-0-	50,000,000	-0-
	TOTAL	-0-	350,000,000	-0-
176.	Acquire/Upgrade Information Technology System - UK HealthCare			
	Restricted Funds	-0-	10,000,000	-0-
177.	Improve UK HealthCare Facilities - UK Chandler Hospital			
	Restricted Funds	-0-	260,000,000	-0-
	Agency Bonds	-0-	50,000,000	-0-
	TOTAL	-0-	310,000,000	-0-
178.	Construct Data Center - UK HealthCare			
	Other Funds	-0-	45,000,000	-0-
(1)	Authorization: The above authorization is approved pursuant to KRS 45.763.			
179.	Construct Hospice Facility - UK HealthCare			
	Restricted Funds	-0-	25,000,000	-0-
180.	Construct/Expand/Improve Ambulatory Care - UK HealthCare			
	Restricted Funds	-0-	30,000,000	-0-
	Other Funds	-0-	20,000,000	-0-
	TOTAL	-0-	50,000,000	-0-
181.	Construct/Improve Medical/Administration Facilities - UK HealthCare			
	Restricted Funds	-0-	50,000,000	-0-
182.	Implement Land Use Plan - UK HealthCare			
	Restricted Funds	-0-	150,000,000	-0-
183.	Implement Patient Communication System - UK HealthCare			
	Restricted Funds	-0-	25,000,000	-0-
184.	Improve Building Systems - UK HealthCare			
	Restricted Funds	-0-	50,000,000	-0-
185.	Improve Parking/Transportation Systems 1 - UK HealthCare			
	Restricted Funds	-0-	75,000,000	-0-
186.	Improve Parking/Transportation Systems 2 - UK HealthCare			
	Other Funds	-0-	75,000,000	-0-
(1)	Authorization: The above authorization is approved pursuant to KRS 45.763.			
187.	Improve Site/Civil Infrastructure - UK HealthCare			
	Restricted Funds	-0-	25,000,000	-0-
188.	Improve Utilities Infrastructure			
	Restricted Funds	-0-	80,000,000	-0-
189.	Renovate/Improve Nursing Units - UK HealthCare			

	Restricted Funds	-0-	7,000,000	-0-
190.	Improve Medical Facility 1 - Royal Blue Health			
	Restricted Funds	-0-	100,000,000	-0-
191.	Improve Medical Facility 2 - Royal Blue Health			
	Restricted Funds	-0-	5,000,000	-0-
192.	Improve Administrative/Office Facility - Royal Blue Health			
	Restricted Funds	-0-	5,000,000	-0-
193.	Construct Medical Facility 1 - Royal Blue Health			
	Restricted Funds	-0-	30,000,000	-0-
194.	Construct Medical Facility 2 - Royal Blue Health			
	Restricted Funds	-0-	10,000,000	-0-
195.	Construct Medical Facility 3 - Royal Blue Health			
	Restricted Funds	-0-	70,000,000	-0-
196.	Improve Parking/Transportation System - Royal Blue Health			
	Restricted Funds	-0-	75,000,000	-0-
197.	Improve Utilities Infrastructure - Royal Blue Health			
	Restricted Funds	-0-	50,000,000	-0-
198.	Improve Child Development Center - Royal Blue Health			
	Restricted Funds	-0-	5,000,000	-0-
199.	Improve Kingsbrook Lifecare Center - Royal Blue Health			
	Restricted Funds	-0-	5,000,000	-0-
200.	Improve Medical Facility 3 - Royal Blue Health			
	Restricted Funds	-0-	5,000,000	-0-
201.	Improve Medical Facility 4 - Royal Blue Health			
	Restricted Funds	-0-	5,000,000	-0-
202.	Improve Medical Facility 5 - Royal Blue Health			
	Restricted Funds	-0-	5,000,000	-0-
203.	Improve Medical Facility 6 - Royal Blue Health			
	Restricted Funds	-0-	5,000,000	-0-
204.	Improve Medical Facility 7 - Royal Blue Health			
	Restricted Funds	-0-	5,000,000	-0-
205.	Improve Medical Facility 8 - Royal Blue Health			
	Restricted Funds	-0-	5,000,000	-0-
206.	Improve Medical Facility 9 - Royal Blue Health			
	Restricted Funds	-0-	5,000,000	-0-
207.	Improve Medical Facility 10 - Royal Blue Health			
	Restricted Funds	-0-	5,000,000	-0-
208.	Improve Medical Facility 11 - Royal Blue Health			
	Restricted Funds	-0-	5,000,000	-0-

209.	Improve Medical Facility 12 - Royal Blue Health			
	Restricted Funds	-0-	5,000,000	-0-
210.	Improve Medical Facility 13 - Royal Blue Health			
	Restricted Funds	-0-	5,000,000	-0-
211.	Improve Medical Facility 14 - Royal Blue Health			
	Restricted Funds	-0-	5,000,000	-0-
212.	Improve Medical Facility 15 - Royal Blue Health			
	Restricted Funds	-0-	5,000,000	-0-
213.	Improve Medical Facility 16 - Royal Blue Health			
	Restricted Funds	-0-	5,000,000	-0-
214.	Improve Medical Facility 17 - Royal Blue Health			
	Restricted Funds	-0-	5,000,000	-0-
215.	Lease - Off Campus 1			
216.	Lease - Off Campus 2			
217.	Lease - Off Campus 3			
218.	Lease - Off Campus 4			
219.	Lease - Off Campus 5			
220.	Lease - Off Campus 6			
221.	Lease - Off Campus 7			
222.	Lease - Off Campus 8			
223.	Lease - Off Campus 9			
224.	Lease - Off Campus 10			
225.	Lease - Off Campus 11			
226.	Lease - Off Campus 12			
227.	Lease - Off Campus 13			
228.	Lease - Off Campus 14			
229.	Lease - Off Campus 15			
230.	Lease - Off Campus 16			
231.	Lease - Off Campus 17			
232.	Lease - Off Campus 18			
233.	Lease - Off Campus 19			
234.	Lease - Off Campus 20			
235.	Lease - Off Campus Housing 1			
236.	Lease - Off Campus Housing 2			
237.	Lease - Off Campus Athletics 1			
238.	Lease - Off Campus Athletics 2			
239.	Lease - Health Affairs Office 1			
240.	Lease - Health Affairs Office 2			
241.	Lease - Health Affairs Office 3			

- 242. Lease - Health Affairs Office 4
- 243. Lease - Health Affairs Office 5
- 244. Lease - Health Affairs Office 6
- 245. Lease - Health Affairs Office 7
- 246. Lease - Health Affairs Office 8
- 247. Lease - Health Affairs Office 9
- 248. Lease - Health Affairs Office 10
- 249. Lease - Health Affairs Office 11
- 250. Lease - Health Affairs Office 12
- 251. Lease - Health Affairs Office 13
- 252. Lease - Health Affairs Office 14
- 253. Lease - Health Affairs Office 15
- 254. Lease - Health Affairs Office 16
- 255. Lease - Health Affairs Office 17
- 256. Lease - Good Samaritan - UK HealthCare
- 257. Lease - College of Medicine 1
- 258. Lease - College of Medicine 2
- 259. Lease - College of Medicine 3
- 260. Lease - College of Medicine 4
- 261. Lease - College of Medicine 5
- 262. Lease - UK HealthCare Off Campus Facility 1
- 263. Lease - UK HealthCare Off Campus Facility 2
- 264. Lease - UK HealthCare Off Campus Facility 3
- 265. Lease - UK HealthCare Off Campus Facility 4
- 266. Lease - UK HealthCare Off Campus Facility 5
- 267. Lease - UK HealthCare Off Campus Facility 6
- 268. Lease - UK HealthCare Off Campus Facility 7
- 269. Lease - UK HealthCare Off Campus Facility 8
- 270. Lease - UK HealthCare Off Campus Facility 9
- 271. Lease - UK HealthCare Off Campus Facility 10
- 272. Lease - UK HealthCare Off Campus Facility 11
- 273. Lease - UK HealthCare Off Campus Facility 12
- 274. Lease - UK HealthCare Off Campus Facility 13
- 275. Lease - UK HealthCare Off Campus Facility 14
- 276. Lease - UK HealthCare Off Campus Facility 15
- 277. Lease - UK HealthCare Off Campus Facility 16
- 278. Lease - UK HealthCare Off Campus Facility 17
- 279. Lease - UK HealthCare Off Campus Facility 18
- 280. Lease - UK HealthCare Off Campus Facility 19

281.	Lease - UK HealthCare - Royal Blue Health 1			
282.	Lease - UK HealthCare - Royal Blue Health 2			
283.	Lease - UK HealthCare - Royal Blue Health 3			
284.	Lease - UK HealthCare - Royal Blue Health 4			
285.	Lease - UK HealthCare - Royal Blue Health 5			
286.	Lease - UK HealthCare - Royal Blue Health 6			
287.	Lease - UK HealthCare - Royal Blue Health 7			
288.	Lease - UK HealthCare - Royal Blue Health 8			
289.	Lease - UK HealthCare - Royal Blue Health 9			
290.	Lease - UK HealthCare - Royal Blue Health 10			
291.	Lease - UK HealthCare - Royal Blue Health 11			
292.	Lease - UK HealthCare - Royal Blue Health 12			
293.	Lease - UK HealthCare - Royal Blue Health 13			
294.	Lease - UK HealthCare - Royal Blue Health 14			
295.	Lease - UK HealthCare - Royal Blue Health 15			
296.	Lease - UK HealthCare - Royal Blue Health 16			
297.	Lease - UK HealthCare - Royal Blue Health 17			
298.	Lease - UK HealthCare - Royal Blue Health 18			
299.	Lease - UK HealthCare - Royal Blue Health 19			
300.	Lease - UK HealthCare - Royal Blue Health 20			
301.	Lease - UK HealthCare - Royal Blue Health 21			
302.	Lease - UK HealthCare - Royal Blue Health 22			
303.	Lease - UK HealthCare - Royal Blue Health 23			
304.	Lease - UK HealthCare - Royal Blue Health 24			
305.	Lease - UK HealthCare - Royal Blue Health 25			
306.	Lease - UK HealthCare - Royal Blue Health 26			
307.	Lease - UK HealthCare - Royal Blue Health 27			
308.	Lease - UK HealthCare - Royal Blue Health 28			
309.	Facilities Renewal and Modernization Additional Reauthorization (\$125,000,000 Agency Bonds)			
	Restricted Funds	-0-	125,000,000	-0-

10. UNIVERSITY OF LOUISVILLE

001.	Asset Preservation Pool - 2022-2024			
	Bond Funds	-0-	40,943,000	40,943,000
	Agency Bonds	-0-	12,283,000	12,283,000
	TOTAL	-0-	53,226,000	53,226,000
002.	Upgrade STEM Instruction Building			
	Agency Bonds	-0-	50,000,000	-0-
003.	Capital Renewal Replace and Upgrade Pool - 2022-2024			
	Agency Bonds	-0-	50,000,000	-0-

004.	Construct College of Business Building			
	Agency Bonds	-0-	40,000,000	-0-
	Other Funds	-0-	80,000,000	-0-
	TOTAL	-0-	120,000,000	-0-
005.	Renovate School of Medicine Building 55A			
	Restricted Funds	-0-	20,000,000	-0-
006.	Renovation and Adaption Projects for Various Buildings			
	Restricted Funds	-0-	50,000,000	-0-
007.	Construct Medical Office/Lab Building			
	Restricted Funds	-0-	90,000,000	-0-
008.	Construct Belknap 3rd Street Improvements			
	Restricted Funds	-0-	2,180,000	-0-
009.	Construct Belknap Brandeis Corridor Improvement			
	Restricted Funds	-0-	3,100,000	-0-
010.	Renovation Vivarium Facilities			
	Restricted Funds	-0-	75,000,000	-0-
011.	Vivarium Equipment Pool - 2022-2024			
	Restricted Funds	-0-	20,000,000	-0-
012.	Public/Private Partnership - LARRI Building - Speed School			
	Other Funds	-0-	5,500,000	-0-
(1)	Authorization: The above authorization is approved pursuant to KRS 45.763.			
013.	Renovate Fresh Tissue Culture and Morgue			
	Restricted Funds	-0-	2,200,000	-0-
014.	Improve Housing Facilities Pool - 2022-2024			
	Restricted Funds	-0-	10,000,000	-0-
015.	Renovate Chemistry Fume Hood Redesign Phase II			
	Restricted Funds	-0-	9,750,000	-0-
016.	Renovate Chemistry Teaching Labs/Auditorium			
	Restricted Funds	-0-	3,960,000	-0-
017.	Renovate Parking Structures			
	Restricted Funds	-0-	3,600,000	-0-
018.	Renovate Resurface and Repair Parking Lot			
	Restricted Funds	-0-	2,500,000	-0-
019.	Belknap Campus Parking Garage			
	Restricted Funds	-0-	34,229,000	-0-
020.	Renovate College of Business Classrooms			
	Restricted Funds	-0-	24,000,000	-0-
021.	Renovate College of Education HVAC Upgrade			
	Restricted Funds	-0-	2,200,000	-0-

022.	Law School HVAC			
	Restricted Funds	-0-	6,916,000	-0-
023.	Purchase Networking System			
	Restricted Funds	-0-	8,000,000	-0-
024.	Purchase Fiber Infrastructure			
	Restricted Funds	-0-	3,500,000	-0-
025.	Renovate Cardinal Park			
	Other Funds	-0-	8,000,000	-0-
026.	Purchase Computing for Research Infrastructure			
	Restricted Funds	-0-	7,000,000	-0-
027.	Purchase Identity Management			
	Restricted Funds	-0-	2,000,000	-0-
028.	Purchase Computer Processing System and Storage			
	Restricted Funds	-0-	3,500,000	-0-
029.	Purchase Content Management System			
	Restricted Funds	-0-	4,000,000	-0-
030.	Renovate Law School			
	Restricted Funds	-0-	50,000,000	-0-
031.	Public/Private Partnership Resident Hall			
	Other Funds	-0-	52,000,000	-0-
(1)	Authorization: The above authorization is approved pursuant to KRS 45.763.			
032.	Purchase Housing Facilities			
	Restricted Funds	-0-	75,000,000	-0-
033.	Renovate Gross Anatomy Lab			
	Restricted Funds	-0-	3,000,000	-0-
034.	Renovate Dental School Administrative Space			
	Restricted Funds	-0-	1,000,000	-0-
035.	Replacement Building HVAC			
	Restricted Funds	-0-	25,000,000	-0-
036.	Construct Utility Infrastructure Upgrade			
	Restricted Funds	-0-	21,975,000	-0-
037.	Construct Administrative Office Building			
	Restricted Funds	-0-	9,000,000	-0-
038.	Exterior Envelope Replacement School of Medicine Building 55A			
	Restricted Funds	-0-	15,000,000	-0-
039.	Purchase Land			
	Restricted Funds	-0-	15,000,000	-0-
040.	Guaranteed Energy Savings Performance Contracts			
041.	Renovate Health Sciences Center Instructional and Student Services Space			

	Restricted Funds	-0-	42,000,000	-0-
042.	Upgrade HVAC for Dental School			
	Restricted Funds	-0-	2,200,000	-0-
043.	Acquisition of Dormitories			
	Restricted Funds	-0-	41,149,000	-0-
044.	Construct Multidisciplinary Engineering Building 1 - Speed School Addition			
	Restricted Funds	-0-	-0-	10,000,000
	Bond Funds	-0-	-0-	65,000,000
	TOTAL	-0-	-0-	75,000,000
045.	Renovate Speed School Research Building			
	Restricted Funds	-0-	5,500,000	-0-
046.	Renovate Unitas Resident Hall			
	Restricted Funds	-0-	22,300,000	-0-
047.	Renovate Natural Science Building			
	Restricted Funds	-0-	30,000,000	-0-
048.	Renovate Life Sciences Building Vivarium			
	Restricted Funds	-0-	3,471,000	-0-
049.	Renovate Gottschalk Hall			
	Restricted Funds	-0-	2,004,000	-0-
050.	Renovate Humanities Building			
	Restricted Funds	-0-	2,500,000	-0-
051.	Construct Belknap Century Corridor Improvement			
	Restricted Funds	-0-	1,250,000	-0-
052.	Construct Belknap Stormwater Improvements			
	Restricted Funds	-0-	5,000,000	-0-
053.	Renovate Belknap Physical Plant Building			
	Restricted Funds	-0-	2,000,000	-0-
054.	Renovate Flexner Way Mall			
	Restricted Funds	-0-	2,500,000	-0-
055.	Renovation Office Building			
	Restricted Funds	-0-	5,000,000	-0-
056.	Construct Artificial Turf Field for Intramural			
	Restricted Funds	-0-	1,215,000	-0-
057.	Renovate University Tower Apartments			
	Restricted Funds	-0-	2,700,000	-0-
058.	Renovate Music School Building			
	Restricted Funds	-0-	3,500,000	-0-
059.	Replace Physical Access Control System			
	Restricted Funds	-0-	3,500,000	-0-

060.	Lease Housing Facilities			
	Restricted Funds	-0-	10,000,000	-0-
061.	Expand College of Business Addition			
	Restricted Funds	-0-	10,000,000	-0-
062.	Renovation Kentucky Lions Eye Lab			
	Restricted Funds	-0-	7,000,000	-0-
063.	Expand Patterson Stadium/Construct Indoor Facilities			
	Other Funds	-0-	16,000,000	-0-
064.	Replace Electronic Video Boards			
	Other Funds	-0-	10,000,000	-0-
065.	Construct Athletics Office Building			
	Other Funds	-0-	7,500,000	-0-
066.	Construct Athletic Grounds Building			
	Other Funds	-0-	1,550,000	-0-
067.	Football Practice Field Lighting			
	Other Funds	-0-	2,000,000	-0-
068.	Replace Artificial Turf Field III			
	Other Funds	-0-	1,250,000	-0-
069.	Replace Artificial Turf Field IV			
	Other Funds	-0-	1,250,000	-0-
070.	Expand Ulmer Softball Stadium/Construct Indoor Facility			
	Other Funds	-0-	8,000,000	-0-
071.	Construct Natatorium			
	Other Funds	-0-	25,000,000	-0-
072.	Basketball/Lacrosse Practice Facility Expansion			
	Other Funds	-0-	25,000,000	-0-
073.	Expand Marshall Center Complex			
	Other Funds	-0-	5,000,000	-0-
074.	Renovate Cardinal Football Stadium			
	Other Funds	-0-	25,000,000	-0-
075.	Renovate Bass Rudd Tennis Center			
	Other Funds	-0-	3,000,000	-0-
076.	Renovate Garvin Brown Boathouse			
	Other Funds	-0-	2,000,000	-0-
077.	Renovate Marshall Center			
	Other Funds	-0-	1,000,000	-0-
078.	Renovation Golf Club Shelby County			
	Other Funds	-0-	1,000,000	-0-
079.	Renovation Lynn Soccer Stadium			

	Other Funds	-0-	1,000,000	-0-
080.	Renovation Thornton's Academic Center			
	Other Funds	-0-	1,000,000	-0-
081.	Renovation Trager Football Practice Facility			
	Other Funds	-0-	1,000,000	-0-
082.	Renovation Patterson Baseball Stadium			
	Other Funds	-0-	1,000,000	-0-
083.	Capital Renewal for Athletic Venues			
	Other Funds	-0-	7,500,000	-0-
084.	Construct Practice Bubble			
	Other Funds	-0-	4,000,000	-0-
085.	Construction Indoor Facility			
	Other Funds	-0-	15,000,000	-0-
086.	Renovation Cardinal Stadium Club Upgrades			
	Other Funds	-0-	5,000,000	-0-
087.	Demolish and Construct Golf Maintenance/Chemical Building			
	Other Funds	-0-	2,000,000	-0-
088.	Construct Athletics Village			
	Other Funds	-0-	90,000,000	-0-
089.	Replace Seats in Athletic Venues			
	Other Funds	-0-	7,000,000	-0-
090.	Athletics Enhancements in New Dormitory			
	Other Funds	-0-	6,000,000	-0-
091.	Expand and Renovate Wright Natatorium			
	Other Funds	-0-	10,000,000	-0-
092.	Replace Cardinal Stadium Seats			
	Other Funds	-0-	6,000,000	-0-
093.	Shelbyhurst Academic Building and Conference Center			
	Restricted Funds	-0-	50,596,000	-0-
094.	Steam Plant Modernization Implementation			
	Restricted Funds	-0-	5,000,000	-0-
(1)	Authorization: The above authorization is approved pursuant to KRS 45.763.			
095.	Renovate School of Nursing			
	Restricted Funds	-0-	14,000,000	-0-
096.	Academic Space 1 - Lease			
097.	Academic Space 2 - Lease			
098.	Arthur Street - Lease			
099.	Athletic/Student Dormitory - Lease			
100.	Housing Facilities - Lease			

- 101. Housing Lease - 1
- 102. Housing Lease - 2
- 103. Housing Lease - 3
- 104. Housing Lease - 4
- 105. Jefferson County - Clinic Space - State of Kentucky - Lease
- 106. Jefferson County - Clinic Space 1 - Lease
- 107. Jefferson County - Clinic Space 2 - Lease
- 108. Jefferson County - Clinic Space 3 - Lease
- 109. Jefferson County - Office Space 1 - Lease
- 110. Jefferson County - Office Space 2 - Lease
- 111. Jefferson County - Office Space 3 - Lease
- 112. Jefferson County - Office Space 4 - Lease
- 113. Medical Center One - Lease
- 114. Medical Center 2 - Lease
- 115. Nucleus 1 Building - Lease
- 116. Nucleus 1 Building 2 - Lease
- 117. Support Space 1 - Lease
- 118. Trager Institute - Lease
- 119. University Pointe and Cardinal Towne - Lease
- 120. Steam Plant Modernization Reauthorization

(1) **Authorization:** The above authorization is approved pursuant to KRS 45.763 and 45A.077.

11. WESTERN KENTUCKY UNIVERSITY

001. Asset Preservation Pool - 2022-2024			
Bond Funds	-0-	34,040,000	34,040,000
Agency Bonds	-0-	5,106,000	5,106,000
TOTAL	-0-	39,146,000	39,146,000
002. Construct New Gordon Ford College of Business			
Bond Funds	-0-	-0-	74,400,000
003. Guaranteed Energy Savings Performance Contracts			
004. Add Club Seating at Diddle Arena			
Other Funds	-0-	3,600,000	-0-
005. Construct Football Pressbox			
Other Funds	-0-	5,200,000	-0-
006. Purchase Property/Parking and Street Improvement			
Restricted Funds	-0-	3,000,000	-0-
007. Purchase Property for Campus Expansion			
Restricted Funds	-0-	3,000,000	-0-
008. Renovate South Campus			
Restricted Funds	-0-	5,000,000	-0-

009.	Expand Track and Field Facilities			
	Other Funds	-0-	4,700,000	-0-
010.	Construct Baseball Grandstand			
	Other Funds	-0-	4,500,000	-0-
011.	Acquire Fixtures, Furniture, and Equipment Diddle Arena			
	Other Funds	-0-	3,000,000	-0-
012.	Construct South Plaza			
	Other Funds	-0-	3,600,000	-0-
013.	Renovate State/Normal Street Properties			
	Restricted Funds	-0-	1,500,000	-0-
014.	Renovate Center for Research and Development Phase I			
	Restricted Funds	-0-	6,000,000	-0-
015.	Renovate and Expand Innovation Campus (Center for Research and Development)			
	Restricted Funds	-0-	7,000,000	-0-
	Federal Funds	-0-	15,000,000	-0-
	Other Funds	-0-	58,000,000	-0-
	TOTAL	-0-	80,000,000	-0-
016.	Renovate and Expand Clinical Education Complex			
	Other Funds	-0-	8,000,000	-0-
017.	Acquire Fixtures, Furniture, and Equipment Pool - 2022-2024			
	Restricted Funds	-0-	3,000,000	-0-
018.	Construct Parking Structure IV			
	Agency Bonds	-0-	25,000,000	-0-
019.	Construct Indoor Athletic Training Facility			
	Other Funds	-0-	25,000,000	-0-
020.	Remove and Replace Student Housing at Farm			
	Other Funds	-0-	2,500,000	-0-
021.	Improve Softball and Soccer Complex			
	Other Funds	-0-	5,500,000	-0-
022.	Alumni Center - Lease			
023.	Parking Garage - Lease			
024.	Nursing/Physical Therapy - Lease			
025.	Construct, Renovate and Improve Athletic Facilities Reauthorization (\$50,000,000 Agency Bonds)			
12.	KENTUCKY COMMUNITY AND TECHNICAL COLLEGE SYSTEM			
001.	Asset Preservation Pool - 2022-2024			
	Restricted Funds	-0-	13,445,000	13,445,000
	Bond Funds	-0-	89,631,000	89,631,000
	TOTAL	-0-	103,076,000	103,076,000
002.	Renovate Occupational Technical Building Phase I - Elizabethtown CTC			

ACTS OF THE GENERAL ASSEMBLY

	Bond Funds	-0-	-0-	16,500,000
003.	Replace Hartford Building Phase I - Jefferson CTC			
	Restricted Funds	-0-	5,000,000	-0-
004.	Renovate Laurel South Campus Phase I - Somerset CC			
	Restricted Funds	-0-	1,200,000	-0-
005.	Renovate Main Campus Buildings - Southcentral Kentucky CTC			
	Restricted Funds	-0-	5,000,000	-0-
006.	Construct Student/Classroom - Bluegrass CTC Newtown			
	Restricted Funds	-0-	-0-	5,800,000
	Bond Funds	-0-	-0-	52,200,000
	TOTAL	-0-	-0-	58,000,000
007.	Renovate Pineville Campus - Southeast Kentucky CTC			
	Restricted Funds	-0-	500,000	-0-
008.	Expand Leitchfield Campus - Elizabethtown CTC			
	Bond Funds	-0-	-0-	9,000,000
009.	Roof Replacements - Ashland CTC			
	Restricted Funds	-0-	2,200,000	-0-
010.	Renovate Newtown North Additional - Bluegrass CTC - Reauthorization (\$4,900,000 Restricted Funds)			
	Restricted Funds	-0-	7,500,000	-0-
011.	Renovate Administration Building - Bluegrass CTC Newtown			
	Restricted Funds	-0-	9,700,000	-0-
012.	Renovate Science Building Labs - Elizabethtown CTC			
	Restricted Funds	-0-	6,400,000	-0-
013.	Relocate and Demolish Student Center - Henderson CC			
	Restricted Funds	-0-	2,400,000	-0-
014.	Property Acquisition - Hopkinsville CC			
	Restricted Funds	-0-	3,000,000	-0-
015.	Construct Parking Garage - Jefferson CTC			
	Restricted Funds	-0-	12,500,000	-0-
016.	Procure Postsecondary Education Center Phase II - Maysville CTC			
	Restricted Funds	-0-	6,500,000	-0-
017.	Upgrade ADA - Somerset CC			
	Restricted Funds	-0-	1,600,000	-0-
018.	Purchase Construction Grade 3D Printer - Somerset CC			
	Restricted Funds	-0-	600,000	-0-
019.	Replace Windows and Doors - Somerset CC			
	Restricted Funds	-0-	1,200,000	-0-
020.	Guaranteed Energy Savings Performance Contracts			
021.	KCTCS Equipment Pool - 2022-2024			

Restricted Funds	-0-	5,000,000	-0-
022. KCTCS Property Acquisition Pool - 2022-2024			
Restricted Funds	-0-	5,000,000	-0-
023. Upgrade Welding Shop - Big Sandy CTC Mayo - Reauthorization (\$1,500,000 Restricted Funds)			
024. Construct/Procure Transportation - Elizabethtown CTC - Reauthorization (\$5,000,000 Restricted Funds)			
025. Upgrade IT Infrastructure - Gateway CTC - Reauthorization (\$1,500,000 Restricted Funds)			
026. Renovate Advance Manufacturing and Construction - Hazard CTC - Reauthorization (\$1,000,000 Restricted Funds, \$3,900,000 Federal Funds)			
027. Renovate Industrial Education Building - Hazard CTC - Reauthorization (\$2,500,000 Federal Funds)			
028. Construct Fire Commission NRPC Classroom Building Additional - Reauthorization (\$5,200,000 Restricted Funds)			
Restricted Funds	-0-	1,800,000	-0-
029. Property Acquisition - Fire Commission			
Restricted Funds	-0-	2,000,000	-0-
030. Procure Fire Pumpers - Fire Commission			
Restricted Funds	-0-	2,000,000	-0-
031. Construct Fire Commission Training Drill Tower - Reauthorization (\$1,200,000 Restricted Funds)			
032. Elizabethtown CTC - Hardin County - Lease			
033. Jefferson CTC - Bullitt County Campus - Lease			
034. Jefferson CTC - Jefferson Education Center - Lease			
035. Maysville CTC - Rowan County - Lease			
036. KCTCS System Office - Lease			

J. TOURISM, ARTS AND HERITAGE CABINET

Budget Units	2022-23	2023-24
1. ARTISANS CENTER		
001. Maintenance Pool - 2022-2024		
General Fund	1,000,000	-0-
2. PARKS		
001. Maintenance Pool - 2022-2024		
General Fund	10,000,000	10,000,000
002. State Parks Improvement		
Bond Funds	-0-	150,000,000
3. HORSE PARK COMMISSION		
001. Maintenance Pool - 2022-2024		
General Fund	1,500,000	1,500,000
002. Renovate International Museum of the Horse		
Bond Funds	4,000,000	-0-
003. Replace Roof: Museum, Gatehouse, VIC		
General Fund	2,000,000	-0-

004.	Covered Arena and Rolex Stadium		
	General Fund	2,000,000	-0-
005.	Barn Repair and Upgrades		
	General Fund	10,000,000	-0-
4.	STATE FAIR BOARD		
001.	State Fair Board Property Improvements		
	Bond Funds	-0-	200,000,000
5.	FISH AND WILDLIFE RESOURCES		
001.	Fees-in-Lieu-of Stream Mitigation Projects Pool		
	Restricted Funds	64,500,000	48,600,000
002.	Camp Earl Wallace Dining Hall Construction		
	Restricted Funds	129,000	1,376,000
	Federal Funds	171,000	1,824,000
	TOTAL	300,000	3,200,000
6.	KENTUCKY CENTER FOR THE ARTS		
001.	Maintenance Pool - 2022-2024		
	General Fund	550,000	550,000

PART III

GENERAL PROVISIONS

1. Funds Designations: Restricted Funds designated in the biennial budget bills are classified in the state financial records and reports as the Agency Revenue Fund, State Enterprise Funds (State Parks, State Fair Board, Insurance Administration, and Kentucky Horse Park), Internal Services Funds (Fleet Management, Computer Services, Correctional Industries, Central Printing, Risk Management, and Property Management), and selected Fiduciary Funds (Other Expendable Trust Funds). Separate fund records and reports shall be maintained in a manner consistent with the branch budget bills.

The sources of Restricted Funds appropriations in this Act shall include all fees (which includes fees for room and board, athletics, and student activities) and rentals, admittances, sales, bond proceeds, licenses collected by law, gifts, subventions, contributions, income from investments, and other miscellaneous receipts produced or received by a budget unit, except as otherwise specifically provided, for the purposes, use, and benefit of the budget unit as authorized by law. Restricted Funds receipts shall be credited and allotted to the respective fund or account out of which a specified appropriation is made in this Act. All receipts of Restricted Funds shall be deposited in the State Treasury and credited to the proper account as provided in KRS Chapters 12, 42, 45, and 48.

The sources of Federal Funds appropriations in this Act shall include federal subventions, grants, contracts, or other Federal Funds received, income from investments, other miscellaneous federal receipts received by a budget unit, and the Unemployment Compensation Fund, except as otherwise provided, for the purposes, use, and benefit of the budget unit as authorized by law. Federal Funds receipts shall be credited and allotted to the respective fund account out of which a specified appropriation is made in this Act. All Federal Funds receipts shall be deposited in the State Treasury and credited to the proper account as provided in KRS Chapters 12, 42, 45, and 48.

2. Expenditure of Excess Federal Funds Receipts: If receipts received or credited to the Federal Funds accounts of a budget unit during fiscal year 2022-2023 or fiscal year 2023-2024, and any balance forwarded to the credit of these same accounts from the previous fiscal year, exceed the appropriation made by a specific sum for these accounts of the budget unit as provided in Part I, Operating Budget, of this Act, for the fiscal year in which the excess occurs, the excess funds in the accounts of the budget unit shall become available for expenditure for the purpose of the account during the fiscal year only upon compliance with the conditions and procedures specified in KRS 48.400, 48.500, 48.600, 48.605, 48.610, 48.620, 48.630, 48.730, and 48.800, and with the authorization of the State Budget Director and approval of the Secretary of the Finance and Administration Cabinet.

Any request made by a budget unit pursuant to KRS 48.630 that relates to Federal Funds shall include documentation showing a comparative statement of revised estimated receipts by fund source and the proposed expenditures by proposed use, with the appropriated sums specified in the Budget of the Commonwealth, and statements which explain the cause, source, and use for any variances which may exist.

Each budget unit shall submit its reports in print and electronic format consistent with the Federal Funds records contained in the fiscal biennium 2022-2024 Branch Budget Request Manual and according to the following schedule in each fiscal year: (a) on or before the beginning of each fiscal year; (b) on or before October 1; (c) on or before January 1; and (d) on or before April 1.

Notwithstanding KRS 48.630, no unbudgeted Restricted Funds shall be allotted or expended without the express authority of the General Assembly, with the exceptions of the Public Service Commission, institutions of higher education, workers' compensation payments paid by the Personnel Cabinet, and KRS 150.255 trust and agency stream and wetland mitigation funds.

3. Interim Appropriation Increases: No appropriation from any fund source shall exceed the sum specified in this Act until the agency has documented the necessity, purpose, use, and source, and the documentation has been submitted to the Interim Joint Committee on Appropriations and Revenue for its review and action in accordance with KRS 48.630 and Section 2. of this Part. Proposed revisions to an appropriation contained in the enacted Executive Budget or allotment of an unbudgeted appropriation shall conform to the conditions and procedures of KRS 48.630 and this Act.

Notwithstanding KRS 48.630(3), (4), and (5), any proposed and recommended actions to increase appropriations for funds specified in Section 2. of this Part shall be scheduled consistent with the timetable contained in that section in order to provide continuous and timely budget information.

4. Revision of Appropriation Allotments: Allotments within appropriated sums for the activities and purposes contained in the enacted Executive Budget shall conform to KRS 48.610 and may be revised pursuant to KRS 48.605 and this Act.

5. Permitted Appropriation Obligations: No state agency, cabinet, department, office, or program shall incur any obligation against the General Fund or Road Fund appropriations contained in this Act unless the obligation may be reasonably determined to have been contemplated in the enacted budget and is based upon supporting documentation considered by the General Assembly and legislative and executive records.

6. Lapse of General Fund or Road Fund Appropriations Supplanted by Federal Funds: Any General Fund or Road Fund appropriation made in anticipation of a lack, loss, or reduction of Federal Funds shall lapse to the General Fund or Road Fund Surplus Account, respectively, to the extent the Federal Funds otherwise become available.

7. Federally Funded Agencies: A state agency entitled to Federal Funds, which would represent 100 percent of the cost of a program, shall conform to KRS 48.730.

8. Lapse of General Fund or Road Fund Excess Debt Service Appropriations: Pursuant to KRS 48.720, any excess General Fund or Road Fund debt service shall lapse to the respective surplus account unless otherwise directed in this Act.

9. Statutes in Conflict: All statutes and portions of statutes in conflict with any of the provisions of this Act, to the extent of the conflict, are suspended unless otherwise provided by this Act.

10. Interpretation of Appropriations: Notwithstanding KRS 48.500, all questions that arise in interpreting this Act and the Transportation Cabinet budget shall be decided by the Attorney General, and the decision of the Attorney General shall be final and conclusive.

11. Publication of the Budget of the Commonwealth: The State Budget Director shall cause the Governor's Office for Policy and Management, within 60 days of adjournment of the 2022 Regular Session of the General Assembly, to publish a final enacted budget document, styled the Budget of the Commonwealth, based upon the Legislative Budget, Executive Budget, Transportation Cabinet Budget, and Judicial Budget as enacted by the 2022 Regular Session, as well as other Acts which contain appropriation provisions for the 2022-2024 fiscal biennium, and based upon supporting documentation and legislative records as considered by the 2022 Regular Session. This document shall include, for each agency and budget unit, a consolidated budget summary statement of available regular and continuing appropriated revenue by fund source, corresponding appropriation allocations by program or subprogram as appropriate, budget expenditures by principal budget class, and any other fiscal data and commentary considered necessary for budget execution by the Governor's Office for Policy and Management and oversight by the Interim Joint Committee on Appropriations and Revenue. The enacted Executive Budget and

Transportation Cabinet Budget shall be revised or adjusted only upon approval by the Governor's Office for Policy and Management as provided in each Part of this Act and by KRS 48.400 to 48.810, and upon review and approval by the Interim Joint Committee on Appropriations and Revenue.

12. State Financial Condition: Pursuant to KRS 48.400, the State Budget Director shall monitor and report on the financial condition of the Commonwealth.

13. Prorating Administrative Costs: The Secretary of the Finance and Administration Cabinet is authorized to establish a system or formula or a combination of both for prorating the administrative costs of the Finance and Administration Cabinet, the Department of the Treasury, and the Office of the Attorney General relative to the administration of programs in which there is joint participation by the state and federal governments for the purpose of receiving the maximum amount of participation permitted under the appropriate federal laws and regulations governing the programs. The receipts and allotments under this section shall be reported to the Interim Joint Committee on Appropriations and Revenue prior to any transfer of funds.

14. Construction of Budget Provisions Regarding Executive Reorganization Orders: Nothing in this Act shall be construed to confirm or ratify, under KRS 12.028, any executive reorganization order unless the executive order was confirmed or ratified by appropriate amendment to the Kentucky Revised Statutes in another Act of the 2022 Regular Session of the General Assembly.

15. Budget Planning Report: By August 15, 2023, the State Budget Director, in conjunction with the Consensus Forecasting Group, shall provide to each branch of government, pursuant to KRS 48.120, a budget planning report.

16. Tax Expenditure Revenue Loss Estimates: By October 15, 2023, the Office of State Budget Director shall provide to each branch of government detailed estimates for the General Fund and Road Fund for the current and next two fiscal years of the revenue loss resulting from tax expenditures. The Department of Revenue shall provide assistance and furnish data, which is not restricted by KRS 131.190. "Tax expenditure" as used in this section means an exemption, exclusion, or deduction from the base of a tax, a credit against the tax, a deferral of a tax, or a preferential tax rate. The estimates shall include for each tax expenditure the amount of revenue loss, a citation of the legal authority for the tax expenditure, the year in which it was enacted, and the tax year in which it became effective.

17. Duplicate Appropriations: Any appropriation item and sum in Parts I to X of this Act and in an appropriation provision in any Act of the 2022 Regular Session which constitutes a duplicate appropriation shall be governed by KRS 48.312.

18. Priority of Individual Appropriations: KRS 48.313 shall control when a total or subtotal figure in this Act conflicts with the sum of the appropriations of which it consists.

19. Severability of Budget Provisions: Appropriation items and sums in Parts I to X of this Act shall conform to KRS 48.311. If any section, any subsection, or any provision is found by a court of competent jurisdiction in a final, unappealable order to be invalid or unconstitutional, the decision of the courts shall not affect or impair any of the remaining sections, subsections, or provisions.

20. Unclaimed Lottery Prize Money: For fiscal year 2022-2023 and fiscal year 2023-2024, all unclaimed lottery prize money under KRS 154A.110(3) shall be credited to the Kentucky Educational Excellence Scholarship Reserve Account to be held as a subsidiary account within the Finance and Administration Cabinet for the purpose of funding the KEES Program as appropriated in this Act. If the Kentucky Higher Education Assistance Authority certifies to the State Budget Director that the appropriations in this Act for the KEES Program under the existing award schedule are insufficient to meet funds required for eligible applicants, then the State Budget Director shall provide the necessary allotment of funds in the balance of the KEES Reserve Account to fund the KEES Program. Actions taken under this section shall be reported to the Interim Joint Committee on Appropriations and Revenue on a timely basis.

21. Workers' Compensation: Notwithstanding KRS 342.340(1) and 803 KAR 25:021, Section 4, the Personnel Cabinet shall be exempt from procuring excess risk insurance in fiscal year 2022-2023 and fiscal year 2023-2024 for the Workers' Compensation Benefits and Reserve Program administered by the Cabinet.

22. Carry Forward and Undesignated General Fund and Road Fund Carry Forward: Notwithstanding KRS 48.700 and 48.705, and other Parts of this Act, the Secretary of the Finance and Administration Cabinet shall determine and certify, within 30 days of the close of fiscal year 2021-2022 and fiscal year 2022-2023, the actual amount of undesignated balance of the General Fund and the Road Fund for the year just ended. The amounts from the undesignated fiscal year 2021-2022 and fiscal year 2022-2023 General Fund and Road Fund balances that are designated and carried forward for budgeted purposes in the 2022-2024 fiscal biennium shall

be determined by the State Budget Director during the close of the respective fiscal year and shall be reported to the Interim Joint Committee on Appropriations and Revenue within 30 days of the close of the fiscal year. Any General Fund undesignated balance in excess of the amount designated for budgeted purposes under this section shall be made available for the General Fund Surplus Expenditure Plan contained in Part VII of this Act unless otherwise provided in this Act. The Road Fund undesignated balance in excess of the amount designated for budgeted purposes under this section shall be made available for the Road Fund Surplus Expenditure Plan contained in Part IX of this Act unless otherwise provided in this Act.

23. Reallocation of Appropriations Among Budget Units: Notwithstanding any statute to the contrary, or provisions of this Act, the Secretary of a Cabinet, the Commissioner of the Department of Education, and other agency heads may request a reallocation among budget units under his or her administrative authority up to ten percent of General Fund appropriations contained in Part I, Operating Budget, of this Act for fiscal years 2021-2022, 2022-2023, and 2023-2024 for approval by the State Budget Director. A request shall explain the need and use for the transfer authority under this section. The amount of transfer of General Fund appropriations shall be separately recorded and reported in the system of financial accounts and reports provided in KRS Chapter 45. The State Budget Director shall report a transfer made under this section, in writing, to the Interim Joint Committee on Appropriations and Revenue.

24. Local School District Expenditure Flexibility: Notwithstanding KRS 160.470(6) or any statute to the contrary, during fiscal year 2022-2023 and fiscal year 2023-2024, local school districts may adopt and the Kentucky Board of Education may approve a working budget that includes a minimum reserve of less than two percent of the total budget. The Kentucky Department of Education shall monitor the financial position of any district that receives approval for a working budget with a reserve of less than two percent and shall provide a financial report for those districts at each meeting of the Kentucky Board of Education.

25. Appropriations Expenditure Purpose and Transfer Restrictions: Funds appropriated in this Act shall not be expended for any purpose not specifically authorized by the General Assembly in this Act nor shall funds appropriated in this Act be transferred to or between any cabinet, department, board, commission, institution, agency, or budget unit of state government unless specifically authorized by the General Assembly in this Act and KRS 48.400 to 48.810. Compliance with the provisions of this section shall be reviewed and determined by the Interim Joint Committee on Appropriations and Revenue.

26. Budget Implementation: The General Assembly directs that the Executive Branch shall carry out all appropriations and budgetary language provisions as contained in the State/Executive Budget. The Legislative Research Commission shall review quarterly expenditure data to determine if an agency is out of compliance with this directive. If the Legislative Research Commission suspects that any entity has acted in non-conformity with this section, the Legislative Research Commission may order an audit or review at the agency's expense. Such audit findings, reviews, and reports shall be subject to the Kentucky Open Records Law.

27. Information Technology: All authorized computer information technology projects shall submit a semiannual progress report to the Capital Projects and Bond Oversight Committee. The reporting process shall begin six months after the project is authorized and shall continue through completion of the project. The initial report shall establish a timeline for completion and cash disbursement schedule. Each subsequent report shall update the timeline and budgetary status of the project and explain in detail any issues with completion date and funding.

28. Equipment Service Contracts and Energy Efficiency Measures: The General Assembly mandates that the Finance and Administration Cabinet review all equipment service contracts to maximize savings to the Commonwealth to strictly adhere to the provisions of KRS 56.772, 56.782, and 56.784 in maximizing the use of energy efficiency measures.

29. Debt Restructuring: Notwithstanding any other provision of the Kentucky Revised Statutes, no General Fund or Road Fund debt restructuring transactions shall be undertaken during the 2022-2024 fiscal biennium.

30. Effects of Subsequent Legislation: If any measure enacted during the 2022 Regular Session of the General Assembly subsequent to this Act contains an appropriation or is projected to increase or decrease General Fund revenues, the amount in the Budget Reserve Trust Fund shall be revised to accommodate the appropriation or the reduction or increase in projected revenues. Notwithstanding any provision of KRS 48.120(4) and (5) to the contrary, the official enacted revenue estimates of the Commonwealth described in KRS 48.120(5) shall be adjusted at the conclusion of the 2022 Regular Session of the General Assembly, respectively, to incorporate any projected revenue increases or decreases that will occur as a result of actions taken by the General Assembly subsequent to the passage of this Act by both chambers.

31. Permitted Use of Water and Sewer Bond Funds: Notwithstanding Part II, (3) of this Act and any statute to the contrary, any balances remaining for either closed or open project grant agreements authorized pursuant to bond pools set forth in 2003 Ky. Acts ch. 156, Part II, A., 3., d. Water and Sewer Resources Development Fund for Tobacco Counties and e. Water and Sewer Resources Development Fund For Coal Producing Counties; 2005 Ky. Acts ch. 173, Part II, A., 3., 003. Infrastructure for Economic Development Fund for Coal-Producing Counties and 004. Infrastructure for Economic Development Fund for Tobacco Counties; 2006 Ky. Acts ch. 252, Part II, A., 2., 003. Infrastructure for Economic Development Fund for Non-Coal Producing Counties and 004. Infrastructure for Economic Development Fund for Coal-Producing Counties; 2008 Ky. Acts ch. 123, Section 3., 004. Infrastructure for Economic Development Fund for Coal-Producing Counties and 005. Infrastructure for Economic Development Fund for Non-Coal Producing Counties; and 2008 Ky. Acts ch. 174, Section 2.; and 2009 Ky. Acts ch. 87, Section 2. shall not lapse and shall remain to the credit of projects previously authorized by the General Assembly unless expressly reauthorized and reallocated by action of the General Assembly.

32. Jailer Canteen Accounts: Notwithstanding KRS 67.0802(6)(a), any compensation resulting from the disposal of real or personal property that was purchased from a canteen account under KRS 441.135 shall be returned to the canteen account from which the real or personal property was originally purchased. All proceeds resulting from the disposal of real or personal property purchased from a canteen account shall be reported to the Interim Joint Committee on Appropriations and Revenue by December 1 of each fiscal year.

33. COVID-19 Federal Funds: No Federal Funds received from the Coronavirus Aid, Relief, and Economic Security (CARES) Act or any other Federal Funds related to the COVID-19 emergency response shall be used to establish any new programs unless those new programs can be fully supported from existing appropriation amounts once all of the Federal Funds have been expended. No new positions shall be established unless those new positions are established as federally funded time-limited positions. The Office of State Budget Director shall submit a report to the Interim Joint Committee on Appropriations and Revenue by December 1 of each fiscal year on the expenditure of all Federal Funds and associated matching funds related to the COVID-19 emergency response.

34. Approval of State Aircraft Travel: Notwithstanding KRS 44.060, 45.101, 174.508, and any other statute or administrative regulation to the contrary, the use of state aircraft by any secretary of any Executive Branch cabinet for out-of-state travel shall be approved by the State Treasurer. The State Treasurer shall only approve requests which document that the use of state aircraft is the lowest cost option as measured by both travel costs and travel time. The State Treasurer shall not designate approval authority for out-of-state travel on state aircraft by Executive Branch cabinet secretaries to any other person. Any requests and documentation regarding the use of state aircraft collected by the State Treasurer shall be subject to the Kentucky Open Records Act, KRS 61.870 to 61.884.

35. Employee Layoffs, Furloughs, and Reduced Hours: Notwithstanding any statute to the contrary, the following process and procedure is established for July 1, 2022, through June 30, 2024, in the event that the Commonwealth or any agency determines that it is desirable for the Executive Branch to layoff, furlough, or reduce hours of employees:

(1) For the purposes of this section:

(a) "Appointing authority" means the agency head or any person whom he or she has authorized by law to designate to act on behalf of the agency with respect to employee appointments, position establishments, payroll documents, register requests, waiver requests, requests for certification, or other position actions;

(b) "Secretary" means the Secretary of the Personnel Cabinet as provided for in KRS 18A.015;

(c) "Furlough" or "reduction in hours" means the temporary reduction of hours an employee is scheduled to work by the appointing authority within a pay period;

(d) "Layoff" means discharge of employment subject to the rights contained in this section; and

(e) "Employees" includes all persons employed by the Executive Branch, including but not limited to employees of KRS Chapter 18A, KRS Chapter 16, KRS Chapter 156, the Kentucky Teachers' Retirement System, the Kentucky Higher Education Student Loan Corporation, the Kentucky Housing Corporation, and the Kentucky Lottery Corporation;

(2) An appointing authority has the authority to layoff or furlough employees or reduce hours of employment for any of the following reasons:

(a) Lack of funds or budgetary constraints;

(b) A reduction in the agency's spending authorization;

(c) Lack of work;

- (d) Abolishment of a position; or
- (e) Other material change in duties or organization;

(3) The appointing authority shall determine the job classifications affected and the number of employees laid-off in each classification and each county to which a layoff applies. In the same department or office, county, and job classification, interim and probationary employees shall be laid-off before any full-time or part-time employees with status are laid-off. For purposes of layoff, "probationary employee" does not include an employee with status serving a promotional probation;

(4) The Secretary shall approve all actions taken under subsection (2) of this section and no such layoff, furlough, or reduction of hours may begin until such approval has been granted. The appointing authority with the approval of the Secretary has the authority to determine the extent, effective dates, and length of any action taken under subsection (2) of this section;

(5) In determining the employees to be laid-off, the appointing authority shall consider all employees under the same appointing authority, within the job classification affected, and within the county affected. Consideration shall be given to the following relevant factors:

- (a) Job performance evaluations;
- (b) Seniority;
- (c) Education, training, and experience; and
- (d) Disciplinary record;

(6) Any employee whose position is subject to layoff, furlough, or reduction of hours shall be provided written notice containing the reason for the action as set forth in subsection (2) of this section at least 15 days in advance of the effective date of the action;

(7) Any employee with status who is laid-off shall be eligible to apply as a reemployment applicant for positions with the same job classification from which he or she was laid-off, in the cabinet from which he or she was laid-off. For a period of two years, a reemployment applicant shall be hired before any applicant except another reemployment applicant with greater seniority who is on the same register. A reemployment applicant shall not be removed from any register except as provided by KRS 18A.032. When a reemployment applicant is removed from a register, he or she shall be notified in writing. A reemployment applicant who accepts any classified position, or who retires through the Kentucky Retirement Systems or Kentucky Teachers' Retirement System, shall cease to have eligibility rights as a reemployment applicant;

(8) With the approval of the Secretary, the Personnel Cabinet may place employees subject to a reduction in force;

(9) Furloughs or reduction of hours during a pay period shall not result in the loss of eligibility for any benefit otherwise due the employee;

(10) The Secretary shall have the authority to promulgate comprehensive administrative regulations governing this section; and

(11) A layoff, furlough, or reduction of hours implemented in accordance with this section shall not be considered a penalization of the employee for the purposes of KRS Chapters 16, 18A, and 156, and shall be appealable to the State Personnel Board, the Kentucky Technical Education Personnel Board, the Department of Kentucky State Police Personnel Board, or other applicable administrative body.

36. Lapse of General Fund or Road Fund Appropriations Supplanted by Pandemic Relief Funds: Notwithstanding KRS 45.229, any General Fund appropriations that become available due to supplantation of Federal Funds related to COVID-19 emergency response or pandemic relief shall lapse to the Budget Reserve Trust Fund Account (KRS 48.705). Any Road Fund appropriations that become available due to supplantation of Federal Funds related to the COVID-19 emergency response or pandemic relief shall lapse to the Emergency Disaster Relief Account.

37. Executive Orders: For the purpose of ensuring transparent government, the Governor shall provide a comprehensive report to the Legislative Research Commission simultaneously with each and every executive order issued. The comprehensive report shall contain the following items:

- (1) A complete statement of each essential fact upon which the order is based;
- (2) A complete statement of each goal sought through issuance of the order;

(3) A comprehensive analysis explaining how the executive order achieves each stated goal with the least burden placed upon the constitutional rights of the citizens of the Commonwealth of Kentucky and how each stated goal is accomplished with the most efficient use of tax payer money;

(4) A detailed estimate of the anticipated expenditures of all state funds and all state employee time required for implementation or enforcement itemized in the smallest categories reasonably identifiable and stated in weekly increments; and

(5) A detailed statement of all state funds and all state employee time actually expended for implementation or enforcement of each and every prior executive order upon the same issue or event, or substantially similar issue or event itemized in the smallest categories reasonably identifiable and stated in weekly increments.

Each comprehensive report shall be updated every 30 days subsequent to issuance of an executive order and shall be provided to the Legislative Research Commission.

Notwithstanding any statute to the contrary, except as provided in this Act, no state funds or state employee time shall be expended by any person or agency to implement or enforce any executive order issued other than as authorized by KRS Chapter 39A through 39F, as amended by 2021 Regular Session SB 1 and further amended by subsequent acts of the 2021 General Assembly, or other than as may be implemented or enforced for a total sum not exceeding \$10,000, inclusive of all state employee time and costs, or other than as may relate to an emergency order issued relative to a natural disaster, or other than as may be approved by the General Assembly.

38. Federal Acts: Notwithstanding KRS 48.630, Section 2. of this Part, and any statute to the contrary, the state portion of the Coronavirus State and Local Fiscal Recovery Fund and the Coronavirus Capital Projects Fund of the American Rescue Plan Act of 2021 shall not be expended or appropriated without the express authority of the General Assembly.

39. Pandemic Relief Funds: No Federal Funds received related to COVID-19 emergency response or pandemic relief shall be used to establish any new programs unless those new programs can be fully supported from existing appropriation amounts once all of the Federal Funds have been expended. No new positions shall be established unless those new positions are established as federally funded time-limited positions. The Office of State Budget Director shall prepare a monthly report for all federal pandemic relief funds. The report shall include, at a minimum, the federal grant program name, the recipient, the purpose of the funding, the total award amount, monthly detail of actual expenditures by object code, and the fund source and amounts of any state funds that have been supplanted. The report shall be submitted to the Legislative Research Commission, Office of Budget Review, by the 15th of each month during the 2022-2024 fiscal biennium.

40. Fiscal Year 2023-2024 Funds Expenditure Restriction: Except in the case of a declared emergency, the Governor, all agency heads, and all other constitutional officers shall not expend or encumber in the aggregate more than 55 percent of the funds appropriated by this Act during the first half of fiscal year 2023-2024.

41. Electronic Access to Budget Information: In accordance with KRS 48.950, the State Budget Director shall continue to work cooperatively with the Legislative Research Commission to provide relevant budgetary information in a timely manner. To ensure that this information is transmitted in its most useful format, the State Budget Director shall provide electronic versions of all documents requested by the Legislative Research Commission in an editable format in order for documents to be manipulated without the use of specialized software. Electronic access shall also include the ability to access and view, but not edit, documents contained in KBUD and all related or successor budgetary systems of record.

42. Critical Shortage - Return to Work: (1) Notwithstanding any provision of 2022 RS SB 25, sec. 13, Ky. Acts ch. 4, sec. 13, and notwithstanding any provision of KRS 161.605 or 161.612 to the contrary, for the time period occurring on or after the effective date of this Act and until June 30, 2024, the following shall apply to retirees who retired from the Teachers' Retirement System, and who subsequently return to employment for a local board of education in a full-time or part-time certified or classified position, or in a position providing substitute certified or classified services:

(a) The separation of service required shall be a bona fide separation of at least one month for retirees returning to work in a full-time, part-time, or substitute certified or classified position with a local board of education. The system shall not be able to extend the break in employment as provided by this paragraph unless an extension is needed due to a conflict with federal law as described in subsection (4) of this section;

(b) The critical shortage program limitations on the number of retirees reemployed under the program by a local school district as provided by KRS 161.605(8)(a) shall be increased to a maximum number of 10 percent of the

total active members employed by the local school district on a full-time basis as defined under KRS 161.220(21); and

(c) Other than the temporary adjustments provided in this subsection, all other provisions of KRS 161.220 to 161.716 and 161.990 shall apply.

(2) The provisions of subsection (1) of this section shall expire on June 30, 2024. Upon expiration of these temporary provisions, any future reemployment or ongoing reemployment of retirees subject to the provisions of subsection (1) of this section shall, for such future or ongoing reemployment occurring after June 30, 2024, be subject to KRS 161.605, including the existing limitations on the critical shortage program, except that a retiree who is reemployed according to the provisions of subsection (1) of this section shall not be required to observe any additional separation of service beyond the one month specified by subsection (1)(a) of this section if he or she remains employed or is reemployed on or after June 30, 2024.

(3) Additional costs incurred to school districts under this section for the hiring of critical shortage teachers to meet the educational challenges of the COVID-19 pandemic are deemed a qualified expense by the General Assembly for purposes of utilizing federal pandemic funds and shall be authorized for use by school districts for this purpose unless in conflict with federal law.

(4) Any provision of subsection (1) and (2) of this section in conflict with federal law as determined by the system shall be void. The school districts shall be notified of any provision in conflict that is voided.

PART IV

STATE SALARY/COMPENSATION, BENEFIT, AND EMPLOYMENT POLICY

1. Authorized Personnel Complement: On July 1, 2022, and July 1, 2023, the Personnel Cabinet and the Office of State Budget Director shall establish a record for each budget unit of authorized permanent full-time and other positions based upon the enacted Executive Budget of the Commonwealth and any adjustments authorized by provisions in this Act. The total number of filled permanent full-time and all other positions shall not exceed the authorized complements pursuant to this section. An agency head may request an increase in the number of authorized positions to the State Budget Director. Upon approval of the State Budget Director, the Secretary of the Personnel Cabinet may authorize the employment of individuals in addition to the authorized complement. A report of the actions authorized in this section shall be provided to the Legislative Research Commission on a monthly basis.

2. Salary Increment: (1) Notwithstanding KRS 18A.355, relating to anniversary date, and notwithstanding KRS 156.808(6)(e) and 163.032(1), an eight percent salary increase is provided, effective July 1, 2022, on the base salary or wages of each eligible state employee not referenced in subsection (2) of this section.

(2) Notwithstanding KRS 18A.355, relating to anniversary date, and notwithstanding KRS 156.808(6)(e) and 163.032(1), an increment of \$2,400 is provided, effective May 1, 2022, followed by an eight percent salary increase effective July 1, 2022, on the base salary or wages of each of the following classifications:

- (a) Case Management Specialist I, II, and III;
- (b) Family Services Office Supervisor;
- (c) Family Support Specialist I, II, and III;
- (d) Field Services Supervisor;
- (e) Public Assistance Program Specialist;
- (f) Service Region Administrator;
- (g) Service Region Administrator Associate;
- (h) Service Region Clinical Associate;
- (i) Social Services Aide I and II;
- (j) Social Services Clinician I and II;
- (k) Social Services Specialist; and
- (l) Social Services Worker I and II.

(3) Notwithstanding KRS 18A.355 and 156.808(6)(e) and (12), no increment is provided on the base salary or wages of each eligible employee in fiscal year 2023-2024.

(4) It is the intent of the General Assembly to provide a salary increment in fiscal year 2023-2024, subject to the completion of the classification and compensation report required under Part I, I., 1., (1) of this Act.

3. Employee Cross-Reference: The Personnel Cabinet may permit married couples who are both eligible to participate in the state health insurance plan to be covered under one family health benefit plan.

4. Full-Time Positions: Notwithstanding KRS 18A.005(18)(a), full-time positions in the state parks, where the work assigned is dependent upon fluctuation in tourism, may be assigned work hours from 25 hours per week and remain in full-time positions.

5. Employer Retirement Contribution Rates: Notwithstanding KRS 61.565 and 61.702, the employer contribution rates for Kentucky Employees Retirement System from July 1, 2022, through June 30, 2024, and except as otherwise provided in this Act, shall be 31.82 percent, consisting of 31.82 percent for pension for hazardous duty employees; for the same period, the employer contribution for employees of the State Police Retirement System shall be 99.43 percent, consisting of 85.32 percent for pension and 14.11 percent for health insurance. Notwithstanding any other provision of this Act or KRS 61.565 or 61.702 to the contrary, the initial actuarially accrued liability employer contribution rate from July 1, 2022, through June 30, 2024, for nonhazardous employees in the Executive Branch departments shall be determined by the State Budget Director by May 1, 2022. The employer contribution rate shall include the normal cost contribution of 9.97 percent and be sufficient to adhere to the prorated amount of the actuarially accrued liability to each individual nonhazardous employer as determined by the Kentucky Employees Retirement System. The rates in this section apply to wages and salaries earned for work performed during the described period regardless of when the employee is paid for the time worked.

6. Health Care Spending Account: Notwithstanding KRS 18A.2254(2)(a) and (b), if a public employee waives coverage provided by his or her employer under the Public Employee Health Insurance Program, the employer shall forward a monthly amount to be determined by the Secretary of the Personnel Cabinet for that employee as an employer contribution to a health reimbursement account or a health flexible spending account, but not less than \$175 per month, subject to any conditions or limitations imposed by the Secretary of the Personnel Cabinet to comply with applicable federal law. The administrative fees associated with a health reimbursement account or health flexible spending account shall be an authorized expense to be charged to the Public Employee Health Insurance Trust Fund.

7. State Group Health Insurance Plan - Transfer Between Plan Years: Notwithstanding KRS 18A.2254, the Secretary of the Finance and Administration Cabinet and the Secretary of the Personnel Cabinet are authorized to use the excess funds from any prior plan year to satisfy claims or expenses in Plan Year 2021, Plan Year 2022, Plan Year 2023, and Plan Year 2024.

8. State Group Health Insurance Plan – Plan Year Closure: Notwithstanding KRS 18A.2254, Plan Years 2016, 2017, 2018, and 2019 shall be considered closed as of June 30, 2022, and all balances from those Plan Years shall be transferred to Plan Year 2020. All other income and expenses attributable to the closed Plan Years shall be deposited in or charged to the Plan Year 2020 account after that date.

9. Deferred Payroll: Included in the fiscal year 2021-2022 appropriations in Part I of this Act are sufficient funds to issue the state payroll that had previously been deferred.

10. Full-Time Work Schedules: In an effort to attract, develop, motivate, and retain a talented, diverse workforce, while achieving government efficiency and quality services to the public, the Secretary of the Personnel Cabinet is directed to collaborate with the State Budget Director to prepare a report detailing an overall plan, including total cost, for converting Executive Branch employees who currently work 37.5 hour work weeks to 40 hour work weeks. The report shall be submitted to the Interim Joint Committee on Appropriations and Revenue by September 15, 2022.

PART V

FUNDS TRANSFER

The General Assembly finds that the financial condition of state government requires the following action.

Notwithstanding the statutes or requirements of the Restricted Funds enumerated below, there is transferred to the General Fund the following amounts in fiscal year 2022-2023 and fiscal year 2023-2024:

2022-23

2023-24

A. ENERGY AND ENVIRONMENT CABINET

1. Secretary

Kentucky Pride Trust Fund	2,006,300	2,006,300
(KRS 224.43-505(2)(a)3.)		

Notwithstanding KRS 224.43-505(2)(a)3., these funds transfers to the General Fund support the General Fund debt service on the bonds sold as appropriated by 2003 Ky. Acts ch. 156, Part II, A., 3., c..

B. JUSTICE AND PUBLIC SAFETY CABINET

1. Criminal Justice Training

Agency Revenue Fund	1,028,500	2,057,000
(KRS 15.430 and 136.392(2))		

Notwithstanding KRS 15.430 and 136.392(2), these funds transfers to the General Fund support the General Fund debt service for the capital project in Part II, H., 2., 002. of this Act.

TOTAL - FUNDS TRANSFER	3,034,800	4,063,300
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PART VI

GENERAL FUND BUDGET REDUCTION PLAN

Pursuant to KRS 48.130 and 48.600, a General Fund Budget Reduction Plan is enacted for state government in the event of an actual or projected revenue shortfall in General Fund revenue receipts, excluding Tobacco Settlement – Phase I receipts, of \$13,756,600,000 in fiscal year 2021-2022, \$13,887,000,000 in fiscal year 2022-2023, and \$13,865,300,000 in fiscal year 2023-2024, as modified pursuant to Part III, 31. of this Act and by related Acts and actions of the General Assembly in any subsequent extraordinary or regular session. Notwithstanding KRS 48.130, direct services, obligations essential to the minimum level of constitutional functions, and other items that may be specified in this Act, are exempt from the requirements of this Plan. Each branch head shall prepare a specific plan to address the proportionate share of the General Fund revenue shortfall applicable to the respective branch. No budget revision action shall be taken by a branch head in excess of the actual or projected revenue shortfall.

The Governor, the Secretary of State, the Attorney General, the Treasurer, the Commissioner of Agriculture, the Auditor of Public Accounts, the Chief Justice, and the Legislative Research Commission shall direct and implement reductions in allotments and appropriations only for their respective branch budget units as may be necessary, as well as take other measures which shall be consistent with the provisions of this Part and biennial branch budget bills.

Pursuant to KRS 48.130(4), in the event of a revenue shortfall of five percent or less, the following General Fund budget reduction actions shall be implemented:

(1) The Local Government Economic Assistance and the Local Government Economic Development Funds shall be adjusted by the Secretary of the Finance and Administration Cabinet to equal revised estimates of receipts pursuant to KRS 42.4582 as modified by the provisions of this Act;

(2) Transfers of excess unappropriated Restricted Funds, notwithstanding any statutes to the contrary, other than fiduciary funds, to the General Fund shall be applied as determined by the head of each branch for its respective budget units. No transfers to the General Fund shall be made from the following:

(a) Local Government Economic Assistance and Local Government Economic Development Funds;

(b) Unexpended debt service from the Tobacco-Settlement Phase I Funds, including but not limited to unexpended debt service and the Tobacco Unbudgeted Interest Income-Rural Development Trust Fund, in either fiscal year; and

(c) The Kentucky Permanent Pension Fund;

(3) Unexpended debt service;

(4) Any unanticipated Phase I Master Settlement Agreement revenues in both fiscal years shall be appropriated according to Part X of this Act and shall not be transferred to the General Fund;

(5) Use of the unappropriated balance of the General Fund surplus shall be applied;

(6) Any language provision that expresses legislative intent regarding a specific appropriation shall not be reduced by a greater percentage than the reduction to the General Fund appropriation for that budget unit;

(7) Contributions appropriated to pensions in excess of statutory requirements;

(8) Contributions appropriated to pension insurance in excess of actuarially required contributions;

(9) Reduce General Fund appropriations in Executive Branch agencies' operating budget units by a sufficient amount to balance either fiscal year. No reductions of General Fund appropriations shall be made from the Local Government Economic Assistance Fund or the Local Government Economic Development Fund;

(10) Notwithstanding subsection (9) of this Part, no reductions shall be made to the Secretary of State, the Attorney General, the Treasurer, the Commissioner of Agriculture, or the Auditor of Public Accounts, or their offices, Commonwealth's Attorneys or their offices, or County Attorneys or their offices. The Governor may request their participation in a budget reduction; however, the level of participation shall be at the discretion of the Constitutional Officer or the Prosecutors Advisory Council, and shall not exceed the actual percentage of revenue shortfall;

(11) Excess General Fund appropriations which accrue as a result of personnel vacancies and turnover, and reduced requirements for operating expenses, grants, and capital outlay shall be determined and applied by the heads of the executive, judicial, and legislative departments of state government for their respective branches. The branch heads shall certify the available amounts which shall be applied to budget units within the respective branches and shall promptly transmit the certification to the Secretary of the Finance and Administration Cabinet and the Legislative Research Commission. The Secretary of the Finance and Administration Cabinet shall execute the certified actions as transmitted by the branch heads.

Branch heads shall take care, by their respective actions, to protect, preserve, and advance the fundamental health, safety, legal and social welfare, and educational well-being of the citizens of the Commonwealth;

(12) Funds available in the Budget Reserve Trust Fund shall be applied in an amount not to exceed 50 percent of the Trust Fund balance in fiscal year 2021-2022, 25 percent in fiscal year 2022-2023, and 25 percent in fiscal year 2023-2024; and

(13) Pursuant to KRS 48.130 and 48.600, if the actions contained in subsections (1) to (12) of this Part are insufficient to eliminate an actual or projected General Fund revenue shortfall, then the Governor is empowered and directed to take necessary actions with respect to the Executive Branch budget units to balance the budget by such actions conforming with the criteria expressed in this Part.

PART VII

GENERAL FUND SURPLUS EXPENDITURE PLAN

(1) Notwithstanding KRS 48.130(7), 48.140(3), 48.700, and 48.705, there is established a plan for the expenditure of General Fund surplus moneys pursuant to a General Fund Surplus Expenditure Plan contained in this Part for fiscal years 2021-2022, 2022-2023, and 2023-2024. Pursuant to the enactment of the Surplus Expenditure Plan, General Fund moneys made available for the General Fund Surplus Expenditure Plan pursuant to Part III, General Provisions, Section 22. of this Act are appropriated to the following:

(a) Authorized expenditures without a sum-specific appropriation amount, known as Necessary Government Expenses, including but not limited to Emergency Orders formally declared by the Governor in an Executive Order; and

(b) The entire remaining amount to the Budget Reserve Trust Fund; and

(2) The Secretary of the Finance and Administration Cabinet shall determine, within 30 days after the close of each fiscal year, based on the official financial records of the Commonwealth, the amount of actual General Fund undesignated fund balance for the General Fund Surplus Account that may be available for expenditure pursuant to the Plan in fiscal year 2022-2023 and fiscal year 2023-2024. The Secretary of the Finance and Administration Cabinet shall certify the amount of actual General Fund undesignated fund balance available for expenditure to the Legislative Research Commission.

PART VIII

ROAD FUND BUDGET REDUCTION PLAN

There is established a Road Fund Budget Reduction Plan for fiscal years 2021-2022, 2022-2023, and 2023-2024. Notwithstanding KRS 48.130(1) and (3) relating to statutory appropriation adjustments related to the revenue sharing of motor fuels taxes, in the event of an actual or projected revenue shortfall in Road Fund revenue receipts of \$1,680,100,000 in fiscal year 2021-2022, \$1,722,100,000 in fiscal year 2022-2023, and \$1,678,900,000 in fiscal year 2023-2024, as modified by related Acts and actions of the General Assembly in an extraordinary or regular session, the Governor shall implement sufficient reductions as may be required to protect the highest possible level of service.

PART IX**ROAD FUND SURPLUS EXPENDITURE PLAN**

Notwithstanding KRS 48.110, 48.140, and 48.710, there is established a plan for the expenditure of the Road Fund Surplus Account. All moneys in the Road Fund Surplus Account shall be appropriated to the State Construction Account within the Highways budget unit and utilized to support projects in the 2022-2024 Biennial Highway Construction Program.

PART X**PHASE I TOBACCO SETTLEMENT**

(1) **General Purpose:** This Part prescribes the policy implementing aspects of the national settlement agreement between the tobacco industry and the collective states as described in KRS 248.701 to 248.727. In furtherance of that agreement, the General Assembly recognizes that the Commonwealth of Kentucky is a party to the Phase I Master Settlement Agreement (MSA) between the Participating Tobacco Manufacturers and 46 Settling States which provides reimbursement to states for smoking-related expenditures made over time.

(2) **State's MSA Share:** The Commonwealth's share of the MSA is equal to 1.7611586 percent of the total settlement amount. Payments under the MSA are made to the states annually in April of each year.

(3) **MSA Payment Amount Variables:** The total settlement amount to be distributed on each payment date is subject to change pursuant to several variables provided in the MSA, including inflation adjustments, volume adjustments, previously settled states adjustments, and the nonparticipating manufacturers adjustment.

(4) **Distinct Identity of MSA Payment Deposits:** The General Assembly has determined that it shall be the policy of the Commonwealth that all Phase I Tobacco Settlement payments shall be deposited to the credit of the General Fund and shall maintain a distinct identity as Phase I Tobacco Settlement payments that shall not lapse to the credit of the General Fund surplus but shall continue forward from each fiscal year to the next fiscal year to the extent that any balance is unexpended.

(5) **MSA Payment Estimates and Adjustments:** Based on the official estimates of the Consensus Forecasting Group, the amount of MSA payments expected to be received in fiscal year 2022-2023 is \$108,400,000 and in fiscal year 2023-2024 is \$102,200,000. It is recognized that payments to be received by the Commonwealth are estimated and are subject to change. If MSA payments received are less than the official estimates, appropriation reductions shall be applied as follows: after exempting appropriations for debt service, the Attorney General, and the Department of Revenue, 50 percent to the Agricultural Development Fund, 30 percent to the Early Childhood Development Fund, and 20 percent to the Health Care Improvement Fund. If MSA payments received exceed the official estimates, appropriation increases shall be applied as follows: after exempting appropriations for debt service, the Attorney General, and the Department of Revenue, 50 percent to the Agricultural Development Fund, 30 percent to the Early Childhood Development Fund, and 20 percent to the Health Care Improvement Fund.

a. **State Enforcement:** Notwithstanding KRS 248.654 and 248.703(4), a total of \$150,000 of the MSA payments in each fiscal year is appropriated to the Attorney General for the state's diligent enforcement of noncompliant nonparticipating manufacturers.

b. **State Enforcement:** Notwithstanding KRS 248.654 and 248.703(4), a total of \$250,000 of the MSA payments in each fiscal year is appropriated to the Finance and Administration Cabinet, Department of Revenue for the state's diligent enforcement of noncompliant nonparticipating manufacturers.

c. **Debt Service:** Notwithstanding KRS 248.654 and 248.703(4), \$25,268,800 in MSA payments in fiscal year 2022-2023 and \$23,666,200 in MSA payments in fiscal year 2023-2024 are appropriated to the Finance and Administration Cabinet, Debt Service budget unit.

d. **Agricultural Development Initiatives:** Notwithstanding KRS 248.654 and 248.703(4), \$45,118,600 in MSA payments in fiscal year 2022-2023 and \$45,112,000 in MSA payments in fiscal year 2023-2024 are appropriated to the Kentucky Agricultural Development Fund to be used for agricultural development initiatives as specified in this Part.

e. **Early Childhood Development Initiatives:** Notwithstanding KRS 248.654, \$25,400,000 in MSA payments in each fiscal year are appropriated to the Early Childhood Development Initiatives as specified in this Part.

f. **Health Care Initiatives:** Notwithstanding KRS 164.476, 248.654, and 304.17B-003(5), \$11,500,000 in MSA payments in each fiscal year are appropriated to the Health Care Improvement Fund for health care initiatives as specified in this Part.

g. Unappropriated Funds: An amount equal to \$2,379,300 of estimated MSA receipts shall remain unappropriated in fiscal year 2022-2023 for appropriation in fiscal year 2023-2024.

A. STATE ENFORCEMENT

GENERAL FUND - PHASE I TOBACCO SETTLEMENT FUNDS

Notwithstanding KRS 248.654 and 248.703(4), appropriations for state enforcement shall be as follows:

1. GENERAL GOVERNMENT

Budget Unit	2022-23	2023-24
a. Attorney General	150,000	150,000

2. FINANCE AND ADMINISTRATION CABINET

Budget Unit	2022-23	2023-24
a. Revenue	250,000	250,000

B. DEBT SERVICE

GENERAL FUND - PHASE I TOBACCO SETTLEMENT FUNDS

Notwithstanding KRS 248.654 and 248.703(4), appropriations for debt service shall be as follows:

1. FINANCE AND ADMINISTRATION CABINET

Budget Unit	2022-23	2023-24
a. Debt Service	25,268,800	23,666,200

(1) **Debt Service:** To the extent that revenues sufficient to support the required debt service appropriations are received from the Tobacco Settlement Program, those revenues shall be made available from those accounts to the appropriate account of the General Fund. All necessary debt service amounts shall be appropriated from the General Fund and shall be fully paid regardless of whether there is a sufficient amount available to be transferred from tobacco-supported funding program accounts to other accounts of the General Fund.

(2) **General Fund (Tobacco) Debt Service Lapse:** Notwithstanding Part X, (4) of this Act, \$1,666,700 in fiscal year 2022-2023 and \$1,498,900 in fiscal year 2023-2024 shall lapse to the General Fund.

(3) **Appropriation of Unexpended Tobacco Debt Service:** Any unexpended balance from the fiscal year 2022-2023 or fiscal year 2023-2024 General Fund (Tobacco) debt service appropriation in the Finance and Administration Cabinet, Debt Service budget unit, shall continue and be appropriated to the Department of Agriculture, Kentucky Office of Agricultural Policy.

C. AGRICULTURAL DEVELOPMENT APPROPRIATIONS

GENERAL FUND - PHASE I TOBACCO SETTLEMENT FUNDS

Notwithstanding KRS 248.654 and 248.703(4), appropriations for Agricultural Development shall be as follows:

1. DEPARTMENT OF AGRICULTURE

Budget Unit	2022-23	2023-24
a. Agriculture	41,718,600	41,712,000

(1) **Tobacco Settlement Funds - Allocations:** Notwithstanding KRS 248.711(2), and from the allocation provided therein, counties that are allocated in excess of \$20,000 annually may provide up to four percent of the individual county allocation, not to exceed \$15,000 annually, to the county council in that county for administrative costs.

(2) **Counties Account:** Notwithstanding KRS 248.703(1), included in the above General Fund (Tobacco) appropriation is \$14,478,000 in each fiscal year for the counties account as specified in KRS 248.703(1)(a).

(3) **State Account:** Notwithstanding KRS 248.703(1), included in the above General Fund (Tobacco) appropriation is \$26,140,600 in fiscal year 2022-2023 and \$26,134,000 in fiscal year 2023-2024 for the state account as specified in KRS 248.703(1)(b).

(4) Farms to Food Banks: Included in the above General Fund (Tobacco) appropriation is \$600,000 in each fiscal year to support the Farms to Food Banks Program. The use of the moneys provided by this appropriation shall be restricted to purchases of Kentucky-grown produce from Kentucky farmers who participate in the Farms to Food Banks Program.

(5) Kentucky Rural Mental Health and Suicide Prevention Program: Included in the above General Fund (Tobacco) appropriation is \$500,000 in each fiscal year to support the Kentucky Rural Mental Health and Suicide Prevention Program known as the Raising Hope Initiative. The Department for Behavioral Health, Developmental and Intellectual Disabilities shall coordinate with the Kentucky Department of Agriculture, the University of Kentucky Southeast Center for Agricultural Health and Injury Prevention, and other entities to enhance awareness of the National Suicide Prevention Lifeline (988) in rural communities in Kentucky and to improve access to information on mental health issues and available treatment services. The Department for Behavioral Health, Developmental and Intellectual Disabilities shall provide cultural competency training to staff to address the unique mental health challenges affecting the state’s rural communities. The Department for Behavioral Health, Developmental and Intellectual Disabilities shall also provide outreach, treatment, and other necessary services to improve the mental health outcomes of rural communities in Kentucky. The Department for Behavioral Health, Developmental and Intellectual Disabilities, in conjunction with the Kentucky Department of Agriculture and the University of Kentucky Southeast Center for Agricultural Health and Injury Prevention, shall apply for Federal Funds as provided by the Agriculture Improvement Act of 2018, 7 U.S.C. sec. 5936, to supplement the General Fund (Tobacco) appropriation provided above. The Department of Agriculture may utilize up to \$50,000 in each fiscal year for program administration purposes. The Department of Agriculture shall coordinate with the Raising Hope Initiative partners to take custody of and maintain any intellectual property assets that were created or developed by any state agency in connection with the Raising Hope Initiative.

2. ENERGY AND ENVIRONMENT CABINET

Budget Unit	2022-23	2023-24
a. Natural Resources	3,400,000	3,400,000

(1) Environmental Stewardship Program: Included in the above General Fund (Tobacco) appropriation is \$2,500,000 in each fiscal year for the Environmental Stewardship Program.

(2) Conservation District Local Aid: Included in the above General Fund (Tobacco) appropriation is \$900,000 in each fiscal year for the Division of Conservation to provide direct aid to local conservation districts.

TOTAL - AGRICULTURAL APPROPRIATIONS	45,118,600	45,112,000
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D. EARLY CHILDHOOD DEVELOPMENT

GENERAL FUND - PHASE I TOBACCO SETTLEMENT FUNDS

Notwithstanding KRS 248.654, appropriations for Early Childhood Development shall be as follows:

1. EDUCATION AND WORKFORCE DEVELOPMENT CABINET

Budget Unit	2022-23	2023-24
a. General Administration and Program Support	1,400,000	1,400,000

(1) Early Childhood Development: Included in the above General Fund (Tobacco) appropriation is \$1,400,000 in each fiscal year for the Early Childhood Advisory Council.

2. CABINET FOR HEALTH AND FAMILY SERVICES

Budget Units	2022-23	2023-24
a. Community Based Services	12,400,000	12,400,000

(1) Early Childhood Development Program: Included in the above General Fund (Tobacco) appropriation is \$9,900,000 in each fiscal year for the Early Childhood Development Program.

(2) Early Childhood Adoption and Foster Care Supports: Included in the above General Fund (Tobacco) appropriation is \$2,500,000 in each fiscal year for the Early Childhood Adoption and Foster Care Supports Program.

2022-23	2023-24
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b.	Public Health	9,700,000	10,200,000
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(1) HANDS Program, Healthy Start, Early Childhood Mental Health, and Early Childhood Oral Health: Included in the above General Fund (Tobacco) appropriation is \$7,000,000 in each fiscal year for the Health Access Nurturing Development Services (HANDS) Program, \$900,000 in each fiscal year for Healthy Start initiatives, \$900,000 in each fiscal year for Early Childhood Mental Health, \$900,000 in each fiscal year for Early Childhood Oral Health, and \$500,000 in each fiscal year for Lung Cancer Screening.

(2) Folic Acid Program: General Fund (Tobacco) continuing appropriation reserves allotted to the Folic Acid Program shall be utilized by the Department for Public Health in each fiscal year to continue the Folic Acid Program.

c.	Behavioral Health, Developmental and Intellectual Disabilities Services	2022-23 1,400,000	2023-24 1,400,000
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(1) Substance Abuse Prevention and Treatment: Included in the above General Fund (Tobacco) appropriation is \$1,400,000 in each fiscal year for substance abuse prevention and treatment for pregnant women with a history of substance abuse problems.

TOTAL - EARLY CHILDHOOD	25,400,000	25,400,000
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APPROPRIATIONS

E. HEALTH CARE IMPROVEMENT APPROPRIATIONS

GENERAL FUND - PHASE I TOBACCO SETTLEMENT FUNDS

Notwithstanding KRS 164.476, 248.654 and 304.17B-003(5), appropriations for health care improvement shall be as follows:

1. CABINET FOR HEALTH AND FAMILY SERVICES

Budget Unit	2022-23	2023-24
a. Public Health	2,000,000	2,000,000

(1) Smoking Cessation Program: Included in the above General Fund (Tobacco) appropriation is \$2,000,000 in each fiscal year for Smoking Cessation.

2. JUSTICE AND PUBLIC SAFETY CABINET

Budget Unit	2022-23	2023-24
a. Justice Administration	3,250,000	3,250,000

(1) Office of Drug Control Policy: Included in the above General Fund (Tobacco) appropriation is \$3,000,000 in each fiscal year for the Office of Drug Control Policy.

(2) Restorative Justice: Included in the above General Fund (Tobacco) appropriation is \$250,000 in each fiscal year to support the Restorative Justice Program administered by the Volunteers of America.

3. POSTSECONDARY EDUCATION

Budget Unit	2022-23	2023-24
a. Council on Postsecondary Education	6,250,000	6,250,000

(1) Cancer Research and Screening: Included in the above General Fund (Tobacco) appropriation is \$6,250,000 in each fiscal year for cancer research and screening. The appropriation in each fiscal year shall be equally shared between the University of Kentucky and the University of Louisville.

TOTAL - HEALTH CARE	11,500,000	11,500,000
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TOTAL - PHASE I TOBACCO SETTLEMENT

FUNDING PROGRAM	107,687,400	106,078,300
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PART XI

STATE/EXECUTIVE BRANCH BUDGET SUMMARY

OPERATING BUDGET

	2021-22	2022-23	2023-24
General Fund (Tobacco)	-0-	107,687,400	106,078,200
General Fund	845,571,600	13,090,615,100	13,460,733,500
Restricted Funds	48,597,100	12,224,963,900	14,409,847,200
Federal Funds	954,642,000	18,751,372,400	18,063,765,500
Road Fund	-0-	59,436,600	60,391,500
SUBTOTAL	1,848,810,700	44,234,075,400	46,100,815,900

CAPITAL PROJECTS BUDGET

	2021-22	2022-23	2023-24
General Fund	741,000	329,644,000	76,282,000
Restricted Funds	4,673,000	7,996,031,000	121,650,000
Federal Funds	-0-	578,131,000	197,965,000
Bond Funds	-0-	1,248,758,000	1,564,366,000
Agency Bonds	-0-	827,553,000	105,527,000
Investment Income	-0-	-0-	10,522,000
Other Funds	12,000,000	1,895,391,000	55,000,000
SUBTOTAL	17,414,000	12,875,508,000	2,131,312,000

TOTAL - STATE/EXECUTIVE BUDGET

	2021-22	2022-23	2023-24
General Fund (Tobacco)	-0-	107,687,400	106,078,200
General Fund	846,312,600	13,420,259,100	13,537,015,500
Restricted Funds	53,270,100	20,220,994,900	14,531,497,200
Federal Funds	954,642,000	19,329,503,400	18,261,730,500
Road Fund	-0-	59,436,600	60,391,500
Bond Funds	-0-	1,248,758,000	1,564,366,000
Agency Bonds	-0-	827,553,000	105,527,000
Investment Income	-0-	-0-	10,522,000
Other Funds	12,000,000	1,895,391,000	55,000,000
TOTAL FUNDS	1,866,224,700	57,109,583,400	48,232,127,900

Vetoed in Part and Overridden in Part and Signed by Secretary of State April 13, 2022.

CHAPTER 200**(HB 243)**

AN ACT making appropriations for the operations, maintenance, and support of the Legislative Branch of the Commonwealth of Kentucky.

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

➔Section 1. Notwithstanding KRS 48.100 and 48.300, the Legislative Branch Budget is as follows:

PART I
OPERATING BUDGET

Funds Appropriations: Funds are appropriated to the Legislative Research Commission for the Legislative Branch of government out of the General Fund and Restricted Funds accounts for the fiscal year beginning July 1, 2021, and ending June 30, 2022, for the fiscal year beginning July 1, 2022, and ending June 30, 2023, and for the fiscal year beginning July 1, 2023, and ending June 30, 2024, in the following discrete sums, or so much thereof as may be necessary. Each appropriation is made by the source of respective fund or funds accounts to be used for the purposes of the Legislative Branch of government of the Commonwealth of Kentucky.

A. LEGISLATIVE BRANCH

Budget Units

	2021-22	2022-23	2023-24
1. General Assembly			
General Fund	427,100	22,663,600	24,260,500
Restricted Funds	-0-	75,000	175,000
TOTAL	427,100	22,738,600	24,435,500

(1) **Legislators Compensation:** Notwithstanding KRS 6.190 and 6.213, the daily compensation provided by KRS 6.190 and the interim expense allowance provided by KRS 6.213 for the members of the General Assembly shall be as authorized by the 2020-2022 biennium and shall continue as adjusted on January 1, 2023, by the salary increment provided to state employees in the state/executive branch budget.

(2) **Kentucky Legislative Ethics Commission:** Included in the above General Fund appropriation is \$567,700 in each fiscal year of the 2022-2024 fiscal biennium for the Kentucky Legislative Ethics Commission. Included in the above Restricted Funds appropriation is \$75,000 in fiscal year 2022-2023 and \$175,000 in fiscal year 2023-2024 for the Kentucky Legislative Ethics Commission.

(3) **Kentucky Long-Term Policy Research Center:** Notwithstanding KRS 7B.010 to 7B.090, operation of the Kentucky Long-Term Policy Research Center and its governing board shall continue to be suspended effective July 1, 2022, and shall remain suspended for the 2022-2024 fiscal biennium or until funding is restored. No funds are appropriated for the Kentucky Long-Term Policy Research Center for fiscal year 2022-2023 and fiscal year 2023-2024.

(4) **Pension Benefit Increase:** Notwithstanding KRS 6.521(3), no pension benefit increase shall be granted to recipients of a retirement allowance under KRS 6.500 to 6.577 on July 1, 2022.

	2021-22	2022-23	2023-24
2. Legislative Research Commission			
General Fund	1,794,800	62,377,000	63,756,300

(1) **Legislative Record:** Notwithstanding KRS 7.105, distribution of the final issue of the Legislative Record and the interim Legislative Record shall be suspended effective July 1, 2022.

TOTAL - OPERATING BUDGET

	2021-22	2022-23	2023-24
General Fund	2,221,900	85,040,600	88,016,800
Restricted Funds	-0-	75,000	175,000
TOTAL	2,221,900	85,115,600	88,191,800

Unexpended Balance: Notwithstanding KRS 45.229, any unexpended balance remaining at the close of fiscal year 2021-2022 shall not lapse but shall continue into fiscal year 2022-2023, and any unexpended balance in any succeeding fiscal year shall not lapse but shall continue into the following fiscal year.

TOTAL - LEGISLATIVE BRANCH BUDGET

	2021-22	2022-23	2023-24
General Fund	2,221,900	85,040,600	88,016,800

Restricted Funds	-0-	75,000	175,000
TOTAL	2,221,900	85,115,600	88,191,800

PART II**CAPITAL PROJECTS BUDGET****A. LEGISLATIVE BRANCH**

Budget Units	2022-23	2023-24
1. Legislative Research Commission		
001. Construct Multimedia Studios		
General Fund	3,000,000	-0-
002. Replace Budget Systems		
General Fund	15,000,000	-0-

PART III**GENERAL PROVISIONS**

1. Expenditure Authority: The Director of the Legislative Research Commission, under the supervision of the Legislative Research Commission, may expend any of the funds appropriated for legislative operation and administration in any lawful manner and for any legal purpose consistent with the policies and practices of the Commission. No executive agency or statute governing the executive agencies of state government shall have the power to restrict or limit the actions of, or the expenditure of funds appropriated to, the Legislative Research Commission for the Legislative Branch of government.

2. Capitol and Capitol Annex Capital Construction Expenditures: Any expenditure authorized by the Director of the Legislative Research Commission, under the supervision of the Legislative Research Commission, relating to implementation of KRS 56.463(4)(b), or relating to the Capitol Building, and funded by previous or current appropriations to the Legislative Research Commission for the Legislative Branch of government shall not be governed by KRS 7A.010, 7A.120, 45.750 to 45.810, 48.010(16), 48.020, and 48.110.

3. Severability of Budget Provisions: Appropriation items and sums in this Act conform to KRS 48.311. If any section, any subsection, or any provision thereof shall be invalid or unconstitutional, the decision of the courts shall not affect or impair any of the remaining sections, subsections, or provisions.

4. Duplicate Appropriation: Any appropriation item and sum in this Act and in an appropriation provision in another Act of the 2022 Regular Session of the General Assembly which constitutes a duplicate appropriation shall be governed by KRS 48.312.

5. Priority of Individual Appropriations: KRS 48.313 shall control when a total or subtotal figure in this Act conflicts with the sum of the appropriations of which it consists.

6. Appropriations Revisions: Notwithstanding KRS 48.630(10), no revisions for unbudgeted Restricted Funds appropriations for expenditure shall be allotted or expended that have not been appropriated in any enacted branch budget bill or without the express authority of the General Assembly.

7. Allowance in Lieu of Stationery: Notwithstanding KRS 6.220, in lieu of stationery, there shall be allowed to each member of the House of Representatives the sum of \$350 and to each member of the Senate the sum of \$650. This allowance shall be paid out of the State Treasury at the beginning of each legislative session.

8. Salary Adjustments: In each fiscal year, employees of the Legislative Research Commission shall receive a salary adjustment in accordance with the salary adjustment provided to state employees in the state/executive branch budget.

9. Administrative Expenses: Pursuant to KRS 21.540, administrative expenses shall be paid out of an administrative account which shall be funded by transfers of the necessary moneys, in appropriate ratio, from the funds provided for in KRS 21.550 and 21.560.

10. Employee Layoffs, Furloughs, and Reduced Hours: Notwithstanding any statute to the contrary, the following process and procedure is established for July 1, 2022, through June 30, 2024, in the event that the Legislative Research Commission (LRC) determines that it is desirable for the Director of the LRC to layoff, furlough, or reduce hours of employees:

(1) For the purposes of this section:

(a) "Appointing authority" means the Director of the LRC, in his or her capacity as provided in KRS 7.090, or any agent whom he or she has delegated to act on his or her behalf with respect to employee appointments, position establishments, payroll documents, reemployment requests, waiver requests, requests for certification, or other position actions for the LRC;

(b) "Furlough" or "reduction in hours" means the temporary reduction of hours an employee is scheduled to work by the appointing authority within a pay period;

(c) "Layoff" means discharge of employment subject to the rights contained in this section; and

(d) "Employees" includes all persons employed by the LRC;

(2) Upon an order by the LRC, the appointing authority has the authority to layoff or furlough employees or reduce hours of employment for any of the following reasons:

(a) Lack of funds or budgetary constraints;

(b) A reduction in the agency's spending authorization;

(c) Lack of work;

(d) Abolishment of a position; or

(e) Other material change in duties or organization;

(3) The appointing authority shall determine the job classifications affected and the number of employees laid-off in each classification to which a layoff applies. In the same department or office and job classification, interim and probationary employees shall be laid-off before any full-time or part-time employees are laid-off. For purposes of layoff, "probationary employee" does not include an employee serving a promotional probation;

(4) The Director of the LRC shall approve and implement all actions taken under subsection (2) of this section and no such layoff, furlough, or reduction of hours may begin until such approval has been granted. The Director of the LRC has the authority to determine the extent, effective dates, and length of any action taken under subsection (2) of this section;

(5) In determining the employees to be laid-off, the appointing authority shall consider all employees under the same appointing authority and within the job classification affected. Consideration shall be given to the following relevant factors:

(a) Job performance evaluations;

(b) Seniority;

(c) Education, training, and experience; and

(d) Disciplinary record;

(6) Any employee whose position is subject to layoff, furlough, or reduction of hours shall be provided written notice containing the reason for the action as set forth in subsection (2) of this section at least 15 days in advance of the effective date of the action;

(7) Any employee who is laid-off shall be eligible to apply as a reemployment applicant for positions with the same job classification in the LRC. For a period of two years, a reemployment applicant shall be hired before any applicant except another reemployment applicant with greater seniority who is on the same reemployment list. When a reemployment applicant is removed from a reemployment list, he or she shall be notified in writing. A reemployment applicant who accepts another LRC position, or who retires, shall cease to have eligibility rights as a reemployment applicant;

(8) The appointing authority may place employees subject to a reduction in force;

(9) Furloughs or reduction of hours during a pay period shall not result in the loss of eligibility for any benefit otherwise due the employee;

(10) The appointing authority shall have the authority to promulgate comprehensive administrative regulations governing this section; and

(11) A layoff, furlough, or reduction of hours implemented in accordance with this section shall not be considered a penalization of the employee.

11. Deferred Payroll: Included in the fiscal year 2021-2022 appropriations in Part I of this Act are sufficient funds to issue the state payroll that had previously been deferred.

PART IV

BUDGET REDUCTION OR SURPLUS EXPENDITURE PLAN

The Legislative Branch shall participate in any Budget Reduction Plan or Surplus Expenditure Plan in accordance with KRS Chapter 48, except that obligations essential to the constitutional duties of the Legislative Branch shall be exempt from any Budget Reduction Plan. The level of participation in a Budget Reduction Plan shall be at the discretion of the Director and shall not exceed the actual percentage of revenue shortfall.

Vetoed in Part and Overridden and Signed by Secretary of State April 14, 2022.

CHAPTER 201

(HB 314)

AN ACT relating to consolidated local governments.

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

➔Section 1. KRS 67C.103 is amended to read as follows:

- (1) The legislative authority of a consolidated local government, except as otherwise specified in KRS 67C.101 to 67C.137, shall be vested in a consolidated local government council. The members of the council shall be nominated and elected by district. There shall be only one (1) council member elected from each council district.
- (2) There shall be twenty-six (26) council districts. The initial boundaries, population, and numerical designation of the council districts shall be as specified by KRS 67C.135. The population of the council districts shall be as nearly equal as is reasonably possible. ~~For any newly consolidated local governments whose officials take office in 2003, upon taking office, the legislative council may take action to adjust the boundaries and population of the districts in order to equalize the population of the districts which may have changed as a result of recent census information.~~ Any changes made to alter the boundaries of council districts shall be based on the population of the county as determined by the most recent United States Census or official census estimates as provided by the United States Bureau of the Census.
- (3) Following the official publication of each decennial census by the United States Bureau of the Census for the area embraced by a consolidated local government, the council shall adopt an ordinance, if necessary, to redistrict the council districts. A redistricting ordinance shall provide for the distribution of population among the council districts as nearly equal as is reasonably possible. Every council district shall be compact and contiguous and shall respect existing neighborhood, community, and city boundaries whenever possible.
- (4) The consolidated local government council members shall serve for a term of four (4) years beginning on the first Monday in January following their election, except that the initial election of council members shall be in a manner as to provide for staggered terms for council members. At the initial election of the members of a consolidated local government council, those representing even-numbered districts shall be elected for a two (2) year term. Those representing odd-numbered districts shall be elected for a four (4) year term. Thereafter, all council members shall be elected for four (4) year terms.
- (5) The members of a consolidated local government council shall be nominated and elected from the district in which they reside in partisan elections. After the initial terms of office of the first elected council members, council members shall be elected in the same election years as other local government officials as regulated by the regular election laws of the Commonwealth and as provided in subsection (4) of this section.
- (6) No person shall be eligible to serve as a member of a consolidated local government council unless he or she is at least eighteen (18) years old, a qualified voter, and a resident within the territory of the consolidated local government and the district that he or she seeks to represent for at least one (1) year immediately prior to the person's election. A council member shall continue to reside within the district from which he or she was elected throughout the term of office.

- (7) The presiding officer of a consolidated local government council shall be a president who shall be chosen annually by a majority vote of the entire council from among its members at the first meeting of the council in January. The council president has the right to introduce any resolution or recommend any ordinance and shall be entitled to vote on all matters.
- (8) The consolidated local government council shall upon notice meet within seven (7) days after its members have taken office, and shall thereafter hold at least one (1) regular meeting per month. No newspaper notice shall be required for regular or special meetings of the consolidated local government council. However, notice of all meetings of the council and all meetings of committees of the council shall be held pursuant to KRS 61.805 to 61.850.
- (9) A majority of the members of the consolidated local government council shall constitute a quorum, but a smaller number may adjourn from day to day. The consolidated local government council may enforce the attendance of members by rules or ordinances with appropriate fines. The mayor or two-thirds (2/3) of the entire membership of the council may call a special meeting at any time. Meetings shall be held in such places in the county as are provided by ordinance, and the place of meetings shall not be changed except by an ordinance for which two-thirds (2/3) of the members of the consolidated local government council have voted.
- (10) The council shall determine its own rules and order of business, and keep and provide a public record of its proceedings. The council shall provide for the publication of all ordinances in a composite code of ordinances.
- (11) Council ordinances that prescribe penalties for their violation shall be enforced through the entire area of the consolidated local government unless:
 - (a) Otherwise provided by statute; or
 - (b) The legislative body of any city within the consolidated local government area has adopted an ordinance pertaining to the same subject matter that is the same as or more stringent than the standards set forth in the consolidated local government's ordinance.
- (12) In the case of a vacancy on the consolidated local government council by reason of death, resignation, or removal, the council by majority vote of the membership of the council shall elect a qualified resident of the council district not later than thirty (30) days after the date the vacancy occurs. Should the council fail to elect, by majority vote of the membership of the council, a qualified person to fill the vacancy within thirty (30) days, the mayor of the consolidated local government shall fill the vacancy by appointment of a qualified person for the unexpired term.
- (13) All legislative powers of a consolidated local government are vested in the consolidated local government council. The term "legislative power" is to be construed broadly and shall include the power to:
 - (a) Enact ordinances, orders, and resolutions, and override a veto of the mayor by a two-thirds (2/3) majority of the membership of the legislative council;
 - (b) Review the budgets of and appropriate money to the consolidated local government;
 - (c) Adopt a budget ordinance;
 - (d) Levy taxes, subject to the limitations of the Constitution and the laws of the Commonwealth of Kentucky;
 - (e) Establish standing and temporary committees; and
 - (f) Make independent audits and investigations concerning the affairs of the consolidated local government and any board or commission that:
 1. Is composed of members who are appointed by the mayor and approved by the legislative council; or
 2. Has a budget that is equal to or greater than one million dollars (\$1,000,000.00), except that this subparagraph shall not apply to any fee officer elected within the consolidated local government.
- (14) (a) The consolidated local government council shall establish a Government Oversight and Audit Committee. This committee shall be:
 1. Composed of members from each of the two (2) largest political caucuses in the legislative council;
 2. Appointed by the chairs of their respective caucuses; and

3. Composed on the basis of the proportion of each of the two (2) caucuses' total membership as compared to the total membership of the legislative council. Any fractional proportions shall be rounded in the favor of the smallest caucus' membership on the committee.
- (b) The committee shall have the power to:
1. Compel testimony and the submission of work papers or documents;
 2. Issue subpoenas to compel any officer, ~~[-of- or-]~~ appointee, *or former officer or appointee* to a board or commission described in subsection (13)(f) of this section or any department or division of the consolidated local government to appear before the committee and to compel the submission to the committee of any work papers or documents pertinent to an independent audit or investigation. Any subpoenas issued or testimony compelled shall be subject to any relevant statutes concerning privacy. Testimony subject to KRS 61.810 shall only be taken in executive session. The right to privacy or the requirement that testimony be taken in executive session may be waived by the person or entity being subpoenaed or compelled to testify;
 3. Petition the appropriate Circuit Court to compel obedience by proceedings for contempt as in the case of disobedience of a subpoena issued from the Circuit Court or a refusal to testify therein, if any officer or appointee fails or refuses to testify or furnish the work papers or documents subpoenaed;
 4. Administer oaths to witnesses appearing before the committee when the committee deems the administration of an oath necessary and advisable as provided by law. This decision to administer oaths shall be taken by a majority vote of the committee of the legislative council; and
 5. Recommend the removal of any appointee to a board or commission described in subsection (13)(f) of this section.
- (c) The legislative council of the consolidated local government shall adopt by resolution any process or procedures deemed necessary for the administration of subpoenas and oaths.
- (d) The legislative council of the consolidated local government may only act to remove an appointee to a board or commission described in subsection (13)(f) of this section upon the recommendation of the Government Oversight and Audit Committee.
- (e) The Government Oversight and Audit Committee shall have the power to issue subpoenas or administer oaths. Except as provided in KRS 65.003(7), the legislative council of the consolidated local government shall not delegate those powers to any other entity or entities not a part of the legislative council of the consolidated local government.
- (15) The consolidated local government council shall be known as the legislative council of/..... County Metro Government, which shall be a combination of the names of the largest city in existence in the county on the date of the adoption of the consolidated local government and the county.

➔Section 2. KRS 67C.105 is amended to read as follows:

- (1) All executive and administrative power of the government shall be vested in the office of the mayor. The term "executive and administrative power" shall be construed broadly. The mayor shall be the chief executive of a consolidated local government formed under the provisions of KRS 67C.101 to 67C.137.
- (2)
 - (a) The mayor shall be nominated and elected in partisan elections for a term of four (4) years in the same election years as other local government officials as regulated by the regular election laws of the Commonwealth.
 - (b) The mayor shall assume office on the first Monday in January following his or her election. He or she shall serve until a successor qualifies.
 - (c) *After January 1, 2023*, the mayor may serve for no more than *two (2)*~~three (3)~~ consecutive terms, after which time he or she shall be prohibited from running for election or being appointed as mayor for a period of at least four (4) years.
- (3) The mayor shall be at least twenty-one (21) years old, a qualified voter, a member of his or her political party, and a resident of the territory encompassing the consolidated local government for a period of at least one (1) year prior to his or her election as mayor. The mayor shall continue to reside within the geographic boundary of the consolidated local government throughout his or her term of office.

- (4) Except as otherwise provided in KRS 67C.101 to 67C.137, the mayor shall have all the power and authority that the mayor of the city of the first class and the county judge/executive exercised under the Constitution and the general laws of the Commonwealth of Kentucky prior to the consolidation.
- (5) The mayor is authorized to supervise, administer, and control all departments and agencies as may be created by KRS 67C.101 to 67C.137 or created by ordinance. The mayor shall appoint all department and agency directors. The appointees shall serve at the pleasure of the mayor. Specifically, the mayor shall:
- (a) Prepare and submit an annual report coinciding with the fiscal year, on the state of the consolidated local government, to be presented at a public meeting of the council;
 - (b) Submit an annual budget no fewer than sixty (60) days prior to the end of the fiscal year;
 - (c) Oversee the administration and implementation of the adopted budget ordinance;
 - (d) Enforce the ordinances of the consolidated local government;
 - (e) Supervise all officers, agents, employees, cabinets, departments, offices, agencies, functions, and duties of the consolidated local government;
 - (f) Call special meetings of the consolidated local government council;
 - (g) Appoint and remove his or her own staff at his or her own pleasure;
 - (h) Execute written contracts, subscriptions, agreements, or obligations of the consolidated local government;
 - (i) Approve or veto ordinances and resolutions adopted by the consolidated local government council;
 - (j) Submit any written contracts, subscriptions, agreements, or obligations exceeding the small purchase amount established pursuant to KRS 45A.385 in a resolution to the legislative council for its approval or its disapproval. Those written contracts, subscriptions, agreements, or obligations awarded to the lowest evaluated bid or proposal pursuant to KRS 45A.343 to 45A.460 shall be excluded, unless the legislative council changes the threshold for submission of a resolution. The legislative council may, by ordinance, set threshold amounts other than those established by KRS 45A.385 for the small purchases for submission of a resolution for its approval or disapproval; and
 - (k) Appoint a deputy mayor within seven (7) days of the mayor taking the oath of office and keep the office of deputy mayor filled throughout the mayor's term. The deputy mayor shall:
 1. Meet all the qualifications for mayor established pursuant to subsection (3) of this section;
 2. Serve at the mayor's pleasure and may be replaced by the mayor for any cause; and
 3. Have only the duties assigned to him or her by the mayor.
- (6) (a) If the office of mayor becomes vacant by reason of death, resignation, or removal:
1. The deputy mayor shall become the temporary mayor, inheriting all powers and duties of the mayor;
 2. The deputy mayor shall serve as temporary mayor for no more than thirty (30) days until the council, by a majority vote of the members of the council, shall elect a resident of the consolidated local government who meets the qualifications for mayor established pursuant to subsection (3) of this section to serve as mayor. The council may select the temporary mayor for this position. If the legislative council fails to elect a person to fill the vacancy within thirty (30) days after the vacancy occurs, the Governor shall fill the vacancy in the office by appointment of a qualified person who is a resident of the consolidated local government and meets the qualifications for mayor established pursuant to subsection (3) of this section; and
 3. The tenure of the gubernatorial appointment shall be governed by Section 152 of the Kentucky Constitution.
- (b) If the offices of both the mayor and deputy mayor become vacant by reason of death, resignation, or removal:
1. The presiding officer of the consolidated local government council shall become the temporary mayor, inheriting all powers and duties of the mayor;

2. The presiding officer shall serve as temporary mayor for no more than thirty (30) days until the council shall, by a majority vote of the members of the council, elect a resident of the consolidated local government who meets the qualifications for mayor established pursuant to subsection (3) of this section. The council may select the temporary mayor for this position. If the legislative council fails to elect a person to fill the vacancy within thirty (30) days after the vacancy occurs, the Governor shall fill the vacancy in the office by appointment of a qualified person who is a resident of the consolidated local government and meets the qualifications for mayor established pursuant to subsection (3) of this section; and
 3. The tenure of the gubernatorial appointment shall be governed by Section 152 of the Kentucky Constitution.
- (7) The mayor of a consolidated local government shall be known as the mayor of/..... County Metro Government, which shall be a combination of the names of the largest city in existence in the county on the date of the adoption of the consolidated local government and the county.

➔Section 3. KRS 67C.111 is amended to read as follows:

- (1) All cities other than those of the first class located within the territory of the consolidated local government, upon the successful passage of the question to consolidate a city of the first class and its county, shall remain incorporated unless dissolved in accordance with KRS 81.094 and shall continue to exercise all powers and perform the functions permitted by the Constitution and general laws of the Commonwealth of Kentucky applicable to the cities of the class to which they have been assigned.
- (2) (a) *After July 15, 2024, with the approval of the consolidated local government's legislative council, qualified voters within the consolidated local government may establish new cities within the consolidated local government pursuant to KRS 81.050 and 81.060. The proposed city must have a population of six thousand (6,000) or greater. This territory shall not be within any urban services boundary of the consolidated local government nor shall it include any territory currently incorporated within any existing city. The approval of the desire to establish a new city shall be in the form of a resolution by the consolidated local government's legislative council. If the legislative council does not act upon the request within sixty (60) days of the receipt of the desire to incorporate a new city, that shall serve as notice of approval by the legislative council of the incorporation of the new city.*
- (b) *If the petition to form a city is signed by sixty-six percent (66%) or more of the qualified voters in the area proposed to be incorporated, the consolidated local government's legislative council shall approve the proposed incorporation.*
- (c) *If the petition to form a city is signed by less than sixty-six percent (66%) of the qualified voters in the area proposed to be incorporated, the consolidated local government's legislative council may approve the proposed incorporation.* ~~Upon the adoption of a consolidated local government in a county containing a city of the first class, there shall be no further incorporations of cities within the county.~~
- (3) ~~Upon the adoption of a consolidated local government in a county containing a city of the first class, there shall be no annexations for a period of twelve (12) years by any city remaining in the county. After that time, }Any proposed annexation by a city in that county shall first receive the approval of the legislative council of the consolidated local government prior to the city proceeding under the provisions of KRS Chapter 81A. The city shall request the approval of the consolidated legislative council by ordinance. **After July 15, 2024, if the ordinance is accompanied by a petition in favor of the proposed annexation signed by sixty-six percent (66%) or more of the qualified voters of the area proposed to be annexed, the consolidated government legislative council shall approve the proposed annexation.** The consolidated legislative council's decision shall be made by ordinance and within sixty (60) days of the receipt of the request by the affected city. If an ordinance has not been enacted by the consolidated legislative council within sixty (60) days, the request for a city to proceed with an annexation proposal shall be deemed to be approved by the consolidated legislative council. **An ordinance approving annexation passed by the consolidated local government legislative council shall not be subject to veto by the mayor of the consolidated local government.**~~
- (4) The adoption of a consolidated local government in a county containing a city of the first class shall not prevent the merger or dissolution of any existing cities as provided by law or the merger of any remaining cities with the newly consolidated local government.

➔Section 4. KRS 67C.115 is amended to read as follows:

- (1) Upon the successful passage of the question to consolidate a city of the first class and its county, all ordinances and resolutions of the previously existing city of the first class and all ordinances and resolutions of the county shall become effective ordinances and resolutions of the consolidated local government until repealed, modified, or amended in accordance with the following order of precedence:
- (a) If a city ordinance conflicts with a county ordinance, the county ordinance shall prevail and shall become effective countywide; and
 - (b) If a city ordinance addresses a subject matter not addressed by a county ordinance, the city ordinance shall become effective countywide; and
 - (c) If a county ordinance addresses a subject matter not addressed by a city ordinance, the county ordinance shall become effective countywide.

Notwithstanding paragraph (a) of this subsection and in the event a uniform land development code has not been jointly adopted by the city and county prior to the effective date of a consolidated local government, the historic preservation and landmarks ordinances, and the zoning regulations of the city adopted pursuant to KRS Chapter 100, shall prevail and become effective countywide.

- (2) Ordinances and resolutions of either the city of the first class or its county in existence on the effective date of a local government consolidation which conflict with other provisions of this chapter shall be void. Except as provided in KRS 67C.123(3), any ordinance, resolution, or order in effect in a city of the first class or its county on the date a consolidated local government takes effect shall expire five (5) years from that date unless amended or reenacted by the consolidated local government.
- (3) All ordinances of the city and county creating agencies and boards and interlocal agreements shall survive and be deemed reenacted by the council. All members may serve the balance of the terms to which they were appointed and until their successors are appointed and duly qualified according to law.
- (4) For purposes of this section, a conflict shall be deemed to exist between ordinances or resolutions, or the provisions of this chapter, where any rights, remedies, entitlements, or the enforcement thereof cannot reasonably be reconciled.
- (5) The county attorney shall serve as the legal advisor and representative to the consolidated local government, ~~and~~ except for those duties pertaining to fiscal court, ~~set forth in KRS 69.210,~~ The county attorney shall retain and exercise all other duties, powers, and rights delegated to that office by law, ***excluding the power to approve legislation prior to its consideration by the legislative body of the consolidated local government. The county attorney may provide an opinion on the form, legality, or constitutionality of any legislative action, but that opinion shall only be an advisory opinion.*** This subsection does not prevent the consolidated local government council from retaining its own legal counsel ~~solely~~ for advice and consultation should they choose to do so.
- (6) Wherever the words "county judge" or "county judge/executive" appear in any resolution or ordinance in existence in a city of the first class or in a county containing a city of the first class as of the effective date of the establishment of a consolidated local government, they shall be deemed to mean the mayor of the consolidated local government.

➔Section 5. KRS 67C.139 is amended to read as follows:

If a cooperative compact exists between a city of the first class and its county prior to the creation of a consolidated local government, upon the establishment of the consolidated local government:

- (1) (a) The mayor of the consolidated local government shall assume all appointment authority previously held by the county judge/executive and the mayor of the consolidating governments. Appointments made by the mayor should reflect the political, geographic, gender, age, and racial diversity of the population within the jurisdiction of the consolidated local government. Upon the expiration of a term of appointment, the mayor shall make an appointment or reappointment within ninety (90) days of the term's expiration.
- (b) If the mayor fails to make an appointment within ninety (90) days, the legislative council of the consolidated local government shall make the appointment within thirty (30) days after the expiration of the ninety (90) day period. The legislative council's appointment shall take into account the political, geographic, gender, age, and racial diversity of the population. The legislative council shall adopt a resolution specifying how these appointments shall be made; and

- (2) (a) *The mayor shall make all appointments to agencies, boards, and commissions established by statute in the manner as prescribed by statute, subject to any requirements for legislative body approval as required by the relevant statutes. Notwithstanding any other provisions of the Kentucky Revised Statutes, the legislative body of the consolidated local government shall have sixty (60) days in which to give approval of an appointment, if approval is required by statute.*
- (b) *The presiding officer of the legislative council shall make all legislative council appointments to agencies, boards, and commissions from the membership of the legislative council, subject to paragraph (a) of this subsection.* ~~[When authorized by statute, the mayor shall, subject to legislative council approval, determine which statutorily created agencies, boards, and commissions require legislative council approval for the appointment of members.~~
- ~~(b) 1. Subject to legislative council approval, the mayor shall determine the agencies, boards, and commissions to which legislative council members shall be appointed. The mayor's determination under this subparagraph shall be made in consultation with the Office of the Attorney General and shall not violate the incompatible offices prohibitions in KRS 61.080(3).~~
- ~~2. The presiding officer of the legislative council shall make all legislative council appointments to agencies, boards, and commissions from the membership of the legislative council, subject to subparagraph 1. of this paragraph.~~
- ~~(c) The legislative council shall enact an ordinance setting out the role of the legislative council, if any, in the appointment process for each individual agency, board, and commission created by statute. Only one (1) agency, board, or commission shall be addressed per ordinance. Such ordinance shall require a vote of the majority of the entire membership of the legislative council for approval and shall be subject to mayoral veto and legislative override pursuant to KRS 67C.103(13)(a) and 67C.105(5)(i); and~~
- ~~(3) The appointment of members to all agencies, boards, and commissions created by ordinance shall be determined by the ordinance creating the agency, board, or commission.]~~

➔Section 6. KRS 67C.143 is amended to read as follows:

- (1) Unless otherwise provided by law, any elected officer of a consolidated local government in case of misconduct, incapacity, or willful neglect in the performance of the duties of his or her office may be removed from office by the legislative council, sitting as a court, under oath, upon charges preferred by the mayor or by any five (5) members of the legislative council, or, in case of charges against the mayor, upon charges preferred by not less than ten (10) members of the legislative council. ~~[No legislative council member preferring a charge shall sit as a member of the legislative council when it tries that charge.]~~
- (2) No elected officer shall be removed without having been given the right to a full public hearing.
- (3) A decision to remove a mayor, legislative council member, or appointee to a board or commission shall require a vote of two-thirds (2/3) of the total number of legislative council members.
- (4) Any elected officer removed from office under the provisions of this section may appeal to the Circuit Court and from there to the Court of Appeals. The appeal to the Circuit Court shall be taken and tried in the same manner as civil cases are tried.
- (5) (a) No elected officer removed from office under this section shall be eligible to fill the office vacated before the expiration of the term to which the elected member was originally elected.
- (b) Any appointee to a board or commission removed under this section shall not be eligible for:
1. The office from which he or she was removed before five (5) years following the date of his or her removal from that office; or
 2. Appointment to a board or commission described in KRS 67C.103(13)(f) before five (5) years following the date of his or her removal from that office.

➔Section 7. KRS 67C.147 is amended to read as follows:

- (1) In order to maintain the tax structure, tax rates, or level of services in the area of the consolidated local government formerly comprising the city of the first class, the legislative council of a consolidated local government may provide in the manner described in this chapter for taxes and services within the area comprising the former city of the first class which are different from the taxes and services which are applicable in the remainder of the county. These differences may include differences in tax rates upon the class

of property which includes the surface of the land, differences in ad valorem tax rates upon personal property, and differences in tax rates upon insurance premiums.

- (2) Any difference in the ad valorem tax rate on the class of property which includes the surface of the land in the portion of the county formerly comprising the city of the first class and in the portion of the county other than that formerly comprising the city of the first class may be imposed directly by the consolidated local government council. Any change in these ad valorem tax rates shall comply with KRS 68.245, 132.010, 132.017, and 132.027 and shall be used for services as provided by KRS 82.085.
- (3) If the consolidated local government council determines to provide for tax rates applicable to health insurance premiums and personal property which are different in the area formerly comprising the city of the first class than the rates applicable in the remainder of the county, it shall do so in the following manner. The consolidated local government council shall by ordinance create a tax district to be known as the "urban service tax district" bounded by the former boundaries of the former city of the first class. The ordinance shall designate the number of members of the board of this taxing district and the manner in which they shall be appointed. The ordinance shall provide that the board of the taxing district shall receive the income derived from the differential in tax rate applicable in the area formerly comprising the city of the first class with respect to personal property, health insurance premiums, or both, and shall contract with the consolidated local government to pay all sums collected to the consolidated local government, in return for the provision of services performed by the consolidated local government within the area formerly comprising the city of the first class which services are in addition to services performed by the consolidated local government in the remainder of the county. ***The consolidated local government shall provide at least an annual reporting to the urban service tax district board and the legislative body of the consolidated local government containing but not limited to detailed operating and capital expenditures of each service performed by the consolidated local government.***
- (4) After the initial formation of an urban service taxing district in a consolidated local government, the boundaries of the district may be modified in the following manner. The proposal to alter the boundaries of the urban service taxing district within a consolidated local government may be initiated by:
 - (a) A resolution enacted by the consolidated local government describing the boundaries of the area to be added to or deleted from the taxing district and duly passed and signed by the mayor not less than one hundred twenty (120) days before the next regularly scheduled election day within the county; or
 - (b) A petition signed by a number of qualified voters living within precincts within the area to be added to or deleted from the taxing district equal to ten percent (10%) of the votes cast within each precinct in the last general election for President of the United States and delivered to the clerk of the legislative council more than one hundred twenty (120) days next preceding the next regularly scheduled election day within the county.

The boundaries so described in either case shall not cross precinct lines. The question of whether the area bounded as described should be added to or deleted from, as the case may be, the urban services taxing district shall then be placed upon the ballot in the precincts in the area to be added or deleted at the next regular election and the question stated on the ballot shall be so phrased that a "Yes" vote shall be cast in favor of making the proposed change and a "No" vote shall be cast to oppose the proposed change. If a majority of those voting in those precincts support the change, then the change in the boundaries of the urban service district shall be implemented.

➔Section 8. (1) The mayor of the Louisville Metro Government shall establish the Louisville Metro Comprehensive Review Commission. Notwithstanding the provisions of KRS 6.945, the Louisville Metro Government shall provide the necessary administrative support for the commission.

(2) The Louisville Metro Comprehensive Review Commission shall submit its findings and any recommendations to the Legislative Research Commission for referral to the appropriate committee or committees by September 15, 2023.

(3) The Louisville Metro Comprehensive Review Commission shall be composed of the following members:

- (a) The mayor of the Consolidated Local Government or his or her designee;
- (b) The president of the Jefferson County League of Cities or his or her designee;
- (c) Two members of the Senate appointed by the President of the Senate;

- (d) One member of the Senate appointed by the Minority Floor Leader of the Senate;
 - (e) Two members of the House of Representatives appointed by the Speaker of the House of Representatives;
 - (f) One member of the House of Representatives appointed by the Minority Floor Leader of the House of Representatives;
 - (g) Three members of the legislative council of Louisville/Jefferson County Metro Government, recommended by the president of the legislative council of Louisville/Jefferson County Metro Government. Two of these members shall be from the majority party caucus of the legislative council of Louisville/Jefferson County Metro Government and one from the minority party caucus of the legislative council of Louisville/Jefferson County Metro Government;
 - (h) Three members of Greater Louisville Incorporated, recommended by the chief executive officer of Greater Louisville Incorporated. One of these members shall be the owner of a minority-owned business that is a member of Greater Louisville Incorporated; and
 - (i) One member of the Jefferson County Fire Chiefs Association recommended by the president of the Jefferson County Fire Chiefs Association.
- (4) Final membership of the task force is subject to the consideration and approval of the Legislative Research Commission.
- (5) The duties of the Louisville Metro Comprehensive Review Commission shall include but are not limited to:
- (a) A searching and thorough review of the accomplishments and insufficiencies, if any, of the consolidated local government model of government and recommendations for any statutory changes;
 - (b) A thorough review of the roles and duties of the mayor of the Consolidated Local Government and the legislative council of Louisville/Jefferson County Metro Government as it relates to duties, oversight, budgeting, and administration of the Louisville Metro Government and any recommendations for alleviation of issues and disputes via either internal changes or statutory changes;
 - (c) A thorough review of intergovernmental relations between the Louisville Metro Government and the suburban cities and special service districts within the consolidated local government's jurisdiction and any recommendations for alleviation of issues and insufficiencies via either internal changes or statutory changes;
 - (d) A thorough review of tax powers and funding of Louisville Metro Government and the suburban cities and special service districts within the consolidated local government's jurisdiction and any recommendations for alleviation of issues and insufficiencies via either internal changes or statutory changes;
 - (e) A thorough review of the distribution and provision of governmental services between the Louisville Metro Government and the suburban cities and special service districts within the consolidated local government's jurisdiction and any recommendations for alleviation of issues and insufficiencies via either internal changes or statutory changes; and
 - (f) A thorough review of the future of relations between the Louisville Metro Government and the suburban cities and special service districts within the consolidated local government's jurisdiction and any recommendations for alleviation of issues and insufficiencies via either internal changes or statutory changes, including the merger of existing suburban cities, the creation of further suburban cities, the annexation of territory by suburban cities, the creation of further special service districts, the merger of special service districts, or the expansion of urban service district boundaries.
- (6) The provisions of this section of the Act to the contrary notwithstanding, the Legislative Research Commission shall have the authority to alternatively assign the issues identified therein to an interim joint committee or subcommittee thereof, and to designate a study completion date. This section of the Act shall have the legal status of a Senate Concurrent Resolution.

Veto Overridden and Signed by Secretary of State April 14, 2022.

CHAPTER 202

(HB 315)

AN ACT relating to broadband deployment, making an appropriation therefor, and declaring an emergency.
Be it enacted by the General Assembly of the Commonwealth of Kentucky:

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

(1) *There is established the Office of Broadband Development, which shall:*

- (a) *Be administratively attached to the Kentucky Infrastructure Authority;*
- (b) *Encourage, foster, develop, and improve broadband within the Commonwealth to:*
 - 1. *Drive job creation, promote innovation, and expand markets for Kentucky businesses; and*
 - 2. *Serve the ongoing and growing needs of Kentucky's:*
 - a. *Agricultural, educational, health care, and public safety systems;*
 - b. *Industries and businesses;*
 - c. *Governmental operations; and*
 - d. *Citizens;*
- (c) *Improve broadband accessibility for unserved and underserved communities and populations;*
- (d) *Develop, coordinate, administer, and implement the Commonwealth's broadband deployment fund under Section 3 of this Act;*
- (e) *Perform all administrative functions necessary to carry out the purposes of this section;*
- (f) *On behalf of the Commonwealth, serve as:*
 - 1. *The central broadband planning and coordination entity;*
 - 2. *The single point of contact and liaison to federal agencies and programs regarding broadband issues, including but not limited to:*
 - a. *National Telecommunications and Information Administration;*
 - b. *Federal Communications Commission;*
 - c. *United States Department of Agriculture Rural Utilities Service; and*
 - d. *United States Treasury;*
 - 3. *An information clearinghouse for federal programs providing financial assistance to institutions located in rural areas seeking to obtain access to broadband;*
- (g) *Coordinate with other state, regional, local, and private entities to:*
 - 1. *Develop and implement a statewide broadband plan, including relevant goals and objectives;*
 - 2. *Develop and encourage cost-effective broadband;*
 - 3. *Make recommendations for broadband infrastructure development, particularly in rural, unserved, and underserved areas; and*
 - 4. *Provide consultation services to local units of government or other project sponsors in connection with the planning, acquisition, improvement, construction, or development of any broadband deployment project;*
- (h) *Monitor the broadband development efforts of other states and nations;*
- (i) *Maintain data and statistics on broadband throughout the Commonwealth by:*
 - 1. *Collecting broadband availability data from Kentucky broadband providers and other sources on a street address or location-specific basis;*
 - 2. *Verifying the accuracy of that data through on-the-ground testing;*

3. *Creating and maintaining a statewide interactive map displaying broadband availability, which shall be available for public and state government use online;*
 4. *Analyzing the deployment data collected to inform and guide future investments in broadband infrastructure, including moneys expended under the broadband deployment fund;*
 5. *Empirically validating, on a targeted basis, the accuracy of broadband data that is routinely collected by the Federal Communications Commission to pinpoint areas of overstatement and understatement that may exist;*
 6. *Challenging the validity of the data as may be warranted, on behalf of the Commonwealth, to ensure that this state is receiving its due share of funding from federal broadband programs; and*
 7. *Monitoring the progress of federal awards for deploying broadband infrastructure to Kentucky locations and issuing an annual report to the Governor and the Interim Joint Committee on Appropriations and Revenue by November 1 of each year;*
- (j) *Develop a process for:*
1. *Receiving complaints related to insufficient broadband service;*
 2. *Incorporating forms for the collection of data related to the complaints;*
 3. *Resolving complaints;*
 4. *Reporting the information collected on unresolved complaints; and*
 5. *Referring complaints to the Office of the Attorney General, Federal Communications Commission, or Federal Trade Commission, as appropriate; and*
- (k) *Perform other duties and responsibilities as necessary to promote the development of broadband within the Commonwealth.*
- (2) *The office shall have all the power, not explicitly prohibited by statute, necessary and convenient to carry out and effectuate the purposes of this section, including:*
- (a) *Entering into contracts or agreements necessary or incidental to the performance of its duties, functions, and responsibilities;*
 - (b) *Soliciting, borrowing, accepting, receiving, and expending funds from any public or private source, property, labor, or other things of value to be used to carry out the office's operations, functions, and responsibilities; and*
 - (c) *Promulgating administrative regulations under KRS Chapter 13A.*
- (3) (a) *The authority may contract with a private nonprofit corporation with at least five (5) years of broadband and telecommunications public policy research and mapping experience to fulfill the purposes, duties, and responsibilities of the office as required in subsections (1) and (2) of this section.*
- (b) *If the authority exercises its option to contract with an entity to fulfill the office's obligations under this section, the procurement shall not abrogate the authority from fulfilling the office's duties or achieving the timelines for issuing grants in Section 4 of this Act.*
- (4) *The authority shall report the activities of the office to the Legislative Research Commission on a semiannual basis, each January 1 and each July 1.*

➔Section 2. KRS 224A.011 is amended to read as follows:

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

- (1) "Administrative fee" means a fee assessed and collected by the authority from borrowers and applicants under assistance agreements, to be used for operational expenses of the authority;
- (2) "Applicable interest rate" means the rate of interest which shall be used as part of the repayment criteria for an assistance agreement between a governmental agency and the authority, and shall be determined by the authority pertinent to the source of funds from which the assistance agreement is funded;

- (3) "Applicant" means a governmental agency or private sector entity that has submitted an application to the ~~office~~~~authority~~ for a grant from the broadband deployment fund;
- (4) "Application" means an application submitted by an applicant for a grant from the broadband deployment fund;
- (5) "Assistance agreement" means the agreement to be made and entered into by and between a governmental agency or a private entity and the authority, as authorized by this chapter, providing for a lease, loan, services, or grant to a governmental agency or a private entity or for the purchase of obligations issued by the governmental agency, and for the repayment thereof to the authority by the governmental agency or a private entity;
- (6) "Authority" means the Kentucky Infrastructure Authority, which is created by this chapter;
- (7) "Authority revenues" means the totality of all:
- (a) Service charges;
 - (b) Utility tax receipts, to the extent not otherwise committed and budgeted by the authority during any fiscal period of the authority;
 - (c) Any gifts, grants, or loans received, to the extent not otherwise required to be applied;
 - (d) Any and all appropriations made to the authority by the General Assembly of the Commonwealth of Kentucky, to the extent not otherwise required to be applied;
 - (e) All moneys received in repayment of and for interest on any loans made by the authority to a governmental agency, except as provided in KRS 224A.111, 224A.1115, and 224A.112, or as principal of and interest on any obligations issued by a governmental agency and purchased by the authority, or as receipts under any assistance agreement;
 - (f) The proceeds of bonds or long-term debt obligations of governmental agencies pledged to the payment of bond anticipation notes issued by the authority on behalf of the said governmental agency to provide interim construction financing; and
 - (g) Payments under agreements with any agencies of the state and federal government;
- (8) "Borrower or borrowing entity" means any agency of the state or its political subdivisions, any city, or any special district created under the laws of the state acting individually or jointly under interagency or interlocal cooperative agreements to enter into assistance agreements with the authority;
- ~~(9)~~ ~~"Broadband" means any wireline or fixed terrestrial technology having a capacity to transmit data from or to the Internet with a minimum speed of twenty five (25) megabits per second downstream and three (3) megabits per second upstream as defined by the Federal Communications Commission or the United States Department of Agriculture and any amendments to those definitions. If the agencies use different speed definitions, the faster speed definition shall apply to KRS 224A.110, 224A.112, and 224A.1121;~~
- ~~(10)~~ "Broadband deployment fund" means a fund to assist with the construction, development, or improvement of broadband infrastructure, broadband services, or technologies that constitute a part of, or are related to, broadband infrastructure or broadband services, to provide for broadband service in underserved or unserved areas of the Commonwealth;
- ~~(10)~~~~(11)~~ "Broadband deployment project" means a proposed deployment of broadband service infrastructure set forth in an application for grant funding under KRS 224A.112;
- ~~(11)~~~~(12)~~ "Broadband deployment project area" means a geographic area determined by census block, ~~or~~ shapefile geospatial data, **or list of addresses** ~~for~~ which **has been proposed for** grant funding ~~has been authorized~~ under this section and KRS 224A.110, 224A.112, and 224A.1121;
- ~~(12)~~~~(13)~~ "Census block" means the smallest geographic unit used by the United States Census Bureau that is reported on the Federal Communications Commission (FCC) Form 477 relating to fixed broadband deployment data;
- ~~(13)~~~~(14)~~ "Community flood damage abatement project" means any structural or nonstructural study, plan, design, construction, development, improvement, or other activity to provide for flood control;
- ~~(14)~~~~(15)~~ "Construction" means and includes but is not limited to:

- (a) Preliminary planning to determine the economic and engineering feasibility of infrastructure projects, the engineering, architectural, legal, fiscal, and economic investigations, and studies necessary thereto, and surveys, designs, plans, working drawings, specifications, procedures, and other actions necessary to the construction of infrastructure or solid waste projects;
 - (b) The erection, building, acquisition, alteration, remodeling, improvement, or extension of infrastructure or solid waste projects; and
 - (c) The inspection and supervision of the construction of infrastructure or solid waste projects and all costs incidental to the acquisition and financing of same. This term shall also relate to and mean any other physical devices or appurtenances in connection with, or reasonably attendant to, infrastructure or solid waste projects;
- (15)~~(16)~~ "Dams" means any artificial barrier, including appurtenant works, which does or can impound or divert water, and which either:
- (a) Is or will be twenty-five (25) feet or more in height from the natural bed of the stream or watercourse at the downstream toe of the barrier, as determined by the Energy and Environment Cabinet; or
 - (b) Has or will have an impounding capacity at maximum water storage elevation of fifty (50) acre feet or more;
- (16)~~(17)~~ "Distribution facilities" means all or any part of any facilities, devices, and systems used and useful in obtaining, pumping, storing, treating, and distributing water for agricultural, industrial, commercial, recreational, public, and domestic use;
- (17)~~(18)~~ "Energy and Environment Cabinet" means the Kentucky Energy and Environment Cabinet, or its successor, said term being meant to relate specifically to the state agency which is designated as the water pollution agency for the Commonwealth of Kentucky, for purposes of the federal act;
- (18)~~(19)~~ "Federal act" means the Federal Clean Water Act (33 U.S.C. secs. 1251 et seq.) as said federal act may be amended from time to time in the future, or any other enactment of the United States Congress providing funds that may assist in carrying out the purposes of the authority;
- (19)~~(20)~~ "Federally assisted wastewater revolving fund" means that fund which will receive federal and state funds or the proceeds from the sale of revenue bonds of the authority for the purpose of providing loans to finance construction of publicly owned treatment works as defined in Section 212 of the federal act and for the implementation of a management program established under Section 319 of the federal act and for the development and implementation of a conservation and management plan under Section 320 of the federal act;
- (20)~~(21)~~ "Governmental agency" means any incorporated city or municipal corporation, or other agency, or unit of government within or a department or a cabinet of the Commonwealth of Kentucky, now having or hereafter granted, the authority and power to finance, acquire, construct, or operate infrastructure or solid waste projects. This definition shall specifically apply but not by way of limitation to incorporated cities; counties, including any counties containing a metropolitan sewer district; sanitation districts; water districts; water associations if these associations are permitted to issue interest-bearing obligations which interest would be excludable from gross income under Section 103 of the Internal Revenue Code of 1986 as amended; sewer construction districts; metropolitan sewer districts; sanitation taxing districts; a regional wastewater commission established under KRS 65.8901 to 65.8923; and any other agencies, commissions, districts, or authorities (either acting alone, or in combination with one another in accordance with any regional or area compact, or intergovernmental cooperative agreements), now or hereafter established in accordance with the laws of the Commonwealth of Kentucky having and possessing the described powers described in this subsection;
- (21)~~(22)~~ "Industrial waste" means any liquid, gaseous, or solid waste substances resulting from any process of industry, manufacture, trade, or business, or from the mining or taking, development, processing, or recovery of any natural resources, including heat and radioactivity, together with any sewage as is present therein, which pollutes the waters of the state, and specifically, but not by way of limitation, means heat or thermal differentials created in the waters of the state by any industrial processing, generating, or manufacturing processes;
- (22)~~(23)~~ "Infrastructure project" means any construction or acquisition of treatment works, facilities related to the collection, transportation, and treatment of wastewater as defined in KRS 65.8903, distribution facilities, or water resources projects instituted by a governmental agency or an investor-owned water utility which is approved by the authority and, if required, by the Energy and Environment Cabinet, Public Service

Commission, or other agency; solid waste projects; dams; storm water control and treatment systems; gas or electric utility; broadband deployment project; or any other public utility or public service project which the authority finds would assist in carrying out the purposes set out in KRS 224A.300;

- ~~(23)~~~~(24)~~ "Infrastructure revolving fund" means that fund which will receive state funds, the proceeds from the sale of revenue bonds of the authority or other moneys earmarked for that fund for the purpose of providing loans or grants to finance construction or acquisition of infrastructure projects as defined in this section;
- ~~(24)~~~~(25)~~ "Loan or grant" means moneys to be made available to governmental agencies by the authority for the purpose of defraying all or any part of the total costs incidental to construction or acquisition of any infrastructure project;
- ~~(25)~~~~(26)~~ "Market interest rate" means the interest rate determined by the authority under existing market conditions at the time the authority shall provide financial assistance to a governmental agency;
- ~~(26)~~~~(27)~~ "Obligation of a governmental agency" means a revenue bond, bond anticipation note, revenue anticipation note, lease, or other obligation issued by a governmental agency under KRS 58.010 et seq. or other applicable statutes;
- ~~(27)~~~~(28)~~ ***"Office" means the Office of Broadband Development;***
- (28) "Person" means any individual, firm, partnership, association, corporation, or governmental agency;
- (29) "Pollution" means the placing of any noxious or deleterious substances ("pollutants"), including sewage and industrial wastes, in any waters of the state or affecting the properties of any waters of the state in a manner which renders the waters harmful or inimical to the public health or to animal or aquatic life, or to the use, present or future, of these waters for domestic water supply, industrial or agricultural purposes, or recreational purposes;
- (30) "Prioritization schedules" means the list of wastewater treatment works, distribution facilities and water resources projects which the Energy and Environment Cabinet has evaluated and determined to be of priority for receiving financial assistance from the federally assisted wastewater revolving fund and the federally assisted drinking water revolving fund, or the list of infrastructure projects which the authority has evaluated and determined to be of priority for receiving financial aid from the infrastructure revolving fund. The evaluation by the authority of infrastructure projects for water systems shall be undertaken with input from the appropriate area development district;
- (31) "Recovered material" means those materials which have known current use, reuse, or recycling potential, which can be feasibly used, reused, or recycled, and which have been diverted or removed from the solid waste stream for sale, use, reuse, or recycling, whether or not requiring subsequent separation and processing but does not include materials diverted or removed for purposes of energy recovery or combustion except refuse-derived fuel (RDF), which shall be credited as a recovered material in an amount equal to that percentage of the municipal solid waste received on a daily basis at the processing facility and processed into RDF; but not to exceed fifteen percent (15%) of the total amount of the municipal solid waste received at the processing facility on a daily basis;
- (32) "Recovered material processing facility" means a facility engaged solely in the storage, processing, and resale or reuse of recovered material but does not mean a solid waste facility if solid waste generated by a recovered material processing facility is managed in accordance with KRS Chapter 224 and administrative regulations adopted by the cabinet;
- (33) "Revenue bonds" means special obligation bonds issued by the authority as provided by the provisions of this chapter, which are not direct or general obligations of the state, and which are payable only from a pledge of, and lien upon, authority revenues as provided in the resolution authorizing the issuance of the bonds, and shall include revenue bond anticipation notes;
- (34) "Service charge" means any monthly, quarterly, semiannual, or annual charge to be imposed by a governmental agency, or by the authority, for any infrastructure project financed by the authority, which service charge arises by reason of the existence of, and requirements of, any assistance agreement;
- (35) "Sewage" means any of the waste products or excrements, or other discharges from the bodies of human beings or animals, which pollute the waters of the state;
- (36) "Shapefile" means a file format for storing, depicting, and analyzing geospatial data showing broadband coverage;

- (37) "Solid waste" means "solid waste" as defined by KRS 224.1-010(30)(a);
- (38) "Solid waste facility" means any facility for collection, handling, storage, transportation, transfer, processing, treatment, or disposal of solid waste, whether the facility is associated with facilities generating the waste or otherwise, but does not include a container located on property where the waste is generated and which is used solely for the purpose of collection and temporary storage of that solid waste prior to off-site disposal, or a recovered material processing facility;
- (39) "Solid waste project" means construction, renovation, or acquisition of a solid waste facility which shall be instituted and owned by a governmental agency;
- (40) "Solid waste revolving fund" means that fund which shall receive state funds, the proceeds from the sale of revenue bonds of the authority, or other moneys earmarked for the purpose of providing loans or grants to finance solid waste projects defined in this section;
- (41) "State" means the Commonwealth of Kentucky;
- (42) "System" means the system owned and operated by a governmental agency with respect to solid waste projects, treatment works, or infrastructure projects financed as provided by the assistance agreement between the governmental agency and the authority;
- (43) "Treatment works" or "wastewater treatment works" means all or any part of any facilities, devices, and systems used and useful in the storage, treatment, recycling, and reclamation of wastewater or the abatement of pollution, including facilities for the treatment, neutralization, disposal of, stabilization, collecting, segregating, or holding of wastewater, including without limiting the generality of the foregoing, intercepting sewers, outfall sewers, pumping power stations, and other equipment and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof, and any wastewater treatment works, including site acquisition of the land that will be an integral part of the wastewater treatment process, or is used for ultimate disposal of residues resulting from wastewater treatment, together with any other facilities which are deemed to be treatment works in accordance with the federal act;
- (44) "Underserved area" means any project area where ~~fixed, terrestrial~~ broadband service with a minimum **one hundred (100)** ~~twenty-five (25)~~ megabits per second downstream and **twenty (20)** ~~three (3)~~ megabits per second upstream is not available;
- (45) "Unserved area" means any project area where ~~fixed, terrestrial~~ broadband service with a minimum **twenty-five (25)** ~~ten (10)~~ megabits per second downstream and **three (3) megabits** ~~one (1) megabit~~ per second upstream is not available;
- (46) "Utility tax" means the tax which may be imposed by the authority on every purchase of water or sewer service in the Commonwealth of Kentucky;
- (47) "Variable rate revenue bonds" means revenue bonds the rate of interest on which fluctuates either automatically by reference to a predetermined formula or index or in accordance with the standards set forth in KRS 224A.120;
- (48) "Wastewater" means any water or liquid substance containing sewage, industrial waste, or other pollutants or contaminants derived from the prior use of these waters;
- (49) "Water resources" means all waters of the state occurring on the surface, in natural or artificial channels, lakes, reservoirs, or impoundments, and in subsurface aquifers, which are available, or which may be made available to agricultural, industrial, commercial, recreational, public, and domestic users;
- (50) "Water resources project" means any structural or nonstructural study, plan, design, construction, development, improvement, or any other activity including programs for management, intended to conserve and develop the water resources of the state and shall include all aspects of water supply, facilities to collect, transport, and treat wastewater as defined in KRS 65.8903, flood damage abatement, navigation, water-related recreation, and land conservation facilities and measures; and
- (51) "Waters of the state" means all streams, lakes, watercourses, waterways, ponds, marshes, wells, springs, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, which are situated wholly or partly within, or border upon, this state, or are within its jurisdiction, except those private waters which do not combine or effect a junction with natural, surface, or underground waters.

➔Section 3. KRS 224A.112 is amended to read as follows:

- (1) The infrastructure revolving fund shall be established in the State Treasury and shall be administered by the authority. The fund shall be a dedicated fund, and all moneys in the fund shall be allocated and dedicated solely to providing financial assistance to governmental agencies, and investor-owned water systems as provided for in KRS 96.540, 224A.306, 224A.308, and 224A.310, for the construction or acquisition of infrastructure projects through an account designated as the 2020 water service account.
- (2) The broadband deployment fund shall be established in the State Treasury and shall be administered by the ~~office~~~~authority~~. The fund shall be a dedicated fund, and all moneys in the fund shall be allocated and dedicated solely to providing grant funds to governmental agencies and private sector entities to construct infrastructure for the deployment of broadband service to households and businesses in underserved or unserved areas of the Commonwealth through an account designated as the broadband deployment fund.
- (3) Funds in subsections (1) and (2) of this section shall not be commingled and shall be used only for the stated purposes in subsections (1) and (2) of this section.
- (4) The financial assistance which may be provided by the revolving fund shall be limited to:
 - (a) Making loans, on the condition that the loans are made at or below market interest rates, including interest free loans, at terms not to exceed thirty (30) years and that the fund will be credited with all payments of principal and interest on all loans;
 - (b) Purchasing or guaranteeing, or purchasing insurance for, local or state obligations when the action would improve credit market access or reduce interest rates;
 - (c) Providing a source of revenue or security for the payment of principal and interest on bonds or notes issued by the authority or other agencies of the state if the proceeds of the sale of the bonds will be deposited in the fund;
 - (d) Providing moneys with which to carry out the requirements of assistance agreements; and
 - (e) Making grants as funds specifically appropriated for grants or proceeds from the sale of the authority's revenue bonds are available.
- (5) The revolving fund shall be established, maintained, and credited with repayments and the fund balance shall be available in perpetuity for its stated purposes.
- (6) The authority may provide financial assistance from the *revolving* fund to supplement assistance provided from the federally assisted wastewater revolving fund as created in KRS 224A.111.
- (7) The authority shall advise governmental agencies of the availability of the infrastructure revolving fund and how moneys may be obtained from the fund.
- (8) The authority may enter into any necessary or required agreement with federal or state agencies or persons to carry out the provisions of this section. All state agencies shall cooperate with the authority and share information with the authority as appropriate to accomplish the purposes set out in KRS 224A.300.
- (9) Moneys in the *broadband deployment* fund are hereby appropriated for the purposes set forth in this section and KRS 224A.1121.
- (10) Notwithstanding KRS 45.229, any moneys remaining in the *broadband deployment* fund at the close of the fiscal year shall not lapse but shall be carried forward into the succeeding fiscal year to be used for the purposes set forth in this section and KRS 224A.1121.
- (11) Interest earned on moneys in the broadband deployment fund shall stay in the fund.

➔Section 4. KRS 224A.1121 is amended to read as follows:

- (1) (a) The purpose of the broadband deployment fund set forth in KRS 224A.112 shall be to:
 1. Assist governmental agencies and private sector entities to construct infrastructure for the deployment of broadband service to underserved or unserved areas of the Commonwealth; **and**
 2. ***Provide supplemental funding for recipients of federal government awards specifically to support the deployment or expansion of broadband networks.***
- (b) The ~~office~~~~authority~~ shall manage the fund and may accept and receive appropriations from the General Assembly or other funds or gifts from both public and private sources, including but not limited to local governments and federal agencies.

- (2) The *office*~~[authority]~~ shall establish a grant program that allocates funds from the broadband deployment fund in accordance with this section.
- (3) (a) ***The office shall issue grant applications for all projects awarded grant funds on or after April 5, 2022.***
- (b) Grant funds may be used by government or private sector entities for broadband deployment projects.~~;~~
- ~~(3) The grant program shall be developed to give highest funding priority to those projects which most effectively provide broadband service to the greatest number of underserved and unserved Kentucky citizens and at the lowest cost. Funding shall not be used to duplicate broadband service to citizens, households, and businesses in a broadband deployment project area where fixed, terrestrial broadband service meets or exceeds twenty-five (25) megabits per second downstream and three (3) megabits per second upstream.]~~
- (4) The *office*~~[authority]~~ shall develop funding criteria and prioritization schedules for broadband deployment projects~~[in a technology neutral manner]~~ in accordance with this section.
- (5) (a) The *office*~~[authority]~~ shall establish guidelines and standards for applying for and approving grants from the broadband deployment fund ***according to the minimum requirements in this section. No additional requirement shall be added which could delay broadband deployment.***
- (b) An eligible applicant shall submit an application to the *office*~~[authority]~~.
- (c) An application for a grant shall contain any information the *office*~~[authority]~~ requires, including but not limited to:
- 1.~~[(a)]~~ A *shapefile*~~[geographic description]~~ of the broadband deployment project area ***and a list of addresses in the broadband deployment project area***~~[, including whether the area is partially served];~~
 - 2.~~[(b)]~~ A description of the broadband deployment project, including facilities, equipment, total cost, timeframe for completion, and network capabilities, including minimum speed thresholds;
 - 3.~~[(c)]~~ Documentation of the applicant's technical, financial, and managerial resources and experience to build, operate, and manage broadband *networks* serving citizens, households, and businesses in Kentucky, ***including a detailed project management plan identifying staff, contractors, and key responsibilities***;
 - 4.~~[(d)]~~ Documentation of the economic and commercial feasibility of the proposed broadband deployment project, ***including a detailed project budget and documentation of availability of supplies***;
 - 5.~~[(e)]~~ The number of ***addresses within the broadband deployment project area***~~[citizens, households, or businesses]~~ that would have new access to broadband as a result of the grant;
 - 6.~~[(f)]~~ The amount of matching funds the eligible applicant will contribute and a certification that no portion of the matching funds is derived from any state or federal grant received for the purpose of funding broadband infrastructure within the project area; and
 - 7.~~[(g)]~~ A certification that none of the funds provided by the program for the project in the application will be used to extend or deploy facilities to any currently served ***addresses***~~[citizens, households, or businesses]~~.
- (6) The *office*~~[authority]~~ shall make ***all information within each application***~~[the applications]~~ available to the public within five (5) business days ***following***~~[of]~~ the deadline for submission of applications, provided the information contained within an application is not exempt from disclosure under the provisions of the Open Records Act, KRS 61.870 to 61.884. The description of the geographic scope of the broadband deployment project area shall not be exempt under the Open Records Act, KRS 61.870 to 61.884, and shall be made available to the public within five (5) days after submission of the application.
- (7) (a) As part of the grant application process ~~under~~~~[, pursuant to]~~ subsection (5)~~[(3)]~~ of this section, the *office*~~[authority]~~ shall include an opportunity for a ***challenging*** broadband service provider to challenge ~~an~~~~[the]~~ application ***within fifteen (15) business days of making all information available to the public under subsection (6) of this section.***
- (b) ***A challenging provider shall provide the office with proof that:***~~[As part of the dispute process, the authority may consider any relevant geospatial data available from a broadband service provider or~~

~~grant applicant. Geospatial data may include but is not limited to shapefiles detailing broadband coverage, the most current Federal Communications Commission Form 477 fixed broadband deployment data reporting, or other documentation of broadband deployment infrastructure in the project area to show that a challenged project area is underserved or unserved. A challenging provider may provide the authority with proof, including but not limited to:~~

- 1.~~1.(a)~~ The broadband deployment project area is:
 - a. Currently served; or ~~is~~
 - b. Under construction for provision of broadband service within twelve (12) months of the challenge; or
 - 2.~~2.(b)~~ The applicant has received funds from another state or federally funded grant program designed to encourage broadband deployment in the ***broadband deployment project*** area ***that covers more than fifty percent (50%) of the eligible project expenses.***
- (c) ***As part of the challenge process and in order to meet the burden of proof in paragraph (b) of this subsection, the challenging provider shall submit:***
1. ***A shapefile and a list of addresses containing all addresses within the broadband deployment project area that the challenging broadband service provider currently serves and the maximum megabits per second downstream speed and the maximum megabits per second upstream speed provided to each challenged address;***
 2. ***A feasibility study, construction plan, or other relevant documentation that clearly and convincingly demonstrates that the challenging broadband service provider will be under construction within twelve (12) months of the application date for the broadband deployment fund grant, which may be extended by the office an additional six (6) months because of undue construction delays; or***
 3. ***Loan documents, grant award receipts, or other financial information that clearly and convincingly demonstrates to the office that the challenging broadband service provider has received adequate funds from another state or federally funded grant program designed to encourage broadband deployment in the area.***
- (d) ***Within five (5) business days of a challenge being submitted to the office, the provider submitting the application which is challenged shall be provided copies of all challenge material.***
- (e) ***The office shall treat any information submitted as part of a challenge as confidential and exempt from disclosure under the Open Records Act, KRS 61.870 to 61.884, upon the challenging provider's request for confidential treatment.***
- (f) ***Within fifteen (15) business days of receipt of the copies under paragraph (d) of this subsection, the applicant shall respond to the challenge.***
- (g) ***Once the response to the challenge is submitted to the office by the applicant, the office shall have fifteen (15) business days to resolve the dispute.***
- (h) ***Upon a determination that a challenge is unsuccessful because the challenging provider is unable to prove, within the timeframe provided under this section, that the provider currently serves a broadband deployment project area, the office shall move forward with the funding process provided in this section.***
- (8) (a) Upon a determination that an application meets the funding criteria, but the proposed project area is found to be partially served, the ~~applicant~~^{authority} may amend ***and resubmit*** the application ***within fifteen (15) business days*** and ***the office may*** grant partial funding based on the partial service provided in order to ensure that grant funds are used to only provide broadband service to ~~addresses~~^{citizens, households, or businesses} deemed underserved or unserved.
- (b) ***In the event of a challenge that involves subsection (7)(c)2. of this section and those addresses are not under construction within twelve (12) months, or eighteen (18) months if extended by the office, the challenging provider shall pay a civil penalty to the broadband deployment fund in an amount equal to the amount of grant funding for those addresses plus ten percent (10%).***
- (9) ***When awarding grant funds, the office shall award funding to addresses with no service first, then to addresses that are unserved, and then lastly to addresses that are underserved. The office shall:***

- (a) *Score the unserved and underserved grant applications based on the following criteria, giving priority consideration in the order listed:*
1. *Projects in unserved and underserved areas that reach the customers that are the least economical to serve, in the following order:*
 - a. *Projects that average zero to five (5) locations per route mile;*
 - b. *Projects that average five (5) to ten (10) locations per route mile; and*
 - c. *Projects that average eleven (11) locations or more per route mile;*
 2. *Projects in unserved and underserved areas where local, state, or federal funds are not available;*
 3. *Fiber-to-the-premise projects that will deploy broadband services with a capacity to transmit data from or to the Internet with symmetrical downstream and upstream speeds of at least one (1) gigabit;*
 4. *Projects deploying infrastructure capable of achieving symmetrical speeds at a minimum of one hundred (100) megabits per second download and upload speeds;*
 5. *The size and the scope of the unserved and underserved area proposed to be served;*
 6. *The technical, managerial, and financial capabilities of the applicant, demonstrating the ability to successfully deploy the proposed project and provide broadband service;*
 7. *A project requesting less than fifty percent (50%) funding from the requested grant;*
 8. *Projects that will be eligible for the Affordable Connectivity Program for low-income consumers administered by the Federal Communications Commission; and*
 9. *Projects that plan to encourage adoption of broadband services, including community outreach to promote adoption, technical support, and training on how to connect;*
- (b) *Award no more than fifty percent (50%) of the total project cost, unless the project meets the following density requirements:*
1. *Projects that average zero to five (5) locations per route mile, which may be eligible for reimbursement of up to seventy percent (70%) of the cost of the project;*
 2. *Projects that average five (5) to ten (10) locations per route mile, which may be eligible for reimbursement of up to sixty percent (60%) of the cost of the project; and*
 3. *Projects that average eleven (11) locations or more per route mile, which may be eligible for reimbursement of fifty percent (50%) of the cost of the project;*
- (c) *Require the remaining project costs to be paid by matching funds from:*
1. *A private source, including but not limited to financial institutions that serve distribution cooperatives;*
 2. *A city, county, urban-county government, or consolidated local government; or*
 3. *Any combination of matching moneys provided under subparagraphs 1. and 2. of this paragraph;*
- (d) *Allow eligible project expenses, including those that are incurred starting on or after the date in the written acknowledgement of acceptance issued under paragraph (f) of this subsection and ending at the conclusion of the grant project, or grant project contractual term, whichever is earlier, and may include:*
1. *Project engineering or design plans;*
 2. *Permitting;*
 3. *Pre-construction costs to make ready the project site;*
 4. *Outside plant materials, including fiber; poles, hardware, conduit or splitters;*
 5. *Labor, construction management, and equipment; and*

6. *Installation and testing of the broadband services;*
- (e) *Make a determination that an application meets the funding criteria, unless the proposed project area is found to be partially served, in which case the application may be amended and partial funding based on the partial service provided may be granted; and*
- (f) 1. *Issue within sixty (60) days of receipt of an application for grant funds, except in the case of a challenged application under the timeline in subsection (7) of this section, a written acknowledgement of either:*
- a. *Acceptance;*
 - b. *Denial and any reasons for denial of the application; or*
 - c. *A request for additional information to process the application listing the specific information required; and*
2. *Issue grant funds to the applicant by the fifteenth day of the month, or the next business day if the fifteenth day falls on a weekend day or state or federal holiday, when a complete requisition of funds packet is received prior to the fifth day of the month.*
- (10) *The office shall not reimburse applicants for special construction charges, including fees or charges imposed upon the end user as a condition of receiving broadband service at an address.*
- (11) *The office may provide an incentive for timely completion or a disincentive for not meeting agreed upon timeframes.*
- (12) *Grant funds awarded to an applicant to supplement the applicant's federal fund award may not be used for costs that will be reimbursed by the other federal funds.*
- (13) No funds shall be used:
- (a) *To support any broadband deployment project involving the upgrade of an existing facility **already delivering broadband services, including an upgrade of existing wireline, or terrestrial infrastructure capable of delivering services greater than twenty-five (25) megabits per second downstream and three (3) megabits per second upstream;** or*
 - (b) *For non-capital expenses, non-broadband services, marketing, or advertising. ~~[The broadband deployment project area shall be described by census block including the specific addresses to be serviced or by shapefile geospatial data.]~~*
- ~~(10) Grant applicants shall pay a minimum of fifty percent (50%) of the project cost which shall not include any matching funds received from federal or state government grants for broadband deployment in the project area.]~~
- ~~(14)(11)~~ *Moneys in this fund shall not be used by or transferred to the Kentucky Communications Network Authority.*
- (15) (a) ~~(12)~~ *To carry out the purposes of this section, the **office may**~~[authority shall]~~ promulgate administration regulations **under**~~[in accordance with]~~ KRS Chapter 13A.~~[Within one hundred eighty (180) days of July 15, 2020, the authority shall promulgate regulations to implement the provisions of this section and KRS 224A.011, 224A.110, and 224A.112 and govern the submission, review, and approval of applications and the administration of broadband deployment projects.]~~*
- (b) *The **office**~~[authority]~~ shall not promulgate any regulations that place obligations on the applicants that are more restrictive than applicable federal or state law.~~[Except as otherwise provided in this section, all of the authority's records relating to the broadband deployment fund shall be deemed confidential unless disclosure is required under the provisions of the Open Records Act, KRS 61.870 to 61.884.]~~*
- (c) *In the event that any state law or administrative regulation affecting the broadband deployment fund conflicts with any federal law or regulation related to federal broadband funding, the federal law or regulation shall govern. The office may adopt state and local program requirements to comply with all federal laws and regulation related to federal broadband funding.*

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

- (1) *The General Assembly hereby finds and declares that:*

- (a) *A rural infrastructure improvement fund, and a program to administer the fund, is necessary to further the Commonwealth's goal to expand and accelerate access to broadband service throughout the entire Commonwealth; and*
- (b) *Supporting the replacement of utility poles will provide benefits to Kentucky residents by:*
1. *Facilitating the construction of broadband networks;*
 2. *Minimizing the potential for disputes between broadband providers and utility pole owners that could otherwise delay deployment;*
 3. *Improving the resiliency and longevity of broadband infrastructure; and*
 4. *Addressing needs for broadband investment not yet fully met by existing programs.*
- (2) *As used in this section:*
- (a) *"Application" means an application made under subsection (4) of this section for eligible pole replacement costs;*
- (b) *"Eligible pole replacement":*
1. *Means the removal of an existing utility pole and replacement with a new utility pole in an unserved area in order to accommodate the attachment of facilities to be used, in whole or in part, by a retail provider to provide qualifying broadband service access to residences or businesses within an unserved area; and*
 2. *Does not include the removal and replacement of a utility pole in order to accommodate facilities used only for the provision of wholesale broadband or data transport service, where the owner of the facilities, or its affiliate, does not use the facilities to provide qualifying broadband services directly to residences or businesses;*
- (c) *"Eligible pole replacement costs":*
1. *Means:*
 - a. *The actual and reasonable costs paid or incurred to perform an eligible pole replacement;*
 - b. *The amounts of any expenditures to remove and dispose of the existing utility pole, to purchase and install a replacement utility pole, or to transfer any existing facilities to the new pole; and*
 - c. *The costs of reimbursing another party for the costs of performing an eligible pole replacement, when paid or incurred by the person responsible for the costs; and*
 2. *Does not include:*
 - a. *Costs paid or incurred to perform an eligible pole replacement by a party who is not responsible for those costs, and which are charged or passed along to the responsible party;*
 - b. *Costs for which the party incurring or paying the costs separately has received or is entitled to receive reimbursement under the terms of a state or federal grant program for the deployment of broadband facilities; and*
 - c. *The receipt of a state or federal grant where the pole replacement costs, for which reimbursement is requested, exceed the pole replacement costs that were reasonably anticipated at the time of, or on which the amount of, the other support funding was predicated.*

Costs are considered separately reimbursed for purposes of this paragraph if the amount of an award under another state or federal broadband program included consideration, by the awarding entity, of the pole replacement costs by the applicant;
- (d) *"Fund" means the rural infrastructure improvement fund established by subsection (3) of this section;*
- (e) *"Pole owner" means any person or entity that owns or controls a utility pole;*

- (f) *"Program" means the Kentucky Rural Infrastructure Improvement Program established by subsection (4) of this section;*
 - (g) *"Qualifying broadband service" means a retail wireline broadband service capable of delivering Internet access at speeds of at least one hundred (100) megabits per second in both the downstream and upstream directions, and with latency at a level sufficient to permit real-time, interactive applications; and*
 - (h) *"Utility pole" means any pole used, in whole or in part, for any wire communications or electric distribution, regardless of the owner or operator of the pole.*
- (3) (a) *There is created within the State Treasury a trust and agency account to be known as the rural infrastructure improvement fund, consisting of moneys appropriated by the General Assembly, federal funds, grants, and gifts.*
- (b) *The fund shall be administered by the Office of Broadband Development and all money deposited in the fund shall be used:*
- 1. *By the office to provide reimbursements to qualified applicants under the Rural Infrastructure Improvement Program established under subsection (4) of this section;*
 - 2. *For the purposes of covering the costs of program administration and operation; and*
 - 3. *In a manner consistent with federal law.*
- (c) *Notwithstanding KRS 45.229, any moneys remaining in the fund at the close of the fiscal year shall not lapse but shall be carried forward into the succeeding fiscal year to be used for the purposes set forth in this section.*
- (d) *Interest earned on money deposited to the credit of the fund shall be retained in the fund and shall not lapse.*
- (e) *Moneys deposited in the fund are hereby appropriated for the purposes in this section.*
- (4) (a) *There is hereby established the Kentucky Rural Infrastructure Improvement Program for the purpose of expediting and facilitating the deployment of broadband service to individuals, businesses, agricultural operations, and community access points in unserved areas by reimbursing a portion of eligible pole replacement costs incurred by eligible applicants.*
- (b) *The office shall administer and provide staff assistance for the program and shall be responsible for receiving, reviewing, and approving applications for pole reimbursements.*
- (c) *The office shall award pole reimbursements from moneys in the fund created by subsection (3) of this section until all moneys in the fund are exhausted.*
- (d) *No later than September 1, 2022, the office shall:*
- 1. *Promulgate administrative regulations under KRS Chapter 13A necessary for the administration of this section;*
 - 2. *Publish an application for pole replacement reimbursements that shall require:*
 - a. *Information sufficient to establish the number, cost, and eligibility of eligible pole replacements that qualify for reimbursement;*
 - b. *Documentation sufficient to establish that the claimed eligible pole replacements have been completed, including receipts verifying the amount of eligible pole replacement costs paid by the applicant;*
 - c. *The amount of program reimbursement requested in the application and any grant funding or accounting information required to justify the amount of the request;*
 - d.
 - i. *A statement that the costs for which reimbursement is requested have not been reimbursed through any other state or federal broadband grant program.*
 - ii. *If the applicant is a recipient of funding from another program, the statement shall include an explanation of how the costs for which reimbursement is requested exceed the pole replacement costs on which the original award was predicated or that were reasonably anticipated at the time of the original award;*

- e. *A notarized statement from an officer or agent of the applicant that the contents of the application are true and accurate and that the applicant accepts the requirements of this section and any promulgated administrative regulations as a condition of receiving an award of program reimbursement; and*
 - f. *Any other information necessary for the office to comply with any conditions on federal funding used in connection with the program; and*
3. *Publish and maintain on its Web site:*
- a. *Statistics on the number of applications received, processed, and rejected by the office under the pole replacement program;*
 - b. *Statistics on the size, number, and status of reimbursements awarded by the office under the pole replacement program, including the pole owners and broadband providers receiving reimbursements; and*
 - c. *The amount of money remaining in the fund.*
- (e) *An applicant who incurs or pays the costs of an eligible pole replacement to accommodate broadband facilities consistent with this section may apply to the office for reimbursement.*
- (f) *As a condition of receiving reimbursement under this subsection, an applicant shall:*
- 1. *Certify its compliance with the requirements of this section;*
 - 2. *Agree to comply with any requirements that the office determines to be necessary conditions on federal funding used in connection with the program;*
 - 3. *Agree to refund, with interest at the applicable federal funds rate as specified by KRS 355.4A-506, to the fund, any reimbursements or portions of reimbursements received from the fund under this subsection, if the office finds, upon substantial evidence and after notice and opportunity to respond, that the recipient materially violated any of the requirements agreed to under this section;*
 - 4. *Agree that no funds awarded by the program will be used to meet any cash match requirement under any other broadband program administered by the Commonwealth or one (1) of its subdivisions;*
 - 5. *Agree to submit reports as the office may require regarding broadband deployment facilitated by the program, which may include reports demonstrating that an application that has received a federally funded award is meeting or exceeding buildout requirements contained in that award; and*
 - 6. *Agree to not include in any rates or fees charged for its services any eligible pole replacement costs that were reimbursed by the program, paid for by a broadband provider, or funded by another grant source.*
- (g)
- 1. *If the necessary information is not otherwise reasonably available to the applicant, the applicant may request a pole owner performing an eligible pole replacement to provide the number and costs of the pole replacements, receipts verifying the amount of pole replacement costs paid by the applicant, and confirmation that the pole replacement costs were incurred to accommodate the applicant's attachment and not due to some other reason.*
 - 2. *In the event the office requires additional information from an applicant following the submission of an application to confirm the eligibility of costs in an application that is in the possession of the pole owner and not otherwise reasonably available to the applicant, the applicant may also request that the pole owner assist with providing the information as requested by the office.*
 - 3. *A pole owner shall coordinate in good faith to provide the information to the applicant, and may require reimbursement from the broadband provider of its actual and reasonable administrative expenses in connection with the coordination, which shall not exceed five percent (5%) of the eligible pole replacement costs.*
 - 4. *Administrative costs that a broadband provider reimburses to a pole owner under this subsection are not eligible for reimbursement from the fund as eligible pole replacement costs.*

- (h) *Within sixty (60) days of receipt of a completed application establishing the eligibility of costs for reimbursement, and to the extent that moneys are available in the fund, the office shall award the lesser of:*
1. *Five thousand dollars (\$5,000) for each pole replaced; or*
 2. *Fifty percent (50%) of the total amount incurred or paid by the applicant for eligible pole replacement costs.*
- (i) *Any application pending at the exhaustion of the moneys in the fund shall be deemed denied but may be refiled if sufficient moneys are later made available in the fund.*
- (j) *No later than one (1) year after the fund receives moneys for the purpose of providing pole replacement reimbursements to qualified applicants, the authority shall, on an annual basis, cause to be conducted an independent audit of the office's administration of the fund for compliance with the requirements of this section. This audit may be performed by either the Auditor of Public Accounts or a certified public accountant in conjunction with the annual audit of the authority. The authority shall comply with the provisions of KRS 45.149 before entering into a contract for audit services with a certified public accountant.*
- (5) *A broadband provider's use of funds reimbursed under this subsection to pay eligible pole replacement costs shall have no effect on the subsequent ownership of any replacement pole purchases and installed by a pole owner using the funds.*

➔Section 6. KRS 278.5461 is amended to read as follows:

In addition to the definitions in KRS 278.010 and KRS 278.516(2), for KRS 278.546 to 278.5462, ~~the following definitions shall apply:~~

- (1) ~~"Broadband" means any service that is used to deliver video or to provide access to the Internet and that consists of the offering of the capability to transmit information at a rate that is generally not less than two hundred (200) kilobits per second in at least one direction; or any service that combines computer processing, information storage, and protocol conversion to enable users to access Internet content and services. Nothing in this definition shall be construed to include any intrastate service, other than digital subscriber line service, tariffed at the commission as of July 15, 2004.~~
- (2) ~~"local exchange carrier" means any company certified by the commission to provide local exchange telecommunications service in the Commonwealth on or before June 30, 1995.~~

➔Section 7. KRS 278.5464 is amended to read as follows:

- (1) The General Assembly recognizes and declares:
- (a) The provision of broadband service to residential, commercial, and industrial customers is critical to securing a sound economy and promoting the general welfare of the Commonwealth; and
 - (b) Distribution cooperatives are able to access and leverage federal funding to extend and enhance the availability of broadband service to Kentucky residents who are currently unserved or underserved.
- (2) As used in this section:
- (a) ~~"Broadband" means any wireline, fixed wireless, or fixed terrestrial technology having a capacity to transmit data from or to the Internet with a minimum speed of twenty five (25) megabits per second downstream and three (3) megabits per second upstream as defined by the Federal Communications Commission or the United States Department of Agriculture and any amendments to those definitions. If the agencies use different speed definitions, the faster speed definition shall apply;~~
 - (b) ~~"Underserved area" has the same meaning as in Section 2 of this Act[means any project area where broadband service with a minimum twenty five (25) megabits per second downstream and three (3) megabits per second upstream is not available]; and~~
 - (b)(c) ~~"Unserved area" has the same meaning as in Section 2 of this Act[means any project area where broadband service with a minimum ten (10) megabits per second downstream and one (1) megabit per second upstream is not available].~~
- (3) Notwithstanding any other statute to the contrary, ~~the~~

- (a) ~~]~~a distribution cooperative may facilitate the operation of an affiliate engaged exclusively in the provision of broadband service to unserved or underserved households and businesses by:
- (a) ~~[1.]~~ **Constructing and** leasing excess capacity on any fiber optic cable **for broadband service which shall not require a certificate of public convenience and necessity under KRS 278.020; however, the construction of fiber optic cable** used to support the distribution cooperative's **electric** distribution system **shall require a certificate of public convenience and necessity under KRS 278.020;**
 - (b) ~~[2.]~~ Issuing securities or evidences of indebtedness in an amount not to exceed twenty-five percent (25%) of the net book value of its assets, the proceeds of which shall be used for the exclusive purpose of capitalizing the affiliate; or
 - (c) ~~[3.]~~ Pledging up to twenty-five percent (25%) of the net book value of its assets as collateral for a loan entered into by the affiliate for the purpose of providing broadband services~~]; and~~
 - (b) ~~The commission shall grant approval of the leasing of excess capacity, the issuing of securities or evidences of indebtedness, or the pledging of assets upon a finding the proposal is in the public interest.~~
- (4) ~~The commission shall take into consideration the policy of encouraging the provision of broadband service to unserved or underserved households and businesses throughout the Commonwealth when determining whether:~~
- (a) ~~The proposed investment will result in wasteful duplication of investment in the case of any distribution cooperative's application for a certificate of public convenience and necessity under KRS 278.020 that includes the construction of a fiber optic cable system with capacity in excess of that which is necessary to support the distribution cooperative's system under subsection (3)(a)1. of this section; and~~
 - (b) ~~The issuance or assumption of securities or evidence of indebtedness satisfies the criteria of KRS 278.300(3) in the case of any distribution cooperative's application for approval of an issuance of securities or evidence of indebtedness or pledge of assets under subsection (3)(a)2. and 3. of this section].~~
- (4) ~~(5)]~~ A distribution cooperative shall comply with the cost allocation requirements of:
- (a) KRS 278.2201, 278.2203, 278.2205, 278.2207, 278.2209, and 278.2211; and
 - (b) Only KRS 278.2213(1) and (3) with regard to any costs associated with its facilitation of an affiliate's provision of broadband services.
- (5) ~~(6)]~~ ~~[Prior to December 31, 2021,]~~The commission shall promulgate administrative regulations regarding pole attachments under the commission's jurisdiction, including those necessary for the provision of broadband service.
- (6) ***Before broadband services may be offered under this section, a distribution cooperative shall, by resolution of the board of directors and spread upon its minutes, have an economic feasibility study conducted. The feasibility study shall be provided to the commission and made available to distribution cooperative members upon request.***
- (7) ***A distribution cooperative shall not allow the installation or operation of a broadband system on its electric delivery system by an affiliate or other broadband operator to diminish the reliability of the electric delivery system.***
- (8) ***A distribution cooperative shall not require any person to purchase broadband services from an affiliate or other broadband operator as a condition of receiving or continuing to receive electric energy from the distribution cooperative.***
- (9) ***A distribution cooperative shall not disconnect or threaten to disconnect its electric service to any customer due to the customer's failure to pay for broadband services provided to the customer by an affiliate or other broadband operator.***
- (10) ***Every distribution cooperative shall conduct an annual audit of compliance with this section, which shall be provided to the commission and made available to distribution cooperative members upon request.***
- (11) ***The commission shall have no jurisdiction over the creation or operation of an distribution cooperative's broadband affiliate, except as referred to in subsection (4) of this section.***

➔Section 8. KRS 139.010 is amended to read as follows:

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

- (1) (a) "Admissions" means the fees paid for:
 1. The right of entrance to a display, program, sporting event, music concert, performance, play, show, movie, exhibit, fair, or other entertainment or amusement event or venue; and
 2. The privilege of using facilities or participating in an event or activity, including but not limited to:
 - a. Bowling centers;
 - b. Skating rinks;
 - c. Health spas;
 - d. Swimming pools;
 - e. Tennis courts;
 - f. Weight training facilities;
 - g. Fitness and recreational sports centers; and
 - h. Golf courses, both public and private;regardless of whether the fee paid is per use or in any other form, including but not limited to an initiation fee, monthly fee, membership fee, or combination thereof.
- (b) "Admissions" does not include:
 1. Any fee paid to enter or participate in a fishing tournament; or
 2. Any fee paid for the use of a boat ramp for the purpose of allowing boats to be launched into or hauled out from the water;
- (2) "Advertising and promotional direct mail" means direct mail the primary purpose of which is to attract public attention to a product, person, business, or organization, or to attempt to sell, popularize, or secure financial support for a product, person, business, or organization. As used in this definition, "product" means tangible personal property, an item transferred electronically, or a service;
- (3) "Business" includes any activity engaged in by any person or caused to be engaged in by that person with the object of gain, benefit, or advantage, either direct or indirect;
- (4) "Commonwealth" means the Commonwealth of Kentucky;
- (5) "Department" means the Department of Revenue;
- (6) (a) "Digital audio-visual works" means a series of related images which, when shown in succession, impart an impression of motion, with accompanying sounds, if any.
- (b) "Digital audio-visual works" includes movies, motion pictures, musical videos, news and entertainment programs, and live events.
- (c) "Digital audio-visual works" shall not include video greeting cards, video games, and electronic games;
- (7) (a) "Digital audio works" means works that result from the fixation of a series of musical, spoken, or other sounds.
- (b) "Digital audio works" includes ringtones, recorded or live songs, music, readings of books or other written materials, speeches, or other sound recordings.
- (c) "Digital audio works" shall not include audio greeting cards sent by electronic mail;
- (8) (a) "Digital books" means works that are generally recognized in the ordinary and usual sense as books, including any literary work expressed in words, numbers, or other verbal or numerical symbols or indicia if the literary work is generally recognized in the ordinary or usual sense as a book.
- (b) "Digital books" shall not include digital audio-visual works, digital audio works, periodicals, magazines, newspapers, or other news or information products, chat rooms, or Web logs;

- (9) (a) "Digital code" means a code which provides a purchaser with a right to obtain one (1) or more types of digital property. A "digital code" may be obtained by any means, including electronic mail messaging or by tangible means, regardless of the code's designation as a song code, video code, or book code.
- (b) "Digital code" shall not include a code that represents:
1. A stored monetary value that is deducted from a total as it is used by the purchaser; or
 2. A redeemable card, gift card, or gift certificate that entitles the holder to select specific types of digital property;
- (10) (a) "Digital property" means any of the following which is transferred electronically:
1. Digital audio works;
 2. Digital books;
 3. Finished artwork;
 4. Digital photographs;
 5. Periodicals;
 6. Newspapers;
 7. Magazines;
 8. Video greeting cards;
 9. Audio greeting cards;
 10. Video games;
 11. Electronic games; or
 12. Any digital code related to this property.
- (b) "Digital property" shall not include digital audio-visual works or satellite radio programming;
- (11) (a) "Direct mail" means printed material delivered or distributed by United States mail or other delivery service to a mass audience or to addressees on a mailing list provided by the purchaser or at the direction of the purchaser when the cost of the items are not billed directly to the recipient.
- (b) "Direct mail" includes tangible personal property supplied directly or indirectly by the purchaser to the direct mail retailer for inclusion in the package containing the printed material.
- (c) "Direct mail" does not include multiple items of printed material delivered to a single address;
- (12) "Directly used in the manufacturing or industrial processing process" means the process that commences with the movement of raw materials from storage into a continuous, unbroken, integrated process and ends when the finished product is packaged and ready for sale;
- (13) (a) "Extended warranty services" means services provided through a service contract agreement between the contract provider and the purchaser where the purchaser agrees to pay compensation for the contract and the provider agrees to repair, replace, support, or maintain tangible personal property or digital property according to the terms of the contract if:
1. The service contract agreement is sold or purchased on or after July 1, 2018; and
 2. The tangible personal property or digital property for which the service contract agreement is provided is subject to tax under this chapter or under KRS 138.460.
- (b) "Extended warranty services" does not include the sale of a service contract agreement for tangible personal property to be used by a small telephone utility as defined in KRS 278.516 or a Tier III CMRS provider as defined in KRS 65.7621 to deliver communications services as defined in KRS 136.602 or broadband ~~as defined in KRS 278.5461~~;
- (14) (a) "Finished artwork" means final art that is used for actual reproduction by photomechanical or other processes or for display purposes.
- (b) "Finished artwork" includes:
1. Assemblies;

2. Charts;
 3. Designs;
 4. Drawings;
 5. Graphs;
 6. Illustrative materials;
 7. Lettering;
 8. Mechanicals;
 9. Paintings; and
 10. Paste-ups;
- (15) (a) "Gross receipts" and "sales price" mean the total amount or consideration, including cash, credit, property, and services, for which tangible personal property, digital property, or services are sold, leased, or rented, valued in money, whether received in money or otherwise, without any deduction for any of the following:
1. The retailer's cost of the tangible personal property, digital property, or services sold;
 2. The cost of the materials used, labor or service cost, interest, losses, all costs of transportation to the retailer, all taxes imposed on the retailer, or any other expense of the retailer;
 3. Charges by the retailer for any services necessary to complete the sale;
 4. Delivery charges, which are defined as charges by the retailer for the preparation and delivery to a location designated by the purchaser including transportation, shipping, postage, handling, crating, and packing;
 5. Any amount for which credit is given to the purchaser by the retailer, other than credit for tangible personal property or digital property traded when the tangible personal property or digital property traded is of like kind and character to the property purchased and the property traded is held by the retailer for resale; and
 6. The amount charged for labor or services rendered in installing or applying the tangible personal property, digital property, or service sold.
- (b) "Gross receipts" and "sales price" shall include consideration received by the retailer from a third party if:
1. The retailer actually receives consideration from a third party and the consideration is directly related to a price reduction or discount on the sale to the purchaser;
 2. The retailer has an obligation to pass the price reduction or discount through to the purchaser;
 3. The amount of consideration attributable to the sale is fixed and determinable by the retailer at the time of the sale of the item to the purchaser; and
 4. One (1) of the following criteria is met:
 - a. The purchaser presents a coupon, certificate, or other documentation to the retailer to claim a price reduction or discount where the coupon, certificate, or documentation is authorized, distributed, or granted by a third party with the understanding that the third party will reimburse any seller to whom the coupon, certificate, or documentation is presented;
 - b. The price reduction or discount is identified as a third-party price reduction or discount on the invoice received by the purchaser or on a coupon, certificate, or other documentation presented by the purchaser; or
 - c. The purchaser identifies himself or herself to the retailer as a member of a group or organization entitled to a price reduction or discount. A "preferred customer" card that is available to any patron does not constitute membership in such a group.
- (c) "Gross receipts" and "sales price" shall not include:

1. Discounts, including cash, term, or coupons that are not reimbursed by a third party and that are allowed by a retailer and taken by a purchaser on a sale;
 2. Interest, financing, and carrying charges from credit extended on the sale of tangible personal property, digital property, or services, if the amount is separately stated on the invoice, bill of sale, or similar document given to the purchaser;
 3. Any taxes legally imposed directly on the purchaser that are separately stated on the invoice, bill of sale, or similar document given to the purchaser; or
 4. Local alcohol regulatory license fees authorized under KRS 243.075 that are separately stated on the invoice, bill of sale, or similar document given to the purchaser.
- (d) As used in this subsection, "third party" means a person other than the purchaser;
- (16) "In this state" or "in the state" means within the exterior limits of the Commonwealth and includes all territory within these limits owned by or ceded to the United States of America;
- (17) "Industrial processing" includes:
- (a) Refining;
 - (b) Extraction of minerals, ores, coal, clay, stone, petroleum, or natural gas;
 - (c) Mining, quarrying, fabricating, and industrial assembling;
 - (d) The processing and packaging of raw materials, in-process materials, and finished products; and
 - (e) The processing and packaging of farm and dairy products for sale;
- (18) (a) "Lease or rental" means any transfer of possession or control of tangible personal property for a fixed or indeterminate term for consideration. A lease or rental shall include future options to:
1. Purchase the property; or
 2. Extend the terms of the agreement and agreements covering trailers where the amount of consideration may be increased or decreased by reference to the amount realized upon sale or disposition of the property as defined in 26 U.S.C. sec. 7701(h)(1).
- (b) "Lease or rental" shall not include:
1. A transfer of possession or control of property under a security agreement or deferred payment plan that requires the transfer of title upon completion of the required payments;
 2. A transfer of possession or control of property under an agreement that requires the transfer of title upon completion of the required payments and payment of an option price that does not exceed the greater of one hundred dollars (\$100) or one percent (1%) of the total required payments; or
 3. Providing tangible personal property and an operator for the tangible personal property for a fixed or indeterminate period of time. To qualify for this exclusion, the operator must be necessary for the equipment to perform as designed, and the operator must do more than maintain, inspect, or setup the tangible personal property.
- (c) This definition shall apply regardless of the classification of a transaction under generally accepted accounting principles, the Internal Revenue Code, or other provisions of federal, state, or local law;
- (19) (a) "Machinery for new and expanded industry" means machinery:
1. Directly used in the manufacturing or industrial processing process of:
 - a. Tangible personal property at a plant facility;
 - b. Distilled spirits or wine at a plant facility or on the premises of a distiller, rectifier, winery, or small farm winery licensed under KRS 243.030 that includes a retail establishment on the premises; or
 - c. Malt beverages at a plant facility or on the premises of a brewer or microbrewery licensed under KRS 243.040 that includes a retail establishment;
 2. Which is incorporated for the first time into:

- a. A plant facility established in this state; or
 - b. Licensed premises located in this state; and
3. Which does not replace machinery in the plant facility or licensed premises unless that machinery purchased to replace existing machinery:
- a. Increases the consumption of recycled materials at the plant facility by not less than ten percent (10%);
 - b. Performs different functions;
 - c. Is used to manufacture a different product; or
 - d. Has a greater productive capacity, as measured in units of production, than the machinery being replaced.
- (b) "Machinery for new and expanded industry" does not include repair, replacement, or spare parts of any kind, regardless of whether the purchase of repair, replacement, or spare parts is required by the manufacturer or seller as a condition of sale or as a condition of warranty;
- (20) "Manufacturing" means any process through which material having little or no commercial value for its intended use before processing has appreciable commercial value for its intended use after processing by the machinery;
- (21) "Marketplace" means any physical or electronic means through which one (1) or more retailers may advertise and sell tangible personal property, digital property, or services, or lease tangible personal property or digital property, such as a catalog, Internet Web site, or television or radio broadcast, regardless of whether the tangible personal property, digital property, or retailer is physically present in this state;
- (22) (a) "Marketplace provider" means a person, including any affiliate of the person, that facilitates a retail sale by satisfying subparagraphs 1. and 2. of this paragraph as follows:
1. The person directly or indirectly:
 - a. Lists, makes available, or advertises tangible personal property, digital property, or services for sale by a marketplace retailer in a marketplace owned, operated, or controlled by the person;
 - b. Facilitates the sale of a marketplace retailer's product through a marketplace by transmitting or otherwise communicating an offer or acceptance of a retail sale of tangible personal property, digital property, or services between a marketplace retailer and a purchaser in a forum including a shop, store, booth, catalog, Internet site, or similar forum;
 - c. Owns, rents, licenses, makes available, or operates any electronic or physical infrastructure or any property, process, method, copyright, trademark, or patent that connects marketplace retailers to purchasers for the purpose of making retail sales of tangible personal property, digital property, or services;
 - d. Provides a marketplace for making retail sales of tangible personal property, digital property, or services, or otherwise facilitates retail sales of tangible personal property, digital property, or services, regardless of ownership or control of the tangible personal property, digital property, or services, that are the subject of the retail sale;
 - e. Provides software development or research and development activities related to any activity described in this subparagraph, if the software development or research and development activities are directly related to the physical or electronic marketplace provided by a marketplace provider;
 - f. Provides or offers fulfillment or storage services for a marketplace retailer;
 - g. Sets prices for a marketplace retailer's sale of tangible personal property, digital property, or services;
 - h. Provides or offers customer service to a marketplace retailer or a marketplace retailer's customers, or accepts or assists with taking orders, returns, or exchanges of tangible personal property, digital property, or services sold by a marketplace retailer; or

- i. Brands or otherwise identifies sales as those of the marketplace provider; and
 2. The person directly or indirectly:
 - a. Collects the sales price or purchase price of a retail sale of tangible personal property, digital property, or services;
 - b. Provides payment processing services for a retail sale of tangible personal property, digital property, or services;
 - c. Through terms and conditions, agreements, or arrangements with a third party, collects payment in connection with a retail sale of tangible personal property, digital property, or services from a purchaser and transmits that payment to the marketplace retailer, regardless of whether the person collecting and transmitting the payment receives compensation or other consideration in exchange for the service; or
 - d. Provides a virtual currency that purchasers are allowed or required to use to purchase tangible personal property, digital property, or services.
 - (b) "Marketplace provider" includes but is not limited to a person that satisfies the requirements of this subsection through the ownership, operation, or control of a digital distribution service, digital distribution platform, online portal, or application store;
- (23) "Marketplace retailer" means a seller that makes retail sales through any marketplace owned, operated, or controlled by a marketplace provider;
- (24) (a) "Occasional sale" includes:
 1. A sale of tangible personal property or digital property not held or used by a seller in the course of an activity for which he or she is required to hold a seller's permit, provided such sale is not one (1) of a series of sales sufficient in number, scope, and character to constitute an activity requiring the holding of a seller's permit. In the case of the sale of the entire, or a substantial portion of the nonretail assets of the seller, the number of previous sales of similar assets shall be disregarded in determining whether or not the current sale or sales shall qualify as an occasional sale; or
 2. Any transfer of all or substantially all the tangible personal property or digital property held or used by a person in the course of such an activity when after such transfer the real or ultimate ownership of such property is substantially similar to that which existed before such transfer.
- (b) For the purposes of this subsection, stockholders, bondholders, partners, or other persons holding an interest in a corporation or other entity are regarded as having the "real or ultimate ownership" of the tangible personal property or digital property of such corporation or other entity;
- (25) (a) "Other direct mail" means any direct mail that is not advertising and promotional direct mail, regardless of whether advertising and promotional direct mail is included in the same mailing.
- (b) "Other direct mail" includes but is not limited to:
 1. Transactional direct mail that contains personal information specific to the addressee, including but not limited to invoices, bills, statements of account, and payroll advices;
 2. Any legally required mailings, including but not limited to privacy notices, tax reports, and stockholder reports; and
 3. Other nonpromotional direct mail delivered to existing or former shareholders, customers, employees, or agents, including but not limited to newsletters and informational pieces.
- (c) "Other direct mail" does not include the development of billing information or the provision of any data processing service that is more than incidental to the production of printed material;
- (26) "Person" includes any individual, firm, copartnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, trustee, syndicate, cooperative, assignee, governmental unit or agency, or any other group or combination acting as a unit;
- (27) "Permanent," as the term applies to digital property, means perpetual or for an indefinite or unspecified length of time;

- (28) "Plant facility" means a single location that is exclusively dedicated to manufacturing or industrial processing activities. A location shall be deemed to be exclusively dedicated to manufacturing or industrial processing activities even if retail sales are made there, provided that the retail sales are incidental to the manufacturing or industrial processing activities occurring at the location. The term "plant facility" shall not include any restaurant, grocery store, shopping center, or other retail establishment;
- (29) (a) "Prewritten computer software" means:
1. Computer software, including prewritten upgrades, that are not designed and developed by the author or other creator to the specifications of a specific purchaser;
 2. Software designed and developed by the author or other creator to the specifications of a specific purchaser when it is sold to a person other than the original purchaser; or
 3. Any portion of prewritten computer software that is modified or enhanced in any manner, where the modification or enhancement is designed and developed to the specifications of a specific purchaser, unless there is a reasonable, separately stated charge on an invoice or other statement of the price to the purchaser for the modification or enhancement.
- (b) When a person modifies or enhances computer software of which the person is not the author or creator, the person shall be deemed to be the author or creator only of the modifications or enhancements the person actually made.
- (c) The combining of two (2) or more prewritten computer software programs or portions thereof does not cause the combination to be other than prewritten computer software;
- (30) (a) "Purchase" means any transfer of title or possession, exchange, barter, lease, or rental, conditional or otherwise, in any manner or by any means whatsoever, of:
1. Tangible personal property;
 2. An extended warranty service;
 3. Digital property transferred electronically; or
 4. Services included in KRS 139.200;
- for a consideration.
- (b) "Purchase" includes:
1. When performed outside this state or when the customer gives a resale certificate, the producing, fabricating, processing, printing, or imprinting of tangible personal property for a consideration for consumers who furnish either directly or indirectly the materials used in the producing, fabricating, processing, printing, or imprinting;
 2. A transaction whereby the possession of tangible personal property or digital property is transferred but the seller retains the title as security for the payment of the price; and
 3. A transfer for a consideration of the title or possession of tangible personal property or digital property which has been produced, fabricated, or printed to the special order of the customer, or of any publication;
- (31) "Recycled materials" means materials which have been recovered or diverted from the solid waste stream and reused or returned to use in the form of raw materials or products;
- (32) "Recycling purposes" means those activities undertaken in which materials that would otherwise become solid waste are collected, separated, or processed in order to be reused or returned to use in the form of raw materials or products;
- (33) "Remote retailer" means a retailer with no physical presence in this state;
- (34) (a) "Repair, replacement, or spare parts" means any tangible personal property used to maintain, restore, mend, or repair machinery or equipment.
- (b) "Repair, replacement, or spare parts" does not include machine oils, grease, or industrial tools;
- (35) (a) "Retailer" means:

1. Every person engaged in the business of making retail sales of tangible personal property, digital property, or furnishing any services in a retail sale included in KRS 139.200;
 2. Every person engaged in the business of making sales at auction of tangible personal property or digital property owned by the person or others for storage, use or other consumption, except as provided in paragraph (c) of this subsection;
 3. Every person making more than two (2) retail sales of tangible personal property, digital property, or services included in KRS 139.200 during any twelve (12) month period, including sales made in the capacity of assignee for the benefit of creditors, or receiver or trustee in bankruptcy;
 4. Any person conducting a race meeting under the provision of KRS Chapter 230, with respect to horses which are claimed during the meeting.
- (b) When the department determines that it is necessary for the efficient administration of this chapter to regard any salesmen, representatives, peddlers, or canvassers as the agents of the dealers, distributors, supervisors or employers under whom they operate or from whom they obtain the tangible personal property, digital property, or services sold by them, irrespective of whether they are making sales on their own behalf or on behalf of the dealers, distributors, supervisors or employers, the department may so regard them and may regard the dealers, distributors, supervisors or employers as retailers for purposes of this chapter.
- (c)
1. Any person making sales at a charitable auction for a qualifying entity shall not be a retailer for purposes of the sales made at the charitable auction if:
 - a. The qualifying entity, not the person making sales at the auction, is sponsoring the auction;
 - b. The purchaser of tangible personal property at the auction directly pays the qualifying entity sponsoring the auction for the property and not the person making the sales at the auction; and
 - c. The qualifying entity, not the person making sales at the auction, is responsible for the collection, control, and disbursement of the auction proceeds.
 2. If the conditions set forth in subparagraph 1. of this paragraph are met, the qualifying entity sponsoring the auction shall be the retailer for purposes of the sales made at the charitable auction.
 3. For purposes of this paragraph, "qualifying entity" means a resident:
 - a. Church;
 - b. School;
 - c. Civic club; or
 - d. Any other nonprofit charitable, religious, or educational organization;
- (36) "Retail sale" means any sale, lease, or rental for any purpose other than resale, sublease, or subrent;
- (37) (a) "Ringtones" means digitized sound files that are downloaded onto a device and that may be used to alert the customer with respect to a communication.
- (b) "Ringtones" shall not include ringback tones or other digital files that are not stored on the purchaser's communications device;
- (38) (a) "Sale" means:
1. The furnishing of any services included in KRS 139.200;
 2. Any transfer of title or possession, exchange, barter, lease, or rental, conditional or otherwise, in any manner or by any means whatsoever, of:
 - a. Tangible personal property; or
 - b. Digital property transferred electronically;
- for a consideration.

- (b) "Sale" includes but is not limited to:
1. The producing, fabricating, processing, printing, or imprinting of tangible personal property or digital property for a consideration for purchasers who furnish, either directly or indirectly, the materials used in the producing, fabricating, processing, printing, or imprinting;
 2. A transaction whereby the possession of tangible personal property or digital property is transferred, but the seller retains the title as security for the payment of the price; and
 3. A transfer for a consideration of the title or possession of tangible personal property or digital property which has been produced, fabricated, or printed to the special order of the purchaser.
- (c) This definition shall apply regardless of the classification of a transaction under generally accepted accounting principles, the Internal Revenue Code, or other provisions of federal, state, or local law;
- (39) "Seller" includes every person engaged in the business of selling tangible personal property, digital property, or services of a kind, the gross receipts from the retail sale of which are required to be included in the measure of the sales tax, and every person engaged in making sales for resale;
- (40) (a) "Storage" includes any keeping or retention in this state for any purpose except sale in the regular course of business or subsequent use solely outside this state of tangible personal property or digital property purchased from a retailer.
- (b) "Storage" does not include the keeping, retaining, or exercising any right or power over tangible personal property for the purpose of subsequently transporting it outside the state for use thereafter solely outside the state, or for the purpose of being processed, fabricated, or manufactured into, attached to, or incorporated into, other tangible personal property to be transported outside the state and thereafter used solely outside the state;
- (41) "Tangible personal property" means personal property which may be seen, weighed, measured, felt, or touched, or which is in any other manner perceptible to the senses and includes natural, artificial, and mixed gas, electricity, water, steam, and prewritten computer software;
- (42) "Taxpayer" means any person liable for tax under this chapter;
- (43) "Transferred electronically" means accessed or obtained by the purchaser by means other than tangible storage media; and
- (44) (a) "Use" includes the exercise of:
1. Any right or power over tangible personal property or digital property incident to the ownership of that property, or by any transaction in which possession is given, or by any transaction involving digital property where the right of access is granted; or
 2. Any right or power to benefit from extended warranty services.
- (b) "Use" does not include the keeping, retaining, or exercising any right or power over tangible personal property or digital property for the purpose of:
1. Selling tangible personal property or digital property in the regular course of business; or
 2. Subsequently transporting tangible personal property outside the state for use thereafter solely outside the state, or for the purpose of being processed, fabricated, or manufactured into, attached to, or incorporated into, other tangible personal property to be transported outside the state and thereafter used solely outside the state.

➔Section 9. There is hereby appropriated Federal Fund moneys from the State Fiscal Recovery Fund of the American Rescue Plan Act in the amount of \$20,000,000 in fiscal year 2022-2023 to the Rural Infrastructure Improvement Fund established in Section 5 of this Act.

➔Section 10. 2021 Ky. Acts ch. 171, sec. 3, as amended by 2021 Ky. Acts ch. 196, sec. 4, is amended to read as follows:

(1) There is hereby appropriated ***Federal Funds from the Coronavirus Capital Projects Fund of the American Rescue Plan Act of 2021*** ~~federal funds~~ in the amount of ***\$182,769,000 and Federal Funds from the State Fiscal Recovery Fund of the American Rescue Plan Act of 2021 in the amount of \$67,231,000*** ~~[\$250,000,000]~~ in fiscal year 2021-2022 to the broadband deployment fund, with no more than \$50,000,000 of which to be awarded before ~~May~~ ~~April~~ 1, 2022.

(2) ~~[(a)]~~In addition to the appropriation in subsection (1) of this section, there is hereby appropriated Federal Funds from the State Fiscal Recovery Fund of the American Rescue Plan Act in the amount of \$50,000,000 in fiscal year 2020-2021. Notwithstanding KRS 45.229, the Federal Fund appropriation in fiscal year 2020-2021 shall not lapse and shall carry forward for use in fiscal year 2021-2022 *and fiscal year 2022-2023*.~~]~~

~~(b) — The appropriation in paragraph (a) of this subsection shall be used for projects that provide broadband service in furtherance of securing economic development opportunities for commercial and industrial customers, excluding the broadband service provider itself.]~~

(3) The agency administering the broadband deployment fund shall promulgate administrative regulations to ensure that~~;~~

~~(a) — Related to the appropriation in subsection (1) of this section,]~~ the moneys are awarded based on the following~~]~~ criteria in *subsection (9) of Section 4 of this Act*~~[the order as listed:~~

~~1. — Projects in underserved areas or unserved areas where local, state, or federal funds are not currently designated;~~

~~2. — Projects within underserved areas or unserved areas where local, state, or federal broadband funds are inadequate; and~~

~~3. — Projects that reach the customers that are the least economical to serve;~~

~~(b) — Related to the appropriations in subsections (1) and (2) of this section, a request for proposal shall be issued for projects;~~

~~(c) — Notwithstanding KRS 224A.1121(5)(f) and (10), and related to the appropriations in subsections (1) and (2) of this section, projects will require:~~

~~1. — A private match of moneys of not less than 50 percent of the total project cost; or~~

~~2. — Matching funds from a city, county, urban county government, or consolidated local government of not less than 50 percent of the total project cost; and~~

~~(d) — Related to the appropriations in subsections (1) and (2) of this section, project scope should be for the smallest feasible geographical area].~~

(4) The agency may provide incentive for timely completion and disincentive for not meeting agreed upon timeframes.

(5) (a) The agency administering the broadband deployment fund shall promulgate administrative regulations to develop a process for:

1. Receiving complaints related to insufficient broadband service;

2. Incorporating forms for the collection of data related to the complaints;

3. Reporting the information collected; and

4. Referring complaints to the Office of Attorney General, Federal Communications Commission, or Federal Trade Commission, as appropriate.

(b) The agency shall report to the Legislative Research Commission on a quarterly basis, beginning October 1, 2021, and the first day of each calendar quarter thereafter, the following information:

1. The location, by county, for each consumer complaint received related to insufficient broadband service;

2. A brief description of the complaint;

3. The broadband provider related to the complaint received;

4. The response of the broadband provider regarding the complaint received;

5. Whether the complaint was resolved to the satisfaction of the consumer; and

6. Whether a referral was made to the Office of Attorney General, Federal Communications Commission, or Federal Trade Commission.

➔Section 11. The following is repealed: 2021 Ky. Acts ch. 194, secs. 16 and 17.

➔Section 12. Whereas Internet access is critical for families across the Commonwealth to stay informed and connected, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Vetoed in Part and Overridden and Signed by Secretary of State April 14, 2022.

CHAPTER 203

(HB 334)

AN ACT relating to ethics.

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

➔Section 1. KRS 6.080 is amended to read as follows:

Any person who, after being lawfully summoned by the General Assembly, either house or a committee of either, refuses to attend as a witness, or bring any paper proper to be used as evidence or who, being present, refuses to testify concerning any matter which may be a proper subject of inquiry, and any person who offers or gives a bribe to a member of the General Assembly, or attempts, by other corrupt means, to influence a member to cast or withhold his vote, shall, on conviction as provided by KRS 6.090 to 6.131, be fined not more than ~~fifteen~~~~one~~ thousand dollars (~~\$15,000~~)(~~\$1,000~~) or imprisoned in the ~~Franklin~~ county jail any time during the then current session of the General Assembly, or both. ***The Attorney General, upon request of any committee of the General Assembly or a co-chair of the Commission, shall enforce this section in the county of residence of the accused person or in Franklin County under KRS 15.210.***

➔Section 2. KRS 11A.060 is amended to read as follows:

- (1) The Executive Branch Ethics Commission is hereby established.
- (2) The commission shall be composed of ~~seven (7)~~~~five (5)~~ members, ***two (2) of whom shall be*** appointed by the Governor. ***Each of the following shall appoint one (1) member of the commission:***
 - (a) ***Treasurer;***
 - (b) ***Auditor of Public Accounts;***
 - (c) ***Commissioner of Agriculture;***
 - (d) ***Secretary of State; and***
 - (e) ***Attorney General.***
- (3) ***On the effective date of this Act, the terms of the existing members of the commission shall terminate and seven (7) new initial members shall be appointed by the officials listed under subsection (2) of this section. Members of the commission shall serve staggered terms of four (4) years. Of the initial members appointed as provided in this section, one (1) member shall serve a term of one (1) year and shall be appointed by the Treasurer, one (1) member shall serve a term of two (2) years and shall be appointed by the Auditor of Public Accounts, two (2) members***~~one (1) member~~ ***shall serve a term of three (3) years, one (1) of whom shall be appointed by the Governor and one (1) of whom shall be appointed by the Commissioner of Agriculture, and three (3)***~~two (2)~~ ***members shall be appointed for terms of four (4) years, one (1) of whom shall be appointed by the Governor, one (1) of whom shall be appointed by the Secretary of State, and one (1) of whom shall be appointed by the Attorney General. Thereafter, all appointments shall be for staggered terms of four (4) years.***
- (4) The commission shall ***every two (2) years*** elect from its membership a ~~chair~~~~chairman~~ and vice ~~chair~~~~chairman~~. In the absence of the ~~chair~~~~chairman~~ or in the event of a vacancy in that position, the vice ~~chair~~~~chairman~~ shall serve as ~~chair~~~~chairman~~.
- (5) A member of the commission shall receive one hundred dollars (\$100) per day for attending meetings and shall be reimbursed for actual and necessary expenses incurred in the performance of duties.
- (6) All members shall be registered voters of the state.

- (7) Members of the commission shall be removed by the *appointing authority who appointed him or her* ~~[Governor]~~ for cause only, including substantial neglect of duty and inability to discharge the powers and duties of office.
- (8) A quorum shall consist of *four (4)* ~~three (3)~~ or more members. An affirmative vote of *four (4)* ~~three (3)~~ or more members shall be necessary for commission action.
- (9) The commission shall meet at the call of the *chair* ~~chairman~~ or a majority of its members.
- (10) The commission shall be attached to the Finance and Administration Cabinet for administrative purposes only.
- (11) ***The commission shall not be reorganized except by statute.***

➔Section 3. KRS 11A.080 is amended to read as follows:

- (1) (a) Upon a complaint signed under penalty of perjury by any person, or upon its own motion, the commission shall conduct a preliminary investigation of any alleged violation of this chapter.
- (b) The preliminary investigation shall begin not later than ten (10) days after the next commission meeting following the receipt of the sworn complaint, or, if the investigation is initiated by the commission's own motion, not later than ten (10) days after the date of the adoption of the motion.
- (c) Within ten (10) days of the commencement of the preliminary investigation, the commission shall forward a copy of the complaint, if one has been filed, or a statement of possible violations being investigated, and a general statement of the applicable law to the person alleged to have committed a violation.
- (d) ***For each complaint filed by a person other than the commission or a member of the commission, the commission shall make a finding as to whether the complaint is:***
 - 1. ***Well-grounded in fact;***
 - 2. ***Warranted by existing law; and***
 - 3. ***Filed for a good faith argument or reason and not for any improper purpose, such as for political advantage, to harass or embarrass a person or persons, to cause delays, or to increase the costs of adjudicating a case before the commission.***
- (2) All commission proceedings and records relating to a preliminary investigation shall be confidential until a final determination is made by the commission, except:
 - (a) The commission may turn over to the Attorney General, the United States Attorney, or the Commonwealth's attorney of the jurisdiction in which the offense allegedly occurred, evidence which may be used in criminal proceedings or, at its discretion, may at any time turn over to the Personnel Board, the Auditor of Public Accounts, or any other agency with jurisdiction to review, audit, or investigate the alleged offense, evidence which may be used by those agencies for investigative purposes;
 - (b) If the alleged violator publicly discloses the existence of a preliminary investigation, the commission may publicly confirm the existence of the inquiry and, in its discretion, make public any documents which were issued to either party;
 - (c) If the matter being investigated was referred to the commission from another state agency, the commission may inform the referring state agency of the status of any preliminary investigation and of any action taken on the matter.
- (3) If the commission determines in the preliminary investigation that the facts are not sufficient to constitute a violation of this chapter, the commission shall immediately terminate the investigation and notify in writing the complainant, if any, and the person alleged to have committed a violation. The commission may confidentially inform the alleged violator of potential violations and provide information to ensure future compliance with the law. If the alleged violator publicly discloses the existence of such action by the commission, the commission may confirm the existence of the resolution and, in its discretion, make public any documents which were issued to the alleged violator.
- (4) If the commission, during the course of the preliminary investigation, finds probable cause to believe that a violation of this chapter has occurred, the commission may, upon majority vote:

- (a) Due to mitigating circumstances such as lack of significant economic advantage or gain by the alleged violator, lack of significant economic loss to the state, or lack of significant impact on public confidence in government, in writing, confidentially reprimand the alleged violator for potential violations of the law and provide a copy of the reprimand to the alleged violator's appointing authority, if any. If the alleged violator publicly discloses the existence of such an action, the commission may confirm the existence of the action and, in its discretion, make public any documents which were issued to the alleged violator; or
 - (b) Initiate an administrative proceeding to determine whether there has been a violation.
- (5) If the commission determines that a violation of this chapter has occurred in a case involving a contract with state government, the secretary of the Finance and Administration Cabinet may void any contract related to that case.
 - (6) If the commission determines that a violation of the provisions of KRS 11A.001 to 11A.130 has occurred, an employer of a former officer or public servant may be subject to a fine of up to one thousand dollars (\$1,000) for each offense.

Veto Overridden and Signed by Secretary of State April 14, 2022.

CHAPTER 204

(HB 335)

AN ACT relating to appointments to boards, commissions, and councils.

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

➔Section 1. KRS 15.315 is amended to read as follows:

The Kentucky Law Enforcement Council is hereby established as an independent administrative body of state government to be made up as follows:

- (1) The Attorney General of Kentucky, the commissioner of the Department of Kentucky State Police, the commissioner of the Department of Criminal Justice Training, the chief of police of the Louisville Metro Police Department, the chief of police of the Lexington-Fayette Urban County Division of Police, the director of the Southern Police Institute of the University of Louisville, the dean of the College of Justice and Safety of Eastern Kentucky University, the president of the Kentucky Peace Officers Association, the president of the Kentucky Association of Chiefs of Police, the Kentucky president of the Fraternal Order of Police, the president of the Kentucky Women's Law Enforcement Network, and the president of the Kentucky Sheriffs' Association shall be ex officio members of the council, as full voting members of the council by reason of their office. The United States attorneys for the Eastern and Western Districts of Kentucky may confer and designate a local law enforcement liaison who shall serve on the council in an advisory capacity only without voting privileges. Each ex officio member may designate in writing a person to represent him or her and to vote on his or her behalf. Designees of the Department of Kentucky State Police, Department of Criminal Justice Training, Louisville Metro Police Department, and the Lexington-Fayette Urban County Division of Police shall be the head of the agency's training division or the agency's deputy chief or deputy commissioner.
- (2) Twelve (12) members shall be appointed by the Governor for terms of four (4) years from the following classifications: a city manager or mayor *from a list of three (3) names submitted by the Kentucky League of Cities*, a county judge/executive *from a list of three (3) names submitted by the Kentucky Association of Counties*, three (3) Kentucky sheriffs, a member of the Kentucky State Bar Association, five (5) chiefs of police, and a citizen of Kentucky not coming within the foregoing classifications. No person shall serve beyond the time he or she holds the office or employment by reason of which he or she was initially eligible for appointment. Vacancies shall be filled in the same manner as the original appointment and the successor shall be appointed for the unexpired term. Any member may be appointed for additional terms.
- (3) No member may serve on the council with the dual membership as the representative of more than one (1) of the aforementioned groups or the holder of more than one (1) of the aforementioned positions. In the event that an existing member of the council assumes a position entitling him to serve on the council in another capacity, the Governor shall appoint an additional member from the group concerned to prevent dual membership.

- (4) Membership on the council does not constitute a public office, and no member shall be disqualified from holding public office by reason of his membership.

➔Section 2. KRS 222.480 is amended to read as follows:

- (1) The Advisory Council for Recovery Ready Communities is hereby created and shall be attached to the Office of Drug Control Policy within the Justice and Public Safety Cabinet for administrative purposes.
- (2) The Advisory Council for Recovery Ready Communities shall consist of the following members:
- (a) One (1) representative from *a list of three (3) names submitted by* the Kentucky League of Cities, appointed by the Governor;
 - (b) One (1) representative from *a list of three (3) names submitted by* the Kentucky Association of Counties, appointed by the Governor;
 - (c) One (1) representative from *a list of three (3) names submitted by* the Kentucky Chamber of Commerce, appointed by the Governor;
 - (d) One (1) representative from *a list of three (3) names submitted by* the Recovery Consortium of Kentucky, appointed by the Governor;
 - (e) One (1) representative from *a list of three (3) names submitted by* the Kentucky School Boards Association, appointed by the Governor;
 - (f) One (1) representative that represents the leadership of active law enforcement officers in Kentucky, appointed by the Governor;
 - (g) One (1) representative that is a practicing physician with an active license in Kentucky representing the medical profession, appointed by the Governor;
 - (h) One (1) representative from the Kentucky Pharmacists Association, appointed by the governor;
 - (i) One (1) representative from a family advocate organization who shall have experience in substance use recovery disorders, appointed by the Governor;
 - (j) One (1) representative from a faith community organization who shall have experience in substance use recovery disorders, appointed by the Governor
 - (k) Two (2) individuals in recovery from a substance use disorder, one (1) of whom has served time in jail or prison due to a substance use disorder, appointed by the Governor;
 - (l) The Chief Justice of the Supreme Court, or his or her designee;
 - (m) The Attorney General, or his or her designee;
 - (n) The commissioner of the Department for Public Health, or his or her designee;
 - (o) The commissioner of the Department for Behavioral Health, Developmental and Intellectual Disabilities, or his or her designee;
 - (p) The commissioner of the Department of Corrections, or his or her designee;
 - (q) The commissioner of the Department of Workforce Investment, or his or her designee;
 - (r) The public advocate, or his or her designee;
 - (s) The President of the Senate, or his or her designee;
 - (t) The Speaker of the House, or his or her designee; and
 - (u) One (1) representative from the Kentucky Association of Regional Programs, appointed by the Governor.

The Governor shall designate a chairperson.

- (3) Appointed members of the Advisory Council for Recovery Ready Communities shall serve without compensation, but shall be reimbursed for actual expenses incurred in the performance of duties in accordance with KRS 45.101 and administrative regulations promulgated thereunder.
- (4) The Governor shall appoint advisory council members who reflect, inasmuch as possible, the political, geographic, gender, age, and racial diversity of the population of the Commonwealth.

- (5) The Advisory Council for Recovery Ready Communities shall:
- (a) Establish a Kentucky Recovery Ready Community Certification Program for cities and counties. The purpose of the certification program is to provide a quality measure of a city's or county's substance use disorder recovery programs and to assure citizens and businesses that a city or county is committed to ensuring the availability of high quality recovery programs in its community that can help lead to a highly skilled community workforce;
 - (b) Establish guidelines, protocols, standards, and an application and approval process for cities and counties related to the Kentucky Recovery Ready Community Certification Program;
 - (c) Ensure that the certification process evaluates a city's or county's availability of high quality substance use treatment programs in their communities for persons in active, post, and recovered addiction status;
 - (d) Request and utilize federal, state, and private funds, including funds from philanthropic sources;
 - (e) Improve procedures for ensuring accountability and measuring success of recovery programs that receive state, federal, and philanthropic funds; and
 - (f) Other duties and responsibilities as designated by the Governor.
- (6) The Justice and Public Safety Cabinet may contract with any public or private agency or any individual for research, the gathering of information, the printing and publication of reports, consulting, or for any other purpose necessary to discharge the duties of the advisory council.
- (7) The Justice and Public Safety Cabinet, in collaboration with the Advisory Council for Recovery Ready Communities created under subsection (1) of this section, may promulgate administrative regulations pursuant to KRS Chapter 13A to carry out this section.

➔Section 3. Appointees currently serving under the authority of paragraphs (a) through (g) of subsection (2) of Section 2 of this Act shall serve until January 1, 2023.

➔Section 4. Appointees currently serving under the authority of Section 1 of this Act shall, as long as they meet all qualifications for service, serve the remainder of their current terms.

Veto Overridden and Signed by Secretary of State April 14, 2022.

CHAPTER 205

(HB 388)

AN ACT relating to government contract review and declaring an emergency.

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

➔Section 1. KRS 45A.705 is repealed, reenacted, and amended to read as follows:

- (1) There is hereby created a permanent committee of the Legislative Research Commission to be known as the Government Contract Review Committee. The committee shall be composed of eight (8) members appointed as follows: three (3) members of the Senate appointed by the President of the Senate; one (1) member of the minority party in the Senate appointed by the Minority Floor Leader in the Senate; three (3) members of the House of Representatives appointed by the Speaker of the House of Representatives; and one (1) member of the minority party in the House of Representatives appointed by the Minority Floor Leader in the House of Representatives. Members shall serve for terms of two (2) years, and the members appointed from each chamber shall elect one (1) member from their chamber to serve as co-chair. Any vacancy that may occur in the membership of the committee shall be filled by the appointing authority who made the original appointment.
- (2) On an alternating basis, each co-chair shall have the first option to set the monthly meeting date. A monthly meeting may be canceled by agreement of both co-chairs. The co-chairs shall have joint responsibilities for committee meeting agendas and presiding at committee meetings. A majority of the entire membership of the Government Contract Review Committee shall constitute a quorum, and all actions of the committee shall be

by vote of a majority of its entire membership. The members of the committee shall be compensated for attending meetings, as provided in KRS 7.090(3).

- (3) Any professional, clerical, or other employees required by the committee shall be provided in accordance with the provisions of KRS 7.090(4) and (5).
- (4) All proposed personal service contracts, tax incentive agreements, and memoranda of agreement received by the Legislative Research Commission shall be submitted to the committee to:
 - (a) Examine the stated need for the service or benefit to the Commonwealth of the motion picture or entertainment production;
 - (b) Examine whether the service could or should be performed by state personnel, for personal service contracts and memoranda of agreement;
 - (c) Examine the amount and duration of the contract or agreement; and
 - (d) Examine the appropriateness of any exchange of resources or responsibilities.
- (5) If the committee determines that the contract service or agreement, other than an emergency contract approved by the secretary of the Finance and Administration Cabinet or his or her designee, is not needed or inappropriate, the motion picture or entertainment production is not beneficial or is inappropriate, the service could or should be performed by state personnel, the amount or duration is excessive, or the exchange of resources or responsibilities are inappropriate, the committee shall attach a written notation of the reasons for its disapproval or objection to the personal service contract, tax incentive agreement, or memorandum of agreement and shall return the personal service contract, tax incentive agreement, or memorandum of agreement to the secretary of the Finance and Administration Cabinet or his or her designee. The committee shall act on a personal service contract, tax incentive agreement, or memorandum of agreement submitted to the Legislative Research Commission within forty-five (45) days of the date received.
- (6) (a) Upon receipt of the committee's disapproval or objection to a personal service contract, tax incentive agreement, or memorandum of agreement, the secretary of the Finance and Administration Cabinet or his or her designee shall determine whether the personal service contract, tax incentive agreement, or memorandum of agreement shall:
 - 1.~~(a)~~ Be revised to comply with the objections of the committee;
 - 2.~~(b)~~ Be canceled and, if applicable, payment allowed for services rendered under the contract or amendment; or
 - 3.~~(c)~~ Be appealed within ten (10) days to the State Treasurer, who shall make a final determination within ten (10) days of receipt of the appeal of whether the personal service contract, tax incentive agreement, or memorandum of agreement shall:
 - a.~~(1)~~ Be revised to comply with the objection of the committee;
 - b.~~(2)~~ Be canceled and, if applicable, payment allowed for services already rendered under the contract or amendment; or
 - c.~~(3)~~ Remain effective as originally submitted.
- (b) ***Paragraph (a)3. of this subsection shall not apply to any personal service contract, tax incentive agreement, or memorandum of agreement insofar as the contract or agreement is based upon the enumerated powers specifically granted to the Governor pursuant to Sections 75, 76, 77, 78, 79, and 80 of the Constitution of Kentucky, or any subsequent amendments to the Constitution of Kentucky which specifically designate enumerated powers to the Governor.***
- (7) Contracting bodies shall make annual reports to the committee not later than December 1 of each year. The committee shall establish reporting procedures for contracting bodies related to personal service contracts, tax incentive agreements, and memoranda of agreement submitted by the secretary of the Finance and Administration Cabinet or his or her designee.

➔Section 2. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

➔Section 3. Whereas the Government Contract Review Committee is a statutory committee meeting monthly and disposing instruments brought before it at those meetings, and it is imperative to ensure that the

mechanisms envisioned by the Kentucky General Assembly are effectual, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Veto Overridden and Signed by Secretary of State April 14, 2022.

CHAPTER 206

(HB 390)

AN ACT relating to economic development.

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

➔Section 1. KRS 154.10-010 is amended to read as follows:

- (1) (a) The Kentucky Economic Development Partnership, a board governing the Cabinet for Economic Development, is created and established, performing essential governmental and public functions and purposes essential to improving and promoting the health and general welfare of the people of the Commonwealth through sustainable economic development, as prescribed in KRS 154.1-020.
- (b) The board shall have reorganization powers and authority as prescribed in KRS 12.028 and shall constitute an administrative body as defined in KRS 12.010, but it and the cabinet shall not be subject to reorganization by the Governor, KRS Chapter 12 notwithstanding.
- (c) The board shall serve as the governing body of the cabinet and shall exercise all powers and authorities conferred upon it by statute, including, but not limited to, the following functions:
 1. Strategic planning;
 2. Finance;
 3. Business assistance;
 4. Marketing and promotion;
 5. Community development;
 6. Workforce development;
 7. Innovation; and
 8. All economic development powers and authorities not specifically conferred by statute to another agency or authority of state government.
- (2) The board shall consist of **fourteen (14)**~~thirteen (13)~~ voting members and two (2) nonvoting members. The **fourteen (14)**~~thirteen (13)~~ voting members shall consist of the Governor, the secretary of the Finance and Administration Cabinet, the secretary of the Public Protection Cabinet, the secretary of the Energy and Environment Cabinet, the secretary of the Labor Cabinet, **the Commissioner of Agriculture or his or her designee**, and eight (8) private sector members who shall be appointed by the Governor. The secretary of the Governor's Executive Cabinet shall serve as a voting member upon the absence of the Governor. The secretary of the Cabinet for Economic Development and the secretary of the Tourism, Arts and Heritage Cabinet shall serve as nonvoting members.
- (3) The governing bodies of each of the following organizations shall nominate two (2) persons from each of the six (6) Congressional districts of the Commonwealth and two (2) persons from the state at large, as candidates for appointment as private sector members to the board:
 - (a) The Kentucky Association for Economic Development;
 - (b) The Kentucky Association of Manufacturers;
 - (c) The Kentucky State AFL-CIO;
 - (d) The Kentucky Farm Bureau Federation;
 - (e) The Kentucky Chamber of Commerce; and

- (f) The National Federation of Independent Businesses/Kentucky.
- (4) The Governor shall select the original eight (8) private sector members from the aggregation of the lists provided pursuant to subsection (3) of this section, with at least one (1) appointment being chosen from each organization's list and at least one (1) appointment being chosen from each Congressional district. Appointments to vacancies shall be made in the same manner as prescribed in this subsection and subsection (3) of this section, except that there is no requirement that the vacancy be filled from the same organization's list as the original appointment.
- (5) All appointments shall be for four (4) years.
- (6) In making appointments to the board, the Governor shall assure broad geographical representation, as well as representation from the major sectors of Kentucky's economy by leading executives with a knowledge of the problems of large and small businesses, local economic development, and the transfer of research and development from the laboratory to the marketplace. In filling vacancies, the Governor shall assure the **continuous**~~continuing~~ representation on the board of broad constituencies of Kentucky's economy, including manufacturing and agriculture.
- (7) Vacancies on the board which may occur from time to time shall be filled as follows:
- (a) Any vacancy which occurs shall be filled for the unexpired term in accordance with the procedures established in subsections (3) and (4) of this section.
 - (b) If any private sector member misses more than two (2) consecutive meetings of the board, then that position shall be declared vacant and filled in accordance with this section.
- (8) The board shall meet semiannually and at other times upon call of the chairman or a majority of the board.
- (9) A quorum shall be a majority of the voting membership of the board.
- (10) A quorum shall be required to organize and conduct the business of the board, except that an affirmative vote of **eight (8)**~~seven (7)~~ or more members of the entire board shall be required to terminate the employment of the cabinet's secretary, and to adopt or amend the strategic plan.
- (11) Private sector members shall serve without compensation but shall be reimbursed for all reasonable, necessary, and actual expenses.
- (12) All existing duties, responsibilities, functions, personnel, programs, funds, obligations, records, and real and personal property of the Cabinet for Economic Development, as of July 14, 1992, shall be under the authority and control of the board.
- (13) ***The Cabinet for Economic Development shall give prompt notice to the Commissioner of Agriculture when the cabinet receives information about an agriculture-related economic development opportunity, including but not limited to the following:***
- (a) ***Agricultural production;***
 - (b) ***Food or beverage processing; or***
 - (c) ***An economic activity that uses agricultural products as inputs.***

➔Section 2. KRS 154.20-010 is amended to read as follows:

- (1) There is created and established within the cabinet, subject to the authority of the board, the Kentucky Economic Development Finance Authority as an agency, instrumentality, and political subdivision of the Commonwealth and a public body corporate and politic with all powers, duties, and responsibilities delegated to it by the board or as otherwise provided by law, including all programs, powers, duties, rights, and obligations of the Kentucky Development Finance Authority and the Kentucky Rural Economic Development Authority.
- (2) Any interest, right, or cause of action held in whole or in part by any person, corporation, limited liability company, partnership, limited partnership, government agency, or other entity under any agreement, contract, lease, mortgage, guarantee, bond, note, refund bond, or other financial transaction or obligation, made, issued, or otherwise entered into by any of the authorities, programs, or funds specified in subsection (1) of this section or that may be delegated to the authority by the board, shall not be impaired or otherwise diminished.

- (3) Any interest, right, or cause of action held in whole or in part by any of the authorities, programs, or funds specified in subsection (1) of this section shall not be impaired or otherwise diminished, but shall be assumed by the authority, for and on behalf of the cabinet.
- (4) The authority shall consist of a committee of seven (7) persons, including six (6) persons appointed by the board who shall be private citizens of the Commonwealth, and the secretary of the Finance and Administration Cabinet who shall serve ex officio. Any person appointed to the committee shall have experience and expertise in business or finance, *and at least one (1) appointee shall have experience and expertise in agriculture.*
- (5) Two (2) members initially appointed to the committee shall have a term of one (1) year each, two (2) members initially appointed to the committee shall have a term of two (2) years each, and two (2) members initially appointed to the committee shall have a term of three (3) years each, except that any person appointed to fill a vacancy shall serve only for the remainder of the unexpired term. All subsequent appointments shall be for a term of three (3) years.
- (6) Any person appointed to the committee shall be eligible for reappointment, including any member of the committee appointed prior to July 15, 1994.
- (7) The members of the committee shall elect biennially from the committee's private citizen membership the following officers: chairman, vice chairman, secretary-treasurer, and any assistant secretaries and assistant treasurers the committee deems necessary.
- (8) A majority of the members of the committee, determined by excluding any existing vacancies from the total number of members, shall constitute a quorum. A majority vote of the members present at a duly called meeting of the committee shall be required for the purposes of conducting its business and exercising its powers and for all other purposes.
- (9) The committee shall prepare bylaws and procedures applicable to the operations of the authority and submit them to the board to be promulgated as administrative regulations in accordance with KRS Chapter 13A.
- (10) Members of the committee shall be entitled to compensation for their services in an amount of one hundred dollars (\$100) for each regular meeting of the committee and shall be entitled to reimbursement for all necessary expenses in connection with the performance of their duties.

Veto Overridden and Signed by Secretary of State April 14, 2022.

CHAPTER 207

(HB 594)

AN ACT relating to administrative regulations and declaring an emergency.

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

➔Section 1. KRS 13A.010 is amended to read as follows:

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

- (1) "Administrative body" means each state board, bureau, cabinet, commission, department, authority, officer, or other entity, except the General Assembly and the Court of Justice, authorized by law to promulgate administrative regulations;
- (2) "Administrative regulation" means each statement of general applicability promulgated by an administrative body that implements, interprets, or prescribes law or policy, or describes the organization, procedure, or practice requirements of any administrative body. The term includes an existing administrative regulation, a new administrative regulation, an emergency administrative regulation, an administrative regulation in contemplation of a statute, and the amendment or repeal of an existing administrative regulation, but does not include:
 - (a) Statements concerning only the internal management of an administrative body and not affecting private rights or procedures available to the public;
 - (b) Declaratory rulings;

- (c) Intradepartmental memoranda not in conflict with KRS 13A.130;
 - (d) Statements relating to acquisition of property for highway purposes and statements relating to the construction or maintenance of highways; or
 - (e) Rules, regulations, and policies of the governing boards of institutions that make up the postsecondary education system defined in KRS 164.001 pertaining to students attending or applicants to the institutions, to faculty and staff of the respective institutions, or to the control and maintenance of land and buildings occupied by the respective institutions;
- (3) "Adopted" means that an administrative regulation has become effective in accordance with the provisions of this chapter;
- (4) "Authorizing signature" means the signature of the head of the administrative body authorized by statute to promulgate administrative regulations;
- (5) "Commission" means the Legislative Research Commission;
- (6) "Effective" means an administrative regulation that has completed the legislative committee review established by KRS 13A.290, 13A.330, and 13A.331;
- (7) "Federal mandate" means any federal constitutional, legislative, or executive law or order that requires or permits any administrative body to engage in regulatory activities that impose compliance standards, reporting requirements, recordkeeping, or similar responsibilities upon entities in the Commonwealth;
- (8) "Federal mandate comparison" means a written statement containing the information required by KRS 13A.245;
- (9) "Filed" or "promulgated" means that an administrative regulation, or other document required to be filed by this chapter, has been submitted to the Commission in accordance with this chapter;
- (10) "Last effective date" means the latter of:
- (a) The most recent date an ordinary administrative regulation became effective, without including the date a technical amendment was made pursuant to KRS 13A.040(10), 13A.2255(2), or 13A.312; or
 - (b) The date a certification letter was filed with the regulations compiler for that administrative regulation pursuant to KRS 13A.3104(4), if the letter stated that the administrative regulation shall remain in effect without amendment;
- (11) "Legislative committee" means an interim joint committee, a House or Senate standing committee, a statutory committee, or a subcommittee of the Legislative Research Commission;
- (12) "Local government" means and includes a city, county, urban-county, charter county, consolidated local government, special district, or a quasi-governmental body authorized by the Kentucky Revised Statutes or a local ordinance;
- (13) ***"Major economic impact" means an overall negative or adverse economic impact from an administrative regulation of five hundred thousand dollars (\$500,000) or more on state or local government or regulated entities, in aggregate, as determined by the promulgating administrative bodies;***
- (14) "Proposed administrative regulation" means an administrative regulation that:
- (a) Has been filed by an administrative body; and
 - (b) Has not become effective or been withdrawn;
- (15)~~(14)~~ "Regulatory impact analysis" means a written statement containing the provisions required by KRS 13A.240;
- (16)~~(15)~~ "Small business" means a business entity, including its affiliates, that:
- (a) Is independently owned and operated; and
 - (b) 1. Employs fewer than one hundred fifty (150) full-time employees or their equivalent; or
2. Has gross annual sales of less than six million dollars (\$6,000,000);
- (17)~~(16)~~ "Statement of consideration" means the document required by KRS 13A.280 in which the administrative body summarizes the comments received, its responses to those comments, and the action taken, if any, as a result of those comments and responses;

- (18)~~(17)~~ "Subcommittee" means the Administrative Regulation Review Subcommittee of the Legislative Research Commission;
- (19)~~(18)~~ "Tiering" means the tailoring of regulatory requirements to fit the particular circumstances surrounding regulated entities; and
- (20)~~(19)~~ "Written comments" means comments submitted to the administrative body's contact person identified pursuant to KRS 13A.220(6)(d) via hand delivery, United States mail, e-mail, or facsimile and may include but is not limited to comments submitted internally from within the promulgating administrative body or from another administrative body.

➔Section 2. KRS 13A.250 is amended to read as follows:

- (1) An administrative body that promulgates an administrative regulation shall consider the cost that the administrative regulation may cause state or local government *and regulated entities* to incur.
- (2) (a) ***A two-part cost analysis shall be completed for each administrative regulation.***
- (b) ***The first part of the cost analysis shall include the projected cost or cost savings to the Commonwealth of Kentucky and each of its affected agencies, and the projected cost or cost savings to affected local governments, including cities, counties, fire departments, and school districts.***
- (c) ***The second part of the cost analysis shall include the projected cost or cost savings to the regulated entities affected by the administrative regulation.***
- (d) Agencies *or entities* affected by the administrative regulation may submit comments in accordance with KRS 13A.270(1) to the promulgating administrative body or to a legislative committee reviewing the administrative regulation.
- (3)~~(2)~~ Each administrative body that promulgates an administrative regulation shall prepare and submit with the administrative regulation a fiscal note. The fiscal note shall state:
- (a) The number of the administrative regulation;
- (b) The name, e-mail address, and telephone number of the contact person of the administrative body identified pursuant to KRS 13A.220(6)(d), and, if applicable, the name, e-mail address, and telephone number of an alternate person to be contacted with specific questions about the fiscal note;
- (c) ***Each***~~The~~ unit, part, or division of state or local government the administrative regulation will affect;
- (d) In detail, the aspect or service of state or local government to which the administrative regulation relates, including identification of the applicable state or federal statute or regulation that mandates the aspect or service or authorizes the action taken by the administrative regulation;~~and~~
- (e) The estimated effect of the administrative regulation on the expenditures and revenues of a state or local government agency *or regulated entity* for the first full year the administrative regulation will be in effect. If specific dollar estimates cannot be determined, the administrative body shall provide a brief narrative to explain the fiscal impact of the administrative regulation; *and*
- (f) ***The conclusion of the promulgating administrative body as to whether the administrative regulation will have a major economic impact, as defined in Section 1 of this Act, to state and local government and regulated entities.***
- (4)~~(3)~~ Any administrative body may request the advice and assistance of the Commission in the preparation of the fiscal note.

➔Section 3. KRS 13A.280 is amended to read as follows:

- (1) Following the last day of the comment period, the administrative body shall give consideration to all comments received at the public hearing and all written comments received during the comment period, including:
- (a) Any report filed by the Commission on Small Business Innovation and Advocacy in accordance with KRS 11.202(1)(e) and 13A.270(4), or by a local government in accordance with KRS 11.202(1)(e) and 13A.270(5); *and*
- (b) ***Any comments regarding the administrative regulation's major economic impact, as defined in Section 1 of this Act, as submitted by agencies, local governments, or regulated entities.***

- (2) (a) Except as provided in paragraph (b) of this subsection, the administrative body shall file with the commission on or before 12 noon, eastern time, on the fifteenth day of the calendar month following the end of the public comment period the statement of consideration relating to the administrative regulation and, if applicable, the amended after comments version.
- (b) If the administrative body has received a significant number of public comments:
1. It may extend the time for filing the statement of consideration for an ordinary administrative regulation and, if applicable, the amended after comments version by notifying the regulations compiler in writing on or before 12 noon, eastern time, on the fifteenth day of the calendar month following the end of the public comment period; and
 2. The administrative body shall file the statement of consideration for an ordinary administrative regulation and, if applicable, the amended after comments version, with the Commission on or before 12 noon, eastern time, no later than the fifteenth day of the second calendar month following the end of the public comment period.
- (3) (a) If the administrative regulation is amended as a result of the hearing or written comments received, the administrative body shall forward the items specified in this paragraph to the regulations compiler by 12 noon, eastern time, on the applicable deadline specified in subsection (2) of this section:
1. The original and five (5) copies of the administrative regulation indicating any amendments resulting from comments received at the public hearing and during the comment period. The amendments shall be indicated in:
 - a. The original wording for an ordinary administrative regulation; or
 - b. The wording of an emergency administrative regulation as amended, for an emergency administrative regulation that was amended at a legislative committee meeting pursuant to KRS 13A.190(3);
 2. The original and five (5) copies of the statement of consideration as required by subsection (2) of this section, attached to the back of the original and each copy of the administrative regulation; and
 3. The regulatory impact analysis, tiering statement, federal mandate comparison, or fiscal note on local government. These documents shall reflect changes resulting from amendments made after the public hearing.
- (b) The original and four (4) copies of the amended after comments version, the statement of consideration, and the attachments required by paragraph (a)3. of this subsection shall be stapled in the top left corner. The fifth copy shall not be stapled.
- (c) At the same time as, or prior to, filing the paper version, the administrative body shall file an electronic version of the amended after comments version, the statement of consideration, and the required attachments saved as a single document for each amended after comments administrative regulation in an electronic format approved by the regulations compiler.
- (4) (a) If the administrative regulation is not amended as a result of the public hearing, or written comments received, the administrative body shall file the original and five (5) copies of the statement of consideration with the regulations compiler by 12 noon, eastern time, on the deadline established in subsection (2) of this section. The original and four (4) copies of the statement of consideration shall be stapled in the top left corner. The fifth copy of each statement of consideration shall not be stapled.
- (b) If the statement of consideration covers multiple administrative regulations, as authorized by subsection (6)(g)1. of this section, the administrative body shall file with the regulations compiler:
1. The original and five (5) copies of the statement of consideration as required by paragraph (a) of this subsection; and
 2. Two (2) additional unstapled copies of the statement of consideration for each additional administrative regulation included in the group of administrative regulations.
- (c) At the same time as, or prior to, filing the paper version, the administrative body shall file an electronic version of the statement of consideration saved as a single document for each statement of consideration in an electronic format approved by the regulations compiler.

- (5) If comments are received either at the public hearing or during the public comment period, the administrative regulation shall be deferred to the next regularly scheduled meeting of the subcommittee following the month in which the statement of consideration is due.
- (6) The format for the statement of consideration shall be as follows:
- (a) The statement shall be typewritten on white paper, size eight and one-half (8-1/2) by eleven (11) inches. Copies of the statement may be mechanically reproduced;
 - (b) The first page of the statement of consideration shall have a two (2) inch top margin;
 - (c) The heading of the statement shall consist of the words "STATEMENT OF CONSIDERATION RELATING TO" followed by the number of the administrative regulation that was the subject of the public hearing and comment period and the name of the promulgating administrative body. The heading shall be centered. This shall be followed by the words "Not Amended After Comments," "Emergency Not Amended After Comments," "Amended After Comments," or "Emergency Amended After Comments," whichever is applicable;
 - (d) If a hearing has been held or written comments received, the heading is to be followed by:
 1. A statement setting out the date, time and place of the hearing, if the hearing was held;
 2. A list of those persons who attended the hearing or who submitted comments and the organization, agency, or other entity represented, if applicable; and
 3. The name and title of the representative of the promulgating administrative body;
 - (e) Following the general information, the promulgating administrative body shall summarize the comments received at the public hearing and during the comment period and the response of the promulgating administrative body. Each subject commented upon shall be summarized in a separate numbered paragraph. Each numbered paragraph shall contain two (2) subsections:
 1. Subsection (a) shall be labeled "Comment," shall identify the name of the person, and the organization represented if applicable, who made the comment, and shall contain a summary of the comment; and
 2. Subsection (b) shall be labeled "Response" and shall contain the response to the comment by the promulgating administrative body;
 - (f) Following the summary and comments, the promulgating administrative body shall:
 1. Summarize the statement and the action taken by the administrative body as a result of comments received at the public hearing and during the comment period; and
 2. If amended after the comment period, list the changes made to the administrative regulation in the format prescribed by KRS 13A.320(2)(c) and (d); and
 - (g)
 1. If administrative regulations were considered as a group at a public hearing, one (1) statement of consideration may include the group of administrative regulations. If a comment relates to one (1) or more of the administrative regulations in the group, the summary of the comment and response shall specify each administrative regulation to which it applies.
 2. Emergency administrative regulations shall be in a separate statement of consideration from ordinary administrative regulations.
- (7) If the administrative regulation is amended pursuant to subsection (3) of this section, the full text of the administrative regulation shall be published in the Administrative Register. The changes made to the administrative regulation shall be typed in bold and made in the format prescribed by KRS 13A.222(2). The administrative regulation shall be reviewed by the Administrative Regulation Review Subcommittee after such publication.
- (8) If requested, copies of the statement of consideration and, if applicable, the amended after comments version of the administrative regulation shall be made available by the promulgating administrative body to persons attending the hearing or submitting comments or who specifically request a copy from the administrative body.
- ➔Section 4. KRS 13A.030 is amended to read as follows:
- (1) The Administrative Regulation Review Subcommittee shall:

- (a) Conduct a continuous study as to whether additional legislation or changes in legislation are needed based on various factors, including, but not limited to, review of new, emergency, and existing administrative regulations, the lack of administrative regulations, and the needs of administrative bodies;
 - (b) Except as provided by KRS 158.6471 and 158.6472, review and comment upon effective administrative regulations pursuant to subsections (2), (3), and (4) of this section or administrative regulations filed with the Commission;
 - (c) Make recommendations for changes in statutes, new statutes, repeal of statutes affecting administrative regulations or the ability of administrative bodies to promulgate them; and
 - (d) Conduct such other studies relating to administrative regulations as may be assigned by the Commission.
- (2) The subcommittee may make a determination:
- (a) That an effective administrative regulation or an administrative regulation filed with the Commission is deficient because it:
 - 1. Is wrongfully promulgated;
 - 2. Appears to be in conflict with an existing statute;
 - 3. Appears to have no statutory authority for its promulgation;
 - 4. Appears to impose stricter or more burdensome state requirements than required by the federal mandate, without reasonable justification;
 - 5. Fails to use tiering when tiering is applicable;
 - 6. Is in excess of the administrative body's authority;
 - 7. Appears to impose an unreasonable burden on government or small business, or both;
 - 8. Is filed as an emergency administrative regulation without adequate justification of the emergency nature of the situation as described in KRS 13A.190(1);
 - 9. Has not been noticed in conformance with the requirements of KRS 13A.270(3);
 - 10. Does not provide an adequate cost analysis pursuant to Section 2 of this Act; or**
 - ~~11. Appears to be deficient in any other manner;~~
 - (b) That an administrative regulation is needed to implement an existing statute; or
 - (c) That an administrative regulation should be amended or repealed.
- (3) The subcommittee may review an effective administrative regulation if requested by a member of the subcommittee.
- (4) The subcommittee may require any administrative body to submit data and information as required by the subcommittee in the performance of its duties under this chapter, and no administrative body shall fail to provide the information or data required.

➔Section 5. This Act shall be known and may be cited as the Kentucky REINS Act, or the Kentucky Regulations from the Executive in Need of Scrutiny Act.

➔Section 6. Whereas state governments, local governments, and private entities can experience incredible disruption with administrative regulations of substantial financial impacts, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Veto Overridden and Signed by Secretary of State April 14, 2022.

AN ACT relating to campaign finance and declaring an emergency.

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

➔Section 1. KRS 121.015 is amended to read as follows:

As used in this chapter:

- (1) "Registry" means the Kentucky Registry of Election Finance;
- (2) "Election" means any primary, regular, or special election to fill vacancies regardless of whether a candidate or slate of candidates is opposed or unopposed in an election. Each primary, regular, or special election shall be considered a separate election;
- (3) "Committee" includes the following:
 - (a) "Campaign committee," which means one (1) or more persons who receive contributions and make expenditures to support or oppose one (1) or more specific candidates or slates of candidates for nomination or election to any state, county, city, or district office, but does not include an entity established solely by a candidate which is managed solely by a candidate and a campaign treasurer and whose name is generic in nature, such as "Friends of (the candidate)," and does not reflect that other persons have structured themselves as a committee, designated officers of the committee, and assigned responsibilities and duties to each officer with the purpose of managing a campaign to support or oppose a candidate in an election;
 - (b) "Caucus campaign committee," which means members of one (1) of the following caucus groups who receive contributions and make expenditures to support or oppose one (1) or more specific candidates or slates of candidates for nomination or election, or a committee:
 1. House Democratic caucus campaign committee;
 2. House Republican caucus campaign committee;
 3. Senate Democratic caucus campaign committee;
 4. Senate Republican caucus campaign committee; or
 5. Subdivisions of the state executive committee of a minor political party, which serve the same function as the above-named committees, as determined by regulations promulgated by the registry;
 - (c) "Political issues committee," which means three (3) or more persons joining together to advocate or oppose a constitutional amendment or public question which appears on the ballot if that committee receives or expends money in excess of one thousand dollars (\$1,000);
 - (d) "Permanent committee," which means a group of individuals, including an association, committee, or organization, other than a campaign committee, political issues committee, inaugural committee, caucus campaign committee, or party executive committee, which is established as, or intended to be, a permanent organization having as a primary purpose expressly advocating the election or defeat of one (1) or more clearly identified candidates, slates of candidates, or political parties, which functions on a regular basis throughout the year;
 - (e) An executive committee of a political party; and
 - (f) "Inaugural committee," which means one (1) or more persons who receive contributions and make expenditures in support of inauguration activities for any candidate or slate of candidates elected to any state, county, city, or district office;
- (4) "Contributing organization" means a group which merely contributes to candidates, slates of candidates, campaign committees, caucus campaign committees, or executive committees from time to time from funds derived solely from within the group, and which does not solicit or receive funds from sources outside the group itself. ~~However,~~ Any contributions made by the groups in excess of one hundred dollars (\$100) shall be reported to the registry;
- (5) "Testimonial affair" means an affair held in honor of a person who holds or who is or was a candidate for nomination or election to a political office in this state designed to raise funds for any purpose not charitable, religious, or educational;
- (6) "Contribution" means any:

- (a) Payment, distribution, loan, deposit, or gift of money or other thing of value, to a candidate, his or her agent, a slate of candidates, its authorized agent, a committee, or contributing organization. As used in this subsection, "loan" shall include a guarantee, endorsement, or other form of security where the risk of nonpayment rests with the surety, guarantor, or endorser, as well as with a committee, contributing organization, candidate, slate of candidates, or other primary obligor. No person shall become liable as surety, endorser, or guarantor for any sum in any one (1) election which, when combined with all other contributions the individual makes to a candidate, his or her agent, a slate of candidates, its agent, a committee, or a contributing organization, exceeds the contribution limits provided in KRS 121.150;
 - (b) Payment by any person other than the candidate, his or her authorized treasurer, a slate of candidates, its authorized treasurer, a committee, or a contributing organization, of compensation for the personal services of another person which are rendered to a candidate, slate of candidates, committee, or contributing organization, or for inauguration activities;
 - (c) Goods, advertising, or services with a value of more than one hundred dollars (\$100) in the aggregate in any one (1) election which are furnished to a candidate, slate of candidates, committee, or contributing organization or for inauguration activities without charge, or at a rate which is less than the rate normally charged for the goods or services; or
 - (d) Payment by any person other than a candidate, his or her authorized treasurer, a slate of candidates, its authorized treasurer, a committee, or contributing organization for any goods or services with a value of more than one hundred dollars (\$100) in the aggregate in any one (1) election which are utilized by a candidate, slate of candidates, committee, or contributing organization, or for inauguration activities;
- (7) Notwithstanding the foregoing meanings of "contribution," the word shall not be construed to include:
- (a) Services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate, a slate of candidates, committee, or contributing organization;
 - (b) A loan of money by any financial institution doing business in Kentucky made in accordance with applicable banking laws and regulations and in the ordinary course of business; or
 - (c) An independent expenditure by any individual or permanent committee;
- (8) "Candidate" means any person who has received contributions or made expenditures, has appointed a campaign treasurer, or has given his or her consent for any other person to receive contributions or make expenditures with a view to bringing about his or her nomination or election to public office, except federal office;
- (9) "Slate of candidates" means:
- (a) Between the time a certificate or petition of nomination has been filed for a candidate for the office of Governor under KRS 118.365 and the time the candidate designates a running mate for the office of Lieutenant Governor under KRS 118.126, a slate of candidates consists of the candidate for the office of Governor; and
 - (b) After that candidate has designated a running mate under KRS 118.126, that same slate of candidates consists of that same candidate for the office of Governor and the candidate's running mate for the office of Lieutenant Governor. Unless the context requires otherwise, any provision of law that applies to a candidate shall also apply to a slate of candidates;
- (10) "Knowingly" means, with respect to conduct or to a circumstance described by a statute defining an offense, that a person is aware or should have been aware that his or her conduct is of that nature or that the circumstance exists;
- (11) "Fundraiser" means an individual who directly solicits and secures contributions on behalf of a candidate or slate of candidates for a statewide-elected state office or an office in a jurisdiction with a population in excess of two hundred thousand (200,000) residents;
- (12) "Independent expenditure" means the expenditure of money or other things of value for a communication which expressly advocates the election or defeat of a clearly identified candidate or slate of candidates, and which is made without any coordination, consultation, or cooperation with any candidate, slate of candidates, campaign committee, or any authorized person acting on behalf of any of them, and which is not made in concert with, or at the request or suggestion of any candidate, slate of candidates, campaign committee, or any authorized person acting on behalf of any of them;

- (13) "Electronic reporting" means the use of technology, having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities, by which an individual or other entity submits, compiles, or transmits campaign finance reports to the registry, or by which the registry receives, stores, analyzes, or discloses the reports;
- (14) "Security procedure" means a procedure employed for the purpose of verifying that an electronic signature, record, or performance is that of a specific person or for detecting changes or errors in the information in an electronic record. The term includes a procedure that requires the use of algorithms or other codes, identifying words or numbers, encryption, or callback or other acknowledgment procedures;
- (15) "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record;
- (16) "Filer" means any candidate, a slate of candidates, committee, or other individual or entity required to submit financial disclosure reports to the registry;~~and~~
- (17) "Filer-side software" means software provided to or used by the filer that enables transmittal of financial reports to the registry; *and*
- (18) ***"Form" means an online Web page or an electronic document designed to capture, validate, and submit data for processing to the registry, unless the context otherwise prescribes.***

➔Section 2. KRS 121.160 is amended to read as follows:

- (1) ~~[As part of the filing papers]~~Each candidate or slate of candidates shall, on a ~~duplicate~~ form prescribed and furnished by the registry, designate a campaign treasurer to act as their agent at the time ~~and at the office with which~~ they file as a candidate or slate of candidates, and until this requirement is met, the candidate or slate of candidates shall be listed as their own treasurer and accountable as such. The candidate or slate of candidates may appoint themselves or any registered voter in Kentucky as the campaign treasurer. The office with which the candidate or slate of candidates is required to file shall immediately forward to the registry ~~a~~~~the duplicate~~ copy of the ~~completed form designating the candidate's or slate's campaign treasurer and shall attach the original to the~~ candidate's or slate's filing papers. The office with which the candidate or slate of candidates files shall promptly notify the registry when a candidate withdraws.
- (2) The duties of a campaign treasurer shall be to:
- (a) Designate a depository bank in which the primary campaign account shall be maintained and deposit all contributions in that account;
 - (b) Keep detailed and exact accounts of:
 1. Contributions of any amount made by a permanent committee, by name and business address of the permanent committee, the date of the contribution, the amount contributed, and a description of the major business, social, or political interest represented by the permanent committee; *and*
 2. ~~[Contributions in excess of one hundred dollars (\$100) made to a candidate or slate of candidates for a statewide elected state office, by the date, name, address, occupation, and employer of each contributor and the spouse of the contributor or, if the contributor or spouse of the contributor is self-employed, the name under which he is doing business, and the amount contributed by each contributor; and~~
 - 3-] Contributions in excess of one hundred dollars (\$100) made to any candidate~~[other than those specified in subparagraph 2.]~~, by name, address, age if under legal voting age, date of the contribution, amount of the contribution, and the employer and occupation of each other contributor. If the contributor is self-employed, the name under which he is doing business shall be listed. The occupation listed for the contributor shall be specific. A general classification, such as "businessman", shall be insufficient;
 - (c) Make or authorize all expenditures on behalf of a candidate or slate of candidates. Any expenditure in excess of twenty-five dollars (\$25) shall be by check and the treasurer's records shall disclose the name, address, and occupation of every person or firm to whom made, and shall list the date and amount of the expenditure and the treasurer shall keep a receipted bill for each;
 - (d) Maintain all receipted bills and accounts required by this section for a period of six (6) years from the date he files his last report under KRS 121.180(3)(b)1.; and

- (e) Make no payment to any person not directly providing goods or services with the intent to conceal payment to another.
- (3) A candidate or slate of candidates may remove a campaign treasurer at any time.
- (4) In case of the death, resignation, or removal of a campaign treasurer, the candidate or slate of candidates shall within three (3) days after receiving notice thereof by certified mail, appoint a successor and shall file his name and address with the registry. The candidate, or slate shall be accountable as their own campaign treasurer if they fail to meet this filing requirement.
- (5) A person may serve as campaign treasurer for more than one (1) candidate or slate of candidates, but all reports shall be made separately for each individual candidate or slate.
- (6) The candidate or slate of candidates may pay a campaign treasurer a salary for his services which shall be considered a campaign expense and shall comply with the reporting provisions of KRS 121.180 and administrative regulations promulgated by the registry.

➔Section 3. KRS 121.180 is amended to read as follows:

- (1) (a) Any candidate, slate of candidates, or political issues committee shall be exempt from filing any campaign finance reports required by subsections (3) and (4) of this section if the candidate, slate of candidates, or political issues committee chair files a form prescribed and furnished by the registry stating that currently no contributions have been received and that contributions will not be accepted or expended in excess of three thousand dollars (\$3,000) in any one (1) election. A separate form shall be required for each primary, regular, or special election in which the candidate or slate of candidates participates or in which the public question appears on the ballot, ~~unless the candidate, slate of candidates, or political issues committee chair indicates on a request for exemption that the request will be applicable to more than one (1) election. The form shall be filed with the same office with which a candidate or slate of candidates files nomination papers or, in the case of a political issues committee, with the registry.~~ **The form shall be submitted by means of electronic filing with the registry.**
- (b) For a primary, a candidate or slate of candidates shall file a request for exemption not later than the deadline for filing nomination papers and, except as provided in subparagraph 2. of paragraph (c) of this subsection, shall be bound by its terms unless it is rescinded in writing not later than thirty (30) days preceding the primary. For a regular election, a candidate or slate of candidates shall file or rescind in writing a request for exemption not later than sixty (60) days preceding the regular election, except as provided in subparagraph 2. of paragraph (c) of this subsection. For a special election, a candidate or slate of candidates shall file a request for exemption not later than ten (10) days after the candidate or slate of candidates is nominated for a special election and shall be bound by its terms unless it is rescinded in writing not later than thirty (30) days preceding the special election. A political issues committee chair shall file a request for exemption when the committee registers with the registry and shall be bound by its terms unless it is rescinded in writing not later than thirty (30) days preceding the date the issue appears on the ballot.
- (c) 1. A candidate or slate of candidates that revokes a request for exemption in a timely manner shall file all reports required of a candidate intending to raise or spend in excess of three thousand dollars (\$3,000) in an election. To revoke the request for an exemption, the candidate or slate of candidates shall file the appropriate form with the registry not later than the deadline for filing a revocation.
- 2. A candidate or slate of candidates that is exempted from campaign finance reporting requirements pursuant to paragraph (a) of this subsection but who accepts contributions or makes expenditures in excess of the exempted amount in an election, shall file all applicable reports required for the remainder of that election, based upon the amount of contributions or expenditures the candidate or slate of candidates accepts or receives in that election. ~~The filing of applicable required reports by a candidate or slate of candidates after the exempted amount is exceeded shall serve as notice to the registry that the initial exemption has been rescinded. No further notice to the registry shall be required and no penalty for exceeding the initial exempted amount shall be imposed against the candidate or slate of candidates, except for failure to file applicable reports required after the exempted amount is exceeded.~~
- (d) Any candidate or slate of candidates that is subject to a June or August filing deadline and that intends to execute a request for exemption shall file the appropriate request for exemption not later than the filing deadline and, except as provided in subparagraph 2. of paragraph (c) of this subsection, shall be

bound by its terms unless it is rescinded in writing not later than sixty (60) days preceding the regular election. A candidate or slate of candidates that is covered by this paragraph shall have the same reversion rights as those provided in subparagraph 1. of paragraph (c) of this subsection.

- (e) Any candidate or slate of candidates that will appear on the ballot in a regular election that has signed a request for exemption for that election may exercise the reversion rights provided in subparagraph 1. of paragraph (c) of this subsection if a candidate or slate of candidates that is subject to a June or August filing deadline subsequently files in opposition to the candidate or slate of candidates. Except as provided in subparagraph 2. of paragraph (c) of this subsection, a candidate or slate of candidates covered by this paragraph shall comply with the deadline for rescission provided in subparagraph 1. of paragraph (c) of this subsection.
- (f) Except as provided in subparagraph 2. of paragraph (c) of this subsection, any candidate or slate of candidates that has filed a request for exemption for a regular election that later is opposed by a person who has filed a declaration of intent to receive write-in votes may rescind the request for exemption and exercise the reversion rights provided in subparagraph 1. of paragraph (c) of this subsection.
- (g) Any candidate or slate of candidates that has filed a request for exemption may petition the registry to determine whether another person is campaigning as a write-in candidate prior to having filed a declaration of intent to receive write-in votes, and, if the registry determines upon a preponderance of the evidence that a person who may later be a write-in candidate is conducting a campaign, the candidate or slate of candidates, except as provided in subparagraph 2. of paragraph (c) of this subsection, may petition the registry to permit the candidate or slate of candidates to exercise the reversion rights provided in subparagraph 1. of paragraph (c) of this subsection.
- (h) If the opponent of a candidate or slate of candidates is replaced due to his or her withdrawal because of death, disability, or disqualification, the candidate or slate of candidates, except as provided in subparagraph 2. of paragraph (c) of this subsection, may exercise the reversion rights provided in subparagraph 1. of paragraph (c) of this subsection not later than fifteen (15) days after the party executive committee nominates a replacement for the withdrawn candidate or slate of candidates.
- (i) A person intending to be a write-in candidate for any office in a regular or special election may execute a request for exemption under paragraph (a) of this subsection and shall be bound by its terms unless it is rescinded in writing not later than fifteen (15) days preceding the regular or special election. A person intending to be a write-in candidate who revokes a request for exemption in a timely manner shall file all reports required of a candidate intending to raise or spend in excess of three thousand dollars (\$3,000) in an election. Except as provided in subparagraph 2. of paragraph (c) of this subsection, a person intending to be a write-in candidate who revokes a request for exemption shall file the appropriate form with the registry.
- (j) Except as provided in subparagraph 2. of paragraph (c) of this subsection, the campaign committee of any candidate or slate of candidates that has filed a request for exemption or a political issues committee whose chair has filed a request for exemption shall be bound by its terms unless it is rescinded in a timely manner.
- (k)
 1. Except as provided in subparagraph 2. of paragraph (c) of this subsection, any candidate, slate of candidates, or political issues committee that is exempt from filing campaign finance reports pursuant to paragraph (a), (d), or (i) of this subsection that accepts contributions or makes expenditures, or whose campaign treasurer accepts contributions or makes expenditures, in excess of the applicable limit in any one (1) election without rescinding the request for exemption in a timely manner shall comply with all applicable reporting requirements and, in lieu of other penalties prescribed by law, pay a fine of not less than five hundred dollars (\$500).
 2. Except as provided in subparagraph 2. of paragraph (c) of this subsection, a candidate, slate of candidates, campaign committee, or political issues committee that is exempt from filing campaign finance reports pursuant to paragraph (a), (d), or (i) of this subsection that knowingly accepts contributions or makes expenditures in excess of the applicable spending limit in any one (1) election without rescinding the request for exemption in a timely manner shall comply with all applicable reporting requirements and shall be guilty of a Class D felony.
- (l)
 1. ***Any candidate exempt from filing under this subsection for a primary shall file a report described in subsection (4) of this section.***

2. *Any candidate exempt from filing under this subsection for a primary who advances to the regular election shall file for an additional exemption under this section for the regular election or the candidate shall no longer be exempt from the filing requirements.*
 3. *In the event a candidate exempt from filing under this subsection is no longer eligible for the exemption, he or she shall immediately file for a revocation of the exemption under paragraph (c) of this subsection.*
- (2) (a) State and county executive committees, and caucus campaign committees shall make a full report, upon a prescribed form, to the registry, of all money, loans, or other things of value, received from any source, and expenditures authorized, incurred, or made, since the date of the last report, including:
1. For each contribution of any amount made by a permanent committee, the name and business address of the permanent committee, the date of the contribution, the amount contributed, and a description of the major business, social, or political interest represented by the permanent committee;
 2. For other contributions in excess of one hundred dollars (\$100), the full name, address, age if less than the legal voting age, the date of the contribution, the amount of the contribution, and the employer and occupation of each contributor. If the contributor is self-employed, the name under which he or she is doing business shall be listed;
 3. The total amount of cash contributions received during the reporting period; and
 4. A complete statement of expenditures authorized, incurred, or made. The complete statement of expenditures shall include the name and address of each person to whom an expenditure is made in excess of twenty-five dollars (\$25), and the amount, date, and purpose of each expenditure.
- (b) In addition to the reporting requirements in paragraph (a) of this subsection, the state executive committee of a political party that has established a building fund account under KRS 121.172 shall make a full report, upon a prescribed form, to the registry, of all contributions received from any source, and expenditures authorized, incurred, or made, since the date of the last report for the separate building fund account, including:
1. For each contribution of any amount made by a corporation, the name and business address of the corporation, the date of the contribution, the amount contributed, and a description of the major business conducted by the corporation;
 2. For other contributions in excess of one hundred dollars (\$100), the full name and address of the contributor, the date of the contribution, the amount of the contribution, and the employer and occupation of each contributor. If the contributor is self-employed, the name under which he or she is doing business shall be listed;
 3. The total amount of cash contributions received during the reporting period; and
 4. A complete statement of expenditures authorized, incurred, or made. The complete statement of expenditures shall include the name and address of each person to whom an expenditure is made in excess of twenty-five dollars (\$25), and the amount, date, and purpose of each expenditure.
- (c) The report required by paragraph (a) of this subsection shall be made on a semiannual basis and shall be received by the registry by January 31 and by July 31. The January report shall cover the period from July 1 to December 31. The July report shall cover the period from January 1 to June 30. If an individual gives a reportable contribution to a caucus campaign committee or to a state or county executive committee with the intention that the contribution or a portion of the contribution go to a candidate or slate of candidates, the name of the contributor and the sum shall be indicated on the committee report. The report required by paragraph (b) of this subsection relating to a state executive committee's building fund account shall be received by the registry within two (2) business days after the close of each calendar quarter. The receipts and expenditures of funds remitted to each political party under KRS 141.071 to 141.073 shall be separately accounted for and reported to the registry in the manner required by KRS 121.230. The separate report may be made a separate section within the report required by this subsection to be received by the registry by January 31.
- (3) (a) Except for candidates or slates of candidates, campaign committees, or political issues committees exempted from reporting requirements pursuant to subsection (1) of this section, each campaign treasurer of a candidate, slate of candidates, campaign committee, or political issues committee who

accepts contributions or expends, expects to accept contributions or expend, or contracts to expend more than three thousand dollars (\$3,000) in any one (1) election, and each fundraiser who secures contributions in excess of three thousand dollars (\$3,000) in any one (1) election, shall make a full report to the registry, on a form provided or using a format approved by the registry, of all money, loans, or other things of value, received from any source, and expenditures authorized, incurred, and made, since the date of the last report, including:

1. For each contribution of any amount made by a permanent committee, the name and business address of the permanent committee, the date of the contribution, the amount contributed, and a description of the major business, social, or political interest represented by the permanent committee;
 2. ~~For each contribution in excess of one hundred dollars (\$100) made to a candidate or slate of candidates for a statewide elected state office, or to a campaign committee for a candidate or slate of candidates for a statewide elected state office, the date, name, address, occupation, and employer of each contributor and the spouse of the contributor or, if the contributor or spouse of the contributor is self-employed, the name under which he or she is doing business, and the amount contributed by each contributor;~~
 3. For each contribution in excess of one hundred dollars (\$100) made to any candidate or campaign committee ~~other than those specified in subparagraph 2. of this paragraph~~ or a political issues committee, the full name, address, age if less than the legal voting age, the date of the contribution, the amount of the contribution, and the employer and occupation of each other contributor. If the contributor is self-employed, the name under which he or she is doing business shall be listed;
 - 3.4. The total amount of cash contributions received during the reporting period; and
 - 4.5. A complete statement of all expenditures authorized, incurred, or made. The complete statement of expenditures shall include the name, address, and occupation of each person to whom an expenditure is made in excess of twenty-five dollars (\$25), and the amount, date, and purpose of each expenditure.
- (b) Reports of all candidates, slates of candidates, campaign committees, political issues committees, and registered fundraisers shall be made as follows:
1. *a.* Candidates *seeking statewide office* ~~[as defined in KRS 121.015(8)]~~, slates of candidates, *authorized campaign committees for candidates seeking statewide office and for slates of candidates*, ~~Candidate authorized and~~ unauthorized campaign committees, political issues committees, and fundraisers which register ~~in the year~~ before the year of an election in which the candidate, a slate of candidates, or public question shall appear on the ballot, shall file financial reports with the registry at the end of the first calendar quarter after persons become *statewide* candidates or slates of candidates, or following registration of the committee or fundraiser, and each calendar quarter thereafter, ending with the last calendar quarter of that year. *The provisions of this subparagraph shall be retroactive to January 1, 2021*. ~~Candidates, slates of candidates, Committees, and registered fundraisers shall make all reports required by this section during the year in which the election takes place~~;
 - b.* *All other candidates and candidate campaign committees shall file annual financial reports to be received by the registry on or before December 1 for each year that a candidate is not yet on the ballot but has filed a Statement of Spending Intent and Appointment of Campaign Treasurer with the registry for a future year election; and*
 - c.* *Candidates, slate of candidates, or committees shall make all reports required by subparagraphs 2. to 5. of this paragraph during the year in which the election takes place;*
 2. All candidates, slates of candidates, candidate-authorized and unauthorized campaign committees, political issues committees, and registered fundraisers shall make reports on the sixtieth day preceding a regular election, including all previous contributions and expenditures;

3. All candidates, slates of candidates, candidate-authorized and unauthorized campaign committees, political issues committees, and registered fundraisers shall make reports on the thirtieth day preceding an election, including all previous contributions and expenditures;
 4. All candidates, slates of candidates, candidate-authorized and unauthorized campaign committees, political issues committees, and registered fundraisers shall make reports on the fifteenth day preceding the date of the election; and
 5. All reports to the registry shall cover campaign activity during the entire reporting period and must be received by the registry within two (2) business days after the date the reporting period ends to be deemed timely filed.
- (4) Except for candidates, slates of candidates, and political issues committees, exempted pursuant to subsection (1)(a) of this section, all candidates, regardless of funds received or expended, candidate-authorized and unauthorized campaign committees, political issues committees, and registered fundraisers shall make post-election reports within thirty (30) days after the election. All post-election reports to the registry shall cover campaign activity during the entire reporting period and must be received by the registry within two (2) business days after the date the reporting period ends to be deemed timely filed.
- (5) In making the preceding reports, the total gross receipts from each of the following categories shall be listed: proceeds from the sale of tickets for events such as testimonial affairs, dinners, luncheons, rallies, and similar fundraising events, mass collections made at the events, and sales of items such as campaign pins, buttons, hats, ties, literature, and similar materials. When any individual purchase or the aggregate purchases of any item enumerated above from a candidate or slate of candidates for a statewide-elected state office or a campaign committee for a candidate or slate of candidates for a statewide-elected state office exceeds one hundred dollars (\$100), the purchaser shall be identified by name, address, age, if less than the legal voting age, occupation, and employer ~~and the employer of the spouse of the purchaser~~ or, if the purchaser ~~or the spouse of the purchaser~~ is self-employed, the name under which he or she is doing business, and the amount of the purchase. When any individual purchase or the aggregate purchases of any item enumerated above from any candidate or campaign committee other than a candidate or slate of candidates for a statewide-elected state office or campaign committee for a candidate or slate of candidates for a statewide-elected state office exceeds one hundred dollars (\$100), the purchaser shall be identified by name, address, age if less than the legal voting age, occupation, and employer, or if the purchaser is self-employed, the name under which he or she is doing business, and the amount of the purchase. The lists shall be maintained by the campaign treasurer, political issues committee treasurer, registered fundraiser, or other sponsor for inspection by the registry for six (6) years following the date of the election.
- (6) Each permanent committee, except a federally registered permanent committee, inaugural committee, or contributing organization shall make a full report to the registry, on a form provided or using a format approved by the registry, of all money, loans, or other things of value, received by it from any source, and all expenditures authorized, incurred, or made, since the date of the last report, including:
- (a) For each contribution of any amount made by a permanent committee, the name and business address of the permanent committee, the date of the contribution, the amount contributed, and a description of the major business, social, or political interest represented by the permanent committee;
 - (b) For other contributions in excess of one hundred dollars (\$100), the full name, address, age if under the legal voting age, the date of the contribution, the amount of the contribution, and the employer and occupation of each contributor. If the contributor is self-employed, the name under which he or she is doing business shall be listed;
 - (c) An aggregate amount of cash contributions, the amount contributed by each contributor, and the date of each contribution; and
 - (d) A complete statement of all expenditures authorized, incurred, or made, including independent expenditures. This report shall be made by a permanent committee, inaugural committee, or contributing organization to the registry on the last day of the first calendar quarter following the registration of the committee with the registry and on the last day of each succeeding calendar quarter until such time as the committee terminates. A contributing organization shall file a report of contributions received and expenditures on a form provided or using a format approved by the registry not later than the last day of each calendar quarter in which contributions are received or expenditures are made. All reports to the registry shall be received on or before each filing deadline, and any report

received by the registry within two (2) business days after each filing deadline shall be deemed timely filed.

- (7) If the final statement of a candidate, campaign committee, or political issues committee shows an unexpended balance of contributions, continuing debts and obligations, or an expenditure deficit, the campaign treasurer shall file with the registry a supplemental statement of contributions and expenditures not more than thirty (30) days after the deadline for filing the final statement. Subsequent supplemental statements shall be filed annually, to be received by the registry by December 1 of each year, until the account shows no unexpended balance, continuing debts and obligations, expenditures, or deficit, ~~or until the year before the candidate or a slate of candidates seeks to appear on the ballot for the same office for which the funds in the campaign account were originally contributed, in which case the candidate or a slate of candidates shall file the supplemental annual report by December 1 of that year or at the end of the first calendar quarter of that year after the candidate or slate of candidates files nomination papers for the next year's primary or regular election~~. All post-election reports to the registry shall cover campaign activity during the entire reporting period and must be received by the registry within two (2) business days after the date the reporting period ends to be deemed timely filed. All contributions shall be subject to KRS 121.150 as of the date of the election in which the candidate appeared on the ballot.
- (8) All reports filed under the provisions of this chapter shall be a matter of public record open to inspection by any member of the public immediately upon receipt of the report by the registry.
- (9) A candidate or slate of candidates is relieved of the duty personally to file reports and keep records of receipts and expenditures if the candidate or slate states in writing or on forms provided by the registry that:
- (a) Within five (5) business days after personally receiving any contributions, the candidate or slate of candidates shall surrender possession of the contributions to the treasurer of their principal campaign committee without expending any of the proceeds thereof. No contributions shall be commingled with the candidate's or slated candidates' personal funds or accounts. Contributions received by check, money order, or other written instrument shall be endorsed directly to the campaign committee and shall not be cashed or redeemed by the candidate;
 - (b) The candidate or slate of candidates shall not make any unreimbursed expenditure for the campaign, except that this paragraph does not preclude a candidate or slate from making an expenditure from personal funds to the designated principal campaign committee, which shall be reported by the committee as a contribution received; and
 - (c) The waiver shall continue in effect as long as the candidate or slate of candidates complies with the conditions under which it was granted.
- (10) (a) No candidate, slate of candidates, campaign committee, political issues committee, or contributing organization shall use or permit the use of contributions or funds solicited or received for the person or in support of or opposition to a public issue which will appear on the ballot to:
1. Further the candidacy of the person for a different public office; ~~[- to -]~~
 2. Support or oppose a different public issue; ~~[-]~~ or ~~[- to -]~~
 3. Further the candidacy of any other person for public office. ~~[- except that]~~
- (b) Nothing in this subsection shall be deemed to prohibit a candidate or slate of candidates from using funds in ~~a~~~~the~~ campaign account to purchase admission tickets for, **or contribute to**, any fundraising event or testimonial affair for another candidate or slate of candidates if the amount of the purchase **or contribution** does not exceed two hundred dollars (\$200) per event or affair.
- (c) Any funds or contributions solicited or received by or on behalf of a candidate, slate of candidates, or any committee, which has been organized in whole or in part to further any candidacy for the same person or to support or oppose the same public issue, shall be deemed to have been solicited or received for the current candidacy or for the election on the public issue if the funds or contributions are solicited or received at any time prior to the regular election for which the candidate, slate of candidates, or public issue is on the ballot.
- (d) Any unexpended balance of funds not otherwise obligated for the payment of expenses incurred to further a political issue or the candidacy of a person shall, in whole or in part, at the election of the candidate or committee: ~~[-]~~
1. Escheat to the State Treasury; ~~[-]~~

2. Be returned pro rata to all contributors;~~[- or, -]~~
 3. In the case of a partisan candidate, be transferred to:
 - a. A caucus campaign committee;~~[-] or [-to -]~~
 - b. The state or county executive committee of the political party of which the candidate is a member;~~[- except that a candidate, committee, or an official may -]~~
 4. **Be retained**~~[- retain the funds -]~~ to further the same public issue or to seek election to the same office; or
 5. **Be donated**~~[- may donate the funds -]~~ to any charitable, nonprofit, or educational institution recognized under Section 501(c)(3) of the United States Internal Revenue Code of 1986, as amended, and any successor thereto.
- (11) If adequate and appropriate agency funds are available to implement this subsection, electronic reporting shall be made available by the registry to all candidates, slates of candidates, committees, contributing organizations, registered fundraisers, and persons making independent expenditures. The electronic report submitted to the registry shall be the official campaign finance report for audit and other legal purposes, whether mandated or filed by choice.
- (12) ~~[- Filers not required to file reports electronically, as set forth in this section, are strongly encouraged to do so voluntarily. -]~~
- ~~(13) -~~ The date that an electronic or on-line report shall be deemed to have been filed with the registry shall be the date on which it is received by the registry.
- ~~(13)~~~~(14)~~ All electronic or online filers shall affirm, under penalty of perjury, that the report filed with the registry is complete and accurate.
- ~~(14)~~~~(15)~~ Filers who submit electronic campaign finance reports which are not readable, or cannot be copied~~[- or are not accompanied by any requisite paper copy -]~~ shall be deemed to not be in compliance with the requirements set forth in this section.
- ~~(15)~~~~(16)~~ Beginning with the primary scheduled in calendar year 2020, and for each subsequent election scheduled thereafter, reports required to be submitted to the registry involving candidates, slates of candidates, committees, contributing organizations, and independent expenditures shall be reported electronically.
- ~~(16)~~~~(17)~~ (a) On each~~[- paper and electronic -]~~ form that the registry supplies for the reports required under subsections (2), (3), and (6) of this section, the registry shall include an entry reading, "No change since last report."
- (b) If a person or entity that is required to report under subsection (2), (3), or (6) of this section has received no money, loans, or other things of value from any source since the date of its last report and has not authorized, incurred, or made any expenditures since that date, the person or entity may check or otherwise designate the entry that reads, "No change since last report." A person or entity designating this entry in a report shall state the balance carried forward from the last report but need not specify receipts or expenditures in further detail.
- ➔Section 4. KRS 6.767 is amended to read as follows:
- (1) For purposes of this section, "accept" means the date a contribution is postmarked, if mailed, or the date of the hand delivery, if the contribution is hand-delivered.
 - (2) A member of the General Assembly, candidate for the General Assembly, or his or her campaign committee shall not accept a campaign contribution from a legislative agent. Violation of this provision is ethical misconduct.
 - (3) A member of the General Assembly, candidate for the General Assembly, or his or her campaign committee shall not, during a regular session of the General Assembly, accept a campaign contribution from an employer of a legislative agent, or from a permanent committee as defined in KRS 121.015. **Violation of this provision is ethical misconduct.** This subsection shall not apply to:
 - (a) Candidates for the General Assembly in a special election held during a regular session of the General Assembly; **or**

(b) *A member of the General Assembly who is a candidate, as defined in Section 1 of this Act, contemporaneously seeking election for a statewide office* ~~Violation of this provision is ethical misconduct.~~

- (4) It shall be a complete defense under this section if the legislator, candidate, or his or her campaign committee receives a campaign contribution from a legislative agent or, during a regular session, from an employer or from a permanent committee, which fact is unknown to the legislator, candidate, or committee at the time of receipt, if the legislator, candidate, or his or her campaign committee either returns the contribution within thirty (30) days of receipt, and within fourteen (14) additional days makes that fact, together with the name of the contributor, amount of the contribution, and the date of return or payment known, in writing to the commission. It shall also be a defense if a legislator, candidate, or his or her campaign committee receives a campaign contribution from a legislative agent whose name does not yet appear on the list of legislative agents and their employers furnished to the Legislative Research Commission if the legislator, candidate, or his or her campaign committee returns the campaign contribution within thirty (30) days of the Legislative Research Commission's receipt of the list bearing the name of the legislative agent and all employers and makes the written disclosure to the commission required in this subsection. The time periods shall be tolled upon the filing with the commission of a request for an advisory opinion regarding the campaign contribution. Upon the issuance of the opinion or decision not to render an opinion, the time period shall resume.

➔Section 5. KRS 121.175 is amended to read as follows:

- (1) No candidate, committee, or contributing organization shall permit funds in a campaign account to be expended for any purpose other than for allowable campaign expenditures. "Allowable campaign expenditures" means expenditures including reimbursement for actual expenses, made directly and primarily in support of or opposition to a candidate, constitutional amendment, or public question which will appear on the ballot and includes, but is not limited to, expenditures for staff salaries, gifts and meals for volunteer campaign workers, food and beverages provided at a campaign rally, advertising, office space, necessary travel *if reported*, campaign paraphernalia, purchases of advertisements in athletic and scholastic publications, communications with constituents or prospective voters, polling and consulting, printing, graphic arts, or advertising services, postage, office supplies, stationery, newsletters, and equipment which is used primarily for the administration of the campaign. "Allowable campaign expenditures" does not include *necessary travel unless reported*, expenditures of funds in a campaign account for any purpose made unlawful by other provisions of the Kentucky Revised Statutes or which would bestow a private pecuniary benefit, except for payment of the reasonable value of goods and services provided upon a candidate, member of the candidate's family, committee, or contributing organization, or any of their employees, paid or unpaid, including: tickets to an event which is unrelated to a political campaign or candidacy; items of personal property for distribution to prospective voters except items bearing the name, likeness, or logo of a candidate or a campaign-related communication; expenditures to promote or oppose a candidacy for a leadership position in a governmental, professional, or political organization, or other entity; and equipment or appliances the primary use of which is for purposes outside of the campaign. The provisions of KRS 121.190 notwithstanding, a candidate shall not be required to include a disclaimer on campaign stationery purchased with funds from his campaign account. A member of the General Assembly may utilize funds in his *or her* campaign account to *contribute up to five thousand dollars (\$5,000) per year to* ~~purchase admission tickets for political party functions and caucus campaign committee functions, to purchase items with a value of not in excess of one hundred dollars (\$100) for donation to a political party or caucus campaign committee for auctions and fundraisers, and to participate in or support other events sponsored by~~ a political party or caucus campaign committee. A member of the General Assembly may make allowable campaign expenditures in both election years and nonelection years.
- (2) By December 31, 1993, the registry shall promulgate administrative regulations to implement and enforce the provisions of subsection (1).
- (3) In lieu of the penalties provided in KRS 121.140 and 121.990 for a violation of this section, the registry may, after hearing:
- (a) For a violation which was not committed knowingly, order the violator to repay the amount of campaign funds which were expended for other than allowable campaign expenditures, and if not repaid within thirty (30) days, may impose a fine of up to one hundred dollars (\$100) for each day the amount is not repaid, up to a maximum fine of one thousand dollars (\$1,000); and
 - (b) For a violation which was committed knowingly, in addition to referring the matter for criminal prosecution, order the violator to repay the amount of campaign funds which were expended for other than allowable campaign expenditures, and if not repaid within thirty (30) days, may impose a fine of

up to one hundred dollars (\$100) for each day the amount is not repaid, up to a maximum fine of one thousand dollars (\$1,000).

➔Section 6. KRS 121.120 is amended to read as follows:

- (1) The registry may:
 - (a) Require by special or general orders, any person to submit, under oath, any written reports and answers to questions as the registry may prescribe;
 - (b) Administer oaths or affirmations;
 - (c) Require by subpoena, signed by the chair, the attendance and testimony of witnesses and the production of all documentary evidence, excluding individual and business income tax records, relating to the execution of its duties;
 - (d) In any proceeding or investigation, to order testimony to be taken by deposition before any person who is designated by the registry and has the power to administer oaths and, in those instances, to compel testimony and the production of evidence in the same manner as authorized under paragraph (c) of this subsection;
 - (e) Initiate, through civil actions for injunctive, declaratory, or other appropriate relief, defend, or appeal any civil action in the name of the registry to enforce the provisions of this chapter through its legal counsel;
 - (f) Render advisory opinions under KRS 121.135;
 - (g) Promulgate administrative regulations necessary to carry out the provisions of this chapter;
 - (h) Conduct investigations and hearings expeditiously, to encourage voluntary compliance, and report apparent campaign finance law violations to the appropriate law enforcement authorities;
 - (i) Petition any court of competent jurisdiction to issue an order requiring compliance with an order or subpoena issued by the registry. Any failure to obey the order of the court may be punished by the court as contempt; and
 - (j) Conduct random audits of receipts and expenditures of committees which have filed registration papers with the registry pursuant to KRS 121.170.
- (2) No person shall be subject to civil liability to any person other than the registry or the Commonwealth for disclosing information at the request of the registry.
- (3) The registry may appoint a full-time executive director, legal counsel, and an accountant for auditing purposes, all of whom shall serve at the pleasure of the registry. The registry may also appoint such other employees as are necessary to carry out the purposes of this chapter. All requests for personnel appointments shall be forwarded by the registry directly to the secretary of the Personnel Cabinet and shall be subject to the secretary's review and certification only.
- (4) The registry shall adopt official forms and perform other duties necessary to implement the provisions of this chapter. The registry shall not require the listing of a person's Social Security number on any form developed by the registry. Without limiting the generality of the foregoing, the registry shall:
 - (a) Develop prescribed forms for the making of the required reports;
 - (b) Prepare and publish a manual for all candidates, slates of candidates, contributing organizations, and committees, describing the requirements of the law, including uniform methods of bookkeeping and reporting, requirements as to reporting dates, and the length of time that candidates, slates of candidates, contributing organizations, and committees are required to keep any records pursuant to the provisions of this chapter;
 - (c) Develop a filing, coding, and cross-indexing system;
 - (d) Make each report filed available for public inspection and copying during regular office hours at the expense of any person requesting copies of them;
 - (e) Preserve all reports for at least six (6) years from the date of receipt. Duly certified reports shall be admissible as evidence in any court in the Commonwealth;

- (f) Prepare and make available for public inspection a summary of all reports grouped according to candidates, slates of candidates, committees, contributing organizations, and parties containing the total receipts and expenditures; and
1. For each contribution made by a permanent committee of any amount to a candidate or slate of candidates, the date, name, and business address of the permanent committee, the amount contributed, and a description of the major business, social, or political interest represented by the permanent committee; *and*
 2. ~~{For each contribution in excess of one hundred dollars (\$100) made to a candidate or slate of candidates for a statewide elected state office, or to a campaign committee for a candidate or slate of candidates for a statewide elected state office, the date, name, address, occupation, and employer of each contributor and the spouse of the contributor or, if the contributor or spouse of the contributor is self-employed, the name under which the contributor is doing business, and the amount contributed by each contributor, listed alphabetically; and~~
 3. ~~For each contribution in excess of one hundred dollars (\$100) made to any candidate or campaign committee other than those specified in subparagraph 2., the date, name, address, occupation, and employer of each other contributor or, if the contributor is self-employed, the name under which the contributor is doing business, and the amount contributed by each contributor, listed alphabetically;~~
- (g) Prepare and publish an annual report with cumulative compilations named in paragraph (f) of this subsection;
- (h) Distribute upon request, for a nominal fee, copies of all summaries and reports;
- (i) Determine whether the required reports have been filed and if so, whether they conform with the requirements of this chapter; give notice to delinquents to correct or explain defections; issue an order, if appropriate, as provided in KRS 121.140; and make public the fact that a violation has occurred and the nature thereof;
- (j) Conduct random audits of receipts and expenditures of candidates running for city, county, urban-county government, charter county government, consolidated local government, unified local government, and district offices. When the registry audits the records of any selected candidate, it shall also audit the records of all other candidates running for the same office in the selected city, county, urban-county government, charter county government, consolidated local government, unified local government, or district office;
- (k) Conduct audits of receipts and expenditures of all candidates or slates of candidates running for statewide office;
- (l) Require that candidates and slates of candidates shall maintain their records for a period of six (6) years from the date of the regular election in their respective political races;
- (m) Initiate investigations and make investigations with respect to reports upon complaint by any person and initiate proceedings on its own motion; and
- (n) Forward to the Attorney General or the appropriate Commonwealth's or county attorney any violations of this chapter which may become the subject of civil or criminal prosecution.
- (5) All policy and enforcement decisions concerning the regulation of campaign finance shall be the ultimate responsibility of the registry. No appointed or elected state officeholder or any other person shall, directly or indirectly, attempt to secure or create privileges, exemptions, or advantages for himself, herself, or others in derogation of the public interest at large in a manner that seeks to leave any registry member or employee charged with the enforcement of the campaign finance laws no alternative but to comply with the wishes of the officeholder or person. Registry members and employees shall be free of obligation or the appearance of obligation to any interest other than the fair and efficient enforcement of the campaign finance laws and administrative regulations. It shall not be considered a violation of this subsection for an officeholder or other person to seek remedies in a court of law to any policy or enforcement decision he or she considers to be an abridgement of his or her legal rights.
- (6) If adequate and appropriate agency funds are available, the registry shall:
- (a) Develop or acquire a system for electronic reporting for use by individuals and entities required to file campaign finance reports with the registry under this chapter. The registry shall promulgate

administrative regulations under KRS Chapter 13A which provide for a nonproprietary standardized format or formats, using industry standards, for the transmission of data required under this chapter;

- (b) Accept test files from software vendors and persons wishing to file reports electronically for the purpose of determining whether the file format complies with the nonproprietary standardized format developed under paragraph (a) of this subsection and is compatible with the registry's system for receiving the data;
- (c) Make all reports filed with the registry pertaining to candidates for the General Assembly and statewide office available on the Internet free of charge, in an easily understood format that allows the public to browse, search, and download the data contained in the reports by each of the reporting categories required by this chapter, including but not limited to:
 - 1. The name of each candidate or committee;
 - 2. The office sought by each candidate;
 - 3. The name of each contributor;
 - 4. The address of each contributor;
 - 5. The employer or business occupation of each contributor, or if the contributor is a permanent committee, a description of the major business, social, or political interest represented by the permanent committee;
 - 6. The date of each contribution; and
 - 7. The amount of each contribution;
- (d) Make all data specified in paragraph (c) of this subsection available on the Internet no later than ten (10) business days after its receipt by the registry. If a contribution or expenditure report is filed late with the registry, that data shall be made available on the Internet within twenty-four (24) hours of the registry's receipt of the data;
- (e) Make filer-side software available free of charge to all individuals or entities subject to the reporting requirements of this chapter;
- (f) Establish a training program on the electronic reporting program and make it available free of charge to all individuals and entities subject to the reporting requirements of this chapter;
- (g) Maintain all campaign finance data pertaining to legislative and statewide candidates on-line for twenty (20) years after the date the report containing the data is filed, and then archive the data in a secure format;
- (h) Require candidates and slates of candidates running for statewide office, and campaign committees of candidates and slates of candidates registered to run for statewide office, beginning with elections scheduled in 2015, to electronically report all campaign finance reports that must be submitted to the registry under this chapter. If any statewide candidate, slate of candidates, or campaign committee of a statewide candidate or slate of candidates submits a campaign finance report in a nonelectronic format for an election scheduled in 2015 or later, the registry shall require the statewide candidate, slate of candidates, or campaign committee of the statewide candidate or slate of candidates to resubmit the campaign finance report in an electronic format;
- (i) Require all candidates, slates of candidates, committees, and contributing organizations, beginning with the primary scheduled in 2020, and for each subsequent election scheduled thereafter, to electronically report all campaign finance reports required to be submitted to the registry under this chapter. If any candidate, slate of candidates, committee, or contributing organization submits a campaign finance report to the registry in a nonelectronic format for an election or calendar period beginning in 2020 or later, the registry shall require the candidate, slate of candidates, committee, or contributing organization to resubmit the campaign finance report in an electronic format. If any candidate, slate of candidates, committee, or contributing organization does not submit the required campaign finance reports electronically by the applicable filing deadline, the registry shall publish the candidate, slate of candidates, committee, or contributing organization's name as a delinquent filer until such time as the campaign finance report is properly filed in an electronic format; and

- (j) Require all independent expenditure reports to be submitted electronically within forty-eight (48) hours of the date that the communication is publicly distributed or otherwise publicly disseminated, beginning with the primary scheduled in 2020, and for each subsequent election scheduled thereafter.
- (7) In conjunction with the program of electronic reporting set out in subsection (6) of this section, the registry shall deem an electronic report to be filed when submitted by either of the following methods:
 - (a) Online Internet transmission; or
 - (b) Hand delivery of the electronic report, saved on a current and compatible computer component, and downloaded at the registry.

➔Section 7. KRS 121.220 is amended to read as follows:

- (1) Each candidate, slate of candidates, and each committee shall, before receiving any contributions or expending any money, designate one (1) primary campaign depository for the purpose of depositing all contributions received and disbursing all expenditures made by the candidate, slate of candidates, or committee. The candidate, slate of candidates, or committee may also designate one (1) secondary depository in each county in which an election is held and in which the candidate, slate of candidates, or committee participates. Deputy campaign treasurers may make expenditures from secondary depositories but only from moneys which first have been deposited in the primary campaign depository. Only a financial institution authorized to transact business in Kentucky may be designated as a campaign depository. The candidate, slate of candidates, or committee shall file the name and address of each primary and secondary depository so designated at the same time the candidate, slate of candidates, or committee files the name of his or its campaign treasurer.
- (2) All funds received by the campaign treasurer or any deputy campaign treasurer of any candidate, slate of candidates, or committee shall be deposited in a campaign depository in an account designated "Campaign Fund of (name of candidate or committee)." For each deposit, the campaign treasurer or deputy campaign treasurer shall retain a statement showing the name and business address of the permanent committee, the amount contributed, and a description of the major business, social, or political interest represented by the permanent committee for each contribution of any amount made by a permanent committee, and the full name, address, employer of each other contributor ~~and the spouse of the contributor~~ or, if the contributor ~~or spouse of the contributor~~ is self-employed, the name under which he is doing business, and occupation of each contributor of more than one hundred dollars (\$100) and the amount contributed. Cash contributions shall be accompanied by the same receipt form.

➔Section 8. Whereas, it is critically important to protect the integrity and reliability of the electoral process in order to safeguard the fundamental right to vote, and it is a reasonable legislative task to seek improvement, modernization, and transparency in campaign finance and election procedures without undue delay in notice to the people of the Commonwealth and its election officials tasked with administering the election laws within this state, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Veto Overridden and Signed by Secretary of State April 14, 2022.

CHAPTER 209

(HB 773)

AN ACT relating to the Prosecutors Advisory Council.

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

➔Section 1. KRS 15.705 is amended to read as follows:

- (1) For the purpose of administration of the unified prosecutorial system, there is hereby created the Prosecutors Advisory Council, hereafter referred to as the council.
- (2) The council shall consist of **thirteen (13)**~~nine (9)~~ members who shall be residents of Kentucky and shall include:
 - (a) The Attorney General *or his or her designee*;

(b) *Five (5)*~~three (3)~~ Commonwealth's attorneys:~~{;}~~

1. One (1) from *the First Judicial Circuit to the Nineteenth Judicial Circuit*~~;~~~~{counties containing a consolidated local government, a city with a population of twenty thousand (20,000) or more based on the most recent federal decennial census, or an urban county government,}~~
2. One (1) from *the Twentieth Judicial Circuit to the Thirty-eighth Judicial Circuit*~~;~~~~{counties containing a city with a population equal to or greater than eight thousand (8,000) but less than twenty thousand (20,000) based on the most recent federal decennial census, and}~~
3. One (1) from *the Thirty-ninth Judicial Circuit to the Fifty-seventh Judicial Circuit*~~;~~~~and {the other counties,}~~
4. *Two (2) from any judicial circuit who shall serve at large*;

Each of whom shall be *elected by the membership of*~~{appointed by the Governor from a list of three (3) names for each Commonwealth's attorney position submitted by}~~ the Commonwealth's Attorneys Association;~~{and}~~

(c) *Five (5)*~~three (3)~~ county attorneys:~~{;}~~

1. One (1) from *a county with a population equal to or greater than seventy-five thousand (75,000) based on the most recent federal decennial census*~~;~~~~{counties containing a consolidated local government, a city with a population equal to or greater than twenty thousand (20,000) based on the most recent federal decennial census, or an urban county government,}~~
2. One (1) from *a county with a population equal to or greater than twenty-five thousand (25,000) but less than seventy-five thousand (75,000)*~~{counties containing a city with a population equal to or greater than eight thousand (8,000) but less than twenty thousand (20,000)}~~ based on the most recent federal decennial census;~~{; and}~~
3. One (1) from *a county with a population of less than twenty-five thousand (25,000) based on the most recent federal decennial census*~~;~~~~and {the other counties,}~~
4. *Two (2) from any other county who shall serve at large*;

Each of whom shall be *elected by the membership of*~~{appointed by the Governor from a list of three (3) names for each county attorney position submitted by}~~ the County Attorneys Association; and

(d) Two (2) nonattorney citizen members:

1. *One (1) appointed by the Attorney General from a list of three (3) names submitted by the Commonwealth's Attorneys Association; and*
2. *One (1) appointed by the Attorney General from a list of three (3) names submitted by the County Attorneys Association.*

The Attorney General shall serve during his *or her* term of office and the other members shall serve *for a term of two (2) years*~~{at the pleasure of the Governor}~~. *A Commonwealth's attorney or a county attorney shall not serve more than two (2) consecutive terms.*

- (3) The Attorney General *or his or her designee* shall be the *chair*~~{chairman}~~ of the council. *Seven (7)*~~Five (5)~~ members shall constitute a quorum for the conduct of business. The council shall promulgate annually a schedule of meetings. Special meetings may be called by the *chair*~~{chairman}~~ or *seven (7)*~~five (5)~~ members of the council. A minimum of ten (10) days' notice must be given prior to the call of a special meeting. *The*~~{Such a}~~ notice may be waived by a majority of the council.
- (4) (a) The council shall be responsible for, but not limited to:~~{;}~~
 1. The preparation of the budget of the unified prosecutorial system of the Commonwealth of Kentucky;~~{and}~~
 2. The continuing legal education and program development of the unified prosecutorial system of Kentucky; *and*
 3. *Proposing and adopting a code of ethics for prosecutors within the unified prosecutorial system.*

(b) *The council shall provide the proposed budget of the unified prosecutorial system of the Commonwealth of Kentucky to the Interim Joint Committee on Appropriations and Revenue each biennium.*

(5) Each nonattorney citizen member of the council shall receive twenty-five dollars (\$25) per day for attending each meeting. All council members shall be reimbursed for actual expenses incurred in the performance of their duties.

➔Section 2. The newly composed council shall have all members elected or appointed to begin serving on January 1, 2023.

Veto Overridden and Signed by Secretary of State April 14, 2022.

CHAPTER 210

(HB 3)

AN ACT relating to public health and declaring an emergency.

WHEREAS, in September 2000, the Food and Drug Administration (FDA) approved the distribution and use of mifepristone (brand name mifeprex), originally referred to as "RU-486", an abortion-inducing drug, subject to distribution restrictions pursuant to 21 C.F.R. 314.520, also referred to as "Subpart H," which allows for post-marketing distribution or use restrictions; and

WHEREAS, mifepristone is still subject to certain restrictions on its distribution under the Mifepristone REMS Program; and

WHEREAS, in September 2000, the FDA prescribed a specific gestation of 49 days from the last menstrual period (LMP), dosage, and administration protocol for mifeprex/mifepristone; and

WHEREAS, the approved FDA protocol for mifeprex/mifepristone was modified in March 2016 and maintains that certain distribution restrictions are still necessary because of the drug's potential for serious complications; and

WHEREAS, as approved by the FDA, the 2016 administration protocol consists of one 200 mg tablet in a single oral dose of mifeprex/mifepristone followed by four 200 mcg tablets misoprostol taken 24 to 48 hours later in the cheek pouch, through 70 days LMP. The patient is to return for a follow-up visit to confirm that a complete abortion has occurred 7 to 14 days after administration of the abortion-inducing drug; and

WHEREAS, the 2016 FDA protocol also requires that the distribution and use of mifeprex/mifepristone be under the supervision of a qualified healthcare provider who has the ability to assess the duration of pregnancy, diagnose ectopic pregnancies, and provide surgical intervention or has made plans to provide surgical intervention through another qualified physician; and

WHEREAS, on December 16, 2021, the FDA announced that it will no longer require an in-person medical examination, it will permit abortion-inducing drugs to be mailed to the patient, and it will permit pharmacies to fill prescriptions if they are certified by the manufacturers to do so; and

WHEREAS, court testimony by Planned Parenthood and other abortion providers has demonstrated that providers routinely and intentionally failed to follow the September 2000 FDA-approved protocol for mifeprex/mifepristone (for example, see *Planned Parenthood Cincinnati Region v. Taft*, 459 F. Supp. 2d 626, S.D. Oh. 2006); and

WHEREAS, the use of mifeprex/mifepristone presents significant medical risks, including but not limited to uterine hemorrhage, viral infections, abdominal pain, cramping, vomiting, headache, fatigue, and pelvic inflammatory disease; and

WHEREAS, health problems usually do not occur during the first pregnancy for an Rh negative woman with an Rh positive fetus because the body does not have a chance to develop a large number of antibodies; and

WHEREAS, if the woman is Rh negative and does not receive an injection of Rh immunoglobulin at the time of an abortion or delivery, she may experience Rh incompatibility in future pregnancies which can lead to

complications and miscarriage. Therefore, it is critical for a qualified physician to determine blood type and administer Rh immunoglobulin if a woman is Rh negative; and

WHEREAS, the risk of complications increases with advancing gestational age and with the failure to either complete the two-step dosage process for the mifeprax/mifepristone regimen or to receive abortion pill reversal care from a qualified healthcare professional; and

WHEREAS, studies document that increased rates of complications, including incomplete abortion, occur even within the FDA-approved gestational limit; and

WHEREAS, as of March 2020, the FDA reported 4,480 adverse events after women used mifeprax/mifepristone for abortions. Among these events were 24 deaths, 1,183 hospitalizations, 339 blood transfusions, and 256 infections, including 48 severe infections; and

WHEREAS, the Adverse Event Reports (AER) systems relied upon by the FDA have limitations and typically detect only a small proportion of events that actually occur; and

WHEREAS, as of March 31, 2020, 27 women have reportedly died after administration of mifeprax/mifepristone, with 6 deaths attributed to severe bacterial infections. Eight of those women administered the mifeprax/mifepristone regimen in an "off-label" or "evidence-based" manner then-advocated by abortion providers, and the FDA has not been able to determine whether this off-label use led to the deaths; and

WHEREAS, medical evidence demonstrates that women who use abortion-inducing drugs risk four times more complications than those who undergo surgical abortions. At least three to eight percent of medical abortions fail to evacuate the pregnancy tissue and require surgical completion. One percent will fail to kill the fetus. If surgical completion is required after a failed medical abortion, the risk of premature delivery in a subsequent pregnancy is more than three times higher. Failure rates increase as gestational age increases. The gestational age range of 63 to 70 days has been inadequately studied. The 2016 FDA gestational age extension was based on only one study worldwide of little more than 300 women; and

WHEREAS, 2020 marked the state of Arkansas' first full year of data after a new abortion complication reporting law went into effect. Forty-five complications were reported in 2020, of which 40, or 88 percent of all complications, resulted from medication abortions; and

WHEREAS, a woman's ability to provide informed consent depends on the extent to which the woman receives information sufficient to make an informed choice; and

WHEREAS, the decision to abort "is an important, and often a stressful one, and it is desirable and imperative that it be made with full knowledge of its nature and consequences" as stated in *Planned Parenthood v. Danforth*, 428 U.S. 52, 67 (1976); and

WHEREAS, some women come to regret their decision to abort shortly after ingesting mifeprax/mifepristone; and

WHEREAS, in recent years, physicians have developed a method to potentially reverse the effects of mifeprax/mifepristone. This abortion pill reversal or rescue process has been discussed in a peer-reviewed study and is based on decades of the safe use of progesterone to stabilize and continue pregnancies; and

WHEREAS, understanding the science behind the mechanism of action of mifeprax/mifepristone has allowed physicians to design a specific rescue for a woman who has used mifeprax/mifepristone to induce an abortion but has not yet ingested the second drug in the medication abortion regimen. Since physicians know that mifeprax/mifepristone works by blocking progesterone, physicians know that treating a woman with progesterone can displace mifeprax/mifepristone from the progesterone receptors. This allows the woman's body to respond naturally to the progesterone and to effectively fight the effects of the mifeprax/mifepristone-induced blockage; and

WHEREAS, it has long been known that mifepristone acts reversibly at the molecular level of receptor binding. Progesterone and mifepristone compete for the binding site of the receptor making the anti-progesterone activity of mifepristone reversible; and

WHEREAS, mifeprax/mifepristone floods the progesterone receptors, blocking progesterone. Progesterone reverses the effects of the mifeprax/mifepristone by outcompeting and outnumbering the mifepristone and restoring adequate progesterone to sustain the pregnancy; and

WHEREAS, progesterone itself has been used safely during pregnancy for decades. It is used in in-vitro fertilization, infertility treatments, and high-risk pregnancies such as pre-term labor. Using progesterone to reverse the effects of mifeprax/mifepristone is a targeted response that is safe for women; and

WHEREAS, statistics show that as of March 2020, more than 1,000 lives have been saved following the progesterone reversal process and that babies born following the reversal process have a rate of birth defects no higher than the general population; and

WHEREAS, studies show that following the progesterone reversal process or otherwise treating a woman with progesterone during pregnancy does not lead to increased mortality rates; and

WHEREAS, to facilitate reliable scientific studies and research on the safety and efficacy of abortion-inducing drugs, it is essential that the medical and public health communities have access to accurate information both on the efficacy and use of abortion-inducing drugs, as well as on resulting complications; and

WHEREAS, abortion "record keeping and reporting provisions that are reasonably directed to the preservation of maternal health and that properly respect a patient's confidentiality and privacy are permissible" as stated in *Planned Parenthood v. Danforth*, 428 U.S. 80 at 52, 79-81 (1976); and

WHEREAS, abortion and complication reporting provisions do not impose an "undue burden" on a woman's right to choose whether or not to terminate a pregnancy. Specifically, "[t]he collection of information with respect to actual patients is a vital element of medical research, and so it cannot be said that the requirements serve no purpose other than to make abortions more difficult" as stated in *Planned Parenthood v. Casey*, 505 U.S. 833 at 900-901 (1992); and

WHEREAS, to promote its interest in maternal health and life, the Commonwealth of Kentucky has an interest in collecting demographic information on all drug-induced abortions performed and all abortion complications from all drug-induced abortions diagnosed or treated and compiling statistical reports based on the information collected for future scientific studies and public health research; and

WHEREAS, based on the findings from scientific studies and public health research, it is the purpose of this Act to:

1. Protect the health and welfare of every woman considering a drug-induced abortion;
2. Ensure that a physician examines a woman prior to dispensing an abortion-inducing drug in order to confirm the gestational age of the unborn child, the intrauterine location of the unborn child, and that the unborn child is alive, since routine administration of mifeprex/mifepristone following spontaneous miscarriage is unnecessary and exposes the woman to unnecessary risks associated with both mifeprex/mifepristone and misoprostol;
3. Ensure that a physician does not prescribe or dispense an abortion-inducing drug beyond 70 days' gestation;
4. Reduce "the risk that a woman may elect an abortion, only to discover later, with devastating psychological consequences, that her decision was not fully informed." *Planned Parenthood v. Casey*, 505 U.S. 833, 882 (1992);
5. Ensure that women considering a drug-induced abortion receives comprehensive information on abortion-inducing drugs, including the potential to reverse the effects of the drugs should she change her mind, and that women submitting to an abortion does so only after giving her voluntary and fully informed consent to the procedure; and
6. Promote the health and safety of women, by adding to the sum of medical and public health knowledge through the compilation of relevant data on drug-induced abortions performed in the state, as well as on all medical complications and maternal deaths resulting from these abortions; and

WHEREAS, sexually transmitted diseases (STDs) are usually spread by having vaginal, oral, or anal sex. More than 9 million women in the United States are diagnosed with an STD each year, and women often have more serious health problems associated with STDs than men, including infertility; and

WHEREAS, the primary goal of the Kentucky Sexually Transmitted Disease Prevention and Control Program is to prevent the spread and complications of STDs; and

WHEREAS, local health departments test for chlamydia, gonorrhea, and syphilis, and provide treatment for individuals diagnosed with, exposed to, or suspected of having these diseases; and

WHEREAS, chlamydia and gonorrhea, left untreated, increase the risk of chronic pelvic pain and life-threatening ectopic pregnancy and untreated syphilis in pregnant women results in infant death up to 40 percent of the time; and

WHEREAS, women have a higher risk than men of getting an STD during unprotected sex; and

WHEREAS, since women and girls seeking to terminate an unplanned pregnancy may have had limited encounters with a healthcare provider prior to their encounter with an abortion providing facility, it is in the best interest of improving health outcomes for all Kentucky women and girls to ensure women and girls have the opportunity to receive timely and accurate information on women's health risks, especially Rh negative and STDs, that may impact their future health, the health of their partners and future pregnancies, and increase the risk of harmful fetal and child health outcomes; and

WHEREAS, despite spending on healthcare in the United States far outpacing other nations, health outcomes are often much worse, particularly for women, because the focus in the United States has been on treating discrete, acute conditions and procedures rather than coordinating care, providing preventive services, and addressing root causes of poor health;

NOW, THEREFORE,

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

➔Section 1. KRS 311.732 is amended to read as follows:

- (1) For purposes of this section the following definitions shall apply:
 - (a) "Minor" means any person under the age of eighteen (18);
 - (b) "Emancipated minor" means any minor who is or has been married or has by court order or otherwise been freed from the care, custody, and control of her parents; and
 - (c) "Abortion" means the use of any instrument, medicine, drug, or any other substance or device with intent to terminate the pregnancy of a woman known to be pregnant with intent other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead fetus.
- (2) No person shall perform an abortion upon a minor unless:
 - (a) The attending physician ~~or his agent~~ *has* secured the informed written consent of the minor and one (1) parent or legal guardian *with joint or physical custody and the consenting parent or legal guardian of the minor has made a reasonable attempt to notify any other parent with joint or physical custody at least forty-eight (48) hours prior to providing the informed written consent.*
 1. *Notice shall not be required to be provided to any parent who has:*
 - a. *Previously been enjoined by a domestic violence order or interpersonal protective order, regardless of whether or not the person to be protected by the order was the minor; or*
 - b. *Been convicted of, or entered into a diversion program for, a criminal offense against a victim who is a minor as defined in KRS 17.500 or for a violent or sexual criminal offense under KRS Chapter 506, 507, 507A, 508, 509, 510, 529, 530, or 531.*
 2. *The informed written consent shall include:*
 - a. *A copy of the minor's government-issued identification, a copy of the consenting parent's or legal guardian's government-issued identification, and written documentation including but not limited to a birth certificate, court-ordered custodial paperwork, or tax return, establishing that he or she is the lawful parent or legal guardian; and*
 - b. *The parent's or legal guardian's certification that he or she consents to the abortion. The certification shall be in a signed, dated, and notarized document that has been initialed on each page and that contains the following statement, which shall precede the signature of the parent or legal guardian: "I, (insert name of parent or legal guardian), am the (select "parent" or "legal guardian") of (insert name of minor) and give consent for (insert name of attending physician) to perform an abortion on her. Under penalties of perjury, I declare that I have read the foregoing statement and that the facts stated in it are true."*
 3. *The attending physician shall keep a copy of the informed written consent in the medical file of the minor for five (5) years after the minor reaches eighteen (18) years of age or for seven (7) years, whichever is longer.*

4. *The attending physician securing the informed written consent from a parent or legal guardian under this subsection shall execute for inclusion in the medical record of the minor an affidavit stating: "I, (insert name of attending physician), certify that, according to my best information and belief, a reasonable person under similar circumstances would rely on the information presented by both the minor and her parent or legal guardian as sufficient evidence of identity.";*
- (b) The minor is emancipated and the attending physician ~~or his agent~~ has received the informed written consent of the minor; or
- (c) The minor elects to petition any Circuit or District Court of the Commonwealth pursuant to subsection (3) of this section and obtain an order pursuant to subsection (4) of this section granting consent to the abortion and the attending physician ~~or his agent~~ has received the informed written consent of the minor.
- (3) Every minor shall have the right to petition any Circuit or District Court of the Commonwealth for an order granting the right to self-consent to an abortion pursuant to the following procedures:
- (a) The minor or her next friend may prepare and file a petition setting forth the request of the minor for an order of consent to an abortion;
- (b) The court shall ~~ensure~~~~insure~~ that the minor prepares or her next friend is given assistance in preparing and filing the petition and shall ~~ensure~~~~insure~~ that the minor's identity is kept anonymous;
- (c) The minor may participate in proceedings in the court on her own behalf or through her next friend and the court shall appoint a guardian ad litem for her. The court shall advise her that she has a right to court-appointed counsel and shall provide her with such counsel upon her request;
- (d) All proceedings under this section shall be anonymous and shall be given preference over other matters to ~~ensure~~~~insure~~ that the court may reach a decision promptly, but in no case shall the court fail to rule within seventy-two (72) hours of the time of application, provided that the seventy-two (72) hour limitation may be extended at the request of the minor; and
- (e) The court shall hold a hearing on the merits of the petition before reaching a decision. The court shall hear evidence at the hearing relating to:
1. *The minor's:*
 - a. *Age;*
 - b. ~~{The }~~Emotional development *and stability*; ~~{;}~~
 - c. Maturity; ~~{;}~~
 - d. Intellect~~, and understanding of the minor~~;
 - e. *Credibility and demeanor as a witness;*
 - f. *Ability to accept responsibility;*
 - g. *Ability to assess both the current and future life-impacting*~~{the nature, possible}~~ consequences *of*, and alternatives to, the abortion; *and*
 - h. *Ability to understand and explain the medical risks of the abortion and to apply that understanding to her decision;* and
 2. *Whether there may be any undue influence by another on the minor's decision to have an abortion*~~{any other evidence that the court may find useful in determining whether the minor should be granted majority rights for the purpose of consenting to the abortion or whether the abortion is in the best interest of the minor}~~.
- (4) (a) *If the court finds by:*
1. *Clear and convincing evidence that the minor is sufficiently mature to decide whether to have an abortion;*
 2. *Clear and convincing evidence that the requirements of this section are not in the best interest of the minor; or*

3. ***A preponderance of the evidence that the minor is the victim of child abuse or sexual abuse inflicted by one (1) or both of her parents or her legal guardian;***

the court shall enter a written order, making specific factual findings and legal conclusions supporting its decision ***to grant the petition for an abortion.*** ~~as follows: }~~

(b) ***If the court does not make any of the findings specified in paragraph (a) of this subsection, the court shall deny the petition.*** ~~(a) Granting the petition for an abortion if the court finds that the minor is mature and well informed enough to make the abortion decision on her own;~~

~~(b) Granting consent to the abortion if the court finds that the performance of the abortion would be in the minor's best interest; or~~

~~(c) Deny the petition, if the court finds that the minor is immature and that performance of the abortion would not be in the minor's best interest.~~

(c) ***As used in this subsection, "best interest of the minor" shall not include financial best interest, financial considerations, or the potential financial impact on the minor or the minor's family if the minor does not have an abortion.***

(5) Any minor shall have the right of anonymous and expedited appeal to the Court of Appeals, and that court shall give precedence over other pending matters.

(6) ***All hearings under this section, including appeals, shall remain confidential and closed to the public. The hearings shall be held in chambers or in a similarly private and informal setting within the courthouse.***

(7) No fees shall be required of any minor who declares she has no sufficient funds to pursue the procedures provided by this section.

~~(8)~~(7) (a) The Supreme Court is respectfully requested to promulgate any rules and regulations it feels are necessary to ensure that proceedings under this section are handled in an expeditious and anonymous manner.

(b) ***The Supreme Court, through the Administrative Office of the Courts, shall report by February 1 of each year to the Legislative Research Commission and the cabinet on the number of petitions filed under subsection (3) of this section for the preceding year, and the timing and manner of disposal of the petition by each court. For each approved petition granting an abortion filed under subsection (3) of this section, the specific court finding in subsection (4) of this section shall be included in the report.***

~~(9)~~ (a) ~~(8)~~ The requirements of subsections (2), (3), and (4) of this section shall not apply when, in the best medical judgment of the physician based on the facts of the case before him ***or her***, a medical emergency exists that so complicates the pregnancy as to require an immediate abortion.

(b) ***If a medical emergency exists, the physician shall make reasonable attempts, whenever possible, and without endangering the minor, to contact the parent or legal guardian of the minor, and may proceed, but must document reasons for the medical necessity in the minor's medical records.***

(c) ***The physician shall inform the parent or legal guardian, in person or by telephone, within twenty-four (24) hours of the abortion, including details of the medical emergency that necessitated the abortion without the parent's or legal guardian's consent. The physician shall also provide this information in writing to the parent or legal guardian at his or her last known address by first-class mail or by certified mail, return receipt requested, with delivery restricted to the parent or legal guardian.*** ~~A physician who does not comply with subsection (2), (3), or (4) of this section due to the utilization of this exception shall certify in writing the medical indications upon which his judgment was based.~~

~~(10)~~(9) A report indicating the basis for any medical judgment that warrants failure to obtain consent pursuant to this section shall be filed with the Cabinet for Health and Family Services on a form supplied by the cabinet. This report shall be confidential.

~~(11)~~(10) Failure to obtain consent pursuant to the requirements of this section is prima facie evidence of failure to obtain informed consent and of interference with family relations in appropriate civil actions. The law of this state shall not be construed to preclude the award of exemplary damages in any appropriate civil action relevant to violations of this section. Nothing in this section shall be construed to limit the common-law rights of parents.

(12) *A minor upon whom an abortion is performed is not guilty of violating this section.*

➔Section 2. KRS 311.595 is amended to read as follows:

If the power has not been transferred by statute to some other board, commission, or agency of this state, the board may deny an application or reregistration for a license; place a licensee on probation for a period not to exceed five (5) years; suspend a license for a period not to exceed five (5) years; limit or restrict a license for an indefinite period; or revoke any license heretofore or hereafter issued by the board, upon proof that the licensee has:

- (1) Knowingly made or presented, or caused to be made or presented, any false, fraudulent, or forged statement, writing, certificate, diploma, or other thing, in connection with an application for a license or permit;
- (2) Practiced, or aided or abetted in the practice of fraud, forgery, deception, collusion, or conspiracy in connection with an examination for a license;
- (3) Committed, procured, or aided in the procurement of an unlawful abortion, including a partial-birth abortion or an abortion in violation of KRS 311.731;
- (4) Entered a guilty or nolo contendere plea, or been convicted, by any court within or without the Commonwealth of Kentucky of a crime as defined in KRS 335B.010, if in accordance with KRS Chapter 335B;
- (5) Been convicted of a misdemeanor offense under KRS Chapter 510 involving a patient, or a felony offense under KRS Chapter 510, 530.064(1)(a), or 531.310, or been found by the board to have had sexual contact as defined in KRS 510.010(7) with a patient while the patient was under the care of the physician;
- (6) Become addicted to a controlled substance;
- (7) Become a chronic or persistent alcoholic;
- (8) Been unable or is unable to practice medicine according to acceptable and prevailing standards of care by reason of mental or physical illness or other condition including but not limited to physical deterioration that adversely affects cognitive, motor, or perceptive skills, or by reason of an extended absence from the active practice of medicine;
- (9) Engaged in dishonorable, unethical, or unprofessional conduct of a character likely to deceive, defraud, or harm the public or any member thereof;
- (10) Knowingly made, or caused to be made, or aided or abetted in the making of, a false statement in any document executed in connection with the practice of his profession;
- (11) Employed, as a practitioner of medicine or osteopathy in the practice of his profession in this state, any person not duly licensed or otherwise aided, assisted, or abetted the unlawful practice of medicine or osteopathy or any other healing art;
- (12) Violated or attempted to violate, directly or indirectly, or assisted in or abetted the violation of, or conspired to violate any provision or term of any medical practice act, including but not limited to the code of conduct promulgated by the board under KRS 311.601 or any other valid regulation of the board;
- (13) Violated any agreed order, letter of agreement, final order, or emergency order issued by the board;
- (14) Engaged in or attempted to engage in the practice of medicine or osteopathy under a false or assumed name, or impersonated another practitioner of a like, similar, or different name;
- (15) Obtained a fee or other thing of value on the fraudulent representation that a manifestly incurable condition could be cured;
- (16) Willfully violated a confidential communication;
- (17) Had his license to practice medicine or osteopathy in any other state, territory, or foreign nation revoked, suspended, restricted, or limited or has been subjected to other disciplinary action by the licensing authority thereof. This subsection shall not require relitigation of the disciplinary action;
- (18) Failed or refused, without legal justification, to practice medicine in a rural area of this state in violation of a valid medical scholarship loan contract with the trustees of the rural Kentucky medical scholarship fund;
- (19) Given or received, directly or indirectly, from any person, firm, or corporation, any fee, commission, rebate, or other form of compensation for sending, referring, or otherwise inducing a person to communicate with a person licensed under KRS 311.530 to 311.620 in his professional capacity or for any professional services not actually and personally rendered; provided, however, that nothing contained in this subsection shall prohibit

persons holding valid and current licenses under KRS 311.530 to 311.620 from practicing medicine in partnership or association or in a professional service corporation authorized by KRS Chapter 274, as now or hereinafter amended, or from pooling, sharing, dividing, or apportioning the fees and moneys received by them or by the partnership, corporation, or association in accordance with the partnership agreement or the policies of the board of directors of the corporation or association. Nothing contained in this subsection shall abrogate the right of two (2) or more persons holding valid and current licenses under KRS 311.530 to 311.620 to receive adequate compensation for concurrently rendering professional care to a single patient and divide a fee, if the patient has full knowledge of this division and if the division is made in proportion to the services performed and responsibility assumed by each;

- (20) Been removed, suspended, expelled, or disciplined by any professional medical association or society when the action was based upon what the association or society found to be unprofessional conduct, professional incompetence, malpractice, or a violation of any provision of KRS Chapter 311. This subsection shall not require relitigation of the disciplinary action;
- (21) Been disciplined by a licensed hospital or medical staff of the hospital, including removal, suspension, limitation of hospital privileges, failing to renew privileges for cause, resignation of privileges under pressure or investigation, or other disciplinary action if the action was based upon what the hospital or medical staff found to be unprofessional conduct, professional incompetence, malpractice, or a violation of any provisions of KRS Chapter 311. This subsection shall not require relitigation of the disciplinary action;
- (22) Failed to comply with the requirements of KRS 213.101, 311.782, or 311.783 or failed to submit to the Vital Statistics Branch in accordance with a court order a complete report as described in KRS 213.101;
- (23) Failed to comply with any of the requirements regarding making or maintaining medical records or documents described in KRS 311.7704 or 311.7707;
- (24) Failed to comply with the requirements of KRS 311.7705 or 311.7706;
- (25) Been convicted of female genital mutilation under KRS 508.125, which shall result in mandatory revocation of a license;~~{or}~~
- (26) As provided in KRS 311.824(2), been convicted of a violation of KRS 311.823(2); *or*
- (27) ***Failed to comply with the requirements of Section 1 of this Act.***

➔Section 3. KRS 311.990 is amended to read as follows:

- (1) Any person who violates KRS 311.250 shall be guilty of a violation.
- (2) Any college or professor thereof violating the provisions of KRS 311.300 to 311.350 shall be civilly liable on his bond for a sum not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) for each violation, which may be recovered by an action in the name of the Commonwealth.
- (3) Any person who presents to the county clerk for the purpose of registration any license which has been fraudulently obtained, or obtains any license under KRS 311.380 to 311.510 by false or fraudulent statement or representation, or practices podiatry under a false or assumed name or falsely impersonates another practitioner or former practitioner of a like or different name, or aids and abets any person in the practice of podiatry within the state without conforming to the requirements of KRS 311.380 to 311.510, or otherwise violates or neglects to comply with any of the provisions of KRS 311.380 to 311.510, shall be guilty of a Class A misdemeanor. Each case of practicing podiatry in violation of the provisions of KRS 311.380 to 311.510 shall be considered a separate offense.
- (4) Each violation of KRS 311.560 shall constitute a Class D felony.
- (5) Each violation of KRS 311.590 shall constitute a Class D felony. Conviction under this subsection of a holder of a license or permit shall result automatically in permanent revocation of such license or permit.
- (6) Conviction of willfully resisting, preventing, impeding, obstructing, threatening, or interfering with the board or any of its members, or of any officer, agent, inspector, or investigator of the board or the Cabinet for Health and Family Services, in the administration of any of the provisions of KRS 311.550 to 311.620 shall be a Class A misdemeanor.
- (7) Each violation of KRS 311.375(1) shall, for the first offense, be a Class B misdemeanor, and, for each subsequent offense shall be a Class A misdemeanor.

- (8) Each violation of KRS 311.375(2) shall, for the first offense, be a violation, and, for each subsequent offense, be a Class B misdemeanor.
- (9) Each day of violation of either subsection of KRS 311.375 shall constitute a separate offense.
- (10) (a) Any person who intentionally or knowingly performs an abortion contrary to the requirements of KRS 311.723(1) shall be guilty of a Class D felony; and
- (b) Any person who intentionally, knowingly, or recklessly violates the requirements of KRS 311.723(2) shall be guilty of a Class A misdemeanor.
- (11) (a) 1. Any physician who performs a partial-birth abortion in violation of KRS 311.765 shall be guilty of a Class D felony. However, a physician shall not be guilty of the criminal offense if the partial-birth abortion was necessary to save the life of the mother whose life was endangered by a physical disorder, illness, or injury.
2. A physician may seek a hearing before the State Board of Medical Licensure on whether the physician's conduct was necessary to save the life of the mother whose life was endangered by a physical disorder, illness, or injury. The board's findings, decided by majority vote of a quorum, shall be admissible at the trial of the physician. The board shall promulgate administrative regulations to carry out the provisions of this subparagraph.
3. Upon a motion of the physician, the court shall delay the beginning of the trial for not more than thirty (30) days to permit the hearing, referred to in subparagraph 2. of this paragraph, to occur.
- (b) Any person other than a physician who performs a partial-birth abortion shall not be prosecuted under this subsection but shall be prosecuted under provisions of law which prohibit any person other than a physician from performing any abortion.
- (c) No penalty shall be assessed against the woman upon whom the partial-birth abortion is performed or attempted to be performed.
- (12) (a) ***Except as provided in subsection (12) of Section 1 of this Act, any person who intentionally, knowingly, or recklessly performs an abortion upon a minor without obtaining the required consent pursuant to Section 1 of this Act shall be guilty of a Class D felony.***
- (b) ***Except as provided in paragraph (a) of this subsection, any person who intentionally performs an abortion with knowledge that, or with reckless disregard as to whether, the person upon whom the abortion is to be performed is an unemancipated minor, and who intentionally or knowingly fails to conform to any requirement of KRS 311.732 is guilty of a Class A misdemeanor.***
- (c) ~~(13)~~ Any person who negligently releases information or documents which are confidential under KRS 311.732 is guilty of a Class B misdemeanor.
- ~~(13)~~~~(14)~~ Any person who performs an abortion upon a married woman either with knowledge or in reckless disregard of whether KRS 311.735 applies to her and who intentionally, knowingly, or recklessly fails to conform to the requirements of KRS 311.735 shall be guilty of a Class D felony.
- ~~(14)~~~~(15)~~ Any person convicted of violating KRS 311.750 shall be guilty of a Class B felony.
- ~~(15)~~~~(16)~~ Any person who violates KRS 311.760(2) shall be guilty of a Class D felony.
- ~~(16)~~~~(17)~~ Any person who violates KRS 311.770 shall be guilty of a Class D felony.
- ~~(17)~~~~(18)~~ Except as provided in KRS 311.787(3), any person who intentionally violates KRS 311.787 shall be guilty of a Class D felony.
- ~~(18)~~~~(19)~~ A person convicted of violating KRS 311.780 shall be guilty of a Class C felony.
- ~~(19)~~~~(20)~~ Except as provided in KRS 311.782(6), any person who intentionally violates KRS 311.782 shall be guilty of a Class D felony.
- ~~(20)~~~~(21)~~ Any person who violates KRS 311.783(1) shall be guilty of a Class B misdemeanor.
- ~~(21)~~~~(22)~~ Any person who violates KRS 311.7705(1) is guilty of a Class D felony.
- ~~(22)~~~~(23)~~ Any person who violates KRS 311.7706(1) is guilty of a Class D felony.
- ~~(23)~~~~(24)~~ Except as provided in KRS 311.731(7), any person who violates KRS 311.731(2) shall be guilty of a Class D felony.

- ~~(24)~~~~(25)~~ Any physician, physician assistant, advanced practice registered nurse, nurse, or other healthcare provider who intentionally violates KRS 311.823(2) shall be guilty of a Class D felony. As used in this subsection, "healthcare provider" has the same meaning as in KRS 311.821.
- ~~(25)~~~~(26)~~ Any person who violates KRS 311.810 shall be guilty of a Class A misdemeanor.
- ~~(26)~~~~(27)~~ Any professional medical association or society, licensed physician, or hospital or hospital medical staff who shall have violated the provisions of KRS 311.606 shall be guilty of a Class B misdemeanor.
- ~~(27)~~~~(28)~~ Any administrator, officer, or employee of a publicly owned hospital or publicly owned health care facility who performs or permits the performance of abortions in violation of KRS 311.800(1) shall be guilty of a Class A misdemeanor.
- ~~(28)~~~~(29)~~ Any person who violates KRS 311.905(3) shall be guilty of a violation.
- ~~(29)~~~~(30)~~ Any person who violates the provisions of KRS 311.820 shall be guilty of a Class A misdemeanor.
- ~~(30)~~~~(31)~~ (a) Any person who fails to test organs, skin, or other human tissue which is to be transplanted, or violates the confidentiality provisions required by KRS 311.281, shall be guilty of a Class A misdemeanor.
- (b) Any person who has human immunodeficiency virus infection, who knows he is infected with human immunodeficiency virus, and who has been informed that he may communicate the infection by donating organs, skin, or other human tissue who donates organs, skin, or other human tissue shall be guilty of a Class D felony.
- ~~(31)~~~~(32)~~ Any person who sells or makes a charge for any transplantable organ shall be guilty of a Class D felony.
- ~~(32)~~~~(33)~~ Any person who offers remuneration for any transplantable organ for use in transplantation into himself shall be fined not less than five thousand dollars (\$5,000) nor more than fifty thousand dollars (\$50,000).
- ~~(33)~~~~(34)~~ Any person brokering the sale or transfer of any transplantable organ shall be guilty of a Class C felony.
- ~~(34)~~~~(35)~~ Any person charging a fee associated with the transplantation of a transplantable organ in excess of the direct and indirect costs of procuring, distributing, or transplanting the transplantable organ shall be fined not less than fifty thousand dollars (\$50,000) nor more than five hundred thousand dollars (\$500,000).
- ~~(35)~~~~(36)~~ Any hospital performing transplantable organ transplants which knowingly fails to report the possible sale, purchase, or brokering of a transplantable organ shall be fined not less than ten thousand dollars (\$10,000) or more than fifty thousand dollars (\$50,000).
- ~~(36)~~~~(37)~~ (a) Any physician or qualified technician who violates KRS 311.727 shall be fined not more than one hundred thousand dollars (\$100,000) for a first offense and not more than two hundred fifty thousand dollars (\$250,000) for each subsequent offense.
- (b) In addition to the fine, the court shall report the violation of any physician, in writing, to the Kentucky Board of Medical Licensure for such action and discipline as the board deems appropriate.
- ~~(37)~~~~(38)~~ Any person who violates KRS 311.691 shall be guilty of a Class B misdemeanor for the first offense, and a Class A misdemeanor for a second or subsequent offense. In addition to any other penalty imposed for that violation, the board may, through the Attorney General, petition a Circuit Court to enjoin the person who is violating KRS 311.691 from practicing genetic counseling in violation of the requirements of KRS 311.690 to 311.700.
- ~~(38)~~~~(39)~~ Any person convicted of violating KRS 311.728 shall be guilty of a Class D felony.
- (39) (a) ***A person who intentionally, knowingly, or recklessly violates Sections 5 to 11 of this Act is guilty of a Class D felony.***
- (b) ***No criminal penalty may be assessed against a pregnant patient upon whom a drug-induced abortion is attempted, induced, or performed.***

➔Section 4. KRS 213.101 is amended to read as follows:

- (1) ~~(a)~~ Each abortion as defined in KRS 213.011 which occurs in the Commonwealth, regardless of the length of gestation, shall be reported to the Vital Statistics Branch by the person in charge of the institution within ***three*** ~~(3)~~~~(fifteen)~~~~(15)~~ days after the end of the month in which the abortion occurred. If the

abortion was performed outside an institution, the attending physician shall prepare and file the report within ~~three (3)~~ ~~fifteen (15)~~ days after the end of the month in which the abortion occurred.

~~(2)(b)~~ The report shall include all the information the physician is required to certify in writing or determine under KRS 311.731, 311.7704, 311.7705, 311.7706, 311.7707, 311.774, 311.782, ~~and~~ 311.783, *Sections 1, 8, and 9 of this Act, and at a minimum:*

- (a) The full name and address of the physician who performed the abortion or provided the abortion-inducing drug as defined in Section 5 of this Act;*
- (b) The address at which the abortion was performed or the address at which the abortion-inducing drug was provided by a qualified physician, or the method of obtaining the abortion-inducing drug if not provided by a qualified physician, including mail order, internet order, or by a telehealth provider in which case identifying information for the pharmacy, Web site address, or the telemedicine provider shall be included;*
- (c) The names, serial numbers, National Drug Codes, lot numbers, and expiration dates of the specific abortion-inducing drugs that were provided to the pregnant patient and the dates each were provided;*
- (d) The full name and address of the referring physician, agency, or service, if any;*
- (e) The pregnant patient's city or town, county, state, country of residence, and zip code;*
- (f) The pregnant patient's age, race, and ethnicity;*
- (g) The age or approximate age of the father, if known;*
- (h) The total number and dates of each previous pregnancy, live birth, and abortion of the pregnant patient;*
- (i) The probable gestational and post-fertilization ages of the unborn child, the methods used to confirm the gestational and post-fertilization ages, and the date determined;*
- (j) A list of any pre-existing medical conditions of the pregnant patient that may complicate her pregnancy, if any, including hemorrhage, infection, uterine perforation, cervical laceration, retained products, or any other condition;*
- (k) Whether the fetus was delivered alive and the length of time the fetus survived;*
- (l) Whether the fetus was viable and, if viable, the medical reason for termination;*
- (m) Whether a pathological examination of the fetus was performed;*
- (n) Whether the pregnant patient returned for a follow-up examination, the date and results of any such follow-up examination, and what reasonable efforts were made by the qualified physician to encourage the patient to reschedule a follow-up examination if the appointment was missed;*
- (o) Whether the woman suffered any complications or adverse events as defined in Section 5 of this Act and what specific complications or adverse events occurred, and any follow-up treatment provided as required by Section 26 of this Act;*
- (p) Whether the pregnant patient was Rh negative and, if so, was provided with an Rh negative information fact sheet and treated with the prevailing medical standard of care to prevent harmful fetal or child outcomes or Rh incompatibility in future pregnancies;*
- (q) The amount billed to cover the treatment for specific complications or adverse events, including whether the treatment was billed to Medicaid, private insurance, private pay, or other method. This should include ICD-10 codes reported and charges for any physician, hospital, emergency room, prescription or other drugs, laboratory tests, and any other costs for treatment rendered;*
- (r) The reason for the abortion, if known, including abuse, coercion, harassment, or trafficking; and*
- (s) Whether the pregnant patient was tested for sexually transmitted diseases when providing the informed consent required in KRS 311.725 and Section 8 of this Act twenty-four (24) hours before the abortion procedure or tested at the time of the abortion procedure, and if the pregnant patient tested positive, was treated or referred for treatment and follow-up care ~~but shall not include information which will identify the physician, woman, or man involved~~.*

- (3) ***The report shall not contain:***
- (a) ***The name of the pregnant patient;***
 - (b) ***Common identifiers such as a Social Security number and motor vehicle operator's license number; and***
 - (c) ***Any other information or identifiers that would make it possible to ascertain the patient's identity.***
- (4)~~(e)~~ If a person other than the physician described in this subsection makes or maintains a record required by ***Section 1 of this Act***, KRS 311.7704, 311.7705, 311.7706, or 311.7707 on the physician's behalf or at the physician's direction, that person shall comply with the reporting requirement described in this subsection as if the person were the physician.
- (5)~~(2)~~ Each prescription issued for ***an abortion-inducing drug as defined in Section 5 of this Act***~~[RU 486, eytotec, pitocin, mifeprax, misoprostol, or any other drug or combination of drugs]~~ for which the primary indication is the induction of abortion as defined in KRS 213.011 shall be reported to the Vital Statistics Branch within ***three (3)***~~[fifteen (15)]~~ days after the end of the month in which the prescription was issued as required by KRS 311.774, but the report shall not include information which will identify the woman involved or anyone who may be picking up the prescription on behalf of the woman.
- (6)~~(3)~~ The name of the person completing the report and the reporting institution shall not be subject to disclosure under KRS 61.870 to 61.884.
- (7)~~(4)~~ By September 30 of each year, the Vital Statistics Branch shall issue a public report that provides statistics on all data collected, including the type of abortion procedure used, for the previous calendar year compiled from all of the reports covering that calendar year submitted to the cabinet in accordance with this section for each of the items listed in ~~[subsections (1) and (2) of]~~this section. Each annual report shall also provide statistics for all previous calendar years in which this section was in effect, adjusted to reflect any additional information from late or corrected reports. The Vital Statistics Branch shall ensure that none of the information included in the report could reasonably lead to the identification of any pregnant woman upon whom an abortion was performed or attempted. Each annual report shall be made available on the cabinet's Web site.
- (8)~~(5)~~
- (a) Any person or institution who fails to submit a report by the end of thirty (30) days following the due date set in ~~[subsections (1) and (2) of]~~this section shall be subject to a late fee of five hundred dollars (\$500) for each additional thirty (30) day period or portion of a thirty (30) day period the report is overdue.
 - (b) Any person or institution who fails to submit a report, or who has submitted only an incomplete report, more than one (1) year following the due date set in ~~[subsections (1) and (2) of]~~this section, may in a civil action brought by the Vital Statistics Branch be directed by a court of competent jurisdiction to submit a complete report within a time period stated by court order or be subject to contempt of court.
 - (c) Failure by any physician to comply with the requirements of this section, other than filing a late report, or to submit a complete report in accordance with a court order shall subject the physician to KRS 311.595.
- (9)~~(6)~~ Intentional falsification of any report required under this section is a Class A misdemeanor.
- (10)~~(7)~~ The Vital Statistics Branch shall promulgate administrative regulations in accordance with KRS Chapter 13A to assist in compliance with this section.
- (11)
- (a) ***The Office of the Inspector General, Cabinet for Health and Family Services, shall annually audit the required reporting of abortion-related information to the Vital Statistics Branch in this section and Section 29 of this Act, and in so doing, shall function as a health oversight agency of the Commonwealth for this specific purpose.***
 - (b) ***The Office of the Inspector General shall ensure that none of the information included in the audit report could reasonably lead to the identification of any pregnant woman upon whom an abortion was performed or attempted.***
 - (c) ***If any personally identifiable information is viewed or recorded by the Office of the Inspector General in conducting an audit authorized by this subsection, the information held by the Inspector General shall not be subject to the Kentucky Open Records Act, shall be confidential, and shall only be released upon court order.***

(d) *The Inspector General shall submit a written report to the General Assembly and the Attorney General by October 1 of each year. The reports shall include findings from:*

1. *The audit required in this subsection, including any identified reporting deficiencies; and*
2. *All abortion facility inspections, including any violations of KRS 216B.0431 and 216B.0435.*

➔SECTION 5. A NEW SECTION OF KRS 311.710 TO 311.820 IS CREATED TO READ AS FOLLOWS:

As used in Sections 5 to 11 of this Act unless the context otherwise requires:

- (1) *"Abortion" has the same meaning as in KRS 311.720;*
- (2) *"Abortion-inducing drug" means a medicine, drug, or any other substance or combination of substances prescribed or dispensed with the intent of terminating the clinically diagnosable pregnancy of a woman, with knowledge that the termination will, with reasonable likelihood, cause the death of the unborn child. This includes the off-label use of drugs known to have abortion-inducing properties, which are prescribed specifically with the intent of causing an abortion, such as mifepristone (mifeprex), misoprostol (cytotec), and methotrexate, or any generic or therapeutic equivalents thereof. The use of such drugs to induce abortion is also known as "medical," "medication," "RU-486," "mifeprex regimen," or "drug-induced" abortion. This definition does not apply to drugs that may be known to cause an abortion but which are prescribed for other medical indications (e.g., chemotherapeutic agents, diagnostic drugs, etc.);*
- (3) *"Adverse event" means, as defined the Food and Drug Administration (FDA) in 21 CFR 312.32, any untoward medical occurrence associated with the use of a drug in humans, whether or not considered drug related. "Adverse event" does not include an adverse event or suspected adverse reaction that, had it occurred in a more severe form, might have caused death;*
- (4) *"Associated physician" means a physician who has entered into an associated physician agreement established in Section 17 of this Act;*
- (5) *"Cabinet" means the Cabinet for Health and Family Services;*
- (6) *"Complication" or "abortion complication" means only the following physical or psychological conditions which, in the reasonable medical judgment of a licensed healthcare professional, arise as a primary or secondary result of an induced abortion: uterine perforation, cervical laceration, infection, vaginal bleeding that qualifies as a Grade 2 or higher adverse event according to the Common Terminology Criteria for Adverse Events, pulmonary embolism, deep vein thrombosis, failure to actually terminate the pregnancy, incomplete abortion (retained tissue), pelvic inflammatory disease, missed ectopic pregnancy, cardiac arrest, respiratory arrest, renal failure, shock, amniotic fluid embolism, coma, death, free fluid in the abdomen, allergic reactions to anesthesia and abortion-inducing drugs, psychological complications as diagnosed that are listed in the current Diagnostic and Statistical Manual of Mental Disorders, and any other "adverse event" as defined by the FDA criteria provided in the MedWatch Reporting System;*
- (7) *"Gestational age" has the same meaning as in KRS 311.7701;*
- (8) *"Hospital" has the same meaning as in KRS 311.720;*
- (9) *"Manufacturer" or "distributor" means an individual or entity that creates, produces, supplies, transports, or sells drugs, including any substances:*
 - (a) *Recognized by an official pharmacopoeia or formulary;*
 - (b) *Intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease;*
 - (c) *Other than food, intended to affect the structure or any function of the body; and*
 - (d) *Intended for use as a component of a medicine but not a device or a component, part, or accessory of a device;*
- (10) *"Nonsurgical abortion provider" means a qualified physician who is registered with the Cabinet for Health and Family Services;*
- (11) *"Physician" has the same meaning as in KRS 311.720;*
- (12) *"Pregnancy" or "pregnant" has the same meaning as intrauterine pregnancy as defined in KRS 311.7701;*
- (13) *"Provide" or "provision" means any act of giving, selling, dispensing, administering, transferring possession, delivering, transporting to, or otherwise providing or prescribing an abortion-inducing drug;*

- (14) *"Qualified physician" means a physician who is credentialed and competent to:*
- (a) *Identify and document a viable intrauterine pregnancy;*
 - (b) *Assess the gestational age of pregnancy and to inform the patient of gestational age-specific risks;*
 - (c) *Diagnose ectopic pregnancy;*
 - (d) *Determine blood type and administer the prevailing medical standard of care to prevent harmful fetal or child outcomes or Rh incompatibility in future pregnancies if a pregnant patient is Rh negative;*
 - (e) *Assess for signs of domestic abuse, reproductive control, human trafficking, and other signals of coerced abortion;*
 - (f) *Provide surgical intervention or has entered into a contract with another qualified physician to provide surgical intervention; and*
 - (g) *Supervise and bear legal responsibility for any agent, employee, or contractor who is participating in any part of the procedure, including but not limited to pre-procedure evaluation and care; and*
- (15) *"Unborn child" has the same meaning as in KRS 311.781.*

➔SECTION 6. A NEW SECTION OF KRS 311.710 TO 311.820 IS CREATED TO READ AS FOLLOWS:

- (1) *Abortion-inducing drugs shall only be provided to a pregnant person by a qualified physician who is registered with the Cabinet for Health and Family Services as a nonsurgical abortion provider by following the procedures established in Sections 7, 8, and 9 of this Act.*
- (2) *It shall be unlawful for any manufacturer, distributor, physician, qualified physician, pharmacy, or any other person to intentionally, knowingly, or recklessly dispense, prescribe, or distribute any abortion-inducing drug as defined in Section 5 of this Act to a pregnant person via courier, delivery, or mail service.*

➔SECTION 7. A NEW SECTION OF KRS 311.710 TO 311.820 IS CREATED TO READ AS FOLLOWS:

- (1) *A qualified physician providing an abortion-inducing drug as defined in Section 5 of this Act shall:*
 - (a) *Be credentialed and competent to handle complication management, including emergency transfer; or*
 - (b) *Have a signed contract with an associated physician who is credentialed to handle complications and produce that signed contract, including the name and phone number of the associated physician, upon the request of the cabinet and each pregnant patient.*
- (2) *A qualified physician providing an abortion-inducing drug as defined in Section 5 of this Act shall examine the patient in person and, prior to providing an abortion-inducing drug, shall:*
 - (a) *Independently verify that a pregnancy exists;*
 - (b) *Determine the patient's blood type and, if the patient is Rh negative, provide the patient with an Rh negative information fact sheet and offer to provide treatment with the prevailing medical standard of care to prevent harmful fetal or child outcomes or Rh incompatibility in future pregnancies at the time of the abortion;*
 - (c) *Inform the patient that the remains of the unborn child may be visible in the process of completing the abortion; and*
 - (d) *Document, in the patient's medical chart, the gestational age and intrauterine location of the pregnancy, and whether the patient received treatment for Rh negativity, as diagnosed, by the most accurate standard of medical care.*
- (3)
 - (a) *The qualified physician or an agent of the qualified physician providing any abortion-inducing drug as defined in Section 5 of this Act shall schedule a follow-up visit for the patient for approximately seven (7) to fourteen (14) days after administration of the abortion-inducing drug to confirm that the pregnancy is completely terminated and to assess any degree of bleeding.*
 - (b) *The qualified physician shall make all reasonable efforts to ensure that the patient returns for the scheduled appointment.*

- (c) *A brief description of the efforts made to comply with this subsection, including the date, time, and identification by name of the person making such efforts, shall be included in the patient's medical record.*

➔SECTION 8. A NEW SECTION OF KRS 311.710 TO 311.820 IS CREATED TO READ AS FOLLOWS:

- (1) *An abortion-inducing drug as defined in Section 5 of this Act shall not be provided to a pregnant patient without the informed consent of the patient. Informed consent shall be obtained at least twenty-four (24) hours before the abortion-inducing drug is provided to a pregnant patient, except if, in the reasonable medical judgment of the qualified physician, compliance with this subsection would pose a risk of:*
- (a) *The death of the pregnant patient; or*
 - (b) *The substantial and irreversible physical impairment of a major bodily function, not including psychological or emotional conditions, of the pregnant patient.*
- (2) *A qualified physician shall use a form created by the Cabinet for Health and Family Services to obtain the consent required prior to providing an abortion-inducing drug as defined in Section 5 of this Act and submit the completed form to the cabinet.*
- (3) *A consent form is not valid and consent is not sufficient, unless:*
- (a) *The patient initials each entry, list, description, or declaration required to be on the consent form;*
 - (b) *The patient signs the consent statement; and*
 - (c) *The qualified physician signs the qualified physician declaration.*
- (4) *The consent form shall include but is not limited to the following:*
- (a) *The probable gestational age of the unborn child as determined by both patient history and by ultrasound results used to confirm gestational age;*
 - (b) *A detailed description of the steps to complete the drug-induced abortion;*
 - (c) *A detailed list of the risks related to the specific abortion-inducing drug as defined in Section 5 of this Act or drugs to be used, including potential complications and adverse events as defined in Section 5 of this Act;*
 - (d) *If the pregnant patient was Rh negative, the pregnant patient was provided with an Rh negative information fact sheet and offered treatment with the prevailing medical standard of care to prevent harmful fetal or child outcomes or Rh incompatibility in future pregnancies;*
 - (e) *That the risks of complications from a medication abortion, including incomplete abortion, increase with advancing gestational age;*
 - (f) *That it may be possible to reverse the effects of the abortion-inducing drug if desired but that this should be done as soon as possible;*
 - (g) *That the patient may see the remains of the unborn child in the process of completing the abortion;*
 - (h) *That initial studies suggest that children born after reversing the effects of the abortion-inducing drug mifeprex/mifepristone have no greater risk of birth defects than the general population;*
 - (i) *That initial studies suggest that there is no increased risk of maternal mortality after reversing the effects of the abortion-inducing drug mifeprex/mifepristone;*
 - (j) *That information on and assistance with reversing the effects of abortion-inducing drugs are available in the state-prepared materials and on the cabinet's Web site;*
 - (k) *An "acknowledgment of risks and consent statement" which the pregnant patient shall sign. The pregnant patient shall initial by each statement and the statement shall include but is not limited to the following declarations:*
 1. *That the pregnant patient understands that the abortion-inducing drug regimen or procedure is intended to end the pregnancy and will result in the death of the unborn child;*
 2. *That the pregnant patient is not being forced to have an abortion, has the choice not to have the abortion, and may withdraw consent to the abortion-inducing drug regimen even after it has been provided;*

3. *That the pregnant patient understands that the abortion-inducing drug to be provided has specific risks and may result in specific complications;*
 4. *That the pregnant patient has been given the opportunity to ask questions about the pregnancy, the development of the unborn child, alternatives to abortion, the abortion-inducing drug or drugs to be used, and the risks and complications possible when abortion-inducing drugs are provided;*
 5. *That the pregnant patient was specifically told that information on the potential ability of qualified medical professionals to reverse the effects of a drug-induced abortion is available and where to obtain information for assistance in locating a medical professional that can aid in the reversal of a drug-induced abortion;*
 6. *That the pregnant patient has been provided access to printed materials on informed consent for abortion;*
 7. *That the pregnant patient has been given the name and phone number of the associated physician who has agreed to provide medical care and treatment in the event of complications associated with the abortion-inducing drug regimen or procedure;*
 8. *That the qualified physician will schedule an in-person follow-up visit for the patient for approximately seven (7) to fourteen (14) days after providing the abortion-inducing drug or drugs to confirm that the pregnancy is completely terminated and to assess any degree of bleeding and other complications;*
 9. *That the pregnant patient has received or been given sufficient information to give informed consent to the abortion-inducing drug regimen or procedure; and*
 10. *That the patient has a private right of action to sue the qualified physician under the laws of Kentucky if the patient feels coerced or misled prior to obtaining an abortion;*
- (l) *A qualified physician's declaration that states that the qualified physician has explained the abortion-inducing drug or drugs to be provided, has provided all of the information required in paragraph (k) of this subsection, and has answered all of the woman's questions, shall be signed by the qualified physician; and*
- (m) *If prescribing for the purpose of inducing an abortion, a qualified physician shall include the following on the prescription for an abortion-inducing drug: "For The Purpose of Abortion Inducement".*

➔SECTION 9. A NEW SECTION OF KRS 311.710 TO 311.820 IS CREATED TO READ AS FOLLOWS:

- (1) *Each abortion-inducing drug as defined in Section 5 of this Act provided to a pregnant patient by a qualified physician shall be reported to the cabinet as required by Section 26 of this Act.*
- (2) *If a qualified physician provides an abortion-inducing drug as defined in Section 5 of this Act to a pregnant woman for the purpose of inducing an abortion, and if the qualified physician knows that the woman who uses the abortion-inducing drug for the purpose of inducing an abortion experiences, during or within fifteen (15) days after the use of the abortion-inducing drug, an adverse event as defined in Section 5 of this Act, the qualified physician shall provide a written report of the adverse event within three (3) days of the event to the federal Food and Drug Administration via the MedWatch reporting system, the cabinet, and the board.*
- (3) *Any physician, qualified physician, associated physician, or other healthcare provider who diagnoses or knowingly treats a patient, either contemporaneously to or at any time after a drug-induced abortion, for a complication or adverse event as defined in Section 5 of this Act related to the drug-induced abortion shall make a report of the complication or adverse event to the cabinet on a report form provided by the cabinet. The report shall be completed and signed by the physician, qualified physician, or other healthcare provider who diagnosed or treated the complication or adverse event, and transmitted to the cabinet within three (3) days after the diagnosis or treatment was provided. Each report shall include at minimum the information required by Section 4 of this Act.*

➔SECTION 10. A NEW SECTION OF KRS 311.710 TO 311.820 IS CREATED TO READ AS FOLLOWS:

- (1) *Nothing in Sections 5 to 11 of this Act shall be construed as creating or recognizing a right to abortion.*

- (2) *It is not the intention of Sections 5 to 11 of this Act to make lawful an abortion that is otherwise unlawful.*
- (3) *Sections 5 to 11 of this Act or any state or federal laws to the contrary, abortion-inducing drugs as defined in Section 5 of this Act shall not be provided in any school facility or on state grounds, including but not limited to elementary and secondary schools and institutions of higher education in Kentucky.*

➔SECTION 11. A NEW SECTION OF KRS 311.710 TO 311.820 IS CREATED TO READ AS FOLLOWS:

- (1) *In addition to the remedies available under the laws in this state, failure to comply with Sections 5 to 11 of this Act shall:*
 - (a) *Provide a basis for a civil malpractice action for actual and punitive damages;*
 - (b) *Provide a basis for a professional disciplinary action under KRS 411.167; and*
 - (c) *Provide a basis for recovery for a pregnant patient's survivors for the wrongful death of the patient under KRS 411.130.*
- (2) *When requested, the court shall allow a patient to proceed using only the patient's initials or a pseudonym and may close any proceedings in the case and enter other protective orders to preserve the privacy of the patient upon whom the drug-induced abortion was attempted, induced, or performed.*
- (3) *If judgment is rendered in favor of the plaintiff, the court shall also render judgment for reasonable attorney's fees in favor of the plaintiff against the defendant.*
- (4) *If judgment is rendered in favor of the defendant and the court finds that the plaintiff's suit was frivolous and brought in bad faith, the court may render judgment for reasonable attorney's fees in favor of the defendant against the plaintiff.*

➔SECTION 12. A NEW SECTION OF KRS CHAPTER 213 IS CREATED TO READ AS FOLLOWS:

- (1) *The cabinet shall publish printed material and maintain on its Web site the following statement: "Information on the potential ability of qualified medical professionals to reverse the effects of an abortion obtained through the use of abortion-inducing drugs as defined in Section 5 of this Act is available, and shall also include information for assistance in locating a medical professional who can aid in the reversal of a drug-induced abortion."*
- (2) *On an annual basis, the cabinet shall review and update, if necessary, the statement required in subsection (1) of this section and shall also include information for assistance in locating a medical professional who can aid in the reversal of a drug-induced abortion.*

➔SECTION 13. A NEW SECTION OF KRS CHAPTER 213 IS CREATED TO READ AS FOLLOWS:

- (1) *The cabinet shall create and distribute the report forms required in Sections 1, 4, 8, 9, 25, 26, 27, and 29 of this Act within sixty (60) days after the effective date of this Act.*
- (2) *The cabinet shall prepare and submit a comprehensive annual statistical report to the General Assembly based upon the data gathered from reports required in Sections 1, 4, 8, 9, 25, 26, 27, and 29 of this Act. The aggregated data shall also be made available to the public by the cabinet in an electronic format.*
- (3) *Reports required in Sections 1, 4, 8, 9, 25, 26, 27, and 29 of this Act shall be deemed public records and shall be provided by the cabinet to the Kentucky Board of Medical Licensure, the Kentucky Board of Pharmacy, state law enforcement offices, and child protective services upon request for use in the performance of their official duties.*
- (4) *Absent a valid court order or judicial subpoena, the cabinet, and any other state department, agency, or office or any employees thereof, shall not compare data concerning drug-induced abortion or drug-induced abortion complications or adverse events as defined in Section 5 of this Act maintained in an electronic or other information system file with data in any other electronic or other information system, the comparison of which could result in identifying, in any manner or under any circumstances, a pregnant patient who is obtaining or seeking to obtain a drug-induced abortion.*
- (5) *Statistical information that may reveal the identity of a pregnant person obtaining or seeking to obtain a drug-induced abortion shall not be maintained by the cabinet or any other state department, agency, or office, or any employee or contractor thereof.*

- (6) *The cabinet shall communicate the reporting requirements in Sections 1, 4, 8, 9, 25, 26, 27, and 29 of this Act to all medical professional organizations, licensed physicians, hospitals, emergency medical service providers, abortion facilities, ambulatory surgical facilities, pharmacies, and other healthcare facilities operating in Kentucky.*

➔SECTION 14. A NEW SECTION OF KRS CHAPTER 216B IS CREATED TO READ AS FOLLOWS:

As used in Sections 14 to 19 of this Act, the following terms have the same meaning as in Section 5 of this Act:

- (1) *"Abortion";*
- (2) *"Abortion-inducing drug";*
- (3) *"Adverse event";*
- (4) *"Associated physician";*
- (5) *"Complication";*
- (6) *"Distributor";*
- (7) *"Manufacturer";*
- (8) *"Nonsurgical abortion provider"; and*
- (9) *"Qualified physician."*

➔SECTION 15. A NEW SECTION OF KRS CHAPTER 216B IS CREATED TO READ AS FOLLOWS:

- (1) *The cabinet shall promulgate administrative regulations to create a certification program to oversee and regulate the distribution and dispensing of abortion-inducing drugs. The program shall be known as the Kentucky Abortion-Inducing Drug Certification Program. The program shall establish certification requirements for manufacturers and distributors to transport, supply, or sell abortion-inducing drugs; pharmacies that dispense abortion-inducing drugs; and abortion facilities licensed under KRS 216B.0431.*
- (2) *The certification requirements shall include recognition that abortion-inducing drugs may only be provided to patients by qualified physicians who are registered as nonsurgical abortion providers and that abortion-inducing drugs shall not intentionally, knowingly, or recklessly be provided directly to a patient outside of the parameters of Kentucky's Abortion-Inducing Drug Certification Program.*

➔SECTION 16. A NEW SECTION OF KRS CHAPTER 216B IS CREATED TO READ AS FOLLOWS:

- (1) *The cabinet, shall, at a minimum:*
 - (a) *Require completion of the certification process for pharmacies, manufacturers, distributors, and abortion facilities;*
 - (b) *Notify certified pharmacies, manufacturers, distributors, and abortion facilities which physicians are registered as nonsurgical abortion providers with the cabinet;*
 - (c) *Prohibit intentionally, knowingly, or recklessly shipping abortion-inducing drugs to physicians who become unregistered;*
 - (d) *Audit newly certified pharmacies, manufacturers, and distributors within ninety (90) calendar days after certification and annually thereafter, to ensure that all processes and procedures are in place and functioning to support the requirements of the Abortion-Inducing Drug Certification Program;*
 - (e) *Suspend immediately a pharmacist's, manufacturer's, or distributor's certification if found to be noncompliant until full compliance is demonstrated;*
 - (f) *Enforce compliance and develop a compliance reporting system;*
 - (g) *Prohibit pharmacies from intentionally, knowingly, or recklessly dispensing or distributing abortion-inducing drugs directly to a patient in the Commonwealth; and*
 - (h) *Require manufacturers and distributors of abortion-inducing drugs to intentionally and knowingly distribute only to certified pharmacies and in-person dispensing clinics, medical offices, and hospitals that are in compliance with the United States Federal Drug Administration's outlined Mifepristone Risk Evaluation and Mitigation Strategy in effect on the effective date of this Act.*

- (2) *To be eligible for certification, pharmacies, manufacturers, and distributors of abortion-inducing drugs shall:*
- (a) *Have either obtained a Kentucky license as a distributor, or a Kentucky permit as a pharmacy or manufacturer;*
 - (b) *Only distribute to or fulfill prescriptions requested by qualified physicians who are registered as nonsurgical abortion providers with the cabinet;*
 - (c) *Abide by all applicable standards of the National Association of Boards of Pharmacy (NABP);*
 - (d) *For online sales or orders, hold a current pharmacy or pharma domain and abide by all required standards by NABP to maintain the domain;*
 - (e) *Follow all other applicable state or federal laws related to the dispensation, distribution, or delivery of legend drugs, including abortion-inducing drugs; and*
 - (f) *Follow all acceptable processes and procedures to maintain a dispensation, distribution, or delivery system that is secure, confidential, and follows all processes and procedures, including those for storage, handling, shipping, tracking packages, serial numbers, National Drug Codes, lot numbers, expiration dates, proof of delivery, and controlled returns of abortion-inducing drugs.*
- (3) *To be eligible for certification, pharmacies shall:*
- (a) *Be certified by the United States Food and Drug Administration (FDA) to dispense abortion-inducing drugs;*
 - (b) *Submit proof of certification by the abortion-inducing drug manufacturer for the distribution of abortion-inducing drugs; and*
 - (c) *Only fulfill prescriptions that are accompanied by the required patient consent form.*

➔SECTION 17. A NEW SECTION OF KRS CHAPTER 216B IS CREATED TO READ AS FOLLOWS:

- (1) *To be eligible to register as a nonsurgical abortion provider, the cabinet shall require a qualified physician to:*
- (a) *Be licensed to practice medicine and in good standing in Kentucky;*
 - (b) *Examine any patient in-person prior to providing abortion-inducing drugs;*
 - (c) *Sign an annual "Dispensing Agreement Form," to be developed and provided by the cabinet, prior to providing abortion-inducing drugs;*
 - (d) *Inform the patient of gestational age-specific risks of using abortion-inducing drugs;*
 - (e) *Assess for signs of domestic abuse, reproductive control, human trafficking, and other signals of coerced abortion, per current state guidelines;*
 - (f) *Inform the patient that studies show babies born following the abortion reversal process have a rate of birth defects no higher than the general population;*
 - (g) *Inform the patient that studies show that following a reversal process or otherwise treating a pregnant patient with progesterone during pregnancy does not lead to increased mortality rates;*
 - (h) *Refrain from intentionally or knowingly supplying abortion-inducing drugs to patients who present with any of the following:*
 - 1. *Absence of a pregnancy;*
 - 2. *Being post-seventy (70) days gestation or post-ten (10) weeks of pregnancy; or*
 - 3. *Risk factors associated with abortion-inducing drugs, including but not limited to:*
 - a. *A history of ectopic pregnancies;*
 - b. *Problems with the adrenal glands near the kidneys;*
 - c. *Being treated with long-term corticosteroid therapy;*
 - d. *Allergic reactions to abortion-inducing drugs, mifepristone, misoprostol, or similar drugs;*

- e. *Bleeding problems or taking anticoagulant drug products;*
 - f. *Inherited porphyria;*
 - g. *An intrauterine device in place; or*
 - h. *Being Rh negative, requiring treatment with the prevailing medical standard of care to prevent harmful fetal or child outcomes or Rh incompatibility in future pregnancies before providing abortion-inducing drugs;*
- (i) *Provide or refer for emergency surgical intervention in cases of incomplete abortion, severe bleeding, or other abortion complications or adverse events, through maintaining hospital admitting privileges or entering into a written agreement with an associated physician;*
 - (j) *Ensure patient access to medical facilities equipped to provide blood transfusions and resuscitation or other necessary treatments, if necessary;*
 - (k) *Sign, and ensure that the patient signs, all legally required informed- consent material, provide the patient with a copy showing both signatures, and place the original in the patient's medical record and forward to a certified pharmacy, if appropriate;*
 - (l) *Record the serial number, National Drug Code, lot number, and expiration date from each package of each abortion-inducing drug given to the patient in the patient's medical record;*
 - (m) *Submit a written protocol of how efforts will be made to schedule a follow-up appointment with the patient within fourteen (14) days to ensure a completed abortion;*
 - (n) *Submit a written protocol of how complications or adverse events will be handled by the registered physician and submit a copy of a signed contract with an associated physician credentialed to handle certain complications if necessary;*
 - (o) *Abide by all applicable state and federal laws regarding medical records retention, confidentiality, and privacy; and*
 - (p) *Agree to follow and document compliance with all other legally required conditions for performing an abortion in Kentucky.*
- (2) *The cabinet shall require the following of registered physicians:*
- (a) *Maintain hospital admitting privileges at one (1) or more hospitals in the county or contiguous county where abortion-inducing drugs will be provided and inform the patient of the hospital or hospitals where the physician holds admitting privileges; or*
 - (b) *Enter into a written associated physician agreement as required in Section 7 of this Act, with a physician in the county or contiguous county where abortion-inducing drugs will be provided. The written agreement shall meet these conditions:*
 - 1. *A physician who will be providing an abortion-inducing drug shall notify the patient of the location of the hospital at which the associated physician has admitting privileges;*
 - 2. *The physician shall keep, at the location of his or her practice, a copy of the written agreement;*
 - 3. *The cabinet shall annually submit a copy of the written agreement to each hospital located in the county or a county that is contiguous to the county where abortion-inducing drugs will be provided;*
 - 4. *The agreement shall be renewed annually; and*
 - 5. *The agreement shall include a requirement that the physician provide to the patient, and require the patient to sign, all legally required informed- consent material.*

➔SECTION 18. A NEW SECTION OF KRS CHAPTER 216B IS CREATED TO READ AS FOLLOWS:

- (1) *The cabinet shall develop a plan to enforce the Kentucky Abortion-Inducing Drug Certification Program that includes the following conditions:*
 - (a) *If an individual or entity intentionally, knowingly, or recklessly provides abortion-inducing drugs without first seeking certification, the cabinet shall:*

1. *Immediately report the act to local law enforcement or other applicable state and local agencies; and*
 2. *Impose a fine of no less than five million dollars (\$5,000,000) for pharmacies, manufacturers, or distributors;*
- (b) *If a certified pharmacy, manufacturer, or distributor is determined to be in noncompliance, suspend any certification until compliance is proven to the satisfaction of the cabinet;*
- (c) *If a current or previously certified pharmacy, manufacturer, or distributor is found to have intentionally, knowingly, or recklessly violated certification requirements, or refuses to bring operations into compliance within ninety (90) calendar days, remove certification and prohibit continued provision of abortion-inducing drugs by the pharmacy, manufacturer, or distributor until compliance is demonstrated to the satisfaction of the cabinet;*
- (d) *If a certified pharmacy, manufacturer, or distributor is in noncompliance, suspend annual recertification until compliance is demonstrated to the satisfaction of the cabinet; and*
- (e) *If a current or previously certified pharmacy, manufacturer, or distributor is found to have intentionally, knowingly, or recklessly violated Sections 14 to 19 of this Act, or refuses to bring operations into compliance:*
1. *Immediately suspend the pharmacy's, manufacturer's, or distributor's certification until full compliance is demonstrated;*
 2. *For certified pharmacies, manufacturers, or distributors, impose fines of not less than one million dollars (\$1,000,000) per offense;*
 3. *For registered physicians, impose fines of not less than one hundred thousand dollars (\$100,000) per offense;*
 4. *Permanently revoke the certification of the offender if the offender fails to demonstrate compliance within ninety (90) calendar days;*
 5. *Impose remedial actions, which may include additional education, additional reporting, or other actions as required by the cabinet;*
 6. *In the case of a pharmacy, manufacturer, or distributor, recommend sanctioning to the appropriate disciplinary committee of the cabinet;*
 7. *In the case of a licensed physician, report the violation to the Kentucky Board of Medical Licensure and recommend appropriate sanctioning;*
 8. *Publicly report any disciplinary actions, consistent with the practices of the cabinet;*
 9. *Permanently revoke the certification of the offender; and*
 10. *In the case of a pharmacy, manufacturer, or distributor, report the violation to the Kentucky Board of Pharmacy and recommend appropriate sanctions, including permanent revocation of licensure.*
- (2) *Individuals have a private right of action to seek restitution in any court of law with appropriate jurisdiction for any and all damages suffered for intentional, knowing, or reckless violations of Sections 14 to 19 of this Act.*

➔SECTION 19. A NEW SECTION OF KRS CHAPTER 216B IS CREATED TO READ AS FOLLOWS:

- (1) *The cabinet shall develop a complaint portal on its Web site for patients, pharmacy, nursing, and medical professionals, and the public to submit information about potential violations of the Kentucky Abortion-Inducing Drug Certification Program.*
- (2) *The portal shall list the names of pharmacies, manufacturers, and distributors that are certified under the program and the physicians registered by the cabinet as nonsurgical abortion providers.*
- (3) *An individual shall be allowed to make a complaint anonymously on the portal.*
- (4) *The cabinet shall review each complaint and determine a disposition, including referral to another state department, within thirty (30) days.*

- (5) *Confidentiality of the originator of the complaint shall be protected at all times except for intrastate referrals for investigation.*

➔Section 20. KRS 213.081 is amended to read as follows:

- (1) No person shall cremate or cause to be transported for the purpose of cremation the body of any person whose death occurs in the Commonwealth, without first obtaining from the coroner of the county in which the death occurred, a permit stating the cause of death and authorizing the cremation or transportation for cremation of the body. The permit shall be filed immediately following cremation with the local registrar of vital statistics.
- (2) ~~{The provisions of this section shall not apply to the cremation of }~~Fetal death remains *shall require the same permit required by subsection (1) of this section*~~{in the absence of any indication of a criminal act}~~.
- (3) *Notwithstanding KRS 367.97514, fetuses may be cremated by simultaneous cremation.*

➔Section 21. KRS 213.096 is amended to read as follows:

- (1) Each fetal death of twenty (20) completed weeks' gestation or more, calculated from the date last normal menstrual period began to the date of delivery or in which the fetus weighs three hundred fifty (350) grams or more, which occurs in the Commonwealth, shall be reported on a combination birth-death or stillbirth certificate in accordance with applicable provisions of KRS 213.046 and KRS 213.076. If the fetal death occurs in a hospital, the person in charge of the institution or the person's designated representative shall complete the stillbirth certificate, obtain the medical certification, and file the certificate with the state registrar.
- (2) The name of the father shall be entered on the stillbirth certificate in accordance with the provisions of KRS 213.046.
- (3) All abortions shall be reported in the manner prescribed in KRS 213.101 and shall not be reported as stillbirths.
- (4) *If requested by the patient to whom an abortion is provided, the person in charge of the institution or the person's designated representative, shall complete the form created by the cabinet under subsection (3) of this section, obtain the medical certification, and file the certificate with the state registrar.*

➔SECTION 22. A NEW SECTION OF KRS CHAPTER 213 IS CREATED TO READ AS FOLLOWS:

- (1) *For the purposes of this section, "fetal remains" means the biological remains of a human child resulting from the termination of a pregnancy by a surgical or medication abortion prior to birth or miscarriage.*
- (2) (a) *Within twenty-four (24) hours before a surgical or medication abortion or within twenty-four (24) hours of a miscarriage, the healthcare facility or abortion clinic shall disclose to the parent or parents of the fetus, both orally and in writing, the parents' right to determine if they will take responsibility for the final disposition of the fetal remains or relinquish the responsibility for final disposition to the healthcare facility or abortion clinic.*
- (b) *If the procedure is a medication induced abortion, the mother:*
1. *Shall be informed that she will expel a fetus after leaving the healthcare facility or abortion clinic;*
 2. *May choose to return the fetal remains to the healthcare facility or abortion clinic for final disposition;*
 3. *Shall be exempted from the requirements of Section 20 of this Act that require a permit for the purpose of transporting the fetal remains back to the healthcare facility or abortion clinic for final disposition; and*
 4. *Shall be exempted from the requirements of Section 21 of this Act that require an abortion to be reported on a combination birth-death or stillbirth certificate.*
- (c) *After receiving the information required by paragraphs (a) and (b) of this subsection, the parent or parents of the fetus shall inform the healthcare facility or abortion clinic of their choice for the disposition of the fetal remains by electing to either:*
1. *Relinquish the guardianship of the fetal remains and the responsibility for final disposition of those remains to the guardianship of the healthcare facility or abortion clinic which shall dispose of those remains as they would any other human remains; or*

2. *Retain the guardianship for the fetal remains and designate that fetal remains shall be released to the parent or parents for disposition.*
- (d) *The healthcare facility or abortion clinic shall document the parent's or parents' choice for the disposition of the fetal remains in the medical record.*
- (3) *The cabinet shall design forms through administrative regulations that document:*
 - (a) *The age of the parent or parents of the fetal remains;*
 - (b) *In the event that the parents are under eighteen (18) years of age, have not been emancipated by court order, or have not obtained a court order granting the right to self-consent, a consent by their parent or guardian;*
 - (c) *The status of fetal remains resulting from an abortion for the purpose of cremation that shall meet any requirements for a birth-death, provisional death, or death certificate for transport or cremation;*
 - (d) *A designation of how the fetal remains shall be disposed of and who shall be responsible for the final disposition; and*
 - (e) *Any other information required by the cabinet.*
- (4) *A person or entity shall not:*
 - (a) *Dispose of a fetus or fetal remains as medical or infectious waste;*
 - (b) *Offer money or anything of value for an aborted fetus or fetal remains;*
 - (c) *Accept money or anything of value for an aborted fetus or fetal remains; or*
 - (d) *Transport, or arrange for the transportation of, fetal remains for any purpose other than:*
 1. *Final disposition by a crematory licensed under KRS Chapter 367;*
 2. *Interment by a funeral establishment licensed under KRS Chapter 316;*
 3. *Interment by the parent or parents privately in conformance with KRS 381.697 and administrative regulations promulgated by the Cabinet for Health and Family Services;*
 4. *Delivery of the fetal remains to the healthcare facility or abortion clinic for final disposition;*
 5. *For law enforcement in the context of a criminal investigation with the consent of the parent; or*
 6. *To a pathology laboratory for examination of the fetal remains with the consent of the parent.*

➔Section 23. KRS 367.97501 is amended to read as follows:

As used in KRS 367.97501 to 367.97537, unless the context requires otherwise:

- (1) "Authorizing agent" means the person legally entitled to order the cremation of the human remains.
- (2) "Casket" means a rigid container which is designed for the encasement of human remains constructed of wood, metal, or other material.
- (3) "Closed container" means a sealed container or urn in which cremated remains are placed and enclosed in a manner that prevents leakage or spillage of cremated remains or the entrance of foreign material.
- (4) "Cremated remains" means the fragments remaining after the cremation process has been completed.
- (5) "Cremation" means the heating process that reduces human remains to bone fragments through combustion and evaporation.
- (6) "Cremation authorization form" means a form promulgated by administrative regulation of the Attorney General that expresses consent to the decedent's cremation. The form shall include information concerning the parties' rights and responsibilities.
- (7) "Cremation chamber" means an enclosed space designed and manufactured for the purpose of cremating human remains.
- (8) "Cremation container" means a container in which human remains may be delivered to a crematory for cremation that is:

- (a) Rigid enough to support the weight of the corpse, closed, and leakproof;
 - (b) Composed of a combustible material or other material approved by the crematory authority; and
 - (c) A proper and dignified covering for the human remains.
- (9) "Crematory authority" means the legal entity which is licensed by the Attorney General to operate a crematory and conduct cremations. Crematory authority does not include state university health science centers.
 - (10) "Crematory" means a fixed building or structure that contains one (1) or more cremation chambers for the reduction of bodies of deceased persons to cremated remains. "Crematory" includes crematorium.
 - (11) "Crematory operator" means the person in charge of a licensed crematory authority.
 - (12) "Declaration" has the same meaning as in KRS 367.93101.
 - (13) "Holding facility" means an area designated for the retention of human remains prior to cremation.
 - (14) "Human remains" means the body of a deceased person or part of a body or limb that has been removed from a living person, in any state of decomposition, prior to cremation.
 - (15) "Pathological waste" means human tissues, organs, and blood or body fluids, in liquid or semiliquid form that are removed from a person for medical purposes. "Pathological waste" does not include amputations *or fetal remains as defined in Section 22 of this Act*.
 - (16) "Processed remains" means the end result of pulverization, by which the residual from the cremation process is reduced and cleaned leaving only fragments reduced to unidentified dimensions.
 - (17) "Retort operator" means a person operating a cremation chamber.
 - (18) "Scattering area or garden" means an area which may be designated by a cemetery and located on a dedicated cemetery property where cremated remains which have been removed from their container can be mixed with or placed on top of the soil or ground cover.
 - (19) "Temporary container" means a receptacle for cremated remains, usually made of plastic, cardboard, ceramics, plastic film, wood, or metal, designed to prevent the leakage of processed remains or the entrance of foreign materials which will hold the cremated remains until an urn or other permanent container is acquired.

➔Section 24. KRS 311.715 is amended to read as follows:

- (1) *As used in this section, "public agency funds" means any money, regardless of the original source of the money, of a public agency.*
- (2) Public agency funds shall not be used for the purpose of obtaining an abortion or paying for the performance of an abortion. Public medical facilities may be used for the purpose of conducting research into or the performance of in-vitro fertilization as long as such procedures do not result in the intentional destruction of a human embryo.
- (3) *Public agency funds shall not be directly or indirectly used, granted, paid, or distributed to any entity, organization, or individual that performs, induces, refers for, or counsels in favor of abortions. This subsection shall not apply to funding available through KRS 205.510 to 205.560 to the minimum extent necessary to comply with federal conditions for the state's participation in the program established by KRS 205.510 to 205.560 or to funding that is used to provide abstinence education in schools.*
- ~~(4)(2)~~ (a) Public agency funds shall not be directly or indirectly used, granted, paid, or distributed to any nonpublic entity or organization described in paragraph (b)3. of this subsection. This paragraph shall not apply to funding available through KRS 205.510 to 205.560 to the minimum extent necessary to comply with federal conditions for the state's participation in the program established by KRS 205.510 to 205.560 or to funding that is used to provide abstinence education in schools.
- (b) Notwithstanding any other state law to the contrary, all federal family planning funds shall be awarded to eligible individuals, organizations, or entities applying to be family planning contractors in the following order of descending priority:
 - 1. Public agencies that directly provide family planning services, including state, county, and local community health clinics and federally qualified health centers;
 - 2. Nonpublic entities that directly provide basic health services, as described in 42 U.S.C. sec. 254b(b)(1)(A), including family planning services; and

3. Nonpublic entities that directly provide only family planning services but do not provide all basic health services as described in 42 U.S.C. sec. 254b(b)(1)(A).
- (c) This subsection shall be effective upon repeal of federal regulations prohibiting states from prioritizing recipients of federal Public Health Service Act, Title X Family Planning Program funds.
- ~~(5)(3)~~ Nothing in this section shall be deemed to deprive a woman of all appropriate medical care necessary to prevent her physical death.
- ~~(6)(4)~~ Nothing in this section shall be construed to allow public funds to pay for in-vitro fertilization procedures performed on any individual patient.

➔SECTION 25. A NEW SECTION OF KRS 311.710 TO 311.820 IS CREATED TO READ AS FOLLOWS:

- (1) *A hospital, healthcare facility, or individual physician shall file a written report with the cabinet regarding each patient who comes under the hospital's, healthcare facility's, or physician's care and reports any complication or adverse event as defined under Section 5 of this Act, requires medical treatment, or suffers a death that the attending physician, hospital staff, or facility staff has reason to believe is a primary or secondary result of an abortion. The reports shall be completed by the hospital, healthcare facility, or attending physician who treated the patient, signed by the attending physician, and transmitted to the cabinet within thirty (30) days of the discharge or death of the patient treated for the complication or adverse event.*
- (2) *Each report of a complication or adverse event as defined in Section 5 of this Act, medical treatment, or death following abortion required under this section shall contain at minimum the information required by Section 4 of this Act.*
- (3) *Reports required under this section shall not contain:*
 - (a) *The name of the patient;*
 - (b) *Common identifiers such as Social Security number or motor vehicle operator's license number; or*
 - (c) *Other information or identifiers that would make it possible to identify, in any manner or under any circumstances, a patient who has obtained an abortion and subsequently suffered an abortion complication or adverse event as defined in Section 5 of this Act.*

➔Section 26. KRS 311.774 is amended to read as follows:

- (1) Each prescription issued for *an abortion-inducing drug as defined in Section 5 of this Act* ~~[RU 486, cytotec, pitocin, mifeprex, misoprostol, or any other drug or combination of drugs]~~ for which the primary indication is the induction of abortion as defined in KRS 311.720 shall be reported on a report form provided by the cabinet within *three (3)* ~~[fifteen (15)]~~ days after ~~[the end of the month in which]~~ the prescription was issued. *The report form shall be signed by the qualified physician who provided the abortion-inducing drug and transmitted to the cabinet within three (3) days after the drug was provided. Each report shall include at minimum the information required by Section 4 of this Act.*
- (2) Information on the potential ability of a physician to reverse the effects of *abortion-inducing* ~~[prescription]~~ *drugs as defined in Section 5 of this Act* for which the primary indication is the induction of abortion, including where additional information about this possibility may be obtained and contact information for assistance in locating a physician who may aid in the reversal, shall be provided with each prescription issued for *an abortion-inducing drug* ~~[RU 486, cytotec, pitocin, mifeprex, misoprostol, or any other drug or combination of drugs]~~ for which the primary indication is the induction of abortion as defined in KRS 311.720.
- (3) For each abortion reported to the Vital Statistics Branch as required by KRS 213.101, the report shall also state whether any abortion complication *or adverse event as defined in Section 5 of this Act or medical treatment* was known to the provider as a result of the abortion. *The report shall be completed and signed by the physician, qualified physician, or other healthcare provider who diagnosed or treated the complication or adverse event.*
- (4) *The report shall include at a minimum the information required by Section 4 of this Act and:*
 - (a) *Whether a complication or adverse event as defined in Section 5 of this Act occurred during the abortion procedure or while the pregnant patient was still at the facility where the abortion was performed and the level of intervention required to attend to the complication or adverse event:*

1. *Emergency medical services;*
 2. *Stabilization on site;*
 3. *Transport to another medical facility;*
 4. *Urgent care follow-up; and*
 5. *Primary care provider;*
- (b) *The date the pregnant patient presented for diagnosis or treatment for the complication or adverse event;*
- (c) *Whether the complication or adverse event was previously managed by the qualified physician who provided the abortion-inducing drug as defined in Section 5 of this Act or a backup qualified physician;*
- (d) *The amount billed to cover the treatment for specific complications, including whether the treatment was billed to Medicaid, private insurance, private pay, or other method. This should include the ICD-10 codes reported and charges for any physician, hospital, emergency room, prescription or other drugs, laboratory tests, and any other costs for treatment rendered; and*
- (e) *A list of complications, adverse events, or treatments that occurred, a list of any emergency transfers, and any follow-up treatment provided including whether any additional drugs were provided in order to complete the drug-induced abortion.* ~~Abortion complications to be reported shall include only the following physical or psychological conditions arising from the induction or performance of an abortion:~~
- ~~(a) — Uterine laceration;~~
 - ~~(b) — Cervical laceration;~~
 - ~~(c) — Infection;~~
 - ~~(d) — heavy bleeding that causes symptoms of hypovolemia or the need for a blood transfusion;~~
 - ~~(e) — Pulmonary embolism;~~
 - ~~(f) — Deep vein thrombosis;~~
 - ~~(g) — Failure to terminate the pregnancy;~~
 - ~~(h) — Incomplete abortion or retained tissue;~~
 - ~~(i) — Pelvic inflammatory disease;~~
 - ~~(j) — Missed ectopic pregnancy;~~
 - ~~(k) — Cardiac arrest;~~
 - ~~(l) — Respiratory arrest;~~
 - ~~(m) — Renal failure;~~
 - ~~(n) — Shock;~~
 - ~~(o) — Amniotic fluid embolism;~~
 - ~~(p) — Coma;~~
 - ~~(q) — Placenta Previa in subsequent pregnancies;~~
 - ~~(r) — Pre term delivery in subsequent pregnancies;~~
 - ~~(s) — Free fluid in the abdomen;~~
 - ~~(t) — Hemolytic reaction due to the administration of ABO incompatible blood or blood products;~~
 - ~~(u) — Hypoglycemia occurring while the patient is being treated at the abortion facility;~~
 - ~~(v) — allergic reaction to anesthesia or abortion inducing drugs;~~
 - ~~(w) — Psychological complications, including depression, suicidal ideation, anxiety, and sleeping disorders;~~

~~(x) — Death; and~~

~~(y) — Any other adverse event as defined by criteria provided in the Food and Drug Administration Safety Information and Adverse Event Reporting Program.]~~

➔Section 27. KRS 311.783 is amended to read as follows:

- (1) Except in a medical emergency that prevents compliance with this section, no physician shall intentionally perform or induce or intentionally attempt to perform or induce an abortion on a pregnant woman unless, prior to the performance or inducement of the abortion or the attempt to perform or induce the abortion, the physician determines, in the physician's reasonable medical judgment, the unborn child's probable **gestational**~~[post fertilization]~~ age. The physician shall make that determination after making inquiries of the pregnant woman and performing any medical examinations or tests of the pregnant woman the physician considers necessary as a reasonably prudent physician, knowledgeable about the case and medical conditions involved, would consider necessary to determine the unborn child's probable **gestational**~~[post fertilization]~~ age.
- (2) Except in a medical emergency that prevents compliance with this section, no physician shall intentionally perform or induce or intentionally attempt to perform or induce an abortion on a pregnant woman after the unborn child reaches the probable **gestational**~~[post fertilization]~~ age of **fifteen (15)**~~[twenty (20)]~~ weeks without first entering the determination made in subsection (1) of this section and the associated findings of the medical examination and tests in the medical record of the pregnant woman.
- (3) The state Board of Medical Licensure shall suspend a physician's license to practice medicine in this state for a period of not less than six (6) months if the physician violates this section.
- (4) ***The physician shall submit a report on a form provided by the cabinet that includes at a minimum the information required by Section 4 of this Act and:***
 - (a) ***The unborn child's probable gestational age determined by the physician; and***
 - (b) ***The results of inquiries of the pregnant woman and any medical examinations or tests performed.***

➔Section 28. KRS 315.990 is amended to read as follows:

- (1) Except for the provisions of KRS 315.320, any person violating any provision of KRS Chapter 315 shall be fined for each offense not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) or imprisoned in the county jail for not more than six (6) months, or both. Each week that any provision of KRS 315.020, 315.030, or 315.035 is violated shall also constitute a separate offense.
- (2) Any person convicted of willfully resisting, preventing, impeding, obstructing, threatening, or interfering with the officers, agents, or inspectors of the board in the administration of the provisions of this chapter shall be guilty of a Class A misdemeanor.
- (3) The board may levy an administrative fine not to exceed five thousand dollars (\$5,000) for each offense, for any violation of KRS 315.121. All such fines shall be deposited to the credit of the licensing board to be used by the board in carrying out the provisions of this chapter.
- (4) The board may refuse to issue or renew a permit, or may suspend, temporarily suspend, revoke, fine, or reasonably restrict any permit holder for any violation of KRS 315.0351. Any administrative fine levied by the board shall not exceed five thousand dollars (\$5,000) for any violation of KRS 315.0351. All such fines shall be deposited to the credit of the licensing board to be used by the Board of Pharmacy in carrying out the provisions of this chapter.
- (5) For a violation of KRS 315.320, the Board of Pharmacy may, in addition to any other civil or criminal penalty, levy an administrative fine not exceeding one hundred thousand dollars (\$100,000). All such fines shall be deposited to the credit of the Board of Pharmacy in carrying out the provisions of this chapter.
- (6)
 - (a) ***Any person who intentionally, knowingly, or recklessly violates Sections 14 to 19 of this Act is guilty of a Class D felony.***
 - (b) ***Any person who violates Sections 14 to 19 of this Act shall be fined not more than one million dollars (\$1,000,000).***
 - (c) ***Notwithstanding KRS 440.200, the Attorney General may demand from the Governor of any other state the surrender of any person found in the other state who is charged in Kentucky with the crime of violating Sections 14 to 19 of this Act. The provisions for extradition under this subsection shall***

apply to any such demand even if the person whose surrender is demanded was not in Kentucky at the time of the commission of the crime. Neither the demand, the oath, nor any proceedings for extradition pursuant to this section need state or show that the person whose surrender is demanded has fled from justice, or at the time of the commission of the crime was in Kentucky or the other state.

➔SECTION 29. A NEW SECTION OF KRS CHAPTER 213 IS CREATED TO READ AS FOLLOWS:

- (1) *Each prescription dispensed by a pharmacy for RU-486, cytotec, pitocin, mifeprex, misoprostol, or any other drug or combination of drugs for which the primary indication is the induction of abortion as defined in KRS 213.011 shall be reported to the Vital Statistics Branch within three (3) days after the end of the month in which the prescription was dispensed, but the report shall not include information which will identify the pregnant patient involved or anyone who may have picked up the dispensed prescription on behalf of the woman.*
- (2) *The report shall include at a minimum:*
 - (a) *The full name and address of the pharmacist or pharmacy dispensing the prescription;*
 - (b) *The names, serial numbers, National Drug Codes, lot numbers, and expiration dates of the specific abortion-inducing drugs that were dispensed;*
 - (c) *The full name and address of the referring physician, agency, or service, if any;*
 - (d) *The pregnant patient's city or town, county, state, country of residence, and zip code;*
 - (e) *The pregnant patient's age, race, and ethnicity;*
 - (f) *The age or approximate age of the father, if known;*
 - (g) *A list of any pre-existing medical conditions of the pregnant patient that may complicate her pregnancy, if any, including hemorrhage, infection, uterine perforation, cervical laceration, retained products, or any other condition;*
 - (h) *Whether the pregnant patient was Rh negative and, if so, was provided with an Rh negative information fact sheet and treated with the prevailing medical standard of care to prevent harmful fetal or child outcomes or Rh incompatibility in future pregnancies; and*
 - (i) *The reason for the abortion, if known, including abuse, coercion, harassment, or trafficking.*
- (3) *The report shall not contain:*
 - (a) *The name of the pregnant patient;*
 - (b) *Common identifiers such as a Social Security number and motor vehicle operator's license number; and*
 - (c) *Any other information or identifiers that would make it possible to ascertain the patient's identity.*
- (4) *The name of the person completing the report and the reporting institution shall not be subject to disclosure under KRS 61.870 to 61.884.*
- (5)
 - (a) *Any person or institution who fails to submit a report by the end of thirty (30) days following the due date set in subsection (1) of this section shall be subject to a late fee of five hundred dollars (\$500) for each additional thirty (30) day period or portion of a thirty (30) day period the report is overdue.*
 - (b) *Any person or institution who fails to submit a report, or who has submitted only an incomplete report, more than one (1) year following the due date set in subsection (1) of this section, may in a civil action brought by the Vital Statistics Branch be directed by a court of competent jurisdiction to submit a complete report within a time period stated by court order or be subject to contempt of court.*
 - (c) *Failure by any pharmacist or pharmacy to comply with the requirements of this section, other than filing a late report, or to submit a complete report in accordance with a court order shall subject the pharmacist or pharmacy to KRS 315.121.*
- (6) *Intentional falsification of any report required under this section is a Class A misdemeanor.*
- (7) *The Vital Statistics Branch shall promulgate administrative regulations in accordance with KRS Chapter 13A to assist in compliance with this section.*

➔SECTION 30. A NEW SECTION OF KRS CHAPTER 315 IS CREATED TO READ AS FOLLOWS:

Any prescription or medical order for a drug that is known to possibly cause an abortion shall be presumed by a pharmacy to be for indications other than for the termination of a pregnancy. A pharmacy dispensing such prescription or medical order shall not be required to verify that the prescription or medical order does not violate any provision of this chapter or KRS Chapter 216B.

➔SECTION 31. A NEW SECTION OF KRS 311.710 TO 311.820 IS CREATED TO READ AS FOLLOWS:

- (1) *The Attorney General may bring an action to enforce compliance with the Humanity in Healthcare Act of 2022 or intervene as a matter of right in any case in which the constitutionality of any section of the Act is challenged.*
- (2)
 - (a) *Any person who intentionally, knowingly, or recklessly violates Sections 14 to 19 of this Act is guilty of a Class D felony.*
 - (b) *Any person who violates Sections 14 to 19 of this Act shall be fined not more than one million dollars (\$1,000,000).*
 - (c) *Notwithstanding KRS 440.200, the Attorney General may demand from the Governor of any other state the surrender of any person found in the other state who is charged in Kentucky with the crime of violating Sections 14 to 19 of this Act. The provisions for extradition under this subsection shall apply to any such demand even if the person whose surrender is demanded was not in Kentucky at the time of the commission of the crime. Neither the demand, the oath, nor any proceedings for extradition pursuant to this section need state or show that the person whose surrender is demanded has fled from justice, or at the time of the commission of the crime was in Kentucky or the other state.*

➔SECTION 32. A NEW SECTION OF KRS 311.781 TO 311.786 IS CREATED TO READ AS FOLLOWS:

The General Assembly finds and declares, according to contemporary medical research, all of the following:

- (1) *Medical and other authorities now know more about human prenatal development than ever before, including:*
 - (a) *Between five (5) and six (6) weeks' gestation, an unborn child's heart begins beating;*
 - (b) *At approximately eight (8) weeks' gestation, an unborn child begins to move about in the womb;*
 - (c) *At nine (9) weeks' gestation, all basic physiological functions are present, including teeth, eyes, and external genitalia;*
 - (d) *At ten (10) weeks' gestation, an unborn child's vital organs begin to function, and hair, fingernails, and toenails begin to form;*
 - (e) *At eleven (11) weeks' gestation, an unborn child's diaphragm is developing, he or she may even hiccup, and he or she is beginning to move about freely in the womb; and*
 - (f) *At twelve (12) weeks' gestation, an unborn child can open and close his or her fingers, starts to make sucking motions, senses stimulation from the world outside the womb, and has taken on "the human form" in all relevant aspects under *Gonzales v. Carhart*, 550 U.S. 124, 160 (2007);*
- (2) *The United States Supreme Court has long recognized that the state has an "important and legitimate interest in protecting the potentiality of human life," *Roe v. Wade*, 410 U.S. 113, 162 (1973), and specifically that "the state has an interest in protecting the life of the unborn". *Planned Parenthood of Southeastern Pennsylvania v. Casey*, 505 U.S. 833, 873 (1992);*
- (3) *The majority of abortion procedures performed after fifteen (15) weeks' gestation are dilation and evacuation procedures which involve the use of surgical instruments to crush and tear the unborn child apart before removing the pieces of the dead child from the womb, procedures prohibited under Section 36 of this Act, and the General Assembly finds that the intentional commitment of such acts for nontherapeutic or elective reasons is a barbaric practice, dangerous for the maternal patient, and demeaning to the medical profession;*
- (4) *Abortion carries significant physical and psychological risks to the maternal patient, and these physical and psychological risks increase with gestational age;*

- (5) *As the second trimester progresses, in the vast majority of uncomplicated pregnancies, the maternal health risks of undergoing an abortion are greater than the risks of carrying a pregnancy to term;*
- (6) *Seventy-five percent (75%) of all the nations in the world do not permit abortion after twelve (12) weeks' gestation except, in most instances, to save the life and preserve the physical health of the mother; and*
- (7) *The Commonwealth of Kentucky has legitimate interests from the outset of the pregnancy in protecting both the health of the woman and the life of an unborn human individual who may be born.*

➔Section 33. KRS 311.781 is amended to read as follows:

As used in KRS 311.781 to 311.786:

- (1) "Fertilization" means the fusion of a human spermatozoon with a human ovum;
- (2) **"Gestational age" has the same meaning as in KRS 311.7701;**
- (3) "Medical emergency" means a condition that in the physician's reasonable medical judgment, based upon the facts known to the physician at that time, so complicates the woman's pregnancy as to necessitate the immediate performance or inducement of an abortion in order to prevent the death of the pregnant woman or to avoid a serious risk of the substantial and irreversible impairment of a major bodily function of the pregnant woman that delay in the performance or inducement of the abortion would create;
- ~~(4)(3)~~ "Pain-capable unborn child" means an unborn child of a probable **gestational**~~{post fertilization}~~ age of **fifteen (15)**~~{twenty (20)}~~ weeks or more;
- ~~(5)(4)~~ "Physician" has the same meaning as in KRS 311.720;
- (6) **"Probable gestational age" has the same meaning as in KRS 311.720;**
- ~~{(5) "Post fertilization age" means the age of the unborn child as calculated from the fusion of a human spermatozoon with a human ovum;~~
- ~~(6) "Probable post fertilization age" means, in reasonable medical judgment and with reasonable probability, the age of the unborn child, as calculated from fertilization, at the time the abortion is performed or induced or attempted to be performed or induced;}~~
- (7) "Reasonable medical judgment" means a medical judgment that would be made by a reasonably prudent physician, knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved;
- (8) "Serious risk of the substantial and irreversible impairment of a major bodily function" means any medically diagnosed condition that so complicates the pregnancy of the woman as to directly or indirectly cause the substantial and irreversible impairment of a major bodily function. A medically diagnosed condition that constitutes a "serious risk of the substantial and irreversible impairment of a major bodily function" includes pre-eclampsia, inevitable abortion, and premature rupture of the membranes, but does not include a condition related to the woman's mental health; and
- (9) "Unborn child" means an individual organism of the species homo sapiens from fertilization until live birth.

➔Section 34. KRS 311.782 is amended to read as follows:

- (1) No person shall intentionally perform or induce or intentionally attempt to perform or induce an abortion on a pregnant woman when the probable **gestational**~~{post fertilization}~~ age of the unborn child is **fifteen (15)**~~{twenty (20)}~~ weeks or greater.
- (2) It shall be an affirmative defense to a charge under subsection (1) of this section that the abortion was intentionally performed or induced or intentionally attempted to be performed or induced by a physician and that the physician determined, in the physician's reasonable medical judgment, based on the facts known to the physician at that time, that either of the following applied:
 - (a) The probable **gestational**~~{post fertilization}~~ age of the unborn child was less than **fifteen (15)**~~{twenty (20)}~~ weeks; or
 - (b) The abortion was necessary to prevent the death of the pregnant woman or to avoid a serious risk of the substantial and irreversible impairment of a major bodily function of the pregnant woman. No abortion shall be necessary if it is based on a claim or diagnosis that the pregnant woman will engage in conduct that would result in her death or in substantial and irreversible impairment of a major bodily function or if it is based on any reason related to her mental health.

- (3) (a) Except when a medical emergency exists that prevents compliance with KRS 311.783, the affirmative defense set forth in subsection (2)(a) of this section does not apply unless the physician who intentionally performs or induces or intentionally attempts to perform or induce the abortion makes a determination of the probable ~~gestational~~~~[post fertilization]~~ age of the unborn child as required by KRS 311.783(1) or relied upon such a determination made by another physician and certifies in writing, based on the results of the tests performed, that in the physician's reasonable medical judgment the unborn child's probable ~~gestational~~~~[post fertilization]~~ age is less than **fifteen (15)**~~[twenty (20)]~~ weeks.
- (b) Except when a medical emergency exists that prevents compliance with one (1) or more of the following conditions, the affirmative defense set forth in subsection (2)(b) of this section does not apply unless the physician who intentionally performs or induces or intentionally attempts to perform or induce the abortion complies with all of the following conditions:
1. The physician who intentionally performs or induces or intentionally attempts to perform or induce the abortion certifies in writing that, in the physician's reasonable medical judgment, based on the facts known to the physician at that time, the abortion is necessary to prevent the death of the pregnant woman or to avoid a serious risk of the substantial and irreversible impairment of a major bodily function of the pregnant woman;
 2. A different physician not professionally related to the physician described in subparagraph 1. of this paragraph certifies in writing that, in that different physician's reasonable medical judgment, based on the facts known to that different physician at that time, the abortion is necessary to prevent the death of the pregnant woman or to avoid a serious risk of the substantial and irreversible impairment of a major bodily function of the pregnant woman;
 3. The physician intentionally performs or induces or intentionally attempts to perform or induce the abortion in a hospital or other health care facility that has appropriate neonatal services for premature infants;
 4. The physician who intentionally performs or induces or intentionally attempts to perform or induce the abortion terminates or attempts to terminate the pregnancy in the manner that provides the best opportunity for the unborn child to survive, unless that physician determines, in the physician's reasonable medical judgment, based on the facts known to the physician at that time, that the termination of the pregnancy in that manner poses a greater risk of death of the pregnant woman or a greater risk of the substantial and irreversible impairment of a major bodily function of the pregnant woman than would other available methods of abortion;
 5. The physician certifies in writing the available method or techniques considered and the reasons for choosing the method or technique employed; and
 6. The physician who intentionally performs or induces or intentionally attempts to perform or induce the abortion has arranged for the attendance in the same room in which the abortion is to be performed or induced or attempted to be performed or induced at least one (1) other physician who is to take control of, provide immediate medical care for, and take all reasonable steps necessary to preserve the life and health of the unborn child immediately upon the child's complete expulsion or extraction from the pregnant woman.
- (4) The state Board of Medical Licensure shall revoke a physician's license to practice medicine in this state if the physician violates or fails to comply with this section.
- (5) Any physician who intentionally performs or induces or intentionally attempts to perform or induce an abortion on a pregnant woman with actual knowledge that neither of the affirmative defenses set forth in subsection (2) of this section applies, or with a heedless indifference as to whether either affirmative defense applies, is liable in a civil action for compensatory and punitive damages and reasonable attorney's fees to any person, or the representative of the estate of any person including but not limited to an unborn child, who sustains injury, death, or loss to person or property as the result of the performance or inducement or the attempted performance or inducement of the abortion. In any action under this subsection, the court also may award any injunctive or other equitable relief that the court considers appropriate.
- (6) A pregnant woman on whom an abortion is intentionally performed or induced or intentionally attempted to be performed or induced in violation of subsection (1) of this section is not guilty of violating subsection (1) of this section or of attempting to commit, conspiring to commit, or complicity in committing a violation of subsection (1) of this section.

➔SECTION 35. A NEW SECTION OF KRS 311.781 TO 311.786 IS CREATED TO READ AS FOLLOWS:

The Attorney General shall have authority to bring an action in law or equity to enforce any provisions of KRS 311.781 to 311.786 on behalf of the Commonwealth of Kentucky. The state Board of Medical Licensure shall also have authority to bring an action on its own behalf.

➔Section 36. KRS 311.787 is amended to read as follows:

- (1) As used in this section:
 - (a) "Bodily dismemberment, crushing, or human vivisection" means a procedure in which a person, with the purpose of causing the death of an unborn child, dismembers the living unborn child and extracts portions, pieces, or limbs of the unborn child from the uterus through the use of clamps, grasping forceps, tongs, scissors, or a similar instrument that, through the convergence of two (2) rigid levers, slices, crushes, or grasps, or performs any combination of those actions on, any portion, piece, or limb of the unborn child's body to cut or separate the portion, piece, or limb from the body. The term includes a procedure that is used to cause the death of an unborn child and in which suction is subsequently used to extract portions, pieces, or limbs of the unborn child after the unborn child's death;
 - (b) "Medical emergency" has the same meaning as in KRS 311.720;
 - (c) "Probable ~~gestational~~~~[post-fertilization]~~ age" has the same meaning as in KRS ~~311.720~~~~[311.781]~~; and
 - (d) "Unborn child" has the same meaning as in KRS 311.781.
- (2) No person shall intentionally perform or induce or attempt to perform or induce an abortion on a pregnant woman:
 - (a) That will result in the bodily dismemberment, crushing, or human vivisection of the unborn child; and
 - (b) When the probable ~~gestational~~~~[post-fertilization]~~ age of the unborn child is eleven (11) weeks or greater;

except in the case of a medical emergency.
- (3) A pregnant woman on whom an abortion is performed or induced or attempted to be performed or induced in violation of subsection (2) of this section is not guilty of violating subsection (2) of this section or of attempting to commit, conspiring to commit, or complicity in committing a violation of subsection (2) of this section.

➔Section 37. (1) If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect the other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

(2) Nothing in this Act shall be construed as creating or recognizing a right to abortion.

(3) Nothing in Section 27 or Sections 32 to 36 of this Act shall be construed as altering generally accepted medical standards.

➔Section 38. Sections 1 to 31 of this Act may be cited as the Humanity in Healthcare Act of 2022.

➔Section 39. Whereas the Commonwealth of Kentucky has a paramount interest in protecting all human life, an emergency is declared to exist, and this Act take effect upon its passage and approval by the Governor or its otherwise becoming a law.

Veto Overridden and Signed by Secretary of State April 14, 2022.

CHAPTER 211

(HB 7)

AN ACT relating to welfare and family services.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO READ AS FOLLOWS:

For the purposes of Sections 2, 11, 15, 16, 17, 18, and 19 of this Act, unless context requires otherwise:

- (1) *"Cash assistance":*
 - (a) *Means cash benefits provided under this chapter, including via an electronic benefit transfer card; and*
 - (b) *Does not include foster care payments, kinship care payments, fictive kin care payments, or relative placement payments made by the cabinet; and*
- (2) *"Public assistance" has the same meaning as in KRS 205.010 but does not include foster care payments, kinship care payments, fictive kin care payments, or relative placement payments made by the cabinet.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO READ AS FOLLOWS:

- (1) *The cabinet shall establish and maintain policies and practices necessary to ensure compliance with 42 U.S.C. sec. 608(a)(12).*
- (2) *If a cash recipient of public assistance benefits uses an automated teller machine or any other means or device to withdraw cash using an electronic benefit transfer card issued by the cabinet, that cash may only be used for goods and services necessary for the welfare of the family, including but not limited to food, clothing, housing, utilities, child care, transportation, medicine, and medical supplies.*
- (3) *If in the normal course of operations, the cabinet finds that an individual has violated subsection (2) of this section, the cabinet:*
 - (a) *Shall through any means practical and to the extent permitted under state and federal law, including but not limited to garnishment of future cash assistance benefits, seek recoupment from the individual of any funds used in violation of subsection (2) of this section; and*
 - (b) *May:*
 1. *Impose a fine on the individual in an amount not to exceed five hundred dollars (\$500);*
 2. *Upon the first violation, disqualify the individual from receiving public assistance benefits by means of a direct cash payment or an electronic benefits transfer card for not more than one (1) month;*
 3. *Upon the second violation, disqualify the individual from receiving public assistance benefits by means of a direct cash payment or an electronic benefits transfer card for not more than three (3) months; and*
 4. *Upon the third violation, disqualify the individual from receiving public assistance benefits by means of a direct cash payment or an electronic benefits transfer card for not more than one (1) year.*

- (4) *The cabinet shall:*
 - (a) *Through any means practical, inform all applicants for and cash recipients of public assistance benefits of the restrictions and sanctions contained in this section;*
 - (b) *Investigate cases in which it believes cash benefits may be being used in violation of subsection (2) of this section; and*
 - (c) *Within ninety (90) days after the effective date of this Act, promulgate administrative regulations in accordance with KRS Chapter 13A necessary to administer this section.*

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO READ AS FOLLOWS:

- (1) *The General Assembly hereby affirms the mission of the Supplemental Nutrition Assistance Program, formerly known as the federal food stamp program, to supplement the food budgets of needy families so that they can purchase healthy food and move toward self-sufficiency. To that end, the General Assembly recommends that Supplemental Nutrition Assistance Program beneficiaries use their monthly benefits to purchase healthy foods.*
- (2) *The cabinet shall coordinate with the Department of Agriculture to provide support to expand access by Supplemental Nutrition Assistance Program beneficiaries to farmers' markets across the Commonwealth.*

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO READ AS FOLLOWS:

In order to improve access to the Supplemental Nutrition Assistance Program, reduce administrative costs associated with the program, and enhance program integrity, the cabinet shall:

- (1) *Within one hundred eighty (180) days after the effective date of this Act:*
 - (a) *Establish a transitional benefit alternative as described in 7 C.F.R. secs. 273.26 to 273.32;*
 - (b) *Request a waiver from the United States Department of Agriculture to implement:*
 1. *An Elderly Simplified Application Project for individuals who have no earned income and who are over sixty (60) years of age or who are disabled; and*
 2. *A standard medical deduction waiver for individuals who are over sixty (60) years of age or are disabled;*
 - (c) *Establish procedures to allow Supplemental Nutrition Assistance Program beneficiaries to recertify eligibility online;*
 - (d) *To the extent permitted under federal law, develop and implement an online employment and training program, as defined in 7 U.S.C. sec. 2015(d)(4), for any individual that is subject to work requirements under 7 U.S.C. sec. 2015(d)(1);*
 - (e) *Request a waiver from the United States Department of Agriculture relating to Supplemental Nutrition Assistance time limit exception established in 7 C.F.R. sec. 273.24(c)(4); and*
 - (f) *Promulgate administrative regulations in accordance with KRS Chapter 13A necessary to administer this section; and*
- (2) *Within ninety (90) days after the effective date of this Act, require all households receiving Supplemental Nutrition Assistance benefits, except for those households described in subsection (1)(b) of this section, to comply with the change reporting requirements permitted pursuant to 7 C.F.R. sec. 273.12(a).*

➔SECTION 5. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO READ AS FOLLOWS:

- (1) *The cabinet, to the extent permitted under federal law, shall no later than April 15, 2023, implement a community engagement program for able-bodied adults without dependents who have been enrolled in the state's medical assistance program for more than twelve (12) months.*
- (2) *If the federal Centers for Medicare and Medicaid Services approves the implementation of a community engagement program pursuant to subsection (1) of this section:*
 - (a) *The program may, for the purpose of defining qualifying community engagement activities, utilize the same requirements established in 7 C.F.R. sec. 273.24;*
 - (b) *Participation in the job placement assistance program established in Section 14 of this Act shall constitute qualifying community engagement activities; and*
 - (c) *The cabinet shall, on a monthly basis, provide the Education and Workforce Development Cabinet with the name and contact information of each individual participating in the community engagement program.*
- (3) *As used in this section, "able-bodied adult without dependents" means an individual who is:*
 - (a) *Over eighteen (18) years of age but under sixty (60) years of age;*
 - (b) *Physically and mentally able to work as determined by the cabinet; and*
 - (c) *Not primarily responsible for the care of a dependent child under the age of eighteen (18) or a dependent disabled adult relative.*

➔SECTION 6. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO READ AS FOLLOWS:

Notwithstanding any provision of law to the contrary, the cabinet shall not exercise the state's option to develop a basic health program as permitted under 42 U.S.C. sec. 18051 without first obtaining specific authorization from the General Assembly to do so.

➔SECTION 7. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO READ AS FOLLOWS:

- (1) *When the Department for Medicaid Services receives federal funding for the state's medical assistance program which is contingent on temporary maintenance of effort restrictions, such as those restrictions imposed under Pub. L. No. 116-127 sec. 6008, or is, for any reason, limited in its ability to disenroll individuals from the state's medical assistance program, the department shall:*
- (a) *Continue to conduct eligibility redeterminations as in the normal course of business; and*
 - (b) *Act on those redeterminations to the fullest extent permitted under federal law.*
- (2) *Following the expiration of any federally imposed restrictions described in subsection (1) of this section, the department shall conduct a full audit in which the department shall:*
- (a) *Within sixty (60) days, request approval from the federal Centers for Medicare and Medicaid Services to conduct and act on eligibility redeterminations for each individual who was enrolled during the period of federally imposed restrictions and has been enrolled for more than three (3) months; and*
 - (b) *Within twelve (12) months:*
 - 1. *Complete and act on eligibility redeterminations for all cases that have not had a redetermination within the previous twelve (12) months; and*
 - 2. *Complete and act on eligibility redeterminations for individuals described in paragraph (a) of this subsection, if the department receives the federal approval requested pursuant to this paragraph (a) of this subsection.*

➔SECTION 8. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO READ AS FOLLOWS:

Unless expressly required under federal law, neither the cabinet nor the Department for Medicaid Services shall be designated as a qualified health entity for the purpose of making presumptive eligibility determinations for the state's medical assistance program.

➔SECTION 9. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section:*
- (a) *"Department" means the Department for Medicaid Services;*
 - (b) *"Period of presumptive eligibility" has the same meaning as in 42 C.F.R. sec. 435.1101; and*
 - (c) *"Qualified hospital" has the same meaning as in 42 C.F.R. 435.1110(b).*
- (2) *If a qualified hospital determines that an individual meets the criteria for presumptive eligibility using information provided and attested to by the individual, the hospital shall:*
- (a) *Notify the department of the determination within five (5) business days from the date of determination in a form prescribed by the department;*
 - (b) *Provide a written eligibility notice to the individual. The written eligibility notice shall, at a minimum, include the following information in plain language and large print:*
 - 1. *The beginning and end dates of the period of presumptive eligibility;*
 - 2. *Notification that the individual is required to make an application for Medicaid benefits through the individual's local Department for Community Based Services office;*
 - 3. *The location of the individual's local Department for Community Based Services office;*
 - 4. *Notification that if the individual does not file a full Medicaid application before the last day of the following month, the period of presumptive eligibility coverage will end on that day; and*
 - 5. *Notification that if the individual does file a full Medicaid application before the last day of the following month, presumptive eligibility coverage will continue until an eligibility determination is made on the application by the department;*
 - (c) *Issue a presumptive eligibility identification card or document to the presumed eligible individual;*
 - (d) *Maintain a record of the presumptive eligibility screening for each application; and*
 - (e) *Assist presumptively eligible individuals in completing a full Medicaid application and understanding any documentation requirements.*

- (3) *If a qualified hospital determines that an individual does not meet the criteria for presumptive eligibility using information provided and attested to by the individual, the hospital shall provide the individual with written notification of:*
- (a) *The reason for the determination;*
 - (b) *Notification that the individual may file a full Medicaid application through the individual's local Department for Community Based Services office if the individual wishes to have a formal determination of eligibility made by the department; and*
 - (c) *The location of the individual's local Department for Community Based Services office.*
- (4) *Notwithstanding any other provision of law to the contrary and to the extent permitted under federal law, a pregnant individual shall be limited to one (1) period of presumptive eligibility per pregnancy.*
- (5) (a) *The department shall provide training on all applicable state and federal laws related to presumptive eligibility to all qualified hospitals.*
- (b) *Prior to conducting presumptive eligibility screenings and determinations, a qualified hospital's staff, contractor, or vendor responsible for presumptive eligibility screenings and determinations shall be required to complete presumptive eligibility training provided by the department.*
- (6) *If a qualified hospital uses a contractor or other vendor for the purpose of conducting presumptive eligibility screenings and determinations, the hospital shall be responsible for monitoring the contractor's or vendor's compliance with all applicable state and federal laws related to presumptive eligibility.*
- (7) *Within ninety (90) days after the effective date of this Act, the department shall promulgate administrative regulations in accordance with KRS Chapter 13A that are necessary to administer this section. Administrative regulations promulgated pursuant to this subsection shall include but not be limited to a thorough presumptive eligibility application form to be used by qualified hospitals when making presumptive eligibility determinations using information provided and attested to by an individual.*

➔SECTION 10. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO READ AS FOLLOWS:

To the extent permitted under federal law, the state's medical assistance program shall provide coverage for substance use disorder treatment, including peer support services and substance use disorder treatment and patient navigation provided by a licensed clinical social worker, for incarcerated individuals.

➔SECTION 11. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO READ AS FOLLOWS:

- (1) *If a custodial parent of a dependent child is disqualified from receiving cash assistance benefits pursuant to Section 2 or 16 of this Act, the dependent child's eligibility and any other adult family member's eligibility for cash assistance benefits shall not be affected, and the custodial parent may choose to designate another person as a protective payee to receive benefits on behalf of the dependent child. The protective payee shall be an adult immediate family member of the dependent child, if such a person is available. The protective payee shall be approved by the cabinet.*
- (2) *Within ninety (90) days after the effective date of this Act, the cabinet shall promulgate administrative regulations, in accordance with KRS Chapter 13A, necessary to administer this section.*

➔SECTION 12. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO READ AS FOLLOWS:

The Cabinet for Health and Family Services shall submit a report to the Legislative Research Commission on efforts to implement Sections 2, 3, 5, 7, 9, 10, 16, and 19 of this Act no later than December 1, 2022, within one (1) year after the effective date of this Act, and at any time thereafter upon request from the Legislative Research Commission.

➔SECTION 13. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO READ AS FOLLOWS:

The Attorney General shall:

- (1) *On behalf of the Commonwealth of Kentucky, have jurisdiction to enforce this chapter; and*
- (2) *Bring an action against the Cabinet for Health and Family Services if any statutory provisions are not fully implemented as required by Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 15, 16, 17, 18, and 19 of this Act or for any violation thereof.*

➔SECTION 14. A NEW SECTION OF KRS CHAPTER 151B IS CREATED TO READ AS FOLLOWS:

- (1) *The Education and Workforce development Cabinet is hereby directed to establish, within one hundred eighty (180) days of the effective date of this Act, a job placement assistance program to assist individuals enrolled in the state's medical assistance program established in KRS Chapter 205 in finding employment.*
- (2) *The job placement assistance program shall:*
 - (a) *Be available to any able-bodied adult enrolled in the state's medical assistance program;*
 - (b) *Provide one-on-one job placement coaching and support; and*
 - (c) *Prioritize job placement with an employer who offers comprehensive health insurance coverage for medical and surgical services as an employee benefit.*
- (3) *The Education and Workforce Development Cabinet shall contact each individual who, pursuant to subsection (2)(a) of this section, is eligible to participate in the job placement assistance program and provide him or her with information on the program and services provided.*
- (4) *As used in this section "able-bodied adult" means an individual who is:*
 - (a) *Over eighteen (18) years of age but under sixty (60) years of age; and*
 - (b) *Physically and mentally able to work as determined by the cabinet.*

➔Section 15. KRS 205.178 is amended to read as follows:

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

- (6) Each enrollment or benefit tracking agency associated with the Medicaid program or the *Supplemental Nutrition Assistance Program* ~~[food stamps program]~~ of the cabinet may contract *in accordance with KRS Chapter 45A* with one (1) or more independent vendors to provide additional data or information that may indicate a change in circumstances that may affect eligibility.
- (7) Each enrollment or benefit tracking agency associated with the Medicaid program or the *Supplemental Nutrition Assistance Program* ~~[food stamps program]~~ of the cabinet shall explore joining any multistate cooperative to identify individuals who are also enrolled in public assistance programs outside of this state.
- (8) If an enrollment or benefit tracking agency associated with the Medicaid program or the *Supplemental Nutrition Assistance Program* ~~[food stamps program]~~ of the cabinet receives information concerning an individual enrolled in the Medicaid program or the *Supplemental Nutrition Assistance Program* ~~[food stamps program]~~ that indicates a change in circumstances that may affect eligibility, the enrollment or benefit tracking agency or other appropriate agency shall review the individual's case.
- (9) (a) *Unless expressly required by federal law or as permitted by this subsection, the cabinet shall not seek, apply for, accept, or renew any waiver of work requirements established by the Supplemental Nutrition Assistance Program under 7 U.S.C. sec. 2015(o) without first obtaining specific authorization from the General Assembly to do so. The cabinet may, without first obtaining specific authorization from the General Assembly, request:*
1. *A waiver of Supplemental Nutrition Assistance Program work requirements for a county in which the unemployment rate is equal to or greater than ten percent (10%);*
 2. *A waiver of Supplemental Nutrition Assistance Program work requirements in a county in which the cabinet determines that other economic conditions are severe enough to necessitate a waiver; or*
 3. *A statewide waiver of Supplemental Nutrition Assistance Program work requirements if the state's unemployment rate is equal to or greater than ten percent (10%)*~~[The food stamps program of the cabinet shall not seek, apply for, accept, or renew any waiver of requirements established under 7 U.S.C. sec. 2015(o) unless there is an economic downturn resulting in an unemployment rate of ten percent (10%) or more or the Cabinet for Health and Family Services determines an increase in the unemployment rate in any particular county is severe enough to necessitate a waiver].~~
- (b) *The cabinet shall not exercise the state's option under 7 U.S.C. sec. 2015(o)(6).*
- (c) *The cabinet may assign individuals who are subject to work requirements under 7 U.S.C. sec. 2015(d)(1) to an employment and training program as defined in 7 U.S.C. sec. 2015(d)(4).*
- (10) The cabinet shall, *in accordance with KRS Chapter 13A*, promulgate all rules and *administrative* regulations necessary for the purposes of carrying out this section.
- (11) Upon request *from the Legislative Research Commission*, the Cabinet for Health and Family Services shall submit a report relating to the number of individuals discovered utilizing services inappropriately, the number of individuals who were removed from one (1) or more public assistance programs as a result of a review pursuant to this section, and the amount of public funds preserved in total and by public assistance program and aggregated by prior years.

➔Section 16. KRS 205.200 is amended to read as follows:

- (1) A needy aged person, a needy blind person, a needy child, a needy permanently and totally disabled person, or a person with whom a needy child lives shall be eligible to receive a public assistance grant only if he *or she* has made a proper application or an application has been made on his *or her* behalf in the manner and form prescribed by administrative regulation. No individual shall be eligible to receive public assistance under more than one (1) category of public assistance for the same period of time.
- (2) The secretary shall, by administrative regulations, prescribe the conditions of eligibility for public assistance in conformity with the public assistance titles of the Social Security Act, its amendments, and other federal acts and regulations. The secretary shall also promulgate administrative regulations to allow for between a forty percent (40%) and a forty-five percent (45%) ratable reduction in the method of calculating eligibility and benefits for public assistance under Title IV-A of the Federal Social Security Act. In no instance shall grants to families with no income be less than the appropriate grant maximum used for public assistance under Title IV-A of the Federal Social Security Act. As used in this section, "ratable reduction" means the percentage

reduction applied to the deficit between the family's countable income and the standard of need for the appropriate family size.

- (3) The secretary may by administrative regulation prescribe as a condition of eligibility that a needy child regularly attend school, and may further by administrative regulation prescribe the degree of relationship of the person or persons in whose home such needy child must reside.
- (4) The secretary may by administrative regulation prescribe conditions for bringing paternity proceedings or actions for support in cases of out of wedlock birth or nonsupport by a parent in the public assistance under Title IV-A of the Federal Social Security Act program.
- (5) Public assistance shall not be payable to or in behalf of any individual who has taken any legal action in his *or her* own behalf or in the behalf of others with the intent and purpose of creating eligibility for the assistance.
- (6) The cabinet shall promptly notify the appropriate law enforcement officials of the furnishing of public assistance under Title IV-A of the Federal Social Security Act in respect to a child who has been deserted or abandoned by a parent.
- (7) No person shall be eligible for public assistance payments if, after having been determined to be potentially responsible, and afforded notice and opportunity for hearing, he refuses without good cause:
 - (a) To register for employment with the state employment service,
 - (b) To accept suitable training, or
 - (c) To accept suitable employment.

The secretary may prescribe by administrative regulation, subject to the provisions of KRS Chapter 13A, standards of suitability for training and employment.

- (8) To the extent permitted by federal law, scholarships, grants, or other types of financial assistance for education shall not be considered as income for the purpose of determining eligibility for public assistance.
- (9) To the extent permitted by federal law, any money received because of a settlement or judgment in a lawsuit brought against a manufacturer or distributor of "Agent Orange" for damages resulting from exposure to "Agent Orange" by a member or veteran of the Armed Forces of the United States or any dependent of such person who served in Vietnam shall not be considered as income for the purpose of determining eligibility or continuing eligibility for public assistance and shall not be subject to a lien or be available for repayment to the Commonwealth for public assistance received by the recipient.
- (10) *(a) For the purpose of determining eligibility for medical assistance under Title XIX of the Social Security Act, unless otherwise required by federal law, the cabinet shall only accept self-attestation of income, residency, age, household composition, caretaker or relative status, or receipt of other coverage as verification of last resort prior to enrollment, and the cabinet shall not request federal authorization or approval to waive or decline to periodically check any available income-related data source to verify eligibility.*
 - (b) This subsection shall not apply to any individual who is a resident of an assisted-living community as defined in KRS 194A.700 or to a long-term care facility as defined in KRS 216A.010 or hospital licensed under KRS Chapter 216B that is using self-attestation to determine presumptive eligibility.*
 - (c) If an individual for medical assistance under Title XIX of the Social Security Act willingly and knowingly self-attests to falsified information related to income, residency, age, household composition, caretaker or relative status, or receipt of other coverage, the cabinet may fine the individual not more than five hundred dollars (\$500) per offense.*
- (11) *When determining whether an applicant for services or assistance provided under this chapter meets the applicable income eligibility guidelines, the cabinet shall use the most recent income verification data available and consider fluctuating employment income data.*
- (12) *If in the normal course of operations, the cabinet finds that an individual has trafficked, sold, distributed, given, or otherwise transferred an electronic benefit transfer card issued by the department for money, service, or other valuable consideration, the cabinet, to the extent permitted under state and federal law:*
 - (a) Shall through any means practical, including but not limited to garnishment of future cash assistance benefits, seek recoupment from the individual of any cash benefits trafficked, sold, distributed, given, or otherwise transferred; and*

(b) *May:*

1. *Upon the first violation, deem the individual ineligible for all public assistance programs administered by the cabinet under this chapter for a period of not more than six (6) months;*
2. *Upon the second violation, deem the individual ineligible for all public assistance programs administered by the cabinet under this chapter for a period of not more than twelve (12) months; and*
3. *Upon the third violation, deem the individual ineligible for all public assistance programs administered by the cabinet under this chapter for a period of not more than five (5) years.*

(13)(10) (a) Notwithstanding any other provision of Kentucky law, the following shall be disregarded for the purposes of determining an individual's eligibility for a means-tested public assistance program, and the amount of assistance or benefits the individual is eligible to receive under the program:

1. Any amount in an ABLE account;
2. Any contributions to an ABLE account; and
3. Any distribution from an ABLE account for qualified disability expenses.

(b) For purposes of this subsection:

1. "ABLE account" means an account established within any state having a qualified ABLE program as provided in 26 U.S.C. sec. 529A, as amended;
2. "Kentucky law" includes:
 - a. All provisions of the Kentucky Revised Statutes;
 - b. Any contract to provide Medicaid managed care established pursuant to this chapter;
 - c. Any agreement to operate a Medicaid program established pursuant to this chapter; and
 - d. Any administrative regulation promulgated pursuant to this chapter; and
3. "Qualified disability expenses" means expenses described in 26 U.S.C. sec. 529A of a person who is the beneficiary of an ABLE account.

➔Section 17. KRS 205.231 is amended to read as follows:

- (1) The secretary shall appoint one (1) or more impartial hearing officers to hear and decide upon appealed decisions.
- (2) Any applicant or recipient who is dissatisfied with the decision or delay in action on his *or her* application for public assistance or the amount granted to him *or her and any applicant or recipient who was deemed ineligible or disqualified from public assistance benefits under Section 2 or 16 of this Act* may appeal to a hearing officer, except that an appeal and a hearing need not be granted if the sole issue is a federal or state law requiring an automatic change adversely affecting some or all recipients of the Kentucky medical assistance program so long as advance notice of the change, with an explanation of appeal rights, is provided to all affected recipients. However, a recipient may appeal whether the cabinet is accurately interpreting a change in federal or state law which may adversely affect the recipient. On receipt of an appeal, an administrative hearing shall be conducted in accordance with KRS Chapter 13B.
- (3) The secretary may appoint an Appeal Board for Public Assistance composed of the secretary and two (2) other members. The secretary shall be chairman, and he *or she* and one (1) other member constitute a quorum.
- (4) Any applicant or recipient who is dissatisfied with the decision of a hearing officer may appeal to the appeal board in the manner and form prescribed by administrative regulation. The board may on its own motion affirm, modify, or set aside any decision of a hearing officer on the basis of the evidence previously submitted in the case, or direct the taking of additional evidence, or may permit any of the parties to the decision to initiate further appeals before it. The board may remove itself or transfer to another hearing officer the proceedings on any appeal pending before a hearing officer. The board shall promptly notify the parties to any proceedings of its findings and decisions.
- (5) The manner in which appeals are presented and hearings and appeals conducted under subsection (4) of this section shall be in accordance with administrative regulations promulgated by the secretary.

- (6) After a decision by the appeal board, any party aggrieved by the decision may seek judicial review of the decision by filing a petition in the Circuit Court of the county in which the petitioner resides, in accordance with KRS 13B.140, 13B.150, and 13B.160.

➔Section 18. KRS 205.525 is amended to read as follows:

- (1) Concurrent with submitting an application for a waiver or waiver amendment or a request for a plan amendment to any federal agency that approves waivers, waiver amendments, and plan amendments, the cabinet ~~for Health and Family Services~~ shall provide to the Interim Joint Committee on Health, ~~and~~ Welfare, *and Family Services*, and to the Interim Joint Committee on Appropriations and Revenue a copy, summary, and statement of benefits of the application for a waiver or waiver amendment or request for a plan amendment.
- (2) The cabinet shall provide an update on the status of the application for a waiver or waiver amendment or request for a plan amendment *to the Legislative Research Commission* upon request.
- (3) *If the cabinet is expressly directed by the General Assembly to submit an application for a waiver or waiver amendment or a request for a plan amendment to any federal agency that approves waivers, waiver amendments, or plan amendments for public assistance programs administered under this chapter and that application or request is denied by the federal agency, the cabinet shall notify the Legislative Research Commission of the reasons for the denial. If instructed by the General Assembly through legislative action during the next legislative session, the cabinet shall resubmit, with or without modifications based on instructions from the General Assembly, the application for a waiver or waiver amendment or request for a plan amendment.*

➔Section 19. KRS 205.725 is amended to read as follows:

- (1) Whenever the cabinet receives an application for public assistance on behalf of a needy dependent child or reviews the records of those currently receiving public assistance on behalf of a needy dependent child and it appears to the satisfaction of the cabinet that either or both parents have failed to provide support to the child, the cabinet ~~shall~~^{may} take appropriate action under this chapter, or any other appropriate state and federal laws and regulations, to assure that the responsible parent or parents provide support to the child.
- (2) *Subsection (1) of this section shall not apply if the:*
- (a) *Cabinet has reason to believe allegations of child abuse or domestic violence and that enforcement of subsection (1) of this section could be harmful to the custodial parent or needy dependent child;*
 - (b) *Cabinet believes that enforcement of subsection (1) of this section may not be in the best interest of the needy dependent child; or*
 - (c) *Custodial parent is the needy dependent child's mother, and she did not identify a father on the child's birth certificate at the time of birth.*
- (3) As used in KRS 205.730, 205.735, 205.765, and 205.785, the term "child" includes a child of an individual who is not receiving public assistance and who is eligible to receive child support services in accordance with Title IV-D of the Social Security Act.

➔Section 20. KRS 21A.190 is amended to read as follows:

- (1) The General Assembly respectfully requests that the Supreme Court of Kentucky institute a pilot project to study the feasibility and desirability of the opening or limited opening of court proceedings, except for proceedings related to sexual abuse, to the public which are related to:
- (a) Dependency, neglect, and abuse proceedings under KRS Chapter 620; and
 - (b) Termination of parental rights proceedings under KRS Chapter 625.
- (2) (a) The pilot project may be established in a minimum of three (3) diverse judicial districts or judicial circuits or a division or divisions thereof chosen by the Chief Justice.
- (b) A pilot project authorized by this subsection shall not be established in a judicial district or judicial circuit or a division thereof when objected to by the applicable judge or county attorney.
- (3) The pilot project shall:
- (a) Require participating courts to be presumptively open;
 - (b) Last for four (4) years, unless extended or limited by the General Assembly; and

- (c) Be monitored and evaluated by the Administrative Office of the Courts to determine:
1. Whether there are adverse effects resulting from the opening of certain proceedings or release of records;
 2. Whether the pilot project demonstrates a benefit to the litigants;
 3. Whether the pilot project demonstrates a benefit to the public;
 4. Whether the pilot project supports a determination that such proceedings should be presumptively open;
 5. Whether the pilot project supports a determination that such proceedings should be closed;
 6. How open proceedings under the pilot project impact the child;
 7. The parameters and limits of the program;
 8. Suggestions for the operation and improvement of the program;
 9. Rules changes which may be needed if the program is to be made permanent and expanded to all courts; and
 10. Recommendations for statutory changes which may be needed if the program is to be made permanent and expanded to all courts.

(4) The Administrative Office of the Courts:

- (a) Shall provide an annual report to the Legislative Research Commission~~], the Child Welfare Oversight and Advisory Committee established in KRS 6.943,~~ and the Interim Joint Committee on Judiciary by September 1 of each year the program is in operation with statistics, findings, and recommendations; and
- (b) May make periodic progress reports and statistical reports and provide suggestions to the Interim Joint Committee on Health and Welfare and to the Interim Joint Committee on Judiciary when determined necessary by the Chief Justice.

➔Section 21. KRS 157.065 is amended to read as follows:

- (1) Any school that does not offer a school breakfast program shall submit an annual report no later than September 15 to the Kentucky Board of Education indicating the reasons for not offering the program. The report shall include the number of children enrolled at the school and the number of children who are eligible for free or reduced priced meals under the federal program.
- (2) The state board shall inform the school of the value of the school breakfast program, its favorable effects on student attendance and performance, and the availability of funds to implement the program.
- (3) The commissioner of education shall submit an annual report no later than December 1 to the Interim Joint Committee on Education~~], and the Child Welfare Oversight and Advisory Committee established in KRS 6.943]~~ regarding the status of the school breakfast program including, but not limited to, information describing the schools that do not offer the program, the reasons given by the schools for not offering the program, the number of children enrolled in each school, the number of children in each school who are eligible for free or reduced priced meals under the federal program, and the action taken by the state board to encourage schools to implement the program.

➔Section 22. KRS 194A.030 is amended to read as follows:

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

- (1) Office of the Secretary. Within the Office of the Secretary, there shall be an Office of the Ombudsman and Administrative Review, an Office of Legal Services, an Office of Inspector General, an Office of Public Affairs, an Office of Human Resource Management, an Office of Finance and Budget, an Office of Legislative and Regulatory Affairs, an Office of Administrative Services, and an Office of Application Technology Services, as follows:
 - (a) The Office of the Ombudsman and Administrative Review shall be headed by an executive director who shall be appointed by the secretary with the approval of the Governor under KRS 12.050 and shall:
 1. Investigate, upon complaint or on its own initiative, any administrative act of an organizational unit, employee, or contractor of the cabinet, without regard to the finality of the administrative

- act. Organizational units, employees, or contractors of the cabinet shall not willfully obstruct an investigation, restrict access to records or personnel, or retaliate against a complainant or cabinet employee;
2. Make recommendations that resolve citizen complaints and improve governmental performance and may require corrective action when policy violations are identified;
 3. Provide evaluation and information analysis of cabinet performance and compliance with state and federal law;
 4. Place an emphasis on research and best practices, program accountability, quality service delivery, and improved governmental performance;
 5. Provide information on how to contact the office for public posting at all offices where Department for Community Based Services employees or contractors work, at any facility where a child in the custody of the cabinet resides, and to all cabinet or contracted foster parents;
 6. Report to the Office of Inspector General for review and investigation any charge or case against an employee of the Cabinet for Health and Family Services where it has cause to believe the employee has engaged in dishonest, unethical, or illegal conduct or practices related to his or her job duties; or any violation of state law or administrative regulation by any organization or individual regulated by, or contracted with the cabinet;
 7. Compile a report of all citizen complaints about programs or services of the cabinet and a summary of resolution of the complaints and submit the report upon request to the ~~{Child Welfare Oversight and Advisory Committee established in KRS 6.943, and the }Interim Joint Committee on Health and Welfare and Family Services;~~
 8. Include oversight of administrative hearings; and
 9. Provide information to the Office of the Attorney General, when requested, related to substantiated violations of state law against an employee, a contractor of the cabinet, or a foster or adoptive parent;
- (b) The Office of Legal Services shall provide legal advice and assistance to all units of the cabinet in any legal action in which it may be involved. The Office of Legal Services shall employ all attorneys of the cabinet who serve the cabinet in the capacity of attorney, giving legal advice and opinions concerning the operation of all programs in the cabinet. The Office of Legal Services shall be headed by a general counsel who shall be appointed by the secretary with the approval of the Governor under KRS 12.050 and 12.210. The general counsel shall be the chief legal advisor to the secretary and shall be directly responsible to the secretary. The Attorney General, on the request of the secretary, may designate the general counsel as an assistant attorney general under the provisions of KRS 15.105;
- (c) The Office of Inspector General shall be headed by an inspector general who shall be appointed by the secretary with the approval of the Governor. The inspector general shall be directly responsible to the secretary. The Office of Inspector General shall be responsible for:
1. The conduct of audits and investigations for detecting the perpetration of fraud or abuse of any program by any client, or by any vendor of services with whom the cabinet has contracted; and the conduct of special investigations requested by the secretary, commissioners, or office heads of the cabinet into matters related to the cabinet or its programs;
 2. Licensing and regulatory functions as the secretary may delegate;
 3. Review of health facilities participating in transplant programs, as determined by the secretary, for the purpose of determining any violations of KRS 311.1911 to 311.1959, 311.1961, and 311.1963;
 4. The duties, responsibilities, and authority pertaining to the certificate of need functions and the licensure appeals functions, pursuant to KRS Chapter 216B; and
 5. The notification and forwarding of any information relevant to possible criminal violations to the appropriate prosecuting authority;
- (d) The Office of Public Affairs shall be headed by an executive director appointed by the secretary with the approval of the Governor in accordance with KRS 12.050. The office shall provide information to the public and news media about the programs, services, and initiatives of the cabinet;

- (e) The Office of Human Resource Management shall be headed by an executive director appointed by the secretary with the approval of the Governor in accordance with KRS 12.050. The office shall coordinate, oversee, and execute all personnel, training, and management functions of the cabinet. The office shall focus on the oversight, development, and implementation of quality improvement services; curriculum development and delivery of instruction to staff; the administration, management, and oversight of training operations; health, safety, and compliance training; and equal employment opportunity compliance functions;
 - (f) The Office of Finance and Budget shall be headed by an executive director appointed by the secretary with the approval of the Governor in accordance with KRS 12.050. The office shall provide central review and oversight of budget, contract, and cabinet finances. The office shall provide coordination, assistance, and support to program departments and independent review and analysis on behalf of the secretary;
 - (g) The Office of Legislative and Regulatory Affairs shall be headed by an executive director appointed by the secretary with the approval of the Governor in accordance with KRS 12.050. The office shall provide central review and oversight of legislation, policy, and administrative regulations. The office shall provide coordination, assistance, and support to program departments and independent review and analysis on behalf of the secretary;
 - (h) The Office of Administrative Services shall be headed by an executive director appointed by the secretary with the approval of the Governor in accordance with KRS 12.050. The office shall provide central review and oversight of procurement, general accounting including grant monitoring, and facility management. The office shall provide coordination, assistance, and support to program departments and independent review and analysis on behalf of the secretary; and
 - (i) The Office of Application Technology Services shall be headed by an executive director appointed by the secretary with the approval of the Governor in accordance with KRS 12.050. The office shall provide application technology services including central review and oversight. The office shall provide coordination, assistance, and support to program departments and independent review and analysis on behalf of the secretary;
- (2) Department for Medicaid Services. The Department for Medicaid Services shall serve as the single state agency in the Commonwealth to administer Title XIX of the Federal Social Security Act. The Department for Medicaid Services shall be headed by a commissioner for Medicaid services, who shall be appointed by the secretary with the approval of the Governor under KRS 12.050. The commissioner for Medicaid services shall be a person who by experience and training in administration and management is qualified to perform the duties of this office. The commissioner for Medicaid services shall exercise authority over the Department for Medicaid Services under the direction of the secretary and shall only fulfill those responsibilities as delegated by the secretary;
- (3) Department for Public Health. The Department for Public Health shall develop and operate all programs of the cabinet that provide health services and all programs for assessing the health status of the population for the promotion of health and the prevention of disease, injury, disability, and premature death. This shall include but not be limited to oversight of the Division of Women's Health. The Department for Public Health shall be headed by a commissioner for public health who shall be appointed by the secretary with the approval of the Governor under KRS 12.050. The commissioner for public health shall be a duly licensed physician who by experience and training in administration and management is qualified to perform the duties of this office. The commissioner shall advise the head of each major organizational unit enumerated in this section on policies, plans, and programs relating to all matters of public health, including any actions necessary to safeguard the health of the citizens of the Commonwealth. The commissioner shall serve as chief medical officer of the Commonwealth. The commissioner for public health shall exercise authority over the Department for Public Health under the direction of the secretary and shall only fulfill those responsibilities as delegated by the secretary;
- (4) Department for Behavioral Health, Developmental and Intellectual Disabilities. The Department for Behavioral Health, Developmental and Intellectual Disabilities shall develop and administer programs for the prevention of mental illness, intellectual disabilities, brain injury, developmental disabilities, and substance abuse disorders and shall develop and administer an array of services and support for the treatment, habilitation, and rehabilitation of persons who have a mental illness or emotional disability, or who have an intellectual disability, brain injury, developmental disability, or a substance abuse disorder. The Department for Behavioral Health, Developmental and Intellectual Disabilities shall be headed by a commissioner for behavioral health, developmental and intellectual disabilities who shall be appointed by the secretary with the

approval of the Governor under KRS 12.050. The commissioner for behavioral health, developmental and intellectual disabilities shall be by training and experience in administration and management qualified to perform the duties of the office. The commissioner for behavioral health, developmental and intellectual disabilities shall exercise authority over the department under the direction of the secretary, and shall only fulfill those responsibilities as delegated by the secretary;

- (5) Office for Children with Special Health Care Needs. The duties, responsibilities, and authority set out in KRS 200.460 to 200.490 shall be performed by the office. The office shall advocate the rights of children with disabilities and, to the extent that funds are available, shall ensure the administration of services for children with disabilities as are deemed appropriate by this office pursuant to Title V of the Social Security Act. The office may promulgate administrative regulations under KRS Chapter 13A as may be necessary to implement and administer its responsibilities. The duties, responsibilities, and authority of the Office for Children with Special Health Care Needs shall be performed through the office of the executive director. The executive director shall be appointed by the secretary with the approval of the Governor under KRS 12.050;
- (6) Department for Family Resource Centers and Volunteer Services. The Department for Family Resource Centers and Volunteer Services shall streamline the various responsibilities associated with the human services programs for which the cabinet is responsible. This shall include, but not be limited to, oversight of the Division of Family Resource and Youth Services Centers and Serve Kentucky. The Department for Family Resource Centers and Volunteer Services shall be headed by a commissioner who shall be appointed by the secretary with the approval of the Governor under KRS 12.050. The commissioner for family resource centers and volunteer services shall be by training and experience in administration and management qualified to perform the duties of the office, shall exercise authority over the department under the direction of the secretary, and shall only fulfill those responsibilities as delegated by the secretary;
- (7) The Office of Health Data and Analytics shall identify and innovate strategic initiatives to inform public policy initiatives and provide opportunities for improved health outcomes for all Kentuckians through data analytics. The office shall provide leadership in the redesign of the health care delivery system using electronic information technology as a means to improve patient care and reduce medical errors and duplicative services. The office shall facilitate the purchase of individual and small business health insurance coverage for Kentuckians. The office shall be headed by an executive director appointed by the secretary with the approval of the Governor under KRS 12.050;
- (8) Department for Community Based Services. The Department for Community Based Services shall administer and be responsible for child and adult protection, violence prevention resources, foster care and adoption, permanency, and services to enhance family self-sufficiency, including child care, social services, public assistance, and family support. The department shall be headed by a commissioner appointed by the secretary with the approval of the Governor in accordance with KRS 12.050;
- (9) Department for Income Support. The Department for Income Support shall be responsible for child support enforcement and disability determination. The department shall serve as the state unit as required by Title II and Title XVI of the Social Security Act, and shall have responsibility for determining eligibility for disability for those citizens of the Commonwealth who file applications for disability with the Social Security Administration. The department shall be headed by a commissioner appointed by the secretary with the approval of the Governor in accordance with KRS 12.050; and
- (10) Department for Aging and Independent Living. The Department for Aging and Independent Living shall serve as the state unit as designated by the Administration on Aging Services under the Older Americans Act and shall have responsibility for administration of the federal community support services, in-home services, meals, family and caregiver support services, elder rights and legal assistance, senior community services employment program, the state health insurance assistance program, state home and community based services including home care, Alzheimer's respite services and the personal care attendant program, certifications of assisted living facilities, the state Council on Alzheimer's Disease and other related disorders, and guardianship services. The department shall also administer the Long-Term Care Ombudsman Program and the Medicaid Home and Community Based Waivers Participant Directed Services Option (PDS) Program. The department shall serve as the information and assistance center for aging and disability services and administer multiple federal grants and other state initiatives. The department shall be headed by a commissioner appointed by the secretary with the approval of the Governor in accordance with KRS 12.050.

➔Section 23. KRS 194A.365 is amended to read as follows:

The cabinet shall make an annual report to the Governor, *the Legislative Research Commission*, ~~the Child Welfare Oversight and Advisory Committee established in KRS 6.943,~~ and the Chief Justice. The report shall be tendered not

later than December 1 of each year and shall include information for the previous fiscal year. The report shall include, but not be limited to, the following information:

- (1) The number of children under an order of dependent, status, public, or voluntary commitment to the cabinet, according to: permanency planning goals, current placement, average number of placements, type of commitment, and the average length of time children remain committed to the cabinet;
- (2) The number of children in the custody of the cabinet in the following types of residential placements, the average length of stay in these placements, and the average number of placements experienced by these children: family foster homes, private child care facilities, and placement with biological parent or person exercising custodial control or supervision;
- (3) The number of children in the custody of the cabinet eligible for adoption, the number placed in an adoptive home, and the number ineligible for adoption and the reasons therefor;
- (4) The cost in federal and state general funds to care for the children defined in subsections (1) and (2) of this section, including the average cost per child for each type of placement, direct social worker services, operating expenses, training, and administrative costs; and
- (5) Any other matters relating to the care of foster children that the cabinet deems appropriate and that may promote further understanding of the impediments to providing permanent homes for foster children.

➔Section 24. KRS 199.665 is amended to read as follows:

- (1) As used in this section, unless the context otherwise requires;
 - (a) "Cabinet" means the Cabinet for Health and Family Services;
 - (b) "Performance-based contracting" means an approach that stresses permanency outcomes for children and utilizes a payment structure that reinforces provider agencies' efforts to offer services that improve the outcomes for children; and
 - (c) "Secretary" means the secretary of the Cabinet for Health and Family Services.
- (2) The secretary shall designate a study group to make recommendations regarding the creation and implementation of performance-based contracting for licensed child-caring facilities and child-placing agencies in the Commonwealth.
- (3) The study group shall be composed of the following members:
 - (a) The secretary;
 - (b) The commissioner for the Department for Community Based Services;
 - (c) The director of the Administrative Office of the Courts, or designee;
 - (d) The executive director of the Governor's Office of Early Childhood, or designee;
 - (e) One (1) adult who was a former foster child in the Commonwealth;
 - (f) One (1) adult who is a current or former foster parent in the Commonwealth;
 - (g) Two (2) employees of a licensed child-placing agency;
 - (h) Two (2) employees of a licensed child-caring facility; and
 - (i) Any personnel within the Department for Community Based Services that the secretary deems necessary.
- (4) In its deliberations, the study group shall include but not be limited to analysis of improved timeliness and likelihood of permanency such as reunification, adoption, or guardianship; fewer moves for children in foster care; and reduced instances of reentry into care.
- (5) The study group shall report its recommendations by December 1, 2018, to the Governor ~~and~~ the Interim Joint Committees on Appropriations and Revenue and Health and Welfare and Family Services, ~~and the Child Welfare Oversight and Advisory Committee established in KRS 6.943~~. The study group shall cease to operate after the delivery of the recommendations required by this subsection.
- (6) By July 1, 2019, the cabinet shall:

- (a) Establish and implement performance-based contracting for licensed child-caring facilities and child-placing agencies that contract with the department for services; and
 - (b) Apply and implement all standards, processes, and procedures established for performance-based contracting for licensed child-caring facilities and child-placing agencies in accordance with paragraph (a) of this subsection to all other cabinet-operated programs that are like those operated by child-caring facilities and child-placing agencies.
- (7) The cabinet shall promulgate administrative regulations to implement this section.
- ➔Section 25. KRS 199.8943 is amended to read as follows:
- (1) As used in this section:
 - (a) "Federally funded time-limited employee" has the same meaning as in KRS 18A.005;
 - (b) "Primary school program" has the same meaning as in KRS 158.031(1); and
 - (c) "Public-funded" means a program which receives local, state, or federal funding.
 - (2) The Early Childhood Advisory Council shall, in consultation with early care and education providers, the Cabinet for Health and Family Services, and others, including but not limited to child-care resource and referral agencies and family resource centers, Head Start agencies, and the Kentucky Department of Education, develop a quality-based graduated early care and education program rating system for public-funded licensed child-care and certified family child-care homes, public-funded preschool, and Head Start, based on but not limited to:
 - (a) Classroom and instructional quality;
 - (b) Administrative and leadership practices;
 - (c) Staff qualifications and professional development; and
 - (d) Family and community engagement.
 - (3)
 - (a) The Cabinet for Health and Family Services shall, in consultation with the Early Childhood Advisory Council, promulgate administrative regulations in accordance with KRS Chapter 13A to implement the quality-based graduated early childhood rating system for public-funded child-care and certified family child-care homes developed under subsection (2) of this section.
 - (b) The Kentucky Department of Education shall, in consultation with the Early Childhood Advisory Council, promulgate administrative regulations in accordance with KRS Chapter 13A to implement the quality-based graduated early childhood rating system, developed under subsection (2) of this section, for public-funded preschool.
 - (c) The administrative regulations promulgated in accordance with paragraphs (a) and (b) of this subsection shall include:
 - 1. Agency time frames of reviews for rating;
 - 2. An appellate process under KRS Chapter 13B; and
 - 3. The ability of providers to request reevaluation for rating.
 - (4) The quality-based early childhood rating system shall not be used for enforcement of compliance or in any punitive manner.
 - (5) The Early Childhood Advisory Council, in consultation with the Kentucky Center for Education and Workforce Statistics, the Kentucky Department of Education, and the Cabinet for Health and Family Services, shall report by October 1 of each year to the Interim Joint Committee on Education ~~and the Child Welfare Oversight and Advisory Committee established in KRS 6.943~~ on the implementation of the quality-based graduated early childhood rating system. The report shall include the following quantitative performance measures as data becomes available:
 - (a) Program participation in the rating system;
 - (b) Ratings of programs by program type;
 - (c) Changes in student school-readiness measures;

- (d) Longitudinal student cohort performance data tracked through student completion of the primary school program; and
 - (e) Long-term viability recommendations for sustainability at the end of the Race to the Top-Early Learning Challenge grant.
- (6) By November 1, 2017, the Early Childhood Advisory Council and the Cabinet for Health and Family Services shall report to the Interim Joint Committee on Education and the Interim Joint Committee on Health and Welfare on recommendations and plans for sustaining program quality after the depletion of federal Race to the Top-Early Learning Challenge grant funds.
- (7) Any federally funded time-limited employee personnel positions created as a result of the federal Race to the Top-Early Learning Challenge grant shall be eliminated upon depletion of the grant funds.

➔Section 26. KRS 199.8983 is amended to read as follows:

- (1) There is hereby created the Kentucky Child Care Advisory Council to be composed of eighteen (18) members. The members appointed by the Governor shall serve a term of three (3) years. The appointed members of the council shall be geographically and culturally representative of the population of the Commonwealth. For administrative purposes, the council shall be attached to the department. The members shall be as follows:
- (a) The commissioner of the department, or designee;
 - (b) Four (4) members appointed by the Governor representing child-care center providers licensed pursuant to this chapter;
 - (c) Two (2) members appointed by the Governor representing family child-care home providers licensed pursuant to this chapter;
 - (d) Three (3) members appointed by the Governor who are parents, de facto custodians, guardians, or legal custodians of children receiving services from child-care centers or family child-care homes licensed pursuant to this chapter;
 - (e) Three (3) members appointed by the Governor from the private sector who are knowledgeable about education, health, and development of children;
 - (f) The director of the Division of Child Care within the department, or designee, as a nonvoting ex officio member;
 - (g) The commissioner of education, Education and Workforce Development Cabinet, or designee, as a nonvoting ex officio member;
 - (h) The executive director of the Governor's Office of Early Childhood, or designee, as a nonvoting ex officio member;
 - (i) The commissioner of the Department for Public Health within the cabinet, or designee, as a nonvoting ex officio member; and
 - (j) The state fire marshal, Public Protection Cabinet, or designee, as a nonvoting ex officio member;
- (2) The council shall have two (2) co-chairpersons. One (1) co-chairperson shall be the commissioner of the department, or designee, and one (1) co-chairperson shall be elected by the voting members of the council.
- (3) Members shall serve until a successor has been appointed. If a vacancy on the council occurs, the Governor shall appoint a replacement for the remainder of the unexpired term.
- (4) Members shall serve without compensation but shall be reimbursed for reasonable and necessary expenses in accordance with state travel expenses and reimbursement administrative regulations.
- (5) The council shall meet at least quarterly and at other times upon call of the co-chairpersons.
- (6) The council shall advise the cabinet on matters affecting the operations, funding, and licensing of child-care centers and family child-care homes. The council shall provide input and recommendations for ways to improve quality, access, and outcomes.
- (7) The council shall make an annual report by December 1 that provides summaries and recommendations to address the availability, affordability, accessibility, and quality of child care in the Commonwealth. A copy of the annual report shall be provided to the secretary, the Governor, **and** the Legislative Research Commission, ~~and the Child Welfare Oversight and Advisory Committee established in KRS 6.943~~.

➔Section 27. KRS 200.575 is amended to read as follows:

- (1) As used in this section, unless the context otherwise requires:
 - (a) "Department" means the Department for Community Based Services; and
 - (b) "Family preservation services" means programs that:
 1. Follow intensive, home-based service models with demonstrated effectiveness in reducing or avoiding the need for out-of-home placement;
 2. Provide such services that result in lower costs than would out-of-home placement; and
 3. Employ specially trained caseworkers who shall:
 - a. Provide at least half of their services in the family's home or other natural community setting;
 - b. Provide direct therapeutic services available twenty-four (24) hours per day for a family;
 - c. Aid in the solution of practical problems that contribute to family stress so as to effect improved parental performance and enhanced functioning of the family unit;
 - d. Arrange for additional assistance, including but not limited to housing, child care, education, and job training, emergency cash grants, state and federally funded public assistance, and other basic support needs; and
 - e. Supervise any paraprofessionals or "family aides" made available to provide specialized services or skills to manage everyday problems and better provide and care for children.
- (2) The department shall be the lead administrative agency for family preservation services and may receive funding for the implementation of these services. The department shall:
 - (a) Provide the coordination of and planning for the implementation of family preservation services;
 - (b) Provide standards for family preservation services programs;
 - (c) Monitor these services to ensure they meet measurable standards of performance as set forth in state law and as developed by the department; and
 - (d) Provide the initial training and approve any ongoing training required by providers of family preservation services.
- (3) The department may provide family preservation services directly or may contract to provide these services. In the event the department provides family preservation services with state caseworkers, those caseworkers and cases shall be excluded for the overall caseworker or case averages provided on a quarterly basis to the Legislative Research Commission and the Governor's office under KRS 199.461. Family preservation services caseworkers and cases shall be included in the report as a separate category.
- (4) If the department contracts to provide family preservation services, the contract shall include:
 - (a) Requirements for acceptance of any client referred by the department for family preservation services;
 - (b) Caseload standards per caseworker;
 - (c) Provision of twenty-four (24) hour crisis intervention services to families served by the program;
 - (d) Minimum initial and ongoing training standards for family preservation services staff; and
 - (e) Internal programmatic evaluation and cooperation with external evaluation as directed by the department.
- (5) Family preservation services shall be provided only to those children who are at actual, imminent risk of out-of-home placement:
 - (a) Who are at risk of commitment as dependent, abused, or neglected;
 - (b) Who are emotionally disturbed; and
 - (c) Whose families are in conflict such that they are unable to exercise reasonable control of the child.

- (6) Families in which children are at risk of recurring sexual abuse perpetrated by a member of their immediate household who remains in close physical proximity to the victim or whose continued safety from recurring abuse cannot be reasonably ensured, shall not be eligible for family preservation services.
- (7) The implementation of family preservation services shall be limited to those situations where protection can be ensured for children, families, and the community.
- (8) The provision of family preservation services to a family shall constitute a reasonable effort by the Cabinet for Health and Family Services to prevent the removal of a child from the child's home under KRS 620.140, provided that the family has received timely access to other services from the Cabinet for Health and Family Services for which the family is eligible.
- (9) Acceptance of family preservation services shall not be considered an admission to any allegation that initiated the investigation of the family, nor shall refusal of family preservation services be considered as evidence in any proceeding except where the issue is whether the Cabinet for Health and Family Services has made reasonable efforts to prevent removal of a child.
- (10) No family preservation services program shall compel any family member to engage in any activity or refrain from any activity, which is not reasonably related to remedying any condition that gave rise, or which could reasonably give rise, to any finding of child abuse, neglect, or dependency.
- (11) The commissioner of the department shall conduct and submit to the *Legislative Research Commission* ~~Child Welfare Oversight and Advisory Committee established in KRS 6.943,~~ an annual evaluation of the family preservation services, which shall include the following:
 - (a) The number of families receiving family preservation services, the number of children in those families, and the number of children in those families who would have been placed in out-of-home care if the family preservation services had not be available;
 - (b) Among those families receiving family preservation services, the number of children placed outside the home;
 - (c) The average cost per family of providing family preservation services;
 - (d) The number of children who remain reunified with their families six (6) months and one (1) year after completion of the family preservation services; and
 - (e) An overall evaluation of the progress of family preservation services programs during the preceding year, recommendations for improvements in the delivery of this service, and a plan for the continued development of family preservation services to ensure progress towards statewide availability.
- (12) Nothing in this section shall prohibit the department from developing other in-home services in accordance with its statutory authority to promulgate administrative regulations in accordance with KRS Chapter 13A or to enter into contractual arrangements in accordance with KRS Chapter 45.

➔Section 28. KRS 211.684 is amended to read as follows:

- (1) For the purposes of KRS Chapter 211:
 - (a) "Child fatality" means the death of a person under the age of eighteen (18) years;
 - (b) "Local child and maternal fatality response team" and "local team" means a community team composed of representatives of agencies, offices, and institutions that investigate child and maternal deaths, including but not limited to, coroners, social service workers, medical professionals, law enforcement officials, and Commonwealth's and county attorneys; and
 - (c) "Maternal fatality" means the death of a woman within one (1) year of giving birth.
- (2) The Department for Public Health may establish a state child and maternal fatality review team. The state team may include representatives of public health, social services, law enforcement, prosecution, coroners, health-care providers, and other agencies or professions deemed appropriate by the commissioner of the department.
- (3) If a state team is created, the duties of the state team may include the following:
 - (a) Develop and distribute a model protocol for local child and maternal fatality response teams for the investigation of child and maternal fatalities;
 - (b) Facilitate the development of local child and maternal fatality response teams which may include, but is not limited to, providing joint training opportunities and, upon request, providing technical assistance;

- (c) Review and approve local protocols prepared and submitted by local teams;
 - (d) Receive data and information on child and maternal fatalities and analyze the information to identify trends, patterns, and risk factors;
 - (e) Evaluate the effectiveness of prevention and intervention strategies adopted; and
 - (f) Recommend changes in state programs, legislation, administrative regulations, policies, budgets, and treatment and service standards which may facilitate strategies for prevention and reduce the number of child and maternal fatalities.
- (4) The department shall prepare an annual report to be submitted no later than November 1 of each year to the Governor, ~~the Child Welfare Oversight and Advisory Committee established in KRS 6.943~~, the Interim Joint Committee on Health, Welfare, and Family Services, the Chief Justice of the Kentucky Supreme Court, and to be made available to the citizens of the Commonwealth. The report shall include a statistical analysis, that include the demographics of race, income, and geography, of the incidence and causes of child and maternal fatalities in the Commonwealth during the past fiscal year and recommendations for action. The report shall not include any information which would identify specific child and maternal fatality cases.

➔Section 29. KRS 605.120 is amended to read as follows:

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

➔Section 30. KRS 620.055 is amended to read as follows:

- (1) An external child fatality and near fatality review panel is hereby created and established for the purpose of conducting comprehensive reviews of child fatalities and near fatalities, reported to the Cabinet for Health and

Family Services, suspected to be a result of abuse or neglect. The panel shall be attached to the Justice and Public Safety Cabinet for staff and administrative purposes.

- (2) The external child fatality and near fatality review panel shall be composed of the following five (5) ex officio nonvoting members and fifteen (15) voting members:
- (a) The chairperson of the House Health and Welfare Committee of the Kentucky General Assembly, who shall be an ex officio nonvoting member;
 - (b) The chairperson of the Senate Health and Welfare Committee of the Kentucky General Assembly, who shall be an ex officio nonvoting member;
 - (c) The commissioner of the Department for Community Based Services, who shall be an ex officio nonvoting member;
 - (d) The commissioner of the Department for Public Health, who shall be an ex officio nonvoting member;
 - (e) A family court judge selected by the Chief Justice of the Kentucky Supreme Court, who shall be an ex officio nonvoting member;
 - (f) A pediatrician from the University of Kentucky's Department of Pediatrics who is licensed and experienced in forensic medicine relating to child abuse and neglect to be selected by the Attorney General from a list of three (3) names provided by the dean of the University of Kentucky School of Medicine;
 - (g) A pediatrician from the University of Louisville's Department of Pediatrics who is licensed and experienced in forensic medicine relating to child abuse and neglect to be selected by the Attorney General from a list of three (3) names provided by the dean of the University of Louisville School of Medicine;
 - (h) The state medical examiner or designee;
 - (i) A court-appointed special advocate (CASA) program director to be selected by the Attorney General from a list of three (3) names provided by the Kentucky CASA Association;
 - (j) A peace officer with experience investigating child abuse and neglect fatalities and near fatalities to be selected by the Attorney General from a list of three (3) names provided by the commissioner of the Kentucky State Police;
 - (k) A representative from Prevent Child Abuse Kentucky, Inc. to be selected by the Attorney General from a list of three (3) names provided by the president of the Prevent Child Abuse Kentucky, Inc. board of directors;
 - (l) A practicing local prosecutor to be selected by the Attorney General;
 - (m) The executive director of the Kentucky Domestic Violence Association or the executive director's designee;
 - (n) The chairperson of the State Child Fatality Review Team established in accordance with KRS 211.684 or the chairperson's designee;
 - (o) A practicing social work clinician to be selected by the Attorney General from a list of three (3) names provided by the Board of Social Work;
 - (p) A practicing addiction counselor to be selected by the Attorney General from a list of three (3) names provided by the Kentucky Association of Addiction Professionals;
 - (q) A representative from the family resource and youth service centers to be selected by the Attorney General from a list of three (3) names submitted by the Cabinet for Health and Family Services;
 - (r) A representative of a community mental health center to be selected by the Attorney General from a list of three (3) names provided by the Kentucky Association of Regional Mental Health and Mental Retardation Programs, Inc.;
 - (s) A member of a citizen foster care review board selected by the Chief Justice of the Kentucky Supreme Court; and
 - (t) An at-large representative who shall serve as chairperson to be selected by the Secretary of State.

- (3)
 - (a) By August 1, 2013, the appointing authority or the appointing authorities, as the case may be, shall have appointed panel members. Initial terms of members, other than those serving ex officio, shall be staggered to provide continuity. Initial appointments shall be: five (5) members for terms of one (1) year, five (5) members for terms of two (2) years, and five (5) members for terms of three (3) years, these terms to expire, in each instance, on June 30 and thereafter until a successor is appointed and accepts appointment.
 - (b) Upon the expiration of these initial staggered terms, successors shall be appointed by the respective appointing authorities, for terms of two (2) years, and until successors are appointed and accept their appointments. Members shall be eligible for reappointment. Vacancies in the membership of the panel shall be filled in the same manner as the original appointments.
 - (c) At any time, a panel member shall recuse himself or herself from the review of a case if the panel member believes he or she has a personal or private conflict of interest.
 - (d) If a voting panel member is absent from two (2) or more consecutive, regularly scheduled meetings, the member shall be considered to have resigned and shall be replaced with a new member in the same manner as the original appointment.
 - (e) If a voting panel member is proven to have violated subsection (13) of this section, the member shall be removed from the panel, and the member shall be replaced with a new member in the same manner as the original appointment.
- (4) The panel shall meet at least quarterly and may meet upon the call of the chairperson of the panel.
- (5) Members of the panel shall receive no compensation for their duties related to the panel, but may be reimbursed for expenses incurred in accordance with state guidelines and administrative regulations.
- (6) Each panel member shall be provided copies of all information set out in this subsection, including but not limited to records and information, upon request, to be gathered, unredacted, and submitted to the panel within thirty (30) days by the Cabinet for Health and Family Services from the Department for Community Based Services or any agency, organization, or entity involved with a child subject to a fatality or near fatality:
 - (a) Cabinet for Health and Family Services records and documentation regarding the deceased or injured child and his or her caregivers, residents of the home, and persons supervising the child at the time of the incident that include all records and documentation set out in this paragraph:
 1. All prior and ongoing investigations, services, or contacts;
 2. Any and all records of services to the family provided by agencies or individuals contracted by the Cabinet for Health and Family Services; and
 3. All documentation of actions taken as a result of child fatality internal reviews conducted pursuant to KRS 620.050(12)(b);
 - (b) Licensing reports from the Cabinet for Health and Family Services, Office of Inspector General, if an incident occurred in a licensed facility;
 - (c) All available records regarding protective services provided out of state;
 - (d) All records of services provided by the Department for Juvenile Justice regarding the deceased or injured child and his or her caregivers, residents of the home, and persons involved with the child at the time of the incident;
 - (e) Autopsy reports;
 - (f) Emergency medical service, fire department, law enforcement, coroner, and other first responder reports, including but not limited to photos and interviews with family members and witnesses;
 - (g) Medical records regarding the deceased or injured child, including but not limited to all records and documentation set out in this paragraph:
 1. Primary care records, including progress notes; developmental milestones; growth charts that include head circumference; all laboratory and X-ray requests and results; and birth record that includes record of delivery type, complications, and initial physical exam of baby;
 2. In-home provider care notes about observations of the family, bonding, others in home, and concerns;

3. Hospitalization and emergency department records;
 4. Dental records;
 5. Specialist records; and
 6. All photographs of injuries of the child that are available;
- (h) Educational records of the deceased or injured child, or other children residing in the home where the incident occurred, including but not limited to the records and documents set out in this paragraph:
1. Attendance records;
 2. Special education services;
 3. School-based health records; and
 4. Documentation of any interaction and services provided to the children and family.

The release of educational records shall be in compliance with the Family Educational Rights and Privacy Act, 20 U.S.C. sec. 1232g and its implementing regulations;

- (i) Head Start records or records from any other child care or early child care provider;
- (j) Records of any Family, Circuit, or District Court involvement with the deceased or injured child and his or her caregivers, residents of the home and persons involved with the child at the time of the incident that include but are not limited to the juvenile and family court records and orders set out in this paragraph, pursuant to KRS Chapters 199, 403, 405, 406, and 600 to 645:
1. Petitions;
 2. Court reports by the Department for Community Based Services, guardian ad litem, court-appointed special advocate, and the Citizen Foster Care Review Board;
 3. All orders of the court, including temporary, dispositional, or adjudicatory; and
 4. Documentation of annual or any other review by the court;
- (k) Home visit records from the Department for Public Health or other services;
- (l) All information on prior allegations of abuse or neglect and deaths of children of adults residing in the household;
- (m) All law enforcement records and documentation regarding the deceased or injured child and his or her caregivers, residents of the home, and persons involved with the child at the time of the incident; and
- (n) Mental health records regarding the deceased or injured child and his or her caregivers, residents of the home, and persons involved with the child at the time of the incident.
- (7) The panel may seek the advice of experts, such as persons specializing in the fields of psychiatric and forensic medicine, nursing, psychology, social work, education, law enforcement, family law, or other related fields, if the facts of a case warrant additional expertise.
- (8) The panel shall post updates after each meeting to the Web site of the Justice and Public Safety Cabinet regarding case reviews, findings, and recommendations.
- (9) The panel chairperson, or other requested persons, shall report a summary of the panel's discussions and proposed or actual recommendations to the Interim Joint Committee on Health and Welfare of the Kentucky General Assembly monthly or at the request of a committee co-chair. The goal of the committee shall be to ensure impartiality regarding the operations of the panel during its review process.
- (10) The panel shall publish an annual report by December 1 of each year consisting of case reviews, findings, and recommendations for system and process improvements to help prevent child fatalities and near fatalities that are due to abuse and neglect. The report shall be submitted to the Governor, the secretary of the Cabinet for Health and Family Services, the Chief Justice of the Supreme Court, the Attorney General, and the director of the Legislative Research Commission for distribution to the ~~{Child Welfare Oversight and Advisory Committee established in KRS 6.943 and the}~~ Judiciary Committee.
- (11) Information and record copies that are confidential under state or federal law and are provided to the external child fatality and near fatality review panel by the Cabinet for Health and Family Services, the Department for Community Based Services, or any agency, organization, or entity for review shall not become the information

and records of the panel and shall not lose their confidentiality by virtue of the panel's access to the information and records. The original information and records used to generate information and record copies provided to the panel in accordance with subsection (6) of this section shall be maintained by the appropriate agency in accordance with state and federal law and shall be subject to the Kentucky Open Records Act, KRS 61.870 to 61.884. All open records requests shall be made to the appropriate agency, not to the external child fatality and near fatality review panel or any of the panel members. Information and record copies provided to the panel for review shall be exempt from the Kentucky Open Records Act, KRS 61.870 to 61.884. At the conclusion of the panel's examination, all copies of information and records provided to the panel involving an individual case shall be destroyed by the Justice and Public Safety Cabinet.

- (12) Notwithstanding any provision of law to the contrary, the portions of the external child fatality and near fatality review panel meetings during which an individual child fatality or near fatality case is reviewed or discussed by panel members may be a closed session and subject to the provisions of KRS 61.815(1) and shall only occur following the conclusion of an open session. At the conclusion of the closed session, the panel shall immediately convene an open session and give a summary of what occurred during the closed session.
- (13) Each member of the external child fatality and near fatality review panel, any person attending a closed panel session, and any person presenting information or records on an individual child fatality or near fatality shall not release information or records not available under the Kentucky Open Records Act, KRS 61.870 to 61.884 to the public.
- (14) A member of the external child fatality and near fatality review panel shall not be prohibited from making a good faith report to any state or federal agency of any information or issue that the panel member believes should be reported or disclosed in an effort to facilitate effectiveness and transparency in Kentucky's child protective services.
- (15) A member of the external child fatality and near fatality review panel shall not be held liable for any civil damages or criminal penalties pursuant to KRS 620.990 as a result of any action taken or omitted in the performance of the member's duties pursuant to this section and KRS 620.050, except for violations of subsection (11), (12), or (13) of this section.
- (16) Beginning in 2014 the Legislative Oversight and Investigations Committee of the Kentucky General Assembly shall conduct an annual evaluation of the external child fatality and near fatality review panel established pursuant to this section to monitor the operations, procedures, and recommendations of the panel and shall report its findings to the General Assembly.

➔Section 31. KRS 620.320 is amended to read as follows:

The duties of the State Citizen Foster Care Review Board shall be to:

- (1) Establish, approve, and provide training programs for local citizen foster care review board members;
- (2) Review and coordinate the activities of local citizen foster care review boards;
- (3) Establish reporting procedures to be followed by the local citizen foster care review boards and publish an annual written report compiling data reported by local foster care review boards which shall include statistics relating, at a minimum, to the following:
 - (a) Barriers to permanency identified in reviews;
 - (b) The number of children moved more than three (3) times within a six (6) month period;
 - (c) The average length of time in care;
 - (d) Local solutions reported to meet identified barriers; and
 - (e) The total number and frequency of reviews;
- (4) Publish an annual written report on the effectiveness of such local citizen foster care review boards; and
- (5) Evaluate and make annual recommendations to the Supreme Court, *the Legislative Research Commission, and the Governor*, ~~and the Child Welfare Oversight and Advisory Committee established in KRS 6.943~~ regarding:
 - (a) Laws of the Commonwealth;
 - (b) Practices, policies, and procedures within the Commonwealth affecting permanence for children in out-of-home placement and the investigation of allegations of abuse and neglect;

- (c) The findings of the local citizen foster care review board community forums conducted pursuant to KRS 620.270; and
- (d) The effectiveness or lack thereof and reasons therefor of local citizen foster care review of children in the custody of the cabinet in bringing about permanence for the Commonwealth's children.

➔Section 32. The Cabinet for Health and Family Services shall:

(1) No later than September 1, 2022, report the following information to the Interim Joint Committee on Health, Welfare, and Family Services and the Benefits Cliff Task Force established pursuant to Sections 35 to 38 of this Act:

(a) The number of additional families served by the Child Care Assistance Program following the increase in eligibility to 200% of the federal poverty level;

(b) An assessment of the additional cost incurred by the state due to increasing Child Care Assistance Program eligibility to 200% of the federal poverty level; and

(c) An assessment of what the fiscal impact of discounting multiple copayments for families with more than one child in the Child Care Assistance Program would be;

(2) (a) Develop a proposal to make a benefits cliff calculator and online job postings database available to the general public and to all individuals and families, including authorized representatives, applying or reapplying for public assistance benefits administered by the cabinet under KRS Chapters 199 and 205. The proposal shall:

1. Include but not be limited to information regarding:

a. Estimated costs;

b. A projected timeline for implementation of the proposal;

c. Potential partner organizations or third parties that may assist in the development or implementation of the benefits cliff calculator or the online job postings database;

d. How public assistance beneficiaries or their authorized representatives may use the benefits cliff calculator and job postings database to make informed decisions regarding public assistance benefits, wage increases, and employment opportunities; and

e. Effective methods for how the cabinet will make the benefits cliff calculator and online job postings database available to all individuals and families, including authorized representatives, applying or reapplying for public assistance benefits.

2. Be submitted to the Legislative Research Commission for distribution to the Interim Joint Committee on Health, Welfare, and Family Services and the Benefits Cliff Task Force established pursuant to Sections 35 to 38 of this Act no later than September 1, 2022.

(b) As used in this subsection, "benefits cliff calculator" means an interactive, digital tool that allows recipients of public assistance benefits administered by the Cabinet for Health and Family Services under KRS Chapters 199 and 205 to assess and understand the potential impacts, including reduction in benefits or loss of eligibility, of changes to income or employment;

(3) No later than December 1, 2022, provide the Interim Joint Committee on Health, Welfare, and Family Services with a report on the potential fiscal impact and cost of:

(a) Utilizing a single benefit card for each cash recipient of public assistance benefits administered by the Cabinet for Health and Family Services under KRS Chapter 205 regardless of in which public assistance programs an individual is enrolled; and

(b) Developing and implementing a pilot program utilizing a third party to provide oversight, including contractual monitoring, and technology to enhance child welfare services, to produce greater transparency in the child welfare system, and to ensure compliance validation; and

(4) Contract, in accordance with KRS Chapter 45A, with an independent third party to conduct a review of all Medicaid presumptive eligibility determinations made by each qualified hospital between January 1, 2020, and the effective date of this Act to ensure compliance with all state and federal laws and regulations related to Medicaid presumptive eligible determinations. The independent third party contacted pursuant to this subsection shall submit a report detailing the results of its review, which shall include each qualified hospital's compliance with presumptive eligibility determinations, to the Legislative Research Commission no later than June 30, 2023.

➔Section 33. If the Cabinet for Health and Family Services determines that a state plan amendment, waiver, or any other form of approval or authorization from a federal agency is necessary prior to the implementation of any provision of this Act, the cabinet shall, within 120 days after the effective date of this Act unless otherwise specified, request the state plan amendment, waiver, approval, or authorization and shall only delay full implementation of those provisions for which a state plan amendment, waiver, approval, or authorization was deemed necessary until the state plan amendment, waiver, approval, or authorization is granted. The cabinet shall, in accordance with KRS 205.525, provide a copy of any state plan amendment, waiver, or other approval or authorization application submitted pursuant to this Section to the Interim Joint Committee on Health, Welfare, and Family Service, the Interim Joint Committee on Appropriations and Revenue, and the Medicaid Oversight and Advisory Committee and provide an update on the status of any application submitted pursuant to this section upon request.

➔Section 34. The Legislative Oversight and Investigations Committee shall conduct an in-depth analysis of Temporary Assistance for Needy Families (TANF) and the Kentucky Transition Assistance Program (K-TAP) spending by the Cabinet for Health and Family Services and seek to identify alternative sources of funding for child welfare programs and services currently funded by the federal TANF block grant and state maintenance-of-effort dollars, including possible strategies for securing additional Title IV-E funds, so that future K-TAP expenditures may be allocated in a manner that prioritizes assisting recipients of public assistance in transitioning off of public assistance by finding and maintaining sustainable, gainful employment.

➔Section 35. The Legislative Research Commission shall establish the Benefits Cliff Task Force to review the impact of the public assistance benefits cliff on labor force participation, employment, wages, and benefit duration and usage in the Commonwealth and to develop public policy recommendations to support working families in transitioning off of public assistance into gainful employment and self-sufficiency. The duties of the Benefits Cliff Task Force shall include but are not limited to:

- (1) Studying how the benefits cliff affects:
 - (a) Financial, employment, and career decisions made by public assistance beneficiaries in the Commonwealth;
 - (b) Labor force participation, employment, wages, education, health, and poverty in the Commonwealth; and
 - (c) The ability of businesses to hire and promote workers;
- (2) Studying the eligibility rules and income thresholds for current public assistance programs administered by the Cabinet for Health and Family Services;
- (3) Studying the fiscal impact of the benefits cliff on state finances and identifying budgetary impacts of addressing the benefits cliff;
- (4) Studying the interconnectedness of the benefits cliff across multiple layers of government and other support networks;
- (5) Studying the awareness of the benefits cliff among public assistance beneficiaries, government agencies and programs, the nonprofit sector, the business community, and the general public;
- (6) Evaluating policies and proposals, including the proposal submitted by the Cabinet for Health and Family Services pursuant to Section 32 of this Act, and best practices in other states, academia, and the think tank sector that aim to assist individuals in transitioning off of public assistance into gainful employment and self-sufficiency; and
- (7) Making recommendations that seek to eliminate the benefits cliff as a barrier to work, career advancement, and self-sufficiency and to reduce benefit duration and dependency in the Commonwealth.

➔Section 36. The Benefits Cliff Task Force shall be composed of the following members, with final membership of the task force being subject to the consideration and approval of the Legislative Research Commission:

- (1) Two members of the House of Representatives appointed by the Speaker of the House of Representatives, one of whom shall be designated by the Speaker of the House of Representatives as a co-chair of the task force;
- (2) One member of the House of Representatives appointed by the Minority Floor Leader of the House of Representatives;

- (3) Two members of the Senate appointed by the President of the Senate, one of whom shall be designated by the President of the Senate as a co-chair of the task force;
- (4) One member of the Senate appointed by the Minority Floor Leader of the Senate;
- (5) The secretary of the Cabinet for Health and Family Services or designee;
- (6) The secretary of the Education and Workforce Development Cabinet or designee;
- (7) The president and chief executive officer of the Kentucky Chamber of Commerce or designee;
- (8) The executive director of the Kentucky League of Cities or designee; and
- (9) The executive directors, or their designees, of four Kentucky-based nonprofit organizations whose missions are focused on serving low-income persons, with two selected by the President of the Senate and two selected by the Speaker of the House of Representatives.

➔Section 37. The Benefits Cliff Task Force shall meet at least monthly during the 2022 Interim of the General Assembly and shall submit its findings and recommendations to the Legislative Research Commission for referral to the appropriate committee or committees by December 1, 2022.

➔Section 38. Provisions of Sections 35 to 37 of this Act to the contrary notwithstanding, the Legislative Research Commission shall have the authority to alternatively assign the issues identified therein to an interim joint committee or a subcommittee thereof, and to designate a study completion date.

➔Section 39. Sections 34 to 38 of this Act shall have the same legal status as a House Concurrent Resolution.

➔Section 40. If any section, any subsection, or any provision of this Act is found by a court of competent jurisdiction in a final, unappealable order to be invalid or unconstitutional, the decision of the court shall not affect or impair any of the remaining sections, subsections, or provisions of this Act.

➔Section 41. The following KRS sections are repealed:

- 6.940 Medicaid Oversight and Advisory Committee -- Membership -- Meetings -- Vote required to act.
- 6.943 Child Welfare Oversight and Advisory Committee -- Membership -- Co-chairs -- Quorum -- Employment of personnel -- Staff and operating costs.
- 620.345 Study group on privatizing foster care services -- Membership -- Recommendations.

➔Section 42. Sections 20 to 31 and 41 of this Act take effect January 1, 2023.

Veto Overridden and Signed by Secretary of State April 14, 2022.

CHAPTER 212

(HB 8)

AN ACT relating to revenue measures and declaring an emergency.

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

➔Section 1. KRS 141.020 is amended to read as follows:

- (1) An annual tax shall be paid for each taxable year by every resident individual of this state upon his *or her* entire net income as defined in this chapter. The tax shall be determined by applying the rates in subsection (2) of this section to net income and subtracting allowable tax credits provided in subsection (3) of this section.
- (2) (a) *As used in this subsection:*
 - 1. *"Balance in the BRTF at the end of a fiscal year" means the budget reserve trust fund account established in KRS 48.705 and includes the following amounts and actions resulting from the final close of the fiscal year:*
 - a. *The amount of moneys in the fund at the end of a fiscal year;*

- b. *All close-out actions related to a budget reduction plan under KRS 48.130 or as modified in a branch budget bill; and*
 - c. *All close-out actions related to the surplus expenditure plan under KRS 48.140 or as modified in a branch budget bill;*
2. *"GF appropriations" means the authorization by the General Assembly to expend GF moneys, excluding:*
- a. *Any appropriation to the budget reserve trust fund; and*
 - b. *Any lump-sum appropriation to a state-administered retirement system, as defined in KRS 7A.210, that is in excess of the appropriations specifically budgeted to meet the recurring statutorily required contributions or recurring actuarially determined contributions for a state-administered retirement system under KRS 21.525, 61.565, 61.702, 78.635, 78.5536, or 161.550, as applicable;*
3. *"GF moneys" means receipts deposited in the general fund defined in KRS 48.010, excluding tobacco moneys deposited in the fund established in KRS 248.654;*
4. *"IIT equivalent" means the amount of reduction in GF moneys resulting from a one (1) percentage point reduction to the individual income tax rate;*
5. *"Reduction conditions" means:*
- a. *The balance in the BRTF at the end of a fiscal year shall be equal to or greater than ten percent (10%) of the GF moneys for that fiscal year; and*
 - b. *GF moneys at the end of a fiscal year shall be equal to or greater than GF appropriations for that fiscal year plus the IIT equivalent for that fiscal year; and*
6. *"Tax rate reduction" means the current tax rate minus five-tenths of one percent (0.5%).*
- (b) 1. *Beginning no later than September 1, 2022, the department, with assistance from the Office of State Budget Director, shall review the reduction conditions as they apply to fiscal year 2020-2021 and make a determination if the reduction conditions have been met.*
2. *After reviewing the reduction conditions under subparagraph 1. of this paragraph, the department shall:*
- a. *No later than September 5, 2022, report to the Interim Joint Committee on Appropriations and Revenue:*
 - i. *Whether a tax rate reduction will occur for the taxable year beginning on January 1, 2023; and*
 - ii. *The amounts associated with each item within the reduction conditions used for making that determination; and*
 - b. i. *Implement the tax rate reduction for the taxable year beginning on January 1, 2023, if the reduction conditions are met; or*
 - ii. *Maintain the current tax rate, if the reduction conditions are not met.*
- (c) 1. *The department shall implement an annual process to review and report future reduction conditions at the same time and in the same manner as under paragraph (b) of this subsection, except that the department shall use the next succeeding year related to the dates for review and reporting and the next succeeding fiscal year data to evaluate the reduction conditions.*
2. *Notwithstanding subparagraph 1. of this paragraph, the department shall not implement an income tax rate reduction without a future action by the General Assembly.*
- (d) For taxable years beginning on or after January 1, 2018, *but before January 1, 2023*, the tax shall be five percent (5%) of net income.
- (e) ~~(b)~~ For taxable years beginning after December 31, 2004, and before January 1, 2018, the tax shall be determined by applying the following rates to net income:
- 1. Two percent (2%) of the amount of net income up to three thousand dollars (\$3,000);

2. Three percent (3%) of the amount of net income over three thousand dollars (\$3,000) and up to four thousand dollars (\$4,000);
 3. Four percent (4%) of the amount of net income over four thousand dollars (\$4,000) and up to five thousand dollars (\$5,000);
 4. Five percent (5%) of the amount of net income over five thousand dollars (\$5,000) and up to eight thousand dollars (\$8,000);
 5. Five and eight-tenths percent (5.8%) of the amount of net income over eight thousand dollars (\$8,000) and up to seventy-five thousand dollars (\$75,000); and
 6. Six percent (6%) of the amount of net income over seventy-five thousand dollars (\$75,000).
- (3) (a) The following tax credits, when applicable, shall be deducted from the result obtained under subsection (2) of this section to arrive at the annual tax:
1. a. For taxable years beginning before January 1, 2014, twenty dollars (\$20) for an unmarried individual; and
 - b. For taxable years beginning on or after January 1, 2014, and before January 1, 2018, ten dollars (\$10) for an unmarried individual;
 2. a. For taxable years beginning before January 1, 2014, twenty dollars (\$20) for a married individual filing a separate return and an additional twenty dollars (\$20) for the spouse of taxpayer if a separate return is made by the taxpayer and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, had no Kentucky gross income and is not the dependent of another taxpayer; or forty dollars (\$40) for married persons filing a joint return, provided neither spouse is the dependent of another taxpayer. The determination of marital status for the purpose of this section shall be made in the manner prescribed in Section 153 of the Internal Revenue Code; and
 - b. For taxable years beginning on or after January 1, 2014, and before January 1, 2018, ten dollars (\$10) for a married individual filing a separate return and an additional ten dollars (\$10) for the spouse of a taxpayer if a separate return is made by the taxpayer and if the spouse, for the calendar year in which the taxable year of the taxpayer begins, had no Kentucky gross income and is not the dependent of another taxpayer; or twenty dollars (\$20) for married persons filing a joint return, provided neither spouse is the dependent of another taxpayer. The determination of marital status for the purpose of this section shall be made in the manner prescribed in Section 153 of the Internal Revenue Code;
 3. a. For taxable years beginning before January 1, 2014, twenty dollars (\$20) credit for each dependent. No credit shall be allowed for any dependent who has made a joint return with his or her spouse; and
 - b. For taxable years beginning on or after January 1, 2014, and before January 1, 2018, ten dollars (\$10) credit for each dependent. No credit shall be allowed for any dependent who has made a joint return with his or her spouse;
 4. An additional forty dollars (\$40) credit if the taxpayer has attained the age of sixty-five (65) before the close of the taxable year;
 5. An additional forty dollars (\$40) credit for taxpayer's spouse if a separate return is made by the taxpayer and if the taxpayer's spouse has attained the age of sixty-five (65) before the close of the taxable year, and, for the calendar year in which the taxable year of the taxpayer begins, has no Kentucky gross income and is not the dependent of another taxpayer;
 6. An additional forty dollars (\$40) credit if the taxpayer is blind at the close of the taxable year;
 7. An additional forty dollars (\$40) credit for taxpayer's spouse if a separate return is made by the taxpayer and if the taxpayer's spouse is blind, and, for the calendar year in which the taxable year of the taxpayer begins, has no Kentucky gross income and is not the dependent of another taxpayer; *and*
 8. ~~In the case of a fiduciary, other than an estate, the allowable tax credit shall be two dollars (\$2);~~
 9. ~~In the case of an estate, the allowable tax credit shall be ten dollars (\$10); and~~

- ~~10.]~~ An additional twenty dollars (\$20) credit shall be allowed if the taxpayer is a member of the Kentucky National Guard at the close of the taxable year.
- (b) In the case of nonresidents, the tax credits allowable under this subsection shall be the portion of the credits that are represented by the ratio of the taxpayer's Kentucky adjusted gross income as determined by KRS 141.019 to the taxpayer's adjusted gross income as defined in Section 62 of the Internal Revenue Code. However, in the case of a married nonresident taxpayer with income from Kentucky sources, whose spouse has no income from Kentucky sources, the taxpayer shall determine allowable tax credit(s) by either:
1. The method contained above applied to the taxpayer's tax credit(s), excluding credits for a spouse and dependents; or
 2. Prorating the taxpayer's tax credit(s) plus the tax credits for the taxpayer's spouse and dependents by the ratio of the taxpayer's Kentucky adjusted gross income as determined by KRS 141.019 to the total joint federal adjusted gross income of the taxpayer and the taxpayer's spouse.
- (c) In the case of a part-year resident, the tax credits allowable under this subsection shall be the portion of the credits represented by the ratio of the taxpayer's Kentucky adjusted gross income as determined by KRS 141.019 to the taxpayer's adjusted gross income as defined in Section 62 of the Internal Revenue Code.
- (4) An annual tax shall be paid for each taxable year as specified in this section upon the entire net income except as herein provided, from all tangible property located in this state, from all intangible property that has acquired a business situs in this state, and from business, trade, profession, occupation, or other activities carried on in this state, by natural persons not residents of this state. A nonresident individual shall be taxable only upon the amount of income received by the individual from labor performed, business done, or from other activities in this state, from tangible property located in this state, and from intangible property which has acquired a business situs in this state; provided, however, that the situs of intangible personal property shall be at the residence of the real or beneficial owner and not at the residence of a trustee having custody or possession thereof. For taxable years beginning on or after January 1, 2021, but before January 1, 2025, the tax imposed by this section shall not apply to a disaster response employee or to a disaster response business. The remainder of the income received by such nonresident shall be deemed nontaxable by this state.
- (5) Subject to the provisions of KRS 141.081, any individual may elect to pay the annual tax imposed by KRS 141.023 in lieu of the tax levied under this section.
- (6) A part-year resident is subject to taxation, as prescribed in subsection (1) of this section, during that portion of the taxable year that the individual is a resident and, as prescribed in subsection (4) of this section, during that portion of the taxable year when the individual is a nonresident.

➔Section 2. KRS 139.010 is amended to read as follows:

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

- (1) (a) "Admissions" means the fees paid for:
1. The right of entrance to a display, program, sporting event, music concert, performance, play, show, movie, exhibit, fair, or other entertainment or amusement event or venue; and
 2. The privilege of using facilities or participating in an event or activity, including but not limited to:
 - a. Bowling centers;
 - b. Skating rinks;
 - c. Health spas;
 - d. Swimming pools;
 - e. Tennis courts;
 - f. Weight training facilities;
 - g. Fitness and recreational sports centers; and
 - h. Golf courses, both public and private;

regardless of whether the fee paid is per use or in any other form, including but not limited to an initiation fee, monthly fee, membership fee, or combination thereof.

- (b) "Admissions" does not include:
1. Any fee paid to enter or participate in a fishing tournament; or
 2. Any fee paid for the use of a boat ramp for the purpose of allowing boats to be launched into or hauled out from the water;
- (2) "Advertising and promotional direct mail" means direct mail the primary purpose of which is to attract public attention to a product, person, business, or organization, or to attempt to sell, popularize, or secure financial support for a product, person, business, or organization. As used in this definition, "product" means tangible personal property, an item transferred electronically, or a service;
- (3) "Business" includes any activity engaged in by any person or caused to be engaged in by that person with the object of gain, benefit, or advantage, either direct or indirect;
- (4) "Commonwealth" means the Commonwealth of Kentucky;
- (5) (a) ***"Cosmetic surgery services" means modifications to all areas of the head, neck and body to enhance appearance through surgical and medical techniques.***
- (b) ***"Cosmetic surgery services" does not include reconstruction of facial and body defects due to birth disorders, trauma, burns, or disease;***
- ~~(6)(5)~~ "Department" means the Department of Revenue;
- ~~(7)(6)~~ (a) "Digital audio-visual works" means a series of related images which, when shown in succession, impart an impression of motion, with accompanying sounds, if any.
- (b) "Digital audio-visual works" includes movies, motion pictures, musical videos, news and entertainment programs, and live events.
- (c) "Digital audio-visual works" shall not include video greeting cards, video games, and electronic games;
- ~~(8)(7)~~ (a) "Digital audio works" means works that result from the fixation of a series of musical, spoken, or other sounds.
- (b) "Digital audio works" includes ringtones, recorded or live songs, music, readings of books or other written materials, speeches, or other sound recordings.
- (c) "Digital audio works" shall not include audio greeting cards sent by electronic mail;
- ~~(9)(8)~~ (a) "Digital books" means works that are generally recognized in the ordinary and usual sense as books, including any literary work expressed in words, numbers, or other verbal or numerical symbols or indicia if the literary work is generally recognized in the ordinary or usual sense as a book.
- (b) "Digital books" shall not include digital audio-visual works, digital audio works, periodicals, magazines, newspapers, or other news or information products, chat rooms, or Web logs;
- ~~(10)(9)~~ (a) "Digital code" means a code which provides a purchaser with a right to obtain one (1) or more types of digital property. A "digital code" may be obtained by any means, including electronic mail messaging or by tangible means, regardless of the code's designation as a song code, video code, or book code.
- (b) "Digital code" shall not include a code that represents:
1. A stored monetary value that is deducted from a total as it is used by the purchaser; or
 2. A redeemable card, gift card, or gift certificate that entitles the holder to select specific types of digital property;
- ~~(11)(10)~~ (a) "Digital property" means any of the following which is transferred electronically:
1. Digital audio works;
 2. Digital books;
 3. Finished artwork;
 4. Digital photographs;

5. Periodicals;
 6. Newspapers;
 7. Magazines;
 8. Video greeting cards;
 9. Audio greeting cards;
 10. Video games;
 11. Electronic games; or
 12. Any digital code related to this property.
- (b) "Digital property" shall not include digital audio-visual works or satellite radio programming;
- ~~(12)~~~~(14)~~ (a) "Direct mail" means printed material delivered or distributed by United States mail or other delivery service to a mass audience or to addressees on a mailing list provided by the purchaser or at the direction of the purchaser when the cost of the items are not billed directly to the recipient.
- (b) "Direct mail" includes tangible personal property supplied directly or indirectly by the purchaser to the direct mail retailer for inclusion in the package containing the printed material.
- (c) "Direct mail" does not include multiple items of printed material delivered to a single address;
- ~~(13)~~~~(12)~~ "Directly used in the manufacturing or industrial processing process" means the process that commences with the movement of raw materials from storage into a continuous, unbroken, integrated process and ends when the finished product is packaged and ready for sale;
- ~~(14)~~~~(13)~~ (a) "Extended warranty services" means services provided through a service contract agreement between the contract provider and the purchaser where the purchaser agrees to pay compensation for the contract and the provider agrees to repair, replace, support, or maintain tangible personal property, ~~or~~ digital property, **or real property** according to the terms of the contract ~~if:~~
- ~~1. The service contract agreement is sold or purchased on or after July 1, 2018; and~~
 - ~~2. the tangible personal property or digital property for which the service contract agreement is provided is subject to tax under this chapter or under KRS 138.460.~~
- (b) "Extended warranty services" does not include the sale of a service contract agreement for tangible personal property to be used by a small telephone utility as defined in KRS 278.516 or a Tier III CMRS provider as defined in KRS 65.7621 to deliver communications services as defined in KRS 136.602 or broadband as defined in KRS 278.5461;
- ~~(15)~~~~(14)~~ (a) "Finished artwork" means final art that is used for actual reproduction by photomechanical or other processes or for display purposes.
- (b) "Finished artwork" includes:
1. Assemblies;
 2. Charts;
 3. Designs;
 4. Drawings;
 5. Graphs;
 6. Illustrative materials;
 7. Lettering;
 8. Mechanicals;
 9. Paintings; and
 10. Paste-ups;
- ~~(16)~~~~(15)~~ (a) "Gross receipts" and "sales price" mean the total amount or consideration, including cash, credit, property, and services, for which tangible personal property, digital property, or services are sold,

leased, or rented, valued in money, whether received in money or otherwise, without any deduction for any of the following:

1. The retailer's cost of the tangible personal property, digital property, or services sold;
 2. The cost of the materials used, labor or service cost, interest, losses, all costs of transportation to the retailer, all taxes imposed on the retailer, or any other expense of the retailer;
 3. Charges by the retailer for any services necessary to complete the sale;
 4. Delivery charges, which are defined as charges by the retailer for the preparation and delivery to a location designated by the purchaser including transportation, shipping, postage, handling, crating, and packing;
 5. Any amount for which credit is given to the purchaser by the retailer, other than credit for tangible personal property or digital property traded when the tangible personal property or digital property traded is of like kind and character to the property purchased and the property traded is held by the retailer for resale; and
 6. The amount charged for labor or services rendered in installing or applying the tangible personal property, digital property, or service sold.
- (b) "Gross receipts" and "sales price" shall include consideration received by the retailer from a third party if:
1. The retailer actually receives consideration from a third party and the consideration is directly related to a price reduction or discount on the sale to the purchaser;
 2. The retailer has an obligation to pass the price reduction or discount through to the purchaser;
 3. The amount of consideration attributable to the sale is fixed and determinable by the retailer at the time of the sale of the item to the purchaser; and
 4. One (1) of the following criteria is met:
 - a. The purchaser presents a coupon, certificate, or other documentation to the retailer to claim a price reduction or discount where the coupon, certificate, or documentation is authorized, distributed, or granted by a third party with the understanding that the third party will reimburse any seller to whom the coupon, certificate, or documentation is presented;
 - b. The price reduction or discount is identified as a third-party price reduction or discount on the invoice received by the purchaser or on a coupon, certificate, or other documentation presented by the purchaser; or
 - c. The purchaser identifies himself or herself to the retailer as a member of a group or organization entitled to a price reduction or discount. A "preferred customer" card that is available to any patron does not constitute membership in such a group.
- (c) "Gross receipts" and "sales price" shall not include:
1. Discounts, including cash, term, or coupons that are not reimbursed by a third party and that are allowed by a retailer and taken by a purchaser on a sale;
 2. Interest, financing, and carrying charges from credit extended on the sale of tangible personal property, digital property, or services, if the amount is separately stated on the invoice, bill of sale, or similar document given to the purchaser;
 3. Any taxes legally imposed directly on the purchaser that are separately stated on the invoice, bill of sale, or similar document given to the purchaser; or
 4. Local alcohol regulatory license fees authorized under KRS 243.075 that are separately stated on the invoice, bill of sale, or similar document given to the purchaser.
- (d) As used in this subsection, "third party" means a person other than the purchaser;
- ~~(17)(16)~~ "In this state" or "in the state" means within the exterior limits of the Commonwealth and includes all territory within these limits owned by or ceded to the United States of America;
- ~~(18)(17)~~ "Industrial processing" includes:

- (a) Refining;
 - (b) Extraction of minerals, ores, coal, clay, stone, petroleum, or natural gas;
 - (c) Mining, quarrying, fabricating, and industrial assembling;
 - (d) The processing and packaging of raw materials, in-process materials, and finished products; and
 - (e) The processing and packaging of farm and dairy products for sale;
- ~~(18)~~ (19) (a) "Lease or rental" means any transfer of possession or control of tangible personal property for a fixed or indeterminate term for consideration. A lease or rental shall include future options to:
- 1. Purchase the property; or
 - 2. Extend the terms of the agreement and agreements covering trailers where the amount of consideration may be increased or decreased by reference to the amount realized upon sale or disposition of the property as defined in 26 U.S.C. sec. 7701(h)(1).
- (b) "Lease or rental" shall not include:
- 1. A transfer of possession or control of property under a security agreement or deferred payment plan that requires the transfer of title upon completion of the required payments;
 - 2. A transfer of possession or control of property under an agreement that requires the transfer of title upon completion of the required payments and payment of an option price that does not exceed the greater of one hundred dollars (\$100) or one percent (1%) of the total required payments; or
 - 3. Providing tangible personal property and an operator for the tangible personal property for a fixed or indeterminate period of time. To qualify for this exclusion, the operator must be necessary for the equipment to perform as designed, and the operator must do more than maintain, inspect, or setup the tangible personal property.
- (c) This definition shall apply regardless of the classification of a transaction under generally accepted accounting principles, the Internal Revenue Code, or other provisions of federal, state, or local law;
- ~~(19)~~ (20) (a) "Machinery for new and expanded industry" means machinery:
- 1. Directly used in the manufacturing or industrial processing process of:
 - a. Tangible personal property at a plant facility;
 - b. Distilled spirits or wine at a plant facility or on the premises of a distiller, rectifier, winery, or small farm winery licensed under KRS 243.030 that includes a retail establishment on the premises; or
 - c. Malt beverages at a plant facility or on the premises of a brewer or microbrewery licensed under KRS 243.040 that includes a retail establishment;
 - 2. Which is incorporated for the first time into:
 - a. A plant facility established in this state; or
 - b. Licensed premises located in this state; and
 - 3. Which does not replace machinery in the plant facility or licensed premises unless that machinery purchased to replace existing machinery:
 - a. Increases the consumption of recycled materials at the plant facility by not less than ten percent (10%);
 - b. Performs different functions;
 - c. Is used to manufacture a different product; or
 - d. Has a greater productive capacity, as measured in units of production, than the machinery being replaced.
- (b) "Machinery for new and expanded industry" does not include repair, replacement, or spare parts of any kind, regardless of whether the purchase of repair, replacement, or spare parts is required by the manufacturer or seller as a condition of sale or as a condition of warranty;

- (21)~~(20)~~ "Manufacturing" means any process through which material having little or no commercial value for its intended use before processing has appreciable commercial value for its intended use after processing by the machinery;
- (22) ***"Marketing services" means developing marketing objectives and policies, sales forecasting, new product developing and pricing, licensing, and franchise planning;***
- (23)~~(21)~~ "Marketplace" means any physical or electronic means through which one (1) or more retailers may advertise and sell tangible personal property, digital property, or services, or lease tangible personal property or digital property, such as a catalog, Internet Web site, or television or radio broadcast, regardless of whether the tangible personal property, digital property, or retailer is physically present in this state;
- (24)~~(22)~~ (a) "Marketplace provider" means a person, including any affiliate of the person, that facilitates a retail sale by satisfying subparagraphs 1. and 2. of this paragraph as follows:
1. The person directly or indirectly:
 - a. Lists, makes available, or advertises tangible personal property, digital property, or services for sale by a marketplace retailer in a marketplace owned, operated, or controlled by the person;
 - b. Facilitates the sale of a marketplace retailer's product through a marketplace by transmitting or otherwise communicating an offer or acceptance of a retail sale of tangible personal property, digital property, or services between a marketplace retailer and a purchaser in a forum including a shop, store, booth, catalog, Internet site, or similar forum;
 - c. Owns, rents, licenses, makes available, or operates any electronic or physical infrastructure or any property, process, method, copyright, trademark, or patent that connects marketplace retailers to purchasers for the purpose of making retail sales of tangible personal property, digital property, or services;
 - d. Provides a marketplace for making retail sales of tangible personal property, digital property, or services, or otherwise facilitates retail sales of tangible personal property, digital property, or services, regardless of ownership or control of the tangible personal property, digital property, or services, that are the subject of the retail sale;
 - e. Provides software development or research and development activities related to any activity described in this subparagraph, if the software development or research and development activities are directly related to the physical or electronic marketplace provided by a marketplace provider;
 - f. Provides or offers fulfillment or storage services for a marketplace retailer;
 - g. Sets prices for a marketplace retailer's sale of tangible personal property, digital property, or services;
 - h. Provides or offers customer service to a marketplace retailer or a marketplace retailer's customers, or accepts or assists with taking orders, returns, or exchanges of tangible personal property, digital property, or services sold by a marketplace retailer; or
 - i. Brands or otherwise identifies sales as those of the marketplace provider; and
 2. The person directly or indirectly:
 - a. Collects the sales price or purchase price of a retail sale of tangible personal property, digital property, or services;
 - b. Provides payment processing services for a retail sale of tangible personal property, digital property, or services;
 - c. Through terms and conditions, agreements, or arrangements with a third party, collects payment in connection with a retail sale of tangible personal property, digital property, or services from a purchaser and transmits that payment to the marketplace retailer, regardless of whether the person collecting and transmitting the payment receives compensation or other consideration in exchange for the service; or

- d. Provides a virtual currency that purchasers are allowed or required to use to purchase tangible personal property, digital property, or services.
- (b) "Marketplace provider" includes but is not limited to a person that satisfies the requirements of this subsection through the ownership, operation, or control of a digital distribution service, digital distribution platform, online portal, or application store;
- ~~(25)(23)~~ "Marketplace retailer" means a seller that makes retail sales through any marketplace owned, operated, or controlled by a marketplace provider;
- ~~(26)(24)~~ (a) "Occasional sale" includes:
1. A sale of tangible personal property or digital property not held or used by a seller in the course of an activity for which he or she is required to hold a seller's permit, provided such sale is not one (1) of a series of sales sufficient in number, scope, and character to constitute an activity requiring the holding of a seller's permit. In the case of the sale of the entire, or a substantial portion of the nonretail assets of the seller, the number of previous sales of similar assets shall be disregarded in determining whether or not the current sale or sales shall qualify as an occasional sale; or
 2. Any transfer of all or substantially all the tangible personal property or digital property held or used by a person in the course of such an activity when after such transfer the real or ultimate ownership of such property is substantially similar to that which existed before such transfer.
- (b) For the purposes of this subsection, stockholders, bondholders, partners, or other persons holding an interest in a corporation or other entity are regarded as having the "real or ultimate ownership" of the tangible personal property or digital property of such corporation or other entity;
- ~~(27)(25)~~ (a) "Other direct mail" means any direct mail that is not advertising and promotional direct mail, regardless of whether advertising and promotional direct mail is included in the same mailing.
- (b) "Other direct mail" includes but is not limited to:
1. Transactional direct mail that contains personal information specific to the addressee, including but not limited to invoices, bills, statements of account, and payroll advices;
 2. Any legally required mailings, including but not limited to privacy notices, tax reports, and stockholder reports; and
 3. Other nonpromotional direct mail delivered to existing or former shareholders, customers, employees, or agents, including but not limited to newsletters and informational pieces.
- (c) "Other direct mail" does not include the development of billing information or the provision of any data processing service that is more than incidental to the production of printed material;
- ~~(28)(26)~~ "Person" includes any individual, firm, copartnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, trustee, syndicate, cooperative, assignee, governmental unit or agency, or any other group or combination acting as a unit;
- ~~(29)(27)~~ "Permanent," as the term applies to digital property, means perpetual or for an indefinite or unspecified length of time;
- (30) (a) "Photography and photofinishing services" means:**
- 1. The taking, developing, or printing of an original photograph; or**
 - 2. Image editing including shadow removal, tone adjustments, vertical and horizontal alignment and cropping, composite image creation, formatting, watermarking printing, and delivery of an original photograph in the form of tangible personal property, digital property, or other media.**
- (b) "Photography and photofinishing services" does not include photography services necessary for medical or dental health;**
- ~~(31)(28)~~ "Plant facility" means a single location that is exclusively dedicated to manufacturing or industrial processing activities. A location shall be deemed to be exclusively dedicated to manufacturing or industrial processing activities even if retail sales are made there, provided that the retail sales are incidental to the

manufacturing or industrial processing activities occurring at the location. The term "plant facility" shall not include any restaurant, grocery store, shopping center, or other retail establishment;

- (32)~~(29)~~ (a) "Prewritten computer software" means:
1. Computer software, including prewritten upgrades, that are not designed and developed by the author or other creator to the specifications of a specific purchaser;
 2. Software designed and developed by the author or other creator to the specifications of a specific purchaser when it is sold to a person other than the original purchaser; or
 3. Any portion of prewritten computer software that is modified or enhanced in any manner, where the modification or enhancement is designed and developed to the specifications of a specific purchaser, unless there is a reasonable, separately stated charge on an invoice or other statement of the price to the purchaser for the modification or enhancement.
- (b) When a person modifies or enhances computer software of which the person is not the author or creator, the person shall be deemed to be the author or creator only of the modifications or enhancements the person actually made.
- (c) The combining of two (2) or more prewritten computer software programs or portions thereof does not cause the combination to be other than prewritten computer software;
- (33) ***"Prewritten computer software access services" means the right of access to prewritten computer software where the object of the transaction is to use the prewritten computer software while possession of the prewritten computer software is maintained by the seller or a third party, wherever located, regardless of whether the charge for the access or use is on a per use, per user, per license, subscription, or some other basis;***
- (34)~~(30)~~ (a) "Purchase" means any transfer of title or possession, exchange, barter, lease, or rental, conditional or otherwise, in any manner or by any means whatsoever, of:
1. Tangible personal property;
 2. An extended warranty service;
 3. Digital property transferred electronically; or
 4. Services included in KRS 139.200;
- for a consideration.
- (b) "Purchase" includes:
1. When performed outside this state or when the customer gives a resale certificate, the producing, fabricating, processing, printing, or imprinting of tangible personal property for a consideration for consumers who furnish either directly or indirectly the materials used in the producing, fabricating, processing, printing, or imprinting;
 2. A transaction whereby the possession of tangible personal property or digital property is transferred but the seller retains the title as security for the payment of the price; and
 3. A transfer for a consideration of the title or possession of tangible personal property or digital property which has been produced, fabricated, or printed to the special order of the customer, or of any publication;
- (35)~~(31)~~ "Recycled materials" means materials which have been recovered or diverted from the solid waste stream and reused or returned to use in the form of raw materials or products;
- (36)~~(32)~~ "Recycling purposes" means those activities undertaken in which materials that would otherwise become solid waste are collected, separated, or processed in order to be reused or returned to use in the form of raw materials or products;
- (37)~~(33)~~ "Remote retailer" means a retailer with no physical presence in this state;
- (38)~~(34)~~ (a) "Repair, replacement, or spare parts" means any tangible personal property used to maintain, restore, mend, or repair machinery or equipment.
- (b) "Repair, replacement, or spare parts" does not include machine oils, grease, or industrial tools;

- ~~(39)~~~~(35)~~ (a) "Retailer" means:
1. Every person engaged in the business of making retail sales of tangible personal property, digital property, or furnishing any services in a retail sale included in KRS 139.200;
 2. Every person engaged in the business of making sales at auction of tangible personal property or digital property owned by the person or others for storage, use or other consumption, except as provided in paragraph (c) of this subsection;
 3. Every person making more than two (2) retail sales of tangible personal property, digital property, or services included in KRS 139.200 during any twelve (12) month period, including sales made in the capacity of assignee for the benefit of creditors, or receiver or trustee in bankruptcy;
 4. Any person conducting a race meeting under the provision of KRS Chapter 230, with respect to horses which are claimed during the meeting.
- (b) When the department determines that it is necessary for the efficient administration of this chapter to regard any salesmen, representatives, peddlers, or canvassers as the agents of the dealers, distributors, supervisors or employers under whom they operate or from whom they obtain the tangible personal property, digital property, or services sold by them, irrespective of whether they are making sales on their own behalf or on behalf of the dealers, distributors, supervisors or employers, the department may so regard them and may regard the dealers, distributors, supervisors or employers as retailers for purposes of this chapter.
- (c) 1. Any person making sales at a charitable auction for a qualifying entity shall not be a retailer for purposes of the sales made at the charitable auction if:
- a. The qualifying entity, not the person making sales at the auction, is sponsoring the auction;
 - b. The purchaser of tangible personal property at the auction directly pays the qualifying entity sponsoring the auction for the property and not the person making the sales at the auction; and
 - c. The qualifying entity, not the person making sales at the auction, is responsible for the collection, control, and disbursement of the auction proceeds.
2. If the conditions set forth in subparagraph 1. of this paragraph are met, the qualifying entity sponsoring the auction shall be the retailer for purposes of the sales made at the charitable auction.
3. For purposes of this paragraph, "qualifying entity" means a resident:
- a. Church;
 - b. School;
 - c. Civic club; or
 - d. Any other nonprofit charitable, religious, or educational organization;
- ~~(40)~~~~(36)~~ "Retail sale" means any sale, lease, or rental for any purpose other than resale, sublease, or subrent;
- ~~(41)~~~~(37)~~ (a) "Ringtones" means digitized sound files that are downloaded onto a device and that may be used to alert the customer with respect to a communication.
- (b) "Ringtones" shall not include ringback tones or other digital files that are not stored on the purchaser's communications device;
- ~~(42)~~~~(38)~~ (a) "Sale" means:
1. The furnishing of any services included in KRS 139.200;
 2. Any transfer of title or possession, exchange, barter, lease, or rental, conditional or otherwise, in any manner or by any means whatsoever, of:
 - a. Tangible personal property; or
 - b. Digital property transferred electronically;

for a consideration.

- (b) "Sale" includes but is not limited to:
1. The producing, fabricating, processing, printing, or imprinting of tangible personal property or digital property for a consideration for purchasers who furnish, either directly or indirectly, the materials used in the producing, fabricating, processing, printing, or imprinting;
 2. A transaction whereby the possession of tangible personal property or digital property is transferred, but the seller retains the title as security for the payment of the price; and
 3. A transfer for a consideration of the title or possession of tangible personal property or digital property which has been produced, fabricated, or printed to the special order of the purchaser.
- (c) This definition shall apply regardless of the classification of a transaction under generally accepted accounting principles, the Internal Revenue Code, or other provisions of federal, state, or local law;
- ~~(43)~~~~(39)~~ "Seller" includes every person engaged in the business of selling tangible personal property, digital property, or services of a kind, the gross receipts from the retail sale of which are required to be included in the measure of the sales tax, and every person engaged in making sales for resale;
- ~~(44)~~~~(40)~~ (a) "Storage" includes any keeping or retention in this state for any purpose except sale in the regular course of business or subsequent use solely outside this state of tangible personal property or digital property purchased from a retailer.
- (b) "Storage" does not include the keeping, retaining, or exercising any right or power over tangible personal property for the purpose of subsequently transporting it outside the state for use thereafter solely outside the state, or for the purpose of being processed, fabricated, or manufactured into, attached to, or incorporated into, other tangible personal property to be transported outside the state and thereafter used solely outside the state;
- ~~(45)~~~~(41)~~ "Tangible personal property" means personal property which may be seen, weighed, measured, felt, or touched, or which is in any other manner perceptible to the senses and includes natural, artificial, and mixed gas, electricity, water, steam, and prewritten computer software;
- ~~(46)~~~~(42)~~ "Taxpayer" means any person liable for tax under this chapter;
- (47) ***"Telemarketing services" means services provided via telephone, facsimile, electronic mail, or other modes of communications to another person, which are unsolicited by that person, for the purposes of:***
- (a)
 1. ***Promoting products or services;***
 2. ***Taking orders; or***
 3. ***Providing information or assistance regarding the products or services; or***
 - (b) ***Soliciting contributions;***
- ~~(48)~~~~(43)~~ "Transferred electronically" means accessed or obtained by the purchaser by means other than tangible storage media; and
- ~~(49)~~~~(44)~~ (a) "Use" includes the exercise of:
1. Any right or power over tangible personal property or digital property incident to the ownership of that property, or by any transaction in which possession is given, or by any transaction involving digital property ***or tangible personal property*** where the right of access is granted; or
 2. Any right or power to benefit ***any services subject to tax under subsection (2)(p) to (ay) of Section 3 of this Act***~~from extended warranty services~~.
- (b) "Use" does not include the keeping, retaining, or exercising any right or power over tangible personal property or digital property for the purpose of:
1. Selling tangible personal property or digital property in the regular course of business; or
 2. Subsequently transporting tangible personal property outside the state for use thereafter solely outside the state, or for the purpose of being processed, fabricated, or manufactured into, attached to, or incorporated into, other tangible personal property to be transported outside the state and thereafter used solely outside the state.

➔Section 3. KRS 139.200 is amended to read as follows:

A tax is hereby imposed upon all retailers at the rate of six percent (6%) of the gross receipts derived from:

- (1) Retail sales of:
 - (a) Tangible personal property, regardless of the method of delivery, made within this Commonwealth; and
 - (b) Digital property regardless of whether:
 1. The purchaser has the right to permanently use the property;
 2. The purchaser's right to access or retain the property is not permanent; or
 3. The purchaser's right of use is conditioned upon continued payment; and
- (2) The furnishing of the *following services*~~following~~:
 - (a) The rental of any room or rooms, lodgings, campsites, or accommodations furnished by any hotel, motel, inn, tourist camp, tourist cabin, campgrounds, recreational vehicle parks, or any other place in which rooms, lodgings, campsites, or accommodations are regularly furnished to transients for a consideration. The tax shall not apply to rooms, lodgings, campsites, or accommodations supplied for a continuous period of thirty (30) days or more to a person;
 - (b) Sewer services;
 - (c) The sale of admissions, except:
 1. Admissions to racetracks taxed under KRS 138.480;
 - 2.~~—Admissions to historical sites exempt under KRS 139.482;~~
 - 3.~~—~~ Admissions taxed under KRS 229.031;
 - 3.~~4.~~ Admissions that are charged by nonprofit educational, charitable, or religious institutions and for which an exemption is provided under KRS 139.495; and
 - 4.~~5.~~ Admissions that are charged by nonprofit civic, governmental, or other nonprofit organizations and for which an exemption is provided under KRS 139.498;
 - (d) Prepaid calling service and prepaid wireless calling service;
 - (e) Intrastate, interstate, and international communications services as defined in KRS 139.195, except the furnishing of pay telephone service as defined in KRS 139.195;
 - (f) Distribution, transmission, or transportation services for natural gas that is for storage, use, or other consumption in this state, excluding those services furnished:
 1. For natural gas that is classified as residential use as provided in KRS 139.470(7); or
 2. To a seller or reseller of natural gas;
 - (g) Landscaping services, including but not limited to:
 1. Lawn care and maintenance services;
 2. Tree trimming, pruning, or removal services;
 3. Landscape design and installation services;
 4. Landscape care and maintenance services; and
 5. Snow plowing or removal services;
 - (h) Janitorial services, including but not limited to residential and commercial cleaning services, and carpet, upholstery, and window cleaning services;
 - (i) Small animal veterinary services, excluding veterinary services for equine, cattle, poultry, swine, sheep, goats, llamas, alpacas, ratite birds, buffalo, and cervids;
 - (j) Pet care services, including but not limited to grooming and boarding services, pet sitting services, and pet obedience training services;

- (k) Industrial laundry services, including but not limited to industrial uniform supply services, protective apparel supply services, and industrial mat and rug supply services;
- (l) Non-coin-operated laundry and dry cleaning services;
- (m) Linen supply services, including but not limited to table and bed linen supply services and nonindustrial uniform supply services;
- (n) Indoor skin tanning services, including but not limited to tanning booth or tanning bed services and spray tanning services;
- (o) Non-medical diet and weight reducing services;
- ~~(p) Limousine services, if a driver is provided; and~~
- ~~(q) Extended warranty services;~~
- (q) Photography and photo finishing services;**
- (r) Marketing services;**
- (s) Telemarketing services;**
- (t) Public opinion and research polling services;**
- (u) Lobbying services;**
- (v) Executive employee recruitment services;**
- (w) Web site design and development services;**
- (x) Web site hosting services;**
- (y) Facsimile transmission services;**
- (z) Private mailroom services, including:**
 - 1. Presorting mail and packages by postal code;**
 - 2. Address barcoding;**
 - 3. Tracking;**
 - 4. Delivery to postal service; and**
 - 5. Private mailbox rentals;**
- (aa) Bodyguard services;**
- (ab) Residential and nonresidential security system monitoring services;**
- (ac) Private investigation services;**
- (ad) Process server services;**
- (ae) Repossession of tangible personal property services;**
- (af) Personal background check services;**
- (ag) Parking services;**
 - 1. Including:**
 - a. Valet services; and**
 - b. The use of parking lots and parking structures; but**
 - 2. Excluding any parking services at an educational institution;**
- (ah) Road and travel services provided by automobile clubs as defined in KRS 281.010;**
- (ai) Condominium time-share exchange services;**
- (aj) Rental of space for meetings, conventions, short-term business uses, entertainment events, weddings, banquets, parties, and other short-term social events;**

- (ak) *Social event planning and coordination services;*
- (al) *Leisure, recreational, and athletic instructional services;*
- (am) *Recreational camp tuition and fees;*
- (an) *Personal fitness training services;*
- (ao) *Massage services, except when medically necessary;*
- (ap) *Cosmetic surgery services;*
- (aq) *Body modification services, including tattooing, piercing, scarification, branding, tongue splitting, transdermal and subdermal implants, ear pointing, teeth pointing, and any other modifications that are not necessary for medical or dental health;*
- (ar) *Testing services, except testing for medical, educational, or veterinary reasons;*
- (as) *Interior decorating and design services;*
- (at) *Household moving services;*
- (au) *Specialized design services, including the design of clothing, costumes, fashion, furs, jewelry, shoes, textiles, and lighting;*
- (av) *Lapidary services, including cutting, polishing, and engraving precious stones;*
- (aw) *Labor and services to repair or maintain commercial refrigeration equipment and systems when no tangible personal property is sold in that transaction including service calls and trip charges;*
- (ax) *Labor to repair or alter apparel, footwear, watches, or jewelry when no tangible personal property is sold in that transaction; and*
- (ay) *Prewritten computer software access services.*

➔Section 4. KRS 139.482 is amended to read as follows:

- (1) "Historical site," as used in this section, means properties listed by the United States department of interior in the National Register as authorized by title 16, United States Code, section 470(f).
- (2) There is excluded from the computation of the amount of taxes imposed by this chapter ~~±~~
 - (a) ~~Gross receipts from charges for admission to historical sites, operated by a nonprofit corporation, society, or organization; and~~
 - (b) ~~gross receipts from the sales of materials, supplies, and services to a nonprofit corporation, society, or organization to be used to restore, maintain, or operate a historical site.~~

➔Section 5. KRS 139.260 is amended to read as follows:

For the purpose of the proper administration of this chapter and to prevent evasion of the duty to collect the taxes imposed by KRS 139.200 and 139.310, it shall be presumed that all gross receipts and all tangible personal property, digital property, and services sold by any person for delivery or access in this state are subject to the tax until the contrary is established. The burden of proving the contrary is upon the person who makes the sale of:

- (1) Tangible personal property or digital property unless the person takes from the purchaser a certificate to the effect that the property is either:
 - (a) Purchased for resale according to the provisions of KRS 139.270;
 - (b) Purchased through a fully completed certificate of exemption or fully completed Streamlined Sales and Use Tax Agreement Certificate of Exemption in accordance with KRS 139.270; or
 - (c) Purchased according to administrative regulations promulgated by the department governing a direct pay authorization;
- (2) A service included in KRS 139.200(2)(a) to (f) unless the person takes from the purchaser a certificate to the effect that the service is purchased through a fully completed certificate of exemption or fully completed Streamlined Sales and Use Tax Agreement Certificate of Exemption in accordance with KRS 139.270; and
- (3) A service included in KRS 139.200(2)(g) to (ay)~~-(q)}~~ unless the person takes from the purchaser a certificate to the effect that the service is:

- (a) Purchased for resale according to KRS 139.270;
- (b) Purchased through a fully completed certificate of exemption or fully completed Streamlined Sales and Use Tax Agreement Certificate of Exemption in accordance with KRS 139.270; or
- (c) Purchased according to administrative regulations promulgated by the department governing a direct pay authorization.

➔Section 6. KRS 139.310 is amended to read as follows:

- (1) An excise tax is hereby imposed on the storage, use, or other consumption in this state of tangible personal property, digital property, and **services listed under subsection (2)(p) to (ay) of Section 3 of this Act**~~extended warranty services~~ purchased for storage, use, or other consumption in this state at the rate of six percent (6%) of the sales price.
- (2) The excise tax applies to the purchase of digital property regardless of whether:
 - (a) The purchaser has the right to permanently use the goods;
 - (b) The purchaser's right to access or retain the digital property is not permanent; or
 - (c) The purchaser's right of use is conditioned upon continued payment.

➔Section 7. KRS 139.340 is amended to read as follows:

- (1) Except as provided in KRS 139.470 and 139.480, every retailer engaged in business in this state shall collect the tax imposed by KRS 139.310 from the purchaser and give to the purchaser a receipt therefor in the manner and form prescribed by the department. The taxes collected or required to be collected by the retailer under this section shall be deemed to be held in trust for and on account of the Commonwealth.
- (2) "Retailer engaged in business in this state" as used in KRS 139.330 and this section includes any of the following:
 - (a) Any retailer maintaining, occupying, or using, permanently or temporarily, directly or indirectly, or through a subsidiary or any other related entity, representative, or agent, by whatever name called, an office, place of distribution, sales or sample room or place, warehouse or storage place, or other place of business. Property owned by a person who has contracted with a printer for printing, which consists of the final printed product, property which becomes a part of the final printed product, or copy from which the printed product is produced, and which is located at the premises of the printer, shall not be deemed to be an office, place of distribution, sales or sample room or place, warehouse or storage place, or other place of business maintained, occupied, or used by the person;
 - (b) Any retailer having any representative, agent, salesman, canvasser, or solicitor operating in this state under the authority of the retailer or its subsidiary for the purpose of selling, delivering, or the taking of orders for any tangible personal property, digital property, or **any services subject to tax under subsection (2)(p) to (ay) of Section 3 of this Act**~~an extended warranty service~~. An unrelated printer with which a person has contracted for printing shall not be deemed to be a representative, agent, salesman, canvasser, or solicitor for the person;
 - (c) Any retailer soliciting orders for tangible personal property, digital property, or **any services subject to tax under subsection (2)(p) to (ay) of Section 3 of this Act**~~an extended warranty service~~ from residents of this state on a continuous, regular, or systematic basis in which the solicitation of the order, placement of the order by the customer or the payment for the order utilizes the services of any financial institution, telecommunication system, radio or television station, cable television service, print media, or other facility or service located in this state;
 - (d) Any retailer deriving receipts from the lease or rental of tangible personal property situated in this state;
 - (e) Any retailer soliciting orders for tangible personal property, digital property, or **any services subject to tax under subsection (2)(p) to (ay) of Section 3 of this Act**~~an extended warranty service~~ from residents of this state on a continuous, regular, systematic basis if the retailer benefits from an agent or representative operating in this state under the authority of the retailer to repair or service tangible personal property or digital property sold by the retailer;
 - (f) Any retailer located outside Kentucky that uses a representative in Kentucky, either full-time or part-time, if the representative performs any activities that help establish or maintain a marketplace for the retailer, including receiving or exchanging returned merchandise; or

- (g) 1. Any remote retailer selling tangible personal property or digital property delivered or transferred electronically to a purchaser in this state, including retail sales facilitated by a marketplace provider on behalf of the remote retailer, if:
- a. The remote retailer sold tangible personal property or digital property that was delivered or transferred electronically to a purchaser in this state in two hundred (200) or more separate transactions in the previous calendar year or the current calendar year; or
 - b. The remote retailer's gross receipts derived from the sale of tangible personal property or digital property delivered or transferred electronically to a purchaser in this state in the previous calendar year or current calendar year exceeds one hundred thousand dollars (\$100,000).
2. Any remote retailer that meets either threshold provided in subparagraph 1. of this paragraph shall register for a sales and use tax permit and collect the tax imposed by KRS 139.310 from the purchaser no later than the first day of the calendar month that is at the most sixty (60) days after either threshold is reached.

➔Section 8. KRS 139.470 is amended to read as follows:

There are excluded from the computation of the amount of taxes imposed by this chapter:

- (1) Gross receipts from the sale of, and the storage, use, or other consumption in this state of, tangible personal property or digital property which this state is prohibited from taxing under the Constitution or laws of the United States, or under the Constitution of this state;
- (2) Gross receipts from sales of, and the storage, use, or other consumption in this state of:
 - (a) Nonreturnable and returnable containers when sold without the contents to persons who place the contents in the container and sell the contents together with the container; and
 - (b) Returnable containers when sold with the contents in connection with a retail sale of the contents or when resold for refilling;

As used in this section the term "returnable containers" means containers of a kind customarily returned by the buyer of the contents for reuse. All other containers are "nonreturnable containers";

- (3) Gross receipts from occasional sales of tangible personal property or digital property and the storage, use, or other consumption in this state of tangible personal property or digital property, the transfer of which to the purchaser is an occasional sale;
- (4) Gross receipts from sales of tangible personal property to a common carrier, shipped by the retailer via the purchasing carrier under a bill of lading, whether the freight is paid in advance or the shipment is made freight charges collect, to a point outside this state and the property is actually transported to the out-of-state destination for use by the carrier in the conduct of its business as a common carrier;
- (5) Gross receipts from sales of tangible personal property sold through coin-operated bulk vending machines, if the sale amounts to fifty cents (\$0.50) or less, if the retailer is primarily engaged in making the sales and maintains records satisfactory to the department. As used in this subsection, "bulk vending machine" means a vending machine containing unsorted merchandise which, upon insertion of a coin, dispenses the same in approximately equal portions, at random and without selection by the customer;
- (6) Gross receipts from sales to any cabinet, department, bureau, commission, board, or other statutory or constitutional agency of the state and gross receipts from sales to counties, cities, or special districts as defined in KRS 65.005. This exemption shall apply only to purchases of tangible personal property, digital property, or services for use solely in the government function. A purchaser not qualifying as a governmental agency or unit shall not be entitled to the exemption even though the purchaser may be the recipient of public funds or grants;
- (7) (a) Gross receipts from the sale of sewer services, water, and fuel to Kentucky residents for use in heating, water heating, cooking, lighting, and other residential uses ***if the sewer services, water, and fuel are purchased and declared by the resident as used in his or her place of domicile.***
 - (b) As used in this subsection: ~~{-}~~
 - I. "Fuel" shall include but not be limited to natural gas, electricity, fuel oil, bottled gas, coal, coke, and wood; ***and*** ~~{-}~~

2. ***"Place of domicile" means the place where an individual has his or her legal, true, fixed, and permanent home and principal establishment, and to which, whenever the individual is absent, the individual has the intention of returning.***

(c) Determinations of eligibility for the exemption shall be made by the department.~~;~~

~~(b) In making the determinations of eligibility, the department shall exempt from taxation all gross receipts derived from sales:~~

~~1. Classified as "residential" by a utility company as defined by applicable tariffs filed with and accepted by the Public Service Commission;~~

~~2. Classified as "residential" by a municipally owned electric distributor which purchases its power at wholesale from the Tennessee Valley Authority;~~

~~3. Classified as "residential" by the governing body of a municipally owned electric distributor which does not purchase its power from the Tennessee Valley Authority, if the "residential" classification is reasonably consistent with the definitions of "residential" contained in tariff filings accepted and approved by the Public Service Commission with respect to utilities which are subject to Public Service Commission regulation.~~

~~— If the service is classified as residential, use other than for "residential" purposes by the customer shall not negate the exemption.;~~

~~(d)(e) The exemption shall not apply if charges for sewer service, water, and fuel are billed to an owner or operator of a multi-unit residential rental facility or mobile home and recreational vehicle park if the sewer services, water, and fuel are purchased for and declared by the Kentucky resident as used in his or her place of domicile. other than residential classification; and;~~

~~(e)(d) The exemption shall apply also to residential property which may be held by legal or equitable title, by the entireties, jointly, in common, as a condominium, or indirectly by the stock ownership or membership representing the owner's or member's proprietary interest in a corporation owning a fee or a leasehold initially in excess of ninety-eight (98) years if the sewer services, water, and fuel are purchased for and declared by the Kentucky resident as used in his or her place of domicile;~~

(8) Gross receipts from sales to an out-of-state agency, organization, or institution exempt from sales and use tax in its state of residence when that agency, organization, or institution gives proof of its tax-exempt status to the retailer and the retailer maintains a file of the proof;

(9) (a) Gross receipts derived from the sale of tangible personal property, as provided in paragraph (b) of this subsection, to a manufacturer or industrial processor if the property is to be directly used in the manufacturing or industrial processing process of:

1. Tangible personal property at a plant facility;

2. Distilled spirits or wine at a plant facility or on the premises of a distiller, rectifier, winery, or small farm winery licensed under KRS 243.030 that includes a retail establishment on the premises; or

3. Malt beverages at a plant facility or on the premises of a brewer or microbrewery licensed under KRS 243.040 that includes a retail establishment;

and which will be for sale.

(b) The following tangible personal property shall qualify for exemption under this subsection:

1. Materials which enter into and become an ingredient or component part of the manufactured product;

2. Other tangible personal property which is directly used in the manufacturing or industrial processing process, if the property has a useful life of less than one (1) year. Specifically these items are categorized as follows:

a. Materials. This refers to the raw materials which become an ingredient or component part of supplies or industrial tools exempt under subdivisions b. and c. below;

b. Supplies. This category includes supplies such as lubricating and compounding oils, grease, machine waste, abrasives, chemicals, solvents, fluxes, anodes, filtering materials,

fire brick, catalysts, dyes, refrigerants, and explosives. The supplies indicated above need not come in direct contact with a manufactured product to be exempt. "Supplies" does not include repair, replacement, or spare parts of any kind; and

- c. Industrial tools. This group is limited to hand tools such as jigs, dies, drills, cutters, rolls, reamers, chucks, saws, and spray guns and to tools attached to a machine such as molds, grinding balls, grinding wheels, dies, bits, and cutting blades. Normally, for industrial tools to be considered directly used in the manufacturing or industrial processing process, they shall come into direct contact with the product being manufactured or processed; and
3. Materials and supplies that are not reusable in the same manufacturing or industrial processing process at the completion of a single manufacturing or processing cycle. A single manufacturing cycle shall be considered to be the period elapsing from the time the raw materials enter into the manufacturing process until the finished product emerges at the end of the manufacturing process.
 - (c) The property described in paragraph (b) of this subsection shall be regarded as having been purchased for resale.
 - (d) For purposes of this subsection, a manufacturer or industrial processor includes an individual or business entity that performs only part of the manufacturing or industrial processing activity, and the person or business entity need not take title to tangible personal property that is incorporated into, or becomes the product of, the activity.
 - (e) The exemption provided in this subsection does not include repair, replacement, or spare parts;
- (10) Any water use fee paid or passed through to the Kentucky River Authority by facilities using water from the Kentucky River basin to the Kentucky River Authority in accordance with KRS 151.700 to 151.730 and administrative regulations promulgated by the authority;
- (11) Gross receipts from the sale of newspaper inserts or catalogs purchased for storage, use, or other consumption outside this state and delivered by the retailer's own vehicle to a location outside this state, or delivered to the United States Postal Service, a common carrier, or a contract carrier for delivery outside this state, regardless of whether the carrier is selected by the purchaser or retailer or an agent or representative of the purchaser or retailer, or whether the F.O.B. is retailer's shipping point or purchaser's destination.
 - (a) As used in this subsection:
 1. "Catalogs" means tangible personal property that is printed to the special order of the purchaser and composed substantially of information regarding goods and services offered for sale; and
 2. "Newspaper inserts" means printed materials that are placed in or distributed with a newspaper of general circulation.
 - (b) The retailer shall be responsible for establishing that delivery was made to a non-Kentucky location through shipping documents or other credible evidence as determined by the department;
- (12) Gross receipts from the sale of water used in the raising of equine as a business;
- (13) Gross receipts from the sale of metal retail fixtures manufactured in this state and purchased for storage, use, or other consumption outside this state and delivered by the retailer's own vehicle to a location outside this state, or delivered to the United States Postal Service, a common carrier, or a contract carrier for delivery outside this state, regardless of whether the carrier is selected by the purchaser or retailer or an agent or representative of the purchaser or retailer, or whether the F.O.B. is the retailer's shipping point or the purchaser's destination.
 - (a) As used in this subsection, "metal retail fixtures" means check stands and belted and nonbelted checkout counters, whether made in bulk or pursuant to specific purchaser specifications, that are to be used directly by the purchaser or to be distributed by the purchaser.
 - (b) The retailer shall be responsible for establishing that delivery was made to a non-Kentucky location through shipping documents or other credible evidence as determined by the department;
- (14) Gross receipts from the sale of unenriched or enriched uranium purchased for ultimate storage, use, or other consumption outside this state and delivered to a common carrier in this state for delivery outside this state, regardless of whether the carrier is selected by the purchaser or retailer, or is an agent or representative of the purchaser or retailer, or whether the F.O.B. is the retailer's shipping point or purchaser's destination;

- (15) Amounts received from a tobacco buydown. As used in this subsection, "buydown" means an agreement whereby an amount, whether paid in money, credit, or otherwise, is received by a retailer from a manufacturer or wholesaler based upon the quantity and unit price of tobacco products sold at retail that requires the retailer to reduce the selling price of the product to the purchaser without the use of a manufacturer's or wholesaler's coupon or redemption certificate;
- (16) Gross receipts from the sale of tangible personal property or digital property returned by a purchaser when the full sales price is refunded either in cash or credit. This exclusion shall not apply if the purchaser, in order to obtain the refund, is required to purchase other tangible personal property or digital property at a price greater than the amount charged for the property that is returned;
- (17) Gross receipts from the sales of gasoline and special fuels subject to tax under KRS Chapter 138;
- (18) The amount of any tax imposed by the United States upon or with respect to retail sales, whether imposed on the retailer or the consumer, not including any manufacturer's excise or import duty;
- (19) Gross receipts from the sale of any motor vehicle as defined in KRS 138.450 which is:
- (a) Sold to a Kentucky resident, registered for use on the public highways, and upon which any applicable tax levied by KRS 138.460 has been paid; or
 - (b) Sold to a nonresident of Kentucky if the nonresident registers the motor vehicle in a state that:
 1. Allows residents of Kentucky to purchase motor vehicles without payment of that state's sales tax at the time of sale; or
 2. Allows residents of Kentucky to remove the vehicle from that state within a specific period for subsequent registration and use in Kentucky without payment of that state's sales tax;
- (20) Gross receipts from the sale of a semi-trailer as defined in KRS 189.010(12) and trailer as defined in KRS 189.010(17);
- (21) Gross receipts from the collection of:
- (a) Any fee or charge levied by a local government pursuant to KRS 65.760;
 - (b) The charge imposed by KRS 65.7629(3);
 - (c) The fee imposed by KRS 65.7634; and
 - (d) The service charge imposed by KRS 65.7636;
- (22) Gross receipts derived from charges for labor or services to apply, install, repair, or maintain tangible personal property directly used in manufacturing or industrial processing process of:
- (a) Tangible personal property at a plant facility;
 - (b) Distilled spirits or wine at a plant facility or on the premises of a distiller, rectifier, winery, or small farm winery licensed under KRS 243.030; or
 - (c) Malt beverages at a plant facility or on the premises of a brewer or microbrewery licensed under KRS 243.040;
- that is not otherwise exempt under subsection (9) of this section or KRS 139.480(10), if the charges for labor or services are separately stated on the invoice, bill of sale, or similar document given to purchaser;
- (23) (a) For persons selling services included in KRS 139.200(2)(g) to ~~(p)(q)~~ prior to January 1, 2019, gross receipts derived from the sale of those services if the gross receipts were less than six thousand dollars (\$6,000) during calendar year 2018. When gross receipts from these services exceed six thousand dollars (\$6,000) in a calendar year:
1. All gross receipts over six thousand dollars (\$6,000) are taxable in that calendar year; and
 2. All gross receipts are subject to tax in subsequent calendar years.
- (b) *For persons selling services included in subsection (2)(q) to (ay) of Section 3 of this Act prior to January 1, 2023, gross receipts derived from the sale of those services if the gross receipts were less than six thousand dollars (\$6,000) during calendar year 2021. When gross receipts from these services exceed six thousand dollars (\$6,000) in a calendar year:*
1. *All gross receipts over six thousand dollars (\$6,000) are taxable in that calendar year; and*

2. All gross receipts are subject to tax in subsequent calendar years.

- (c) The exemption provided in this subsection shall not apply to a person also engaged in the business of selling tangible personal property, digital property, or services included in KRS 139.200(2)(a) to (f); and
- (24) (a) For persons that first begin making sales of services included in KRS 139.200(2)(g) to ~~(p)~~~~(q)~~ on or after January 1, 2019, gross receipts derived from the sale of those services if the gross receipts are less than six thousand dollars (\$6,000) within the first calendar year of operation. When gross receipts from these services exceed six thousand dollars (\$6,000) in a calendar year:
1. All gross receipts over six thousand dollars (\$6,000) are taxable in that calendar year; and
 2. All gross receipts are subject to tax in subsequent calendar years.
- (b) ***For persons that first begin making sales of services included in subsection (2)(q) to (ay) of Section 3 of this Act on or after January 1, 2023, gross receipts derived from the sale of those services if the gross receipts are less than six thousand dollars (\$6,000) within the first calendar year of operation. When gross receipts from these services exceed six thousand dollars (\$6,000) in a calendar year:***
1. ***All gross receipts over six thousand dollars (\$6,000) are taxable in that calendar year; and***
 2. ***All gross receipts are subject to tax in subsequent calendar years.***
- (c) The exemption provided in this subsection shall not apply to a person that is also engaged in the business of selling tangible personal property, digital property, or services included in KRS 139.200(2)(a) to (f).

➔Section 9. KRS 281.010 is amended to read as follows:

As used in this chapter:

- (1) "Automobile club" means a person that, for consideration, promises to assist its members or subscribers in matters relating to the assumption of or reimbursement of the expense or a portion thereof for towing of a motor vehicle; emergency road service; matters relating to the operation, use, and maintenance of a motor vehicle; and the supplying of services which includes, augments, or is incidental to theft or reward services, discount services, arrest bond services, lock and key services, trip interruption services, and legal fee reimbursement services in defense of traffic-related offenses;
- (2) "Automobile utility trailer" means any trailer or semitrailer designed for use with and towed behind a passenger motor vehicle;
- (3) "Automobile utility trailer certificate" means a certificate authorizing a person to engage in the business of automobile utility trailer lessor;
- (4) "Automobile utility trailer lessor" means any person operating under an automobile utility trailer certificate who is engaged in the business of leasing or renting automobile utility trailers, but shall not include the agents of such persons;
- (5) "Broker" means a person selected by the cabinet through a request for proposal process to coordinate human service transportation delivery within a specific delivery area. A broker may also provide transportation services within the specific delivery area for which the broker is under contract with the cabinet;
- (6) "Bus" means a motor vehicle operating under a bus certificate transporting passengers for hire between points over regular routes;
- (7) "Bus certificate" means a certificate granting authority for the operation of one (1) or more buses;
- (8) "Cabinet" means the Kentucky Transportation Cabinet;
- (9) "Certificate" means a certificate of compliance issued under this chapter to motor carriers;
- (10) "Charter bus" means a motor vehicle operating under a charter bus certificate providing for-hire intrastate transportation of a group of persons who, pursuant to a common purpose under a single contract at a fixed charge for the motor vehicle, have acquired the exclusive use of the motor vehicle to travel together under an itinerary either specified in advance or modified after having left the place of origin;
- (11) "Charter bus certificate" means a certificate granting authority for the operation of one (1) or more charter buses;

- (12) "Commissioner" means the commissioner of the Department of Vehicle Regulation;
- (13) "CTAC" means the Coordinated Transportation Advisory Committee created in KRS 281.870;
- (14) "Department" means the Department of Vehicle Regulation;
- (15) "Delivery area" means one (1) or more regions established by the cabinet in administrative regulations promulgated under KRS Chapter 13A for the purpose of providing human service transportation delivery in that region;
- (16) "Disabled persons vehicle carrier" means a motor carrier for hire, transporting passengers including the general public who require transportation in disabled persons vehicles;
- (17) "Disabled persons vehicle" means a motor vehicle operating under a disabled persons vehicle certificate especially equipped for the transportation of passengers with disabilities in accordance with 49 C.F.R. pt. 38, and is designed or constructed with not more than fifteen (15) regular seats. It shall not mean an ambulance as defined in KRS 311A.010. It shall not mean a motor vehicle equipped with a stretcher;
- (18) "Disabled persons vehicle certificate" means a certificate granting authority for the operation of one (1) or more disabled persons vehicles transporting passengers for hire;
- (19) "Driveaway" means the transporting and delivering of motor vehicles, except semitrailers and trailers, whether destined to be used in either a private or for-hire capacity, under their own power or by means of a full mount method, saddle mount method, the tow bar method, or any combination of them over the highways of this state from any point of origin to any point of destination for hire. "Driveaway" does not include the transportation of such vehicles by the full mount method on trailers or semitrailers;
- (20) "Driveaway certificate" means a certificate granting authority for the operation of one (1) or more motor carrier vehicles operating as a driveaway;
- (21) "Driver" means the person physically operating the motor vehicle;
- (22) "Flatbed/rollback service" means a form of towing service which involves moving vehicles by loading them onto a flatbed platform;
- (23) "Highway" means all public roads, highways, streets, and ways in this state, whether within a municipality or outside of a municipality;
- (24) "Household goods" has the same meaning as in 49 C.F.R. sec. 375.103;
- (25) "Household goods carrier" has the same meaning as "household goods motor carrier" in 49 C.F.R. sec. 375.103;
- (26) "Household goods certificate" means a certificate granting authority for the operation of one (1) or more household goods vehicles;
- (27) "Human service transportation delivery" means the provision of transportation services to any person that is an eligible recipient in one (1) of the following state programs:
 - (a) Nonemergency medical transportation under KRS Chapter 205;
 - (b) Mental health, intellectual disabilities, or comprehensive care under KRS Chapter 202A, 202B, 210, or 645;
 - (c) Work programs for public assistance recipients under KRS Chapter 205;
 - (d) Adult services under KRS Chapter 205, 209, 216, or 273;
 - (e) Vocational rehabilitation under KRS Chapter 151B or 157; or
 - (f) Blind industries or rehabilitation under KRS Chapter 151B or 163;
- (28) "Interstate commerce" has the same meaning as in 49 C.F.R. sec. 390.5;
- (29) "Intrastate commerce" has the same meaning as in 49 C.F.R. sec. 390.5;
- (30) "Limousine" means a motor vehicle operating under a limousine certificate that is designed or constructed with not more than fifteen (15) regular seats;
- (31) "Limousine certificate" means a certificate granting authority for the operation of one (1) or more limousines transporting passengers for hire;

- (32) "Mobile application" means an application or a computer program designed to run on a smartphone, tablet computer, or other mobile device that is used by a TNC to connect drivers with potential passengers;
- (33) "Motor carrier" means any person in either a private or for-hire capacity who owns, controls, operates, manages, or leases, except persons leasing to authorized motor carriers, any motor vehicle for the transportation of passengers or property upon any highway, and any person who engages in the business of automobile utility trailer lessor, vehicle towing, driveaway, or U-Drive-It;
- (34) "Motor carrier vehicle" means a motor vehicle used by a motor carrier to transport passengers or property;
- (35) "Motor carrier vehicle license" means a license issued by the department for a motor carrier vehicle authorized to operate under a certificate;
- (36) "Motor carrier license plate" means a license plate issued by the department to a motor carrier authorized to operate under a certificate other than a household goods, property, TNC, *peer-to-peer car sharing*, or U-Drive-It certificate;
- (37) "Motor vehicle" means any motor-propelled vehicle used for the transportation of passengers or property on a public highway, including any such vehicle operated as a unit in combination with other vehicles;
- (38) "Passenger" means an individual or group of people;
- (39) "*Peer-to-peer car sharing*":
- (a) *Means the authorized use of a motor vehicle by an individual other than the vehicle's owner through a peer-to-peer car sharing program; and*
 - (b) *Does not:*
 1. *Include the operation of a U-Drive-It certificate as defined in this section; or*
 2. *Involve the sale or provision of rental vehicle insurance as defined in KRS 304.9-020;*
- (40) "*Peer-to-peer car sharing certificate*" means a certificate granting the authority for the operation of a peer-to-peer car sharing program;
- (41) "*Peer-to-peer car sharing company*" means a person that operates a peer-to-peer car sharing program;
- (42) "*Peer-to-peer car sharing program*":
- (a) *Means a business platform that connects shared vehicle owners with shared vehicle drivers to enable the sharing of motor vehicles for financial consideration; and*
 - (b) *Does not include a:*
 1. *U-Drive-It;*
 2. *Motor vehicle renting company as defined in KRS 281.687;*
 3. *Rental vehicle agent as defined in KRS 304.9-020; or*
 4. *Service provider that is solely providing hardware or software as a service to a person or entity that is not effectuating payment of financial consideration for use of a shared vehicle;*
- (43) "Permit" means a temporary permit of compliance issued under this chapter for a specified period not to exceed ten (10) days, and for a specific vehicle, to any motor carrier, including one who is a nonresident of the Commonwealth, who operates a motor vehicle and is not entitled to an exemption from the payment of fees imposed under KRS 186.050 because of the terms of a reciprocal agreement between the Commonwealth and the state in which the vehicle is licensed;
- ~~(44)~~~~(40)~~ "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and includes any trustee, assignee, or personal representative thereof;
- ~~(45)~~~~(41)~~ "Platoon" means a group of two (2) individual commercial motor vehicles traveling in a unified manner at electronically coordinated speeds at following distances that are closer than would ordinarily be allowed under KRS 189.340(8)(b);
- ~~(46)~~~~(42)~~ "Prearranged ride" means the period of time that begins when a transportation network company driver accepts a requested ride through a digital network or mobile application, continues while the driver transports the rider in a personal vehicle, and ends when the transportation network company services end;

- (47)~~(43)~~ "Pre-trip acceptance liability policy" means the transportation network company liability insurance coverage for incidents involving the driver for a period of time when a driver is logged into a transportation network company's digital network or mobile application but is not engaged in a prearranged ride;
- (48)~~(44)~~ "Property" means general or specific commodities, including hazardous and nonhazardous materials;
- (49)~~(45)~~ "Property certificate" means a certificate granting authority for the transportation of property, other than household goods, not exempt under KRS 281.605;
- (50)~~(46)~~ "Recovery":
- (a) Means a form of towing service which involves moving vehicles by the use of a wheel-lift device, such as a lift, crane, hoist, winch, cradle, jack, automobile ambulance, tow dolly, or any other similar device as requested by a state or local law enforcement agency; and
 - (b) Includes:
 1. Relocating a vehicle or cargo from a place where towing is not possible to a place where towing is possible; and
 2. The cleanup of debris or cargo, and returning an area to pre-event condition;
- (51)~~(47)~~ "Regular route" means the scheduled transportation of passengers between designated points over designated routes under time schedules that provide a regularity of services;
- (52)~~(48)~~ "Regular seat" means a seat ordinarily and customarily used by one (1) passenger and, in determining such seating capacity, the manufacturer's rating may be considered;
- (53) "***Shared vehicle***":
- (a) ***Means a motor vehicle that is available for car sharing through a peer-to-peer car sharing program; and***
 - (b) ***Does not include a motor vehicle leased or rented by a person operating under a U-Drive-It certificate;***
- (54) "***Shared vehicle driver***" means an individual who has been authorized to drive the shared vehicle by the shared vehicle owner under a car sharing program agreement;
- (55) "***Shared vehicle owner***":
- (a) ***Means the registered owner, or a person designated by the registered owner, of a motor vehicle made available for sharing to shared vehicle drivers, through a peer-to-peer car sharing program; and***
 - (b) ***Does not include a:***
 1. ***Person operating a U-Drive-It certificate;***
 2. ***Motor vehicle renting company as defined in KRS 281.687; or***
 3. ***Rental vehicle agent as defined in KRS 304.9-020;***
- (56)~~(49)~~ "Storage facility" means any lot, facility, or other property used to store motor vehicles that have been removed from another location by a tow truck;
- (57)~~(50)~~ "Street hail" means a request for service made by a potential passenger using hand gestures or verbal statement;
- (58)~~(51)~~ "Subcontractor" means a person who has signed a contract with a broker to provide human service transportation delivery within a specific delivery area and who meets human service transportation delivery requirements, including proper operating authority;
- (59)~~(52)~~ "Tariff" means the listing of compensation received by a motor carrier for household goods that includes the manner in which and the amount of fares an authorized motor carrier may charge;
- (60)~~(53)~~ "Taxicab" means a motor vehicle operating under a taxicab certificate that is designed or constructed with not more than eight (8) regular seats and may be equipped with a taximeter;
- (61)~~(54)~~ "Taxicab certificate" means a certificate granting authority for the operation of one (1) or more taxicabs transporting passengers for hire;

- (62)~~(55)~~ "Taximeter" means an instrument or device approved by the department that automatically calculates and plainly indicates the charge to a passenger for hire who is being charged on the basis of mileage;
- (63)~~(56)~~ "Tow truck" means a motor vehicle equipped to provide any form of towing service, including recovery service or flatbed/rollback service;
- (64)~~(57)~~ "Tow truck operator" means an individual who operates a tow truck as an employee or agent of a towing company;
- (65)~~(58)~~ "Towing" means:
- (a) Emergency towing, which is the towing of a motor vehicle, with or without the owner's consent, because of:
 1. A motor vehicle accident on a public highway;
 2. An incident related to an emergency; or
 3. An incident that necessitates the removal of the motor vehicle from a location for public safety reasons;
 - (b) Private property towing, which is the towing of a motor vehicle, without the owner's consent, from private property:
 1. On which the motor vehicle was illegally parked; or
 2. Because of an exigent circumstance necessitating its removal to another location; and
 - (c) Seizure towing, which is the towing of a motor vehicle for law enforcement purposes involving the:
 1. Maintenance of the chain of custody of evidence;
 2. Forfeiture of assets; or
 3. Delinquency of highway fuel tax, weight distance tax, or any other taxes and fees administered by the Transportation Cabinet;
- (66)~~(59)~~ "Towing company":
- (a) Means a service or business operating as a motor carrier that:
 1. Tows or otherwise moves motor vehicles by means of a tow truck; or
 2. Owns or operates a storage lot;
 - (b) Includes a tow truck operator acting on behalf of a towing company when appropriate in the context; and
 - (c) Does not include an automobile club, car dealership, insurance company, repossession company, lienholders and entities hired by lienholders for the purpose of repossession, local government, or any other entity that contracts with a towing company;
- (67)~~(60)~~ "Transportation network company" or "TNC" means a person or entity that connects passengers through its digital network or mobile application to its drivers for the provision of transportation network company services;
- (68)~~(61)~~ "Transportation network company certificate" or "TNC certificate" means a certificate granting the authority for the operation of one (1) or more transportation network company vehicles transporting passengers for hire;
- (69)~~(62)~~ "Transportation network company driver" or "TNC driver" means an individual who operates a motor vehicle that is owned or leased by the individual, or a motor vehicle for which the driver is an insured driver and has the permission of the owner or lessee of the motor vehicle, and used to provide transportation network company services;
- (70)~~(63)~~ "Transportation network company service" or "TNC service" means a prearranged passenger transportation service offered or provided through the use of a transportation network company mobile application or digital network to connect potential passengers with transportation network company drivers;

- (71)~~(64)~~ "Transportation network company vehicle" or "TNC vehicle" means a privately owned or leased motor vehicle, designed or constructed with not more than eight (8) regular seats, operating under a transportation network company certificate;
- (72)~~(65)~~ "U-Drive-It" means any person operating under a U-Drive-It certificate who leases or rents a motor vehicle for consideration to be used for the transportation of persons or property, but for which no driver is furnished, and the use of which motor vehicle is not for the transportation of persons or property for hire by the lessee or rentee; and
- (73)~~(66)~~ "U-Drive-It certificate" means a certificate granting authority for the operation of one (1) or more U-Drive-Its.

➔Section 10. KRS 281.630 is amended to read as follows:

- (1) A person shall not act as a motor carrier without first obtaining a certificate from the department.
- (2) A certificate for the intrastate transportation of passengers or property, including household goods, shall be issued to any qualified applicant authorizing operation covered by the application, if it is found that the applicant conforms to the provisions of this chapter and the requirements of the administrative regulations promulgated in accordance with this section.
- (3) (a) The department shall issue the following certificates:
 1. Taxicab certificate;
 2. Limousine certificate;
 3. Disabled persons vehicle certificate;
 4. Transportation network company certificate;
 5. Household goods certificate;
 6. Charter bus certificate;
 7. Bus certificate;
 8. U-Drive-It certificate;
 9. Property certificate;
 10. Driveaway certificate; ~~and~~
 11. ***Peer-to-peer car sharing certificate; and***
 12. ~~11.~~ Automobile utility trailer certificate.
- (b) Application for a certificate shall be made in such form as the department may require. The department shall receive an application fee of two hundred fifty dollars (\$250) for all applications, except that the department shall receive an application fee of twenty-five dollars (\$25) for a property certificate.
- (c) Before the department may issue a certificate, an applicant shall:
 1. Pay the application fee established under paragraph (b) of this subsection;
 2. For entities other than TNCs ***and peer-to-peer car sharing companies***, file a motor carrier vehicle license application for each motor carrier vehicle as required by KRS 281.631. The applicant shall file at least one (1) motor carrier vehicle license application before being eligible for a certificate;
 3. For TNCs, file a TNC authority application with the department pursuant to administrative regulations promulgated by the department;
 4. ***For peer-to-peer car sharing companies, file a peer-to-peer car sharing certificate application with the department pursuant to administrative regulations promulgated by the department;***
 5. File with the department one (1) or more approved indemnifying bonds or insurance policies as required by KRS 281.655;
 - 6.~~5.~~ For taxicab, limousine, disabled persons vehicle, TNC, household goods, charter bus, and bus certificates, obtain and retain for a period of at least three (3) years, a nationwide criminal background check, in compliance with KRS 281.6301, of each owner, official, employee,

independent contractor, or agent operating a passenger vehicle or household goods vehicle or entering a private residence or storage facility for the purpose of providing or facilitating the transportation of household goods;

~~7.6-~~ For household goods certificates, file with the department a current tariff; and

~~8.7-~~ For a bus certificate, file with the department authorization from a city as required by KRS 281.635.

- (4) (a) Every certificate shall be renewed annually. Application for renewal shall be in such form as the department may require.
- (b) A certificate not renewed within one (1) calendar year after the date for its renewal shall become null and void.
- (c) The department shall not renew any certificate if it has been revoked or, if suspended, during the period of any suspension. A certificate shall not be considered revoked or suspended when an appeal of the revocation or suspension is pending in a court of competent jurisdiction.
- (d) For the renewal of an intrastate certificate, the department shall receive a fee of two hundred fifty dollars (\$250), except for an application for renewal of a property certificate, for which the department shall receive a fee of twenty-five dollars (\$25).
- (e) Before the department may renew a certificate, the certificate holder shall:
1. Pay the renewal fee established under paragraph (d) of this subsection;
 2. For the entities other than TNCs *and peer-to-peer car sharing companies*, file a motor carrier vehicle license application or renewal for each motor carrier vehicle as required by KRS 281.631. The certificate holder shall file at least one (1) motor carrier vehicle license application or renewal before being eligible for renewal;
 3. For TNCs, file a TNC authority application with the department pursuant to administrative regulations promulgated by the department;
 4. ***For peer-to-peer car sharing companies, file a peer-to-peer car sharing certificate application with the department pursuant to administrative regulations promulgated by the department;***
 5. File with the department one (1) or more approved indemnifying bonds or insurance policies as required by KRS 281.655;
- ~~6.5-~~ Every three (3) years, for taxicab, limousine, disabled persons vehicle, TNC, household goods, charter bus, and bus certificates, obtain and retain for a period of at least three (3) years, a nationwide criminal background check in compliance with KRS 281.6301, of each owner, official, employee, independent contractor, or agent operating a passenger vehicle or entering a private residence or storage facility for the purpose of providing or facilitating the transportation of household goods. However, within the three (3) year period:
- a. If a new owner, official, employee, independent contractor, or agent joins the certificate holder and performs the aforementioned duties; or
 - b. If the certificate holder has knowledge that a current owner, official, employee, independent contractor, or agent who performs the aforementioned duties has been convicted of or pled guilty to any of the offenses listed in KRS 281.6301(2);
- then the certificate holder shall obtain and retain for a period of at least three (3) years, a nationwide criminal background check for that owner, official, employee, independent contractor, or agent; and
- ~~7.6-~~ For household goods certificates, have on file with the department a current tariff.
- (5) (a) A motor carrier operating under a household goods certificate shall, at all times the certificate is in effect, maintain on file with the department a current tariff.
- (b) Except for a household goods certificate holder that has had only an out-of-state address on file with the department prior to January 1, 2015, all certificate holders shall maintain on file with the department an address within the Commonwealth. The certificate holder shall keep open for public inspection at that address such information as the department may require.

- (c) The certificate holder shall not charge, demand, collect, or receive a greater, less, or different compensation for the transportation of household goods or for any service in connection therewith, than the tariff filed with the department and in effect at the time would require. A certificate holder shall not make or give any unreasonable preference or advantage to any person, or subject any person to any unreasonable discrimination.
- (6) A certificate shall not be transferred unless the transfer involves either the change of the legal name of the existing certificate holder or the incorporation of a sole proprietor certificate holder.
- (7) A certificate authorizing a person to act as an automobile utility trailer lessor shall also authorize the agents of the person to act on his or her behalf during the period of their agency.
- (8) A motor carrier vehicle shall not be operated after the expiration of the certificate under which it is operated.
- (9) A person shall not knowingly employ the services of a motor carrier not authorized to perform such services.
- (10) If the department, after a hearing held upon its own motion or upon complaint, finds any existing rate unjustly discriminatory, or finds the services rendered or facilities employed by any motor carrier to be unsafe, inadequate, inconvenient, or in violation of law or of the administrative regulations of the department, it may by final order do any or all of the following:
 - (a) Require the certificate holder to follow any rate or time schedule in effect at the time of service;
 - (b) Require the certificate holder to issue a refund to the complainant;
 - (c) Require the certificate holder to pay the fine set out in KRS 281.990 to the department; and
 - (d) Determine the reasonable, safe, adequate, and convenient service to be thereafter furnished.
- (11) Hearings conducted under authority of this section shall be conducted in the same manner as provided in KRS 281.640.
- (12) The department shall have the power to promulgate administrative regulations as it may deem necessary to carry out the provisions of this section.

➔SECTION 11. A NEW SECTION OF KRS CHAPTER 138 IS CREATED TO READ AS FOLLOWS:

(I) *As used in this section:*

- (a) *"Department" means the Kentucky Department of Revenue;*
- (b) *"Gross receipts" means the total consideration received for the:*
 - 1. *Rental of a vehicle, including the daily or hourly rental fee, fees charged for using the services, charges for insurance protection plans, fuel charges, pickup and delivery fees, late fees, and any charges for any services necessary to complete the rental transaction made by a:*
 - a. *Peer-to-peer car sharing company; or*
 - b. *Motor vehicle rental company; and*
 - 2. *Charges made to provide the service to a user, including any charges for time or mileage, fees for using the services, and any charges for any services necessary to complete the transaction made by a:*
 - a. *TNC;*
 - b. *Taxicab; or*
 - c. *Limousine service provider;*
- (c) *The following terms have the same meaning as in Section 9 of this Act:*
 - 1. *"Limousine";*
 - 2. *"Peer-to-peer car sharing certificate";*
 - 3. *"Peer-to-peer car sharing company";*
 - 4. *"Peer-to-peer car sharing driver";*
 - 5. *"Peer-to-peer car sharing program";*

6. *"Shared vehicle";*
 7. *"Shared vehicle driver";*
 8. *"Taxicab";*
 9. *"Transportation network company" or "TNC";*
 10. *"Transportation network company service" or "TNC service"; and*
 11. *"U-Drive-It";*
- (d) *"Motor vehicle rental company" has the same meaning as in KRS 281.687; and*
- (e) *"Person" means the holder of any of the following certificates in Section 10 of this Act:*
1. *Limousine;*
 2. *Peer-to-peer car sharing;*
 3. *Taxicab;*
 4. *Transportation network; and*
 5. *U-Drive-It.*
- (2) *An excise tax is imposed upon every person for the privilege of providing a motor vehicle for sharing or for rent, with or without a driver, within the Commonwealth. The tax is imposed at the rate of six percent (6%) of the gross receipts derived from the:*
- (a) *Rental of a shared vehicle by a peer-to-peer car sharing company;*
 - (b) *Rental of a vehicle by a motor vehicle renting company;*
 - (c) *Sales of TNC services;*
 - (d) *Sales of taxicab services; and*
 - (e) *Sales of limousine services.*
- (3) *The tax imposed under subsection (2) of this section shall be administered and collected by the department. Revenues generated from the tax shall be deposited into the general fund.*
- (4) *The tax imposed by subsection (2) of this section shall be the direct obligation of the peer-to-peer car sharing company, the motor vehicle renting company, the TNC, the taxicab service provider, and the limousine service provider, but it may be charged to and collected from the user of the service. The tax shall be remitted to the department each month on forms and pursuant to administrative regulations promulgated by the department.*
- (5) (a) *As soon as practicable after each return is received, the department shall examine and audit the return. If the amount of taxes computed by the department is greater than the amount returned by the person, the excess shall be assessed by the department within four (4) years from the date the return was filed, except as provided in paragraph (c) of this subsection, and except that in the case of a failure to file a return or of a fraudulent return the excess may be assessed at any time. A notice of such assessment shall be mailed to the person.*
- (b) *For the purpose of paragraphs (a) and (c) of this subsection, a return filed before the last day prescribed by law for the filing thereof shall be considered as filed on such last day.*
- (c) *Notwithstanding the four (4) year time limitation of paragraph (a) of this subsection, in the case of a return where the amount of taxes computed by the department is greater by twenty-five percent (25%) or more than the amount returned by the person, the excess shall be assessed by the department within six (6) years from the date the return was filed.*
- (6) *Failure to remit the taxes shall be sufficient cause for the Department of Vehicle Regulation to void the certificate issued to a:*
- (a) *Limousine certificate holder;*
 - (b) *Peer-to-peer car sharing certificate holder;*
 - (c) *Taxicab certificate holder;*

- (d) *TNC certificate holder; or*
 - (e) *U-Drive-It certificate holder.*
- (7) *If a person fails or refuses to file a return or furnish any information requested in writing, the department may, from any information in its possession, make an estimate of the certificate holder's total trip costs and issue an assessment against the certificate holder based on the estimated trip cost charges and add a penalty of ten percent (10%) of the amount of the assessment so determined. This penalty shall be in addition to all other applicable penalties provided by law.*
 - (8) *If any person fails to make and file a return required by subsection (4) of this section on or before the due date of the return, or if the taxes, or portion thereof, is not paid on or before the date prescribed for its payment, then, unless it is shown to the satisfaction of the department that the failure is due to a reasonable cause, five percent (5%) of the taxes found to be due shall be added to the tax for each thirty (30) days or fraction thereof elapsing between the due date of the return and the date on which filed, but the total penalty shall not exceed twenty-five percent (25%) of the tax; provided, however, that in no case shall the penalty be less than ten dollars (\$10).*
 - (9) *If the tax imposed by subsection (2) of this section is not paid on or before the date prescribed for its payment, there shall be collected, as a part of the tax, interest upon the unpaid amount at the tax interest rate as defined in KRS 131.010(6) from the date prescribed for its payment until payment is actually made.*
 - (10) *Notwithstanding any other provisions of this chapter to the contrary, the president, vice president, secretary, treasurer, or any other person holding any equivalent corporate office of any corporation subject to the provisions of this chapter shall be personally and individually liable, both jointly and severally, for the taxes imposed under this chapter, and neither the corporate dissolution nor withdrawal of the corporation from the state nor the cessation of holding any corporate office shall discharge the foregoing liability of any person. The personal and individual liability shall apply to each and every person holding the corporate office at the time the taxes become or became due. No person will be personally and individually liable pursuant to this section who had no authority in the management of the business or financial affairs of the corporation at the time that the taxes imposed by this chapter become or became due. Taxes as used in this section shall include interest accrued at the rate provided by KRS 139.650 and all applicable penalties imposed under this chapter and all applicable penalties and fees imposed under KRS 131.180, 131.410 to 131.445, and 131.990.*
 - (11) *Notwithstanding any other provisions of this chapter, KRS 275.150, 362.1-306(3) or predecessor law, or 362.2-404(3) to the contrary, the managers of a limited liability company, the partners of a limited liability partnership, and the general partners of a limited liability limited partnership, or any other person holding any equivalent office of a limited liability company, limited liability partnership, or limited liability limited partnership subject to the provisions of this chapter, shall be personally and individually liable, both jointly and severally, for the taxes imposed under this chapter. Dissolution, withdrawal of the limited liability company, limited liability partnership, or limited liability limited partnership from the state, or the cessation of holding any office shall not discharge the liability of any person. The personal and individual liability shall apply to each and every manager of a limited liability company, partner of a limited liability partnership, and general partner of a limited liability limited partnership at the time the taxes become or became due. No person shall be personally and individually liable under this subsection who had no authority to collect, truthfully account for, or pay over any tax imposed by this chapter at the time that the taxes imposed by this chapter become or became due. "Taxes" as used in this section shall include interest accrued at the rate provided by KRS 131.183, all applicable penalties imposed under this chapter, and all applicable penalties and fees imposed under KRS 131.180, 131.410 to 131.445, and 131.990.*
 - (12) *Any person who violates any of the provisions of this section shall be subject to the uniform civil penalties imposed pursuant to KRS 131.180.*

➔Section 12. KRS 138.462 is amended to read as follows:

As used in KRS 138.463 and 138.4631, unless the context requires otherwise:

- (1) "Cabinet" means the Transportation Cabinet;
- (2) "Rent" and "rental" means a contract, *other than a peer-to-peer car sharing program agreement as defined in Section 9 of this Act*, supported by a consideration, for the use of a motor vehicle for a period of less than three hundred sixty-five (365) days;

- (3) "Lease" and "leasing" means a contract, *other than a peer-to-peer car sharing program agreement as defined in Section 9 of this Act*, supported by a consideration, for the use of a motor vehicle for a period of three hundred sixty-five (365) days or more; and
- (4) "Gross rental charge" means the amount paid by a customer for time and mileage only.

➔SECTION 13. A NEW SECTION OF KRS CHAPTER 139 IS CREATED TO READ AS FOLLOWS:

Excluded from the additional taxable services imposed by subsection (2)(q) to (ay) of Section 3 of this Act are gross receipts derived from:

- (1) *Sales of the services in fulfillment of a lump-sum, fixed-fee contract or a fixed price sales contract executed on or before February 25, 2022; and*
- (2) *A lease or rental agreement entered into on or before February 25, 2022.*

➔SECTION 14. A NEW SECTION OF KRS CHAPTER 91A IS CREATED TO BE NUMBERED AS KRS 91A.345 AND TO READ AS FOLLOWS:

As used in KRS 91A.345 to 91A.394:

- (1) *"Person" has the same meaning as in KRS 139.010; and*
- (2) *"Rent " means the total amount charged for the rental of an accommodation and any charges for any services necessary to facilitate the rental of accommodations whether the amount is charged by the provider of the accommodations or by a person facilitating the rental of the accommodations by brokering, coordinating, or in any way arranging for the rental of the accommodations.*

➔Section 15. KRS 91A.360 is amended to read as follows:

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

executive officers of the participating governmental units shall jointly appoint one (1) commission member from the aggregate list. If no local chamber of commerce is in existence upon the establishment of a commission or upon the expiration of the term of a commissioner appointed pursuant to this subsection, then one (1) commissioner shall be appointed by the appropriate chief executive officer or officers from persons residing within the jurisdiction of the commission and representing local businesses.

(d) Two (2) commissioners shall be appointed in the following manner:

1. By the chief executive officer of the county or city, if the commission has been established by separate action of a county or city; or
 2. One (1) each by the chief executive officer of the county and by the chief executive officer of the most populous city participating in the establishment of the commission, if the commission has been established by joint action of a county and a city or cities.
- (2) A candidate submitted for appointment to the commission, pursuant to subsection (1)(a) to (1)(c), shall be appointed by the appropriate chief executive officer or officers within thirty (30) days of the receipt of the required list or lists. Vacancies shall be filled in the same manner that original appointments are made.
 - (3) The commissioners shall be appointed for terms of three (3) years, provided, that in making the initial appointments, the appropriate chief executive officer or officers shall appoint two (2) commissioners for a term of three (3) years, two (2) commissioners for a term of two (2) years and three (3) commissioners for a term of one (1) year. There shall be no limitation on the number of terms to which a commissioner is reappointed. Subsequent appointments shall be for three (3) year terms.
 - (4) The commission shall elect from its membership a chairman and a treasurer, and may employ personnel and make contracts necessary to carry out the purpose of ~~KRS 91A.345 to 91A.394~~~~[91A.350 to 91A.390]~~. The contracts may include, but shall not be limited to, the procurement of promotional services, advertising services, and other services and materials relating to the promotion of tourist and convention business. Contracts of the type enumerated shall be made only with persons, organizations, and firms with experience and qualifications for providing promotional services and materials, such as advertising firms, chambers of commerce, publishers, and printers.
 - (5) The books of the commission and its account as established in KRS 91A.390(2) shall be audited as provided in KRS 65A.030. The independent certified public accountant or Auditor of Public Accounts shall make a report to the commission, to the associations submitting lists of names from which commission members are selected, to the appropriate chief executive officer or officers, to the State Auditor of Public Accounts, and to the local governing body or bodies that established the commission that was audited. A copy of the audit report shall be made available by the commission to members of the public upon request and at no charge.
 - (6) A commissioner may be removed from office, by joint or separate action, of the appropriate chief executive officer or officers of the local governing body or bodies that established the commission, as provided by KRS 65.007.
 - (7) The commission shall comply with the provisions of KRS 65A.010 to 65A.090.

➔Section 16. KRS 91A.370 is amended to read as follows:

- (1) Except in a county containing a consolidated local government, the commission established pursuant to KRS 91A.350(1) shall be composed of nine (9) members to be appointed by the mayor of the largest city in the county, the county judge/executive and the Governor of the Commonwealth.
- (2) Except in a county containing a consolidated local government, the mayor of the largest city in the county shall appoint three (3) commissioners in the following manner:
 - (a) One (1) commissioner from a list submitted by the local city hotel and motel association;
 - (b) One (1) commissioner from a list submitted by the chamber of commerce of the largest city in the county; and
 - (c) One (1) commissioner from a list submitted by the local restaurant association or associations.
- (3) Except in a county containing a consolidated local government, the county judge/executive shall, with the approval of the fiscal court, appoint three (3) commissioners in the following manner:

- (a) One (1) commissioner from a list submitted by the local county hotel and motel association, provided that if only one (1) local hotel and motel association exists which covers both the city and county, then the local hotel and motel association shall submit a list to the county judge/executive;
 - (b) One (1) commissioner from a list submitted by the board of directors of the largest incorporated Thoroughbred horse racing concern in the county, which list shall contain only directors, officers, or employees of that corporation; and
 - (c) One (1) commissioner who is a resident of the county and who has an active interest in the convention and tourist industry.
- (4) Except in a county containing a consolidated local government, the Governor shall appoint three (3) commissioners in the following manner:
- (a) One (1) commissioner from a list submitted by the State Fair Board;
 - (b) One (1) commissioner from a list submitted by the local countywide air board; and
 - (c) One (1) commissioner shall be appointed, in those counties not containing a consolidated local government, who is a resident of the county. In those counties containing a consolidated local government, one (1) commissioner shall be appointed who is a resident of the area comprising the consolidated local government.
- (5) Vacancies shall be filled in the manner that original appointments are made.
- (6) When a list as provided in subsections (2) and (3) of this section contains less than three (3) names or when a selection from such list is not made, the appointing authority shall request in writing the submission of a new list of names.
- (7) Except in a county containing a consolidated local government, the commissioners shall be appointed for a term of three (3) years, provided that in making the initial appointments, the mayor, county judge/executive, and Governor of the Commonwealth shall each appoint one (1) commissioner for a term of one (1) year, one (1) commissioner for a term of two (2) years, and one (1) commissioner for a term of three (3) years.
- (8) Upon the establishment of a consolidated local government in a county where a city of the first class and a county containing such city have had in effect a cooperative compact pursuant to KRS 79.310 to 79.330, the commission shall have nine (9) members. Six (6) members of the commission shall be appointed by the mayor of the consolidated local government pursuant to the provisions of KRS 67C.139 for a term of three (3) years. The Governor of the Commonwealth shall appoint three (3) members of the commission for a term of three (3) years. Incumbent members upon the establishment of the consolidated local government shall continue to serve as members of the board for the time remaining of their current term of appointment.
- (9) The commission shall elect from its membership a chairman and a treasurer, and may employ such personnel and make such contracts as are necessary to effectively carry out the purposes of KRS ~~91A.345 to 91A.394~~~~[91A.350 to 91A.390]~~. Such contracts may include but shall not be limited to the procurement of promotional services, advertising services, and other services and materials relating to the promotion of tourist and convention business; provided, contracts of the type enumerated shall be made only with persons, organizations, and firms with experience and qualifications for providing promotional services and materials such as advertising firms, chambers of commerce, publishers, and printers.
- (10) The books of the commission shall be audited by an independent auditor who shall make a report to the commission, to the organizations submitting names from which commission members are selected, and to the mayor of a city or a consolidated local government, the county judge/executive in counties not containing a consolidated local government, and the Governor of the Commonwealth.
- (11) Commission members appointed by the Governor shall serve at the pleasure of the Governor. Commission members appointed by the mayor of a city or a consolidated local government or the county judge/executive may be removed as provided by KRS 65.007.
- (12) The commission shall comply with the provisions of KRS 65A.010 to 65A.090.
- ➔Section 17. KRS 91A.372 is amended to read as follows:
- (1) The commission established pursuant to KRS 91A.350(2) by an urban-county government shall be composed of nine (9) members appointed by the mayor of the urban-county government in the following manner:
- (a) Three (3) commissioners from a list submitted by the local hotel and motel association.

- (b) One (1) commissioner from a list submitted by the local restaurant association or associations.
 - (c) One (1) commissioner from a list submitted by the local chamber of commerce.
 - (d) Four (4) commissioners who shall be residents of the urban-county.
- (2) Vacancies shall be filled in the same manner that original appointments are made.
 - (3) The commissioners shall be appointed for terms of three (3) years, provided, that in making the initial appointments, the chief elective official of the urban-county shall appoint three (3) commissioners for a term of three (3) years, three (3) commissioners for a term of two (2) years and three (3) commissioners for a term of one (1) year.
 - (4) The commission shall elect from its membership a chairman and a treasurer, and may employ such personnel and make such contracts as are necessary to effectively carry out the purpose of **KRS 91A.345 to 91A.394**~~[91A.350 to 91A.390]~~. Such contracts may include but shall not be limited to the procurement of promotional services, advertising services and other services and materials relating to the promotion of tourist and convention business; provided, contracts of the type enumerated shall be made only with persons, organizations, and firms with experience and qualifications for providing promotional services and materials, such as event coordinators, advertising firms, chambers of commerce, publishers and printers.
 - (5) The books of the commission shall be audited as provided in KRS 65A.030. The independent certified public accountant or Auditor of Public Accounts shall make a report to the commission, to the organizations submitting names from which commission members are selected, and to the mayor of the urban-county government.
 - (6) The commission shall comply with the provisions of KRS 65A.010 to 65A.090.

➔Section 18. KRS 91A.380 is amended to read as follows:

- (1) The commission established pursuant to KRS 91A.350(3) shall be composed of six (6) members from each county to be appointed by the county judge/executive, with the approval of the fiscal court in the following manner:
 - (a) Two (2) commissioners with an accounting, finance, or business background, one (1) of whom is a member of the local chamber of commerce;
 - (b) One (1) commissioner selected from the public at large;
 - (c) One (1) commissioner from the General Assembly;
 - (d) One (1) commissioner representing local restaurants; and
 - (e) One (1) commissioner representing local hotels and motels.
- (2) Vacancies shall be filled in the same manner that original appointments are made.
- (3) The commissioners shall be appointed for terms of three (3) years, provided that in making the initial appointments, the county judge/executive shall appoint two (2) commissioners for a term of three (3) years, two (2) commissioners for a term of two (2) years, and two (2) commissioners for a term of one (1) year.
- (4) The commission shall elect from its membership a chairman and a treasurer, and may employ such personnel and make such contracts as are necessary to effectively carry out the purpose of **KRS 91A.345 to 91A.394**~~[91A.350 to 91A.390]~~. Such contracts may include but shall not be limited to the procurement of promotional services, advertising services and other services and materials relating to the promotion of tourist and convention business.
- (5) The books of the commission and its account as established in KRS 91A.390(2) shall be audited as provided in KRS 65A.030. The independent certified public accountant or Auditor of Public Accounts shall make a report to the commission, to the organizations submitting names from which commission members are selected, and to the county judge/executive of each county. A copy of the audit report shall be made available by the commission to members of the public upon request and at no charge.
- (6) A commissioner may be removed from office as provided by KRS 65.007.
- (7) The commission shall comply with the provisions of KRS 65A.010 to 65A.090.

➔Section 19. KRS 91A.390 is amended to read as follows:

- (1) (a) The commission shall annually submit to the local governing body or bodies which established it a request for funds for the operation of the commission.
- (b) The local governing body or bodies shall include the commission in the annual budget and shall provide funds for the operation of the commission by imposing a transient room tax on the rent for every occupancy of a suite, room,~~or~~ rooms, ***cabins, lodgings, campsites, or other accommodations*** charged by ***any hotel, motel, inn, tourist camp, tourist cabin, campgrounds, recreational vehicle parks, or any other place in which accommodations are regularly furnished to transients for consideration or by any person that facilitates the rental of the accommodations by brokering, coordinating, or in any other way arranging for the rental of the accommodations***~~{all persons, companies, corporations, or other like or similar persons, groups, or organizations doing business as motor courts, motels, hotels, inns, or like or similar accommodations businesses}~~ as follows:
1. For a local governing body or bodies, other than an urban-county government, the tax rate shall not exceed three percent (3%); and
 2. For an urban-county government, the tax rate shall not exceed four percent (4%).
- (c) In addition to the three percent (3%) levy authorized by paragraph (b)1. of this subsection, the local governing body other than an urban-county government may impose a special transient room tax not to exceed one percent (1%) for the purposes of:
1. Meeting the operating expenses of a convention center; and
 2. In the case of a consolidated local government, financing the renovation or expansion of a convention center that is government-owned and located in the central business district of the consolidated local government, except that if a consolidated local government imposes the special transient room tax authorized under this paragraph on or after August 1, 2014, revenue derived from the levy shall not be used to meet the operating expenses of a convention center until any debt issued for financing the renovation or expansion of a government-owned convention center located in the central business district of the consolidated local government is retired.
- (d) Transient room taxes shall not apply to ***rooms, lodgings, campsites, or accommodations supplied for a continuous period***~~{the rental or leasing of an apartment supplied by an individual or business that regularly holds itself out as exclusively providing apartments. Apartment means a room or set of rooms, in an apartment building, fitted especially with a kitchen and usually leased as a dwelling for a minimum period}~~ of thirty (30) days or more ***to a person***.
- (e) The local governing body or bodies that have established a commission by joint or separate action shall enact an ordinance for the enforcement of the tax measure enacted pursuant to this section and the collection of the proceeds of this tax measure on a monthly basis.
- (2) All moneys collected pursuant to this section and KRS 91A.400 shall be maintained in an account separate and unique from all other funds and revenues collected, and shall be considered tax revenue for the purposes of KRS 68.100 and KRS 92.330.
- (3) A portion of the money collected from the imposition of this tax, as determined by the tax levying body, upon the advice and consent of the tourist and convention commission, may be used to finance the cost of acquisition, construction, operation, and maintenance of facilities useful in the attraction and promotion of tourist and convention business, including projects described in KRS 154.30-050(2)(a). The balance of the money collected from the imposition of this tax shall be used for the purposes set forth in KRS 91A.350. Proceeds of the tax shall not be used as a subsidy in any form to any hotel, motel, ***inn, motor court, tourist camp, tourist cabin, campgrounds, recreational vehicle parks, or any other person furnishing accommodations***, or restaurant, except as provided in KRS 154.30-050(2)(a)3.c. Money not expended by the commission during any fiscal year shall be used to make up a part of the commission's budget for its next fiscal year.
- (4) A county with a city of the first class may impose an additional tax, not to exceed one and one-half percent (1.5%) of the ~~room~~ rent. This additional tax, if approved by the local governing body, shall be collected and administered in the same manner as the ~~regular~~ tax ***authorized by subsection (1)(b) of this section*** and shall be used for the purpose of funding additional promotion of tourist and convention business.
- (5) An urban-county government may impose an additional tax, not to exceed one percent (1%) of the ~~room~~ rents included in this subsection. This additional tax shall be collected and administered in the same manner

as the ~~regular~~ tax **authorized by subsection (1)(b) of this section** with the exception that this additional tax shall be used for the purpose of funding the purchase of development rights program provided for under KRS 67A.845.

- (6) Local governing bodies which have formed multicounty tourist and convention commissions as provided by KRS 91A.350(3) may impose an additional tax, not to exceed one percent (1%) of the ~~room~~ rents. This additional tax, if approved by each governing body, shall be collected and administered in the same manner as the ~~regular~~ tax **authorized by subsection (1)(b) of this section**, with the exception that this additional tax shall be used for the purpose of funding regional efforts relating to the promotion of tourist and convention business and convention centers. In no event shall any revenues collected as provided for under KRS 91A.350(3) be utilized for the construction, renovation, maintenance, or additions to any convention center that is located outside the boundaries of the Commonwealth of Kentucky.
- (7) The commission, with the approval of the tax levying body, may borrow money to pay its obligations that cannot be paid at maturity out of current revenue from the transient room tax, but shall not borrow a sum greater than can be repaid out of the revenue anticipated from the transient room tax during the year the money is borrowed. The commission may pledge its securities for the repayment of any sum borrowed.
- (8) The fiscal court or legislative body of a consolidated local government or city establishing a commission pursuant to KRS 91A.350(1) or (2) and, in its own name, a commission established pursuant to of KRS 91A.350(1) is authorized and empowered to issue revenue bonds pursuant to KRS Chapter 58 for public projects. Bonds issued for the purposes of KRS **91A.345 to 91A.394**~~[91A.350 to 91A.390]~~, may be used to pay any cost for the acquisition of real estate, the construction of buildings and appurtenances, the preparation of plans and specifications, and legal and other services incidental to the project or to the issuance of the bonds. The payment of the bonds, with interest, may be secured by a pledge of and a first lien on all of the receipts and revenue derived, or to be derived, from the rental or operation of the property involved. Bond and interest obligations issued pursuant to this section shall not constitute an indebtedness of the county, consolidated local government, or city. All bonds sold under the authority of this section shall be subject to competitive bidding as provided by law, and shall bear interest at a rate not to exceed that established for bonds issued for public projects under KRS Chapter 58.
- (9) A commission established pursuant to KRS 91A.350(3) is authorized and empowered to issue revenue bonds in its own name, payable solely from its income and revenue, pursuant to KRS Chapter 58 for revenue bonds for public projects. Bonds issued for the purposes of KRS **91A.345 to 91A.394**~~[91A.350 to 91A.390]~~, may be used to pay any cost for the acquisition of real estate, the construction of buildings and appurtenances, the preparation of plans and specifications, and legal and other services incidental to the project or to the issuance of the bonds. The payment of the bonds, with interest, may be secured by a pledge of and a first lien on all of the receipts and revenue derived, or to be derived, from the rental or operation of the property involved. Bond and interest obligations issued pursuant to this section shall not constitute an indebtedness of the county. All bonds sold pursuant to this section shall be subject to competitive bidding as provided by law, and shall not bear interest at rates exceeding those for bonds issued for public projects under KRS Chapter 58.

➔Section 20. KRS 91A.392 is amended to read as follows:

- (1) In addition to the three percent (3%) transient room tax authorized by KRS 91A.390**(1)(b)**, and the one percent (1%) transient room tax authorized by KRS 153.440, a consolidated local government, or the fiscal court in a county containing an authorized city, except those counties that are included in a multicounty tourist and convention commission under KRS 91A.350, may levy an additional transient room tax not to exceed two percent (2%) of the rent for every occupancy of a suite, room, ~~or~~ rooms, **cabin, lodgings, campsites or other accommodations** charged by **any hotel, motel, inn, tourist camp, tourist cabin, campgrounds, recreational vehicle parks, or other place in which accommodations are regularly furnished to transients for a consideration or by any person that facilitates the rental of the accommodations by brokering, coordinating, or in any other way arranging for the rental of the accommodations for consideration**~~[all persons, companies, corporations, or other similar persons, groups, or organizations doing business as motor courts, motels, hotels, inns, or similar accommodations businesses]~~.
- (2) **The taxes imposed under this section shall not apply to rooms, lodgings, campsites, or accommodations supplied for a continuous period of thirty (30) days or more to a person.**
- (3) (a) Except as otherwise provided in paragraph (b) of this subsection, all money collected from the tax authorized by this section shall be applied toward the retirement of bonds issued pursuant to KRS 91A.390(8) to finance in part the expansion or construction or operation of a governmental or nonprofit

convention center or fine arts center useful to the promotion of tourism located in the central business district of the consolidated local government or the authorized city located in the county.

- (b) 1. This paragraph shall apply to the tax levied pursuant to this section, prior to July 1, 2015, by a fiscal court of a county having a population between seventy-five thousand (75,000) and one hundred thousand (100,000) based on the 2010 federal decennial census.
2. When, in any fiscal year, the money collected from the tax authorized by this section exceeds the amount required to satisfy the annual debt service for the bond for that fiscal year, all or a portion of the excess amount collected for that fiscal year may be used to defray the costs to operate, renovate, or expand the governmental or nonprofit convention center or fine arts center described in paragraph (a) of this subsection, if an amount equal to one (1) year's required debt service is held in reserve to satisfy any future debt service obligations of the bond.

~~(4)(3)~~ After the retirement of the bonds provided for in this section, the additional transient room tax levied pursuant to this section shall be void, and the consolidated local government or fiscal court shall take action to repeal the ordinance which levied the tax.

~~(5)(4)~~ As used in this section, "authorized city" means a city of the first class and a city included on the registry maintained by the Department for Local Government under subsection ~~(6)(5)~~ of this section.

~~(6)(5)~~ On or before January 1, 2015, the Department for Local Government shall create and maintain a registry of cities that, as of August 1, 2014, were classified as cities of the second class. The Department for Local Government shall make the information included on the registry available to the public by publishing it on its Web site.

➔Section 21. KRS 91A.394 is amended to read as follows:

Any resident of the county may bring an action in the Circuit Court to enforce the provisions of KRS **91A.345 to 91A.394**~~[91A.350 to 91A.390]~~. The Circuit Court shall hear the action and, on a finding that the commission has violated the provisions of KRS **91A.345 to 91A.394**~~[91A.350 to 91A.390]~~, shall order the commission to comply with the provisions. The Circuit Court, in its discretion, may allow the prevailing party, other than the commission, court costs, to be paid from the commission's account.

➔Section 22. KRS 91A.400 is amended to read as follows:

- (1) As used in this section, "authorized city" means a city on the registry maintained by the Department for Local Government under subsection (2) of this section.
- (2) On or before January 1, 2015, the Department for Local Government shall create and maintain a registry of cities that, as of January 1, 2014, were classified as cities of the fourth or fifth class. The Department for Local Government shall make the information included on the registry available to the public by publishing it on its Web site.
- (3) In addition to the three percent (3%) transient room tax authorized by KRS 91A.390 *(1)(b)*, the city legislative body in an authorized city may levy an additional restaurant tax not to exceed three percent (3%) of the retail sales by all restaurants doing business in the city. All moneys collected from the tax authorized by this section shall be turned over to the tourist and convention commission established in that city as provided by KRS **91A.345 to 91A.394**~~[91A.350 to 91A.390]~~.

➔Section 23. KRS 153.440 is amended to read as follows:

(1) As used in this section and Section 24 of this Act:

(a) "Person" has the same meaning as in Section 14 of this Act; and

(b) "Rent" has the same meaning as in Section 14 of this Act.

- (2) In addition to the three percent (3%) transient room tax authorized by KRS 91A.390*(1)(b)*, fiscal courts in counties containing cities of the first class or consolidated local governments may levy an additional transient room tax not to exceed one percent (1%) of the rent for every occupancy of a suite, room,~~or~~ rooms, *cabins, lodgings, campsites or other accommodations* charged by *any hotel, motel, inn, tourist camp, tourist cabins, campgrounds, recreational vehicle parks, or other place in which accommodations are regularly furnished to transients for a consideration or by any person that facilitates the rental of the accommodations by brokering, coordinating, or in any other way arranging for the rental of the accommodations for consideration*~~[all persons, companies, corporations, or other like or similar persons, groups, or organizations doing business as motor courts, motels, hotels, inns, or like or similar accommodations' businesses]~~.

- (3) *The tax imposed under this section shall not apply to rooms, lodgings, campsites, or accommodations supplied for a continuous period of thirty (30) days or more to a person.*
- (4) All moneys collected from the tax authorized by this section shall be turned over to the Kentucky Center for the Arts Corporation and shall be used to defray operating costs of the Kentucky Center for the Arts.

➔Section 24. KRS 153.450 is amended to read as follows:

- (1) In addition to the four percent (4%) transient room tax authorized by KRS 91A.390(1)(b)2., an urban-county government may levy an additional transient room tax not to exceed two percent (2%) of the rent for every occupancy of a suite, room, ~~or~~ rooms, *cabins, lodgings, campsites, or other accommodations* charged by *any hotel, motel, inn, tourist camp, tourist cabin, campgrounds, recreational vehicle parks, or other place in which accommodations are regularly furnished to transients for a consideration or by any person that facilitates the rental of the accommodations by brokering, coordinating, or in any other way arranging for the rental of the accommodations for consideration*~~[all persons, companies, corporations, or other like or similar persons, groups, or organizations doing business as motor courts, motels, hotels, inns, or like or similar accommodations' businesses].~~
- (2) All additional moneys collected from the tax authorized by subsection (1) of this section shall be applied toward the retirement of bonds used to finance a nonprofit corporation which is created for the funding, construction, and management of a convention center in an urban-county, and to defray the operating costs of the nonprofit corporation.
- (3) (a) As used in this subsection, "project" means the renovation, expansion, or improvement of a convention center on or after July 15, 2016.
- (b) In addition to the levy authorized by subsection (1) of this section, an urban-county government may levy an additional transient room tax not to exceed two and one-half percent (2.5%) to provide funding for a project.
- (c) Proceeds from the levy shall be used only for the direct expenditure for, or repayment of debt associated with, the project.
- (d) The levy shall sunset upon completion of the project and repayment of all associated debt.
- (4) *The taxes imposed under this section shall not apply to rooms, lodgings, campsites, or accommodations supplied for a continuous period of thirty (30) days or more to a person.*

➔Section 25. KRS 142.400 is amended to read as follows:

- (1) *As used in this section:*
- (a) *"Person" has the same meaning as in Section 14 of this Act; and*
- (b) *"Rent" has the same meaning as in Section 14 of this Act.*
- (2) A *statewide* transient room tax shall be imposed at a rate of one percent (1%) of the rent for every occupancy of any suite, room, rooms, ~~or~~ cabins, *lodgings, campsites, or other accommodations* charged by *any hotel, motel, inn, tourist camp, tourist cabin, campgrounds, recreational vehicle parks, or other place in which accommodations are regularly furnished to transients for a consideration or by any person that facilitates the rental of the accommodations by brokering, coordinating, or in any other way arranging for the rental of the accommodations for consideration*~~[all persons, companies, corporations, groups, or organizations doing business as motor courts, motels, hotels, inns, tourist camps, or like or similar accommodations businesses].~~
- (3) As used in this subsection, rent shall not include any other local or state taxes paid by the person or entity renting the accommodations.
- (4)~~(2)~~ The tax imposed by subsection (1) of this section shall not apply *to rooms, lodgings, campsites, or accommodations supplied*~~[to the rental or lease of any room or set of rooms that is equipped with a kitchen, in an apartment building, and that is usually leased as a dwelling]~~ for a *continuous* period of thirty (30) days or more *to a person*~~[by an individual or business that regularly holds itself out as exclusively providing apartments].~~

➔Section 26. KRS 65.060 is amended to read as follows:

As used in KRS 65.008, 65.009, 65.065 and 65.070, the term "district" shall mean and the provisions of KRS 65.008, 65.009, 65.065 and 65.070 shall apply to any board, commission, or special district created pursuant to the following

statutes: KRS 39F.020, 39F.160; KRS 65.160, 65.162, 65.210 to 65.300, 65.510 to 65.650; KRS 74.010 to 74.415; KRS 75.010 to 75.260; KRS 76.005 to 76.210, 76.241 to 76.273, 76.274 to 76.279, 76.295 to 76.420, 76.600 to 76.640; KRS 77.005 to 77.305; KRS 80.262 to 80.610; KRS ~~91A.345 to 91A.394~~~~[91A.350 to 91A.390]~~; KRS 96A.010 to 96A.230; KRS 104.450 to 104.680; KRS 107.310 to 107.500; KRS 108.010 to 108.070, 108.080 to 108.180; KRS 109.056, 109.059, 109.115 to 109.190; KRS 147.610 to 147.705; KRS 147A.050 to 147A.120; KRS 154.50-301 to 154.50-346; KRS 164.605 to 164.675; KRS 173.450 to 173.650, 173.710 to 173.800; KRS 179.700 to 179.735; KRS 183.132 to 183.160; KRS 184.010 to 184.300; KRS 210.460 to 210.480; KRS 212.720 to 212.755; KRS 216.310 to 216.360; KRS 220.010 to 220.613; KRS 262.100 to 262.660, 262.700 to 262.990; KRS 266.010 to 266.990; KRS 267.010 to 267.990; KRS 268.010 to 268.990; or KRS 273.405 to 273.453.

➔Section 27. KRS 45A.077 is amended to read as follows:

- (1) A public-private partnership delivery method may be utilized as provided in this section and administrative regulations promulgated thereunder. State contracts using this method shall be awarded by competitive negotiation.
- (2) A contracting body utilizing a public-private partnership shall continue to be responsible for oversight of any function that is delegated to or otherwise performed by a private partner.
- (3) On or before December 31, 2016, the secretary of the Finance and Administration Cabinet shall promulgate administrative regulations setting forth criteria to be used in determining when a public-private partnership is to be used for a particular project. The administrative regulations shall reflect the intent of the General Assembly to promote and encourage the use of public-private partnerships in the Commonwealth. The secretary shall consult with design-builders, construction managers, contractors, design professionals including engineers and architects, and other appropriate professionals during the development of these administrative regulations.
- (4) A request for proposal for a project utilizing a public-private partnership shall include at a minimum:
 - (a) The parameters of the proposed public-private partnership agreement;
 - (b) The duties and responsibilities to be performed by the private partner or partners;
 - (c) The methods of oversight to be employed by the contracting body;
 - (d) The duties and responsibilities that are to be performed by the contracting body and any other partners to the contract;
 - (e) The evaluation factors and the relative weight of each to be used in the scoring of awards;
 - (f) Plans for financing and operating the qualifying project and the revenues, service payments, bond financings, and appropriations of public funds needed for the qualifying project;
 - (g) Comprehensive documentation of the experience, capabilities, capitalization and financial condition, and other relevant qualifications of the private entity;
 - (h) The ability of a private partner or partners to quickly respond to the needs presented in the request for proposal, and the importance of economic development opportunities represented by the qualifying project. In evaluating proposals, preference shall be given to a plan that includes the involvement of small businesses as subcontractors, to the extent that small businesses can provide services in a competitive manner, unless any preference interferes with the qualification for federal or other funds; and
 - (i) Other information required by the contracting body or the cabinet to evaluate the proposals submitted by respondents and the overall proposed public-private partnership.
- (5) A private entity desiring to be a private partner shall demonstrate to the satisfaction of the contracting body or the cabinet that it is capable of performing any duty, responsibility, or function it may be authorized or directed to perform as part of the public-private partnership agreement.
- (6) When a request for proposal for a project utilizing a public-private partnership is issued for a capital project, the contracting body shall transmit a copy of the request for proposal to the Capital Projects and Bond Oversight Committee staff, clearly identifying to the staff that a public-private partnership is being utilized. The contracting body shall submit the final contract to the Capital Projects and Bond Oversight Committee under KRS 45.763 before work may be begun on the project.

- (7) A request for proposal or other solicitation may be canceled, or all proposals may be rejected, if it is determined in writing that the action is taken in the best interest of the Commonwealth and approved by the purchasing officer.
- (8) (a) Beginning July 1, ~~2024~~~~2022~~, in the case of any public-private partnership for a capital project with an aggregate value of twenty-five million dollars (\$25,000,000) or more, the project shall be authorized by the General Assembly, by inclusion in the branch budget bill or by any other means specified by the General Assembly, explicitly identifying and authorizing the utilization of a public-private partnership delivery method for the applicable capital project. The authorization of a capital project required by this subsection is in addition to any other statutorily required authorization for a capital project.
- (b) The provisions of this subsection shall not apply to any public-private partnership project made public through a request for proposal or a public notice of an unsolicited proposal issued prior to July 1, ~~2024~~~~2022~~.
- (9) Any corporation as described by KRS 45.750(2)(c), or as created under the Kentucky Revised Statutes as a governmental agency and instrumentality of the Commonwealth, that manages its capital construction program shall:
- (a) Adhere to the administrative regulations promulgated under this section when utilizing a public-private partnership for financing capital projects;
- (b) Report to legislative committees as specified in this section; and
- (c) Submit public-private partnership agreements issued by it to the General Assembly for authorization as provided in subsection (8) of this section.
- (10) (a) The governing body of a postsecondary institution that manages its capital construction program under KRS 164A.580 shall report to the Capital Projects and Bond Oversight Committee staff as specified in this section.
- (b) Any provision of a public-private partnership agreement issued by a postsecondary institution which provides for a lease by or to the postsecondary institution shall be valid and enforceable if approved by the governing board of the institution.
- (11) (a) A person or business may submit an unsolicited proposal to a governmental body, which may receive the unsolicited proposal.
- (b) Within ninety (90) days of receiving an unsolicited proposal, a governmental body may elect to consider further action on the proposal, at which point the governmental body shall provide public notice of the proposal. Discussion of the project shall not be deemed a solicitation of the project or its concepts after public notice is given. The public notice shall:
1. Provide specific information regarding the proposed nature, timing, and scope of the unsolicited proposal, except that trade secrets, financial records, or other records of the person or business making the proposal shall not be posted unless otherwise agreed to by the governmental body and the person or business; and
 2. Provide for a notice period for the submission of competing proposals as follows:
 - a. Unsolicited proposals valued below five million dollars (\$5,000,000) shall be posted for thirty (30) days;
 - b. Unsolicited proposals valued between five million dollars (\$5,000,000) and twenty-five million dollars (\$25,000,000) shall be posted for sixty (60) days; and
 - c. Unsolicited proposals valued over twenty-five million dollars (\$25,000,000) shall be posted for ninety (90) days.
- (c) Upon the end of the notice period provided under paragraph (b)2. of this subsection, the governmental body may consider the unsolicited proposal and any competing proposals received. If the governmental body determines it is in the best interest of the Commonwealth to implement some or all of the concepts contained within the unsolicited proposal or competing proposals received by it, the governmental body may begin an open, competitive procurement process to do so pursuant to this chapter.

- (d) An unsolicited proposal shall be deemed rejected if no written response is received from the governmental body within ninety (90) days of submission, during which time the governmental body has not taken any action on the proposal under paragraph (b) of this subsection.

➔Section 28. KRS 131.130 is amended to read as follows:

Without limitation of other duties assigned to it by law, the following powers and duties are vested in the Department of Revenue:

- (1) The department may promulgate administrative regulations, and direct proceedings and actions, for the administration and enforcement of all tax laws of this state. To assist taxpayers in understanding and interpreting the tax laws, the department may, through incorporation by reference, include examples as part of any administrative regulation. The examples may include demonstrative, nonexclusive lists of items if the department determines the lists would be helpful to taxpayers in understanding the application of the tax laws.
- (2) The department, by representatives it appoints in writing, may take testimony or depositions, and may examine hard copy or electronic records, any person's documents, files, and equipment if those records, documents, or equipment will furnish knowledge concerning any taxpayer's tax liability, when it deems this reasonably necessary to the performance of its functions. The department may enforce this right by application to the Circuit Court in the county where the person is domiciled or has his or her principal office, or by application to the Franklin Circuit Court, which courts may compel compliance with the orders of the department.
- (3) The department shall prescribe the style, and determine and enforce the use or manner of keeping, of all assessment and tax forms and records employed by state and county officials, and may prescribe forms necessary for the administration of any revenue law.
- (4) The department shall advise on all questions respecting the construction of state revenue laws and its application to various classes of taxpayers and property.
- (5) Attorneys employed by the Finance and Administration Cabinet and approved by the Attorney General as provided in KRS 15.020 may prosecute all violations of the criminal and penal laws relating to revenue and taxation. If a Finance and Administration Cabinet attorney undertakes any of the actions prescribed in this subsection, that attorney shall be authorized to exercise all powers and perform all duties in respect to the criminal actions or proceedings which the prosecuting attorney would otherwise perform or exercise, including the authority to sign, file, and present any complaints, affidavits, information, presentments, accusations, indictments, subpoenas, and processes of any kind, and to appear before all grand juries, courts, or tribunals.
- (6) In the event of the incapacity of attorneys employed by the Finance and Administration Cabinet or at the request of the secretary of the Finance and Administration Cabinet, the Attorney General or his or her designee shall prosecute all violations of the criminal and penal laws relating to revenue and taxation. If the Attorney General undertakes any of the actions prescribed in this subsection, he or she shall be authorized to exercise all powers and perform all duties in respect to the criminal actions or proceedings which the prosecuting attorney would otherwise perform or exercise, including but not limited to the authority to sign, file, and present any and all complaints, affidavits, information, presentments, accusations, indictments, subpoenas, and processes of any kind, and to appear before all grand juries, courts, or tribunals.
- (7) The department may require the Commonwealth's attorneys and county attorneys to prosecute actions and proceedings and perform other services incident to the enforcement of laws assigned to the department for administration.
- (8) Notwithstanding KRS Chapter 13A, the department may research the fields of taxation, finance, and local government administration, publish its findings, respond to the public's and taxpayers' questions, and publish its responses, as the commissioner may deem wise. To assist taxpayers and the public in understanding and interpreting the tax laws, the department may include examples as part of any response or publication. The examples may include demonstrative, nonexclusive lists of items, if the department determines that the list would be helpful to taxpayers in understanding the application of the tax laws.
- (9) The department may promulgate administrative regulations necessary to establish a system of taxpayer identifying numbers for the purpose of securing proper identification of taxpayers subject to any tax laws or other revenue measure of this state, and may require the taxpayer to place on any return, report, statement, or other document required to be filed, any number assigned pursuant to the administrative regulations.
- (10) The department may, when it is in the best interest of the Commonwealth and helpful to the efficient and effective enforcement, administration, or collection of sales and use tax, motor fuels tax, or the petroleum environmental assurance fee, enter into agreements with out-of-state retailers or other persons for the

collection and remittance of sales and use tax, the motor fuels tax, or the petroleum environmental assurance fee.

- (11) The department may enter into annual memoranda of agreement with any state agency, officer, board, commission, corporation, institution, cabinet, department, or other state organization to assume the collection duties for any debts due the state entity, *except for consumer debt owed for health care goods and services*, and may renew that agreement for up to five (5) years. Under such an agreement, the department shall have all the powers, rights, duties, and authority with respect to the collection, refund, and administration of those liquidated debts as provided under:
- (a) KRS Chapters 131, 134, and 135 for the collection, refund, and administration of delinquent taxes; and
 - (b) Any applicable statutory provisions governing the state agency, officer, board, commission, corporation, institution, cabinet, department, or other state organization for the collection, refund, and administration of any liquidated debts due the state entity.
- (12) *Notwithstanding subsection (11) of this section, KRS 45.237, 45.238, 45.241, or 131.030, or any agreement to the contrary, the department shall not collect or continue collection duties of any consumer debts owed for health care goods and services. For the purpose of this section, "consumer debt" shall be defined as a debt incurred by an individual, as defined in Section 42 of this Act, for a personal or family purpose, regardless of whether an obligation has been reduced to judgment.*
- (13) The department may refuse to accept a personal check in payment of taxes due or collected from any person who has ever tendered a check to the state which, when presented for payment, was not honored. Any check so refused shall be considered as never having been tendered.

➔SECTION 29. A NEW SECTION OF KRS CHAPTER 138 IS CREATED TO READ AS FOLLOWS:

(1) *As used in this section:*

- (a) *"Department" means the Department of Revenue;*
- (b) *"Distribute" means the delivery or transfer of electric power into the battery or other energy storage device of an electric vehicle at a location in this state;*
- (c) *"Electric vehicle power" means electrical energy distributed into the battery or other energy storage device of an electric vehicle to be used to power the vehicle;*
- (d) *"Electric vehicle power dealer" means a person who owns or leases an electric vehicle charging station;*
- (e) *"Electric vehicle" has the same meaning as in Section 30 of this Act;*
- (f) *"Electric vehicle charging station" means any place accessible to general public vehicular traffic where electric power may be used to charge a battery or other storage device of a licensed electric vehicle; and*
- (g) *"Person" has the same meaning as in Section 2 of this Act.*

(2) *On or after January 1, 2023:*

- (a) *An excise tax with an initial base rate of three cents (\$0.03) per kilowatt hour is imposed on electric vehicle power distributed in this state by an electric vehicle power dealer for the purpose of charging electric vehicles in this state; and*
- (b) *A surtax with an initial base rate of three cents (\$0.03) per kilowatt hour is imposed on electric vehicle power distributed in this state by an electric vehicle power dealer when the electric vehicle charging station is located on state property.*

(3) (a) *On or before December 1, 2022, and on or before each December 1 thereafter, the department shall compare the most current quarterly National Highway Construction Cost Index 2.0 (NHCCI 2.0) value and determine the percentage change in relation to the NHCCI 2.0 value from the same quarter for the previous year.*

- (b) 1. *The tax rate on January 1, 2024, and on each January 1 thereafter, shall be adjusted by the change in the NHCCI 2.0 determined by paragraph (a) of this subsection, unless the change is:*

- a. *Greater than a five percent (5%) increase, in which case the taxes shall be one hundred five percent (105%) of the tax rates in effect at the close of the previous calendar year; or*
 - b. *Greater than a five percent (5%) decrease, in which case the taxes shall be ninety-five percent (95%) of the tax rates in effect at the close of the previous calendar year.*
 2. *Notwithstanding subparagraph 1. of this paragraph, the tax rate shall not be less than the initial base rate identified in subsection (2) of this section.*
 - (c) *Adjustments to the tax rate shall be rounded to the nearest one-tenth of one cent (\$0.001).*
- (4) *At least twenty (20) days in advance of the first day of each calendar year, the department shall provide notification of:*
- (a) *The adjusted electric vehicle power tax rate for the upcoming calendar year to all electric vehicle power dealers; and*
 - (b) *The adjusted electric vehicle ownership fee imposed under Section 32 of this Act for the upcoming calendar year to all county clerks.*
- (5) *This tax shall be:*
- (a) *Administered by the department; and*
 - (b) *Transferred to the road fund as defined in KRS 48.010.*
- (6) (a) *The tax shall be added to the selling price charged by the electric vehicle power dealer at the electric vehicle charging station on electric vehicle power sold in this state; or*
- (b) *If there is no selling price at the charging station, the electric vehicle power dealer shall be responsible for paying the tax on the electric power distributed by the electric vehicle charging station, except in the case of an electric vehicle charging station installed prior to July 1, 2022.*
- (7) (a) *The tax imposed shall be paid by the electric vehicle power dealer to the State Treasurer.*
- (b) *The electric vehicle power dealer is liable for the electric vehicle power tax.*
- (8) *Every electric vehicle power dealer shall, by the twenty-fifth day of each month, transmit to the department reports, on the forms the department may prescribe, on the total kilowatt hours distributed and the amount of tax collected. Payment of the tax shall be due with the report.*
- (9) *The electric vehicle power dealer shall keep and preserve an accurate record of all receipts of electricity and tax together with invoices or other pertinent records and papers required by the department for five (5) years.*
- (10) (a) *No dealer or other person shall fail or refuse to make the returns and pay the tax prescribed by this section, or refuse to permit the department or its representatives appointed by the commissioner of the department in writing to examine his or her records, papers, files, and equipment pertaining to the taxable business.*
- (b) *No person shall make an incomplete, false, or fraudulent return, or attempt to do anything to avoid a full disclosure of the amount of business done or to avoid the payment of the whole or any part of the tax or penalties due.*
- (c) *No person shall fail to keep and preserve records of electric vehicle power distributed to make reports as required by this section.*
- (11) *Any person who violates any provision of this section shall be subject to the uniform civil penalties imposed pursuant to KRS 131.180 and interest at the tax interest rate as defined in KRS 131.183.*
- (12) (a) *Notwithstanding any other provisions of this chapter to the contrary, the president, vice president, secretary, treasurer, or any other person holding any equivalent corporate office of any corporation subject to the provisions of this chapter shall be personally and individually liable, both jointly and severally, for the taxes imposed under this chapter, and neither the corporate dissolution nor withdrawal of the corporation from the state nor the cessation of holding any corporate office shall discharge the foregoing liability of any person.*

- (b) *The personal and individual liability shall apply to each and every person holding the corporate office at the time the taxes become or became due.*
 - (c) *No person will be personally and individually liable pursuant to this section who had no authority in the management of the business or financial affairs of the corporation at the time that the taxes imposed by this chapter become or became due.*
- (13) (a) *Notwithstanding any other provisions of this chapter, KRS 275.150, 362.1-306(3) or predecessor law, or 362.2-404(3) to the contrary, the managers of a limited liability company, the partners of a limited liability partnership, and the general partners of a limited liability limited partnership or any other person holding any equivalent office of a limited liability company, limited liability partnership, or limited liability limited partnership subject to the provisions of this chapter shall be personally and individually liable, both jointly and severally, for the taxes imposed under this chapter.*
- (b) *Dissolution or withdrawal of the limited liability company, limited liability partnership, or limited liability limited partnership from the state, or the cessation of holding any office shall not discharge the liability of any person.*
 - (c) *The personal and individual liability shall apply to each and every manager of a limited liability company, partner of a limited liability partnership, and general partner of a limited liability limited partnership at the time the taxes become or became due.*
 - (d) *No person shall be personally and individually liable under this subsection who had no authority to collect, truthfully account for, or pay any tax imposed by this chapter at the time that the taxes imposed by this chapter become or became due.*
- (14) *"Taxes" as used in this section shall include interest accrued at the rate provided by KRS 131.183, all applicable penalties imposed under this chapter, and all applicable penalties and fees imposed under KRS 131.180, 131.410 to 131.445, and 131.990.*
- (15) *The department may prescribe forms and promulgate administrative regulations to execute and administer the provisions of this section.*

➔Section 30. KRS 186.010 is amended to read as follows:

As used in this chapter, unless otherwise indicated:

- (1) "Cabinet," as used in KRS 186.400 to 186.640, means the Transportation Cabinet; except as specifically designated, "cabinet," as used in KRS 186.020 to 186.270, means the Transportation Cabinet only with respect to motor vehicles, other than commercial vehicles; "cabinet," as used in KRS 186.020 to 186.270, means the Department of Vehicle Regulation when used with respect to commercial vehicles;
- (2) "Highway" means every way or place of whatever nature when any part of it is open to the use of the public, as a matter of right, license, or privilege, for the purpose of vehicular traffic;
- (3) "Manufacturer" means any person engaged in manufacturing motor vehicles who will, under normal conditions during the year, manufacture or assemble at least ten (10) new motor vehicles;
- (4) "Motor vehicle" means in KRS 186.020 to 186.260, all vehicles, as defined in paragraph (a) of subsection (8) of this section, which are propelled otherwise than by muscular power. As used in KRS 186.400 to 186.640, it means all vehicles, as defined in paragraph (b) of subsection (8) of this section, which are self-propelled. "Motor vehicle" shall not include a moped as defined in this section, but for registration purposes shall include low-speed vehicles and military surplus vehicles as defined in this section and vehicles operating under KRS 189.283;
- (5) "Moped" means either a motorized bicycle whose frame design may include one (1) or more horizontal crossbars supporting a fuel tank so long as it also has pedals, or a motorized bicycle with a step-through type frame which may or may not have pedals rated no more than two (2) brake horsepower, a cylinder capacity not exceeding fifty (50) cubic centimeters, an automatic transmission not requiring clutching or shifting by the operator after the drive system is engaged, and capable of a maximum speed of not more than thirty (30) miles per hour;
- (6) "Operator" means any person in actual control of a motor vehicle upon a highway;
- (7) (a) "Owner" means a person who holds the legal title of a vehicle or a person who pursuant to a bona fide sale has received physical possession of the vehicle subject to any applicable security interest.

- (b) A vehicle is the subject of an agreement for the conditional sale or lease, with the vendee or lessee entitled to possession of the vehicle, upon performance of the contract terms, for a period of three hundred sixty-five (365) days or more and with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee, or if a mortgagor of a vehicle is entitled to possession, the conditional vendee or lessee or mortgagor shall be deemed the owner.
 - (c) A licensed motor vehicle dealer who transfers physical possession of a motor vehicle to a purchaser pursuant to a bona fide sale, and complies with the requirements of KRS 186A.220, shall not be deemed the owner of that motor vehicle solely due to an assignment to his dealership or a certificate of title in the dealership's name. Rather, under these circumstances, ownership shall transfer upon delivery of the vehicle to the purchaser, subject to any applicable security interest;
- (8) (a) "Vehicle," as used in KRS 186.020 to 186.260, includes all agencies for the transportation of persons or property over or upon the public highways of this Commonwealth and all vehicles passing over or upon said highways, except electric low-speed scooters, road rollers, road graders, farm tractors, vehicles on which power shovels are mounted, such other construction equipment customarily used only on the site of construction and which is not practical for the transportation of persons or property upon the highways, such vehicles as travel exclusively upon rails, and such vehicles as are propelled by electric power obtained from overhead wires while being operated within any municipality or where said vehicles do not travel more than five (5) miles beyond the city limit of any municipality.
- (b) As used in KRS 186.400 to 186.640, "vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a public highway, except electric low-speed scooters, devices moved by human and animal power or used exclusively upon stationary rails or tracks, or which derives its power from overhead wires;
- (9) KRS 186.020 to 186.270 apply to motor vehicle licenses. KRS 186.400 to 186.640 apply to operator's licenses;
- (10) "Dealer" means any person engaging in the business of buying or selling motor vehicles;
- (11) "Commercial vehicles" means all motor vehicles that are required to be registered under the terms of KRS 186.050, but not including vehicles primarily designed for carrying passengers and having provisions for not more than nine (9) passengers (including driver), motorcycles, sidecar attachments, pickup trucks and passenger vans which are not being used for commercial or business purposes, and motor vehicles registered under KRS 186.060;
- (12) "Resident" means any person who has established Kentucky as his or her state of domicile. Proof of residency shall include but not be limited to a deed or property tax bill, utility agreement or utility bill, or rental housing agreement. The possession by an operator of a vehicle of a valid Kentucky operator's license shall be prima-facie evidence that the operator is a resident of Kentucky;
- (13) "Special status individual" means:
- (a) "Asylee" means any person lawfully present in the United States who possesses an I-94 card issued by the United States Department of Justice, Immigration and Naturalization Service, on which it states "asylum status granted indefinitely pursuant to Section 208 of the Immigration & Nationality Act";
 - (b) "K-1 status" means the status of any person lawfully present in the United States who has been granted permission by the United States Department of Justice, Immigration and Naturalization Service to enter the United States for the purpose of marrying a United States citizen within ninety (90) days from the date of that entry;
 - (c) "Refugee" means any person lawfully present in the United States who possesses an I-94 card issued by the United States Department of Justice, Immigration and Naturalization Service, on which it states "admitted as a refugee pursuant to Section 207 of the Immigration & Nationality Act"; and
 - (d) "Paroled in the Public Interest" means any person lawfully present in the United States who possesses an I-94 card issued by the United States Department of Justice, Immigration and Naturalization Service, on which it states "paroled pursuant to Section 212 of the Immigration & Nationality Act for an indefinite period of time";
- (14) "Instruction permit" includes both motor vehicle instruction permits and motorcycle instruction permits;
- (15) "Motorcycle" means any motor driven vehicle that has a maximum speed that exceeds fifty (50) miles per hour, has a seat or saddle for the use of the operator, and is designed to travel on not more than three (3)

wheels in contact with the ground, including vehicles on which the operator and passengers ride in an enclosed cab. Only for purposes of registration, "motorcycle" shall include a motor scooter, an alternative-speed motorcycle, and an autocycle as defined in this section, but shall not include a tractor or a moped as defined in this section;

- (16) "Low-speed vehicle" means a motor vehicle that:
- (a) Is self-propelled using an electric motor, combustion-driven motor, or a combination thereof;
 - (b) Is four (4) wheeled; and
 - (c) Is designed to operate at a speed not to exceed twenty-five (25) miles per hour as certified by the manufacturer;
- (17) "Alternative-speed motorcycle" means a motorcycle that:
- (a) Is self-propelled using an electric motor;
 - (b) Is three (3) wheeled;
 - (c) Has a fully enclosed cab and includes at least one (1) door for entry;
 - (d) Is designed to operate at a speed not to exceed forty (40) miles per hour as certified by the manufacturer; and
 - (e) Is not an autocycle as defined in this section;
- (18) "Multiple-vehicle driving range" means an enclosed area that is not part of a highway or otherwise open to the public on which a number of motor vehicles may be used simultaneously to provide driver training under the supervision of one (1) or more driver training instructors;
- (19) "Autocycle" means any motor vehicle that:
- (a) Is equipped with a seat that does not require the operator to straddle or sit astride it;
 - (b) Is designed to travel on three (3) wheels in contact with the ground;
 - (c) Is designed to operate at a speed that exceeds forty (40) miles per hour as certified by the manufacturer;
 - (d) Allows the operator and passenger to ride either side-by-side or in tandem in a seating area that may be enclosed with a removable or fixed top;
 - (e) Is equipped with a three (3) point safety belt system;
 - (f) May be equipped with a manufacturer-installed air bags or a roll cage;
 - (g) Is designed to be controlled with a steering wheel and pedals; and
 - (h) Is not an alternative-speed motorcycle as defined in this section;
- (20) "Military surplus vehicle" means a multipurpose wheeled surplus military vehicle that:
- (a) Is not operated using continuous tracks;
 - (b) Was originally manufactured for and sold directly to the Armed Forces of the United States; and
 - (c) Was originally manufactured under the federally mandated requirements set forth in 49 C.F.R. sec. 571.7;
- (21) "Livestock" means cattle, sheep, swine, goats, horses, alpacas, llamas, buffaloes, and any other animals of the bovine, ovine, porcine, caprine, equine, or camelid species;
- (22) "Identity document" means an instruction permit, operator's license, or personal identification card issued under KRS 186.4102, 186.412, 186.4121, 186.4122, and 186.4123 or a commercial driver's license issued under KRS Chapter 281A;
- (23) "Travel ID," as it refers to an identity document, means a document that complies with Pub. L. No. 109-13, Title II;
- (24) "Motor scooter" means a low-speed motorcycle that is:
- (a) Equipped with wheels greater than sixteen (16) inches in diameter;
 - (b) Equipped with an engine greater than fifty (50) cubic centimeters;

- (c) Designed to operate at a speed not to exceed fifty (50) miles per hour;
 - (d) Equipped with brake horsepower of two (2) or greater; and
 - (e) Equipped with a step-through frame or a platform for the operator's feet;~~and~~
- (25) "Alternative technology," as used in KRS 186.400 to 186.640, means methods used by the cabinet to facilitate the issuance of operator's licenses and personal identification cards outside of the normal in-person application at a cabinet office, including but not limited to a cabinet mobile unit or online services;
- (26) *"Electric motorcycle" means the same as "motorcycle" or "motor scooter" as defined in this section, that is powered by a:*
- (a) *Battery or equivalent energy storage device that can be charged with an electric plug using an external electricity source; or*
 - (b) *Combination of an internal combustion engine and electric motor;*
- (27) *"Electric vehicle" means any vehicle that has plug-in charging capability, regardless of whether the vehicle is powered by:*
- (a) *An electric motor only; or*
 - (b) *A combination of an internal combustion engine and electric power; and*
- (28) *"Hybrid vehicle" means any vehicle that does not have plug-in charging capability and is powered by a combination of an internal combustion engine and an electric motor.*

➔Section 31. KRS 186.050 is amended to read as follows:

- (1) The annual registration fee shall be eleven dollars fifty cents (\$11.50) for:
 - (a) Motor vehicles, including pickup trucks and passenger vans; and
 - (b) Motor carrier vehicles, as defined in KRS 281.010, primarily designed for carrying passengers or passengers for hire and having been designed or constructed to transport not more than fifteen (15) passengers, including the operator.
- (2) Except as provided in KRS 186.041 and 186.162, the annual registration fee for each motorcycle shall be nine dollars (\$9).
- (3)
 - (a) All motor vehicles having a declared gross weight of vehicle and any towed unit of ten thousand (10,000) pounds or less, except those mentioned in subsections (1) and (2) of this section, are classified as commercial vehicles and the annual registration fee, except as provided in subsections (4) to (14) of this section, shall be eleven dollars and fifty cents (\$11.50).
 - (b) All motor vehicles, except those mentioned in subsections (1) and (2) of this section, and those engaged in hauling passengers for hire which are designed or constructed to transport more than fifteen (15) passengers including the operator, whose registration fee shall be one hundred dollars (\$100), are classified as commercial vehicles and the annual registration fee, except as provided in subsections (3)(a) and (4) to (14) of this section, shall be as follows:

Declared Gross Weight of Vehicle and Any Towed Unit	Registration Fee
10,001-14,000	30.00
14,001-18,000	50.00
18,001-22,000	132.00
22,001-26,000	160.00
26,001-32,000	216.00
32,001-38,000	300.00
38,001-44,000	474.00
44,001-55,000	669.00
55,001-62,000	1,007.00

62,001-73,280	1,250.00
73,281-80,000	1,410.00

- (4) (a) 1. Any farmer owning a truck having a gross weight of twenty-six thousand (26,000) pounds or less may have it registered as a farmer's truck and obtain a license for eleven dollars and fifty cents (\$11.50). The applicant's signature upon the certificate of registration and ownership shall constitute a certificate that he is a farmer engaged in the production of crops, livestock, or dairy products, that he owns a truck of the gross weight of twenty-six thousand (26,000) pounds or less, and that during the next twelve (12) months the truck shall not be used in for-hire transportation and may be used in transporting persons, food, provender, feed, machinery, livestock, material, and supplies necessary for his farming operation, and the products grown on his farm.
2. Any farmer owning a truck having a gross weight of twenty-six thousand one (26,001) pounds to thirty-eight thousand (38,000) pounds may have it registered as a farmer's truck and obtain a license for eleven dollars and fifty cents (\$11.50). The applicant's signature upon the certificate of registration and ownership shall constitute a certificate that he is a farmer engaged in the production of crops, livestock, or dairy products, that he owns a truck of the gross weight between twenty-six thousand one (26,001) pounds and thirty-eight thousand (38,000) pounds, and that during the next twelve (12) months the truck shall not be used in for-hire transportation and may be used in transporting persons, food, provender, feed, machinery, livestock, material, and supplies necessary for his farming operation and the products grown on his farm.
- (b) Any farmer owning a truck having a declared gross weight in excess of thirty-eight thousand (38,000) pounds shall not be required to pay the fee set out in subsection (3) of this section and, in lieu thereof, shall pay forty percent (40%) of the fee set out in subsection (3) of this section and shall be exempt from any fee charged under the provisions of KRS 281.752. The applicant's signature upon the registration receipt shall be considered to be a certification that he is a farmer engaged solely in the production of crops, livestock, or dairy products, and that during the current registration year the truck will be used only in transporting persons, food, provender, feed, and machinery used in operating his farm and the products grown on his farm.
- (c) An initial applicant for, or an applicant renewing, his or her registration pursuant to this subsection, may at the time of application make a voluntary contribution to be deposited into the agricultural program trust fund established in KRS 246.247. The recommended voluntary contribution shall be set at ten dollars (\$10) and automatically added to the cost of registration or renewal unless the individual registering or renewing the vehicle opts out of contributing the recommended amount. The county clerk shall collect and forward the voluntary contribution to the cabinet for distribution to the Department of Agriculture.
- (5) Any person owning a truck or bus used solely in transporting school children and school employees may have the truck or bus registered as a school bus and obtain a license for eleven dollars fifty cents (\$11.50) by filing with the county clerk, in addition to other information required, an affidavit stating that the truck or bus is used solely in the transportation of school children and persons employed in the schools of the district, that he has caused to be printed on each side of the truck or bus and on the rear door the words "School Bus" in letters at least six (6) inches high, and of a conspicuous color, and the truck or bus will be used during the next twelve (12) months only for the purpose stated.
- (6) Any church or religious organization owning a truck or bus used solely in transporting persons to and from a place of worship or for other religious work may have the truck or bus registered as a church bus and obtain a license for eleven dollars and fifty cents (\$11.50) by filing with the county clerk, in addition to other information required, an affidavit stating that the truck or bus will be used only for the transporting of persons to and from a place of worship, or for other religious work, and that there has been printed on the truck or bus in large letters the words "Church Bus," with the name of the church or religious organization owning and using the truck or bus, and that during the next twelve (12) months the truck or bus will be used only for the purpose stated.
- (7) Any person owning a motor vehicle with a gross weight of fourteen thousand (14,000) pounds or less on which a wrecker crane or other equipment suitable for wrecker service has been permanently mounted may register the vehicle and obtain a license for eleven dollars fifty cents (\$11.50) by filing with the county clerk, in addition to other information required, an affidavit that a wrecker crane or other equipment suitable for wrecker service has been permanently mounted on such vehicle and that during the next twelve (12) months

the vehicle will be used only in wrecker service. If the gross weight of the vehicle exceeds fourteen thousand (14,000) pounds, the vehicle shall be registered in accordance with subsection (3) of this section. The gross weight of a vehicle used in wrecker service shall not include the weight of the vehicle being towed by the wrecker.

- (8) Motor vehicles having a declared gross weight in excess of eighteen thousand (18,000) pounds, which when operated in this state are used exclusively for the transportation of property within the limits of the city named in the affidavit hereinafter required to be filed, or within ten (10) miles of the city limits of the city if it is a city with a population equal to or greater than three thousand (3,000) based upon the most recent federal decennial census, or within five (5) miles of its limits if it is a city with a population of less than three thousand (3,000) based upon the most recent federal decennial census, or anywhere within a county containing an urban-county government, shall not be required to pay the fee as set out in subsection (3) of this section, and in lieu thereof shall pay seventy-five percent (75%) of the fee set forth in subsection (3) of this section and shall be exempt from any fee charged under the provisions of KRS 281.752. Nothing in this section shall be construed to limit any right of nonresidents to exemption from registration under any other provisions of the laws granting reciprocity to nonresidents. Operations outside of this state shall not be considered in determining whether or not the foregoing mileage limitations have been observed. When claiming the right to the reduced fee, the applicant's signature on the certificate of registration and ownership shall constitute a certification or affidavit stating that the motor vehicle when used within this state is used only for the transportation of property within the city to be named in the affidavit and the area above set out and that the vehicle will not be used outside of a city and the area above set out during the current registration period.
- (9) Motor vehicles having a declared gross weight in excess of eighteen thousand (18,000) pounds, which are used exclusively for the transportation of primary forest products from the harvest area to a mill or other processing facility, where such mill or processing facility is located at a point not more than fifty (50) air miles from the harvest area or which are used exclusively for the transportation of concrete blocks or ready-mixed concrete from the point at which such concrete blocks or ready-mixed concrete is produced to a construction site where such concrete blocks or ready-mixed concrete is to be used, where such construction site is located at a point not more than thirty (30) air miles from the point at which such concrete blocks or ready-mixed concrete is produced shall not be required to pay the fee as set out in subsection (3) of this section, and in lieu thereof, shall pay seventy-five percent (75%) of the fee set out in subsection (3) of this section and shall be exempt from any fee charged under the provisions of KRS 281.752. The applicant's signature upon the certificate of registration and ownership shall constitute a certification that the motor vehicle will not be used during the current registration period in any manner other than that for which the reduced fee is provided in this section.
- (10) Any owner of a commercial vehicle registered for a declared gross weight in excess of eighteen thousand (18,000) pounds, intending to transfer same and desiring to take advantage of the refund provisions of KRS 186.056(2), may reregister such vehicle and obtain a "For Sale" certificate of registration and ownership for one dollar (\$1). Title to a vehicle so registered may be transferred, but such registration shall not authorize the operation or use of the vehicle on any public highway. No refund may be made under the provisions of KRS 186.056(2) until such time as the title to such vehicle has been transferred to the purchaser thereof. Provided, however, that nothing herein shall be so construed as to prevent the seller of a commercial vehicle from transferring the registration of such vehicle to any purchaser thereof.
- (11) The annual registration fee for self-propelled vehicles containing sleeping or eating facilities shall be twenty dollars (\$20) and the multiyear license plate issued shall be designated "Recreational vehicle." The foregoing shall not include any motor vehicle primarily designed for commercial or farm use having temporarily attached thereto any sleeping or eating facilities, or any commercial vehicle having sleeping facilities.
- (12) The registration fee on any vehicle registered under this section shall be increased fifty percent (50%) when the vehicle is not equipped wholly with pneumatic tires.
- (13) (a) The Department of Vehicle Regulation is authorized to negotiate and execute an agreement or agreements for the purpose of developing and instituting proportional registration of motor vehicles engaged in interstate commerce, or in a combination of interstate and intrastate commerce, and operating into, through, or within the Commonwealth of Kentucky. The agreement or agreements may be made on a basis commensurate with, and determined by, the miles traveled on, and use made of, the highways of this Commonwealth as compared with the miles traveled on and use made of highways of other states, or upon any other equitable basis of proportional registration. Notwithstanding the provisions of KRS 186.020, the cabinet shall promulgate administrative regulations concerning the registration of motor vehicles under any agreement or agreements made under this section and shall provide for direct issuance by it of evidence of payment of any registration fee required under such

agreement or agreements. Any proportional registration fee required to be collected under any proportional registration agreement or agreements shall be in accordance with the taxes established in this section.

- (b) Any owner of a commercial vehicle who is required to title his motor vehicle under this section shall first title such vehicle with the county clerk pursuant to KRS 186.020 for a state fee of one dollar (\$1). Title to such vehicle may be transferred; however title without proper registration shall not authorize the operation or use of the vehicle on any public highway. Any commercial vehicle properly titled in Kentucky may also be registered in Kentucky, and, upon payment of the required fees, the department may issue an apportioned registration plate to such commercial vehicle.
 - (c) Any commercial vehicle that is properly titled in a foreign jurisdiction, which vehicle is subject to apportioned registration, as provided in paragraph (a) of this subsection, may be registered in Kentucky, and, upon proof of proper title and payment of the required fees, the department may issue an apportioned registration plate to the commercial vehicle. The department shall promulgate administrative regulations in accordance with this section.
- (14) Any person seeking to obtain a special license plate for an automobile that has been provided to him pursuant to an occupation shall meet both of the following requirements:
- (a) The automobile shall be provided for the full-time exclusive use of the applicant; and
 - (b) The applicant shall obtain permission in writing from the vehicle owner or lessee on a form provided by the cabinet to use the vehicle and for the vehicle to bear the special license plate.
- (15) An applicant for any motor vehicle registration issued pursuant to this section shall have the opportunity to make a donation of two dollars (\$2) to promote a hunger relief program through specific wildlife management and conservation efforts by the Department of Fish and Wildlife Resources in accordance with KRS 150.015. If an applicant elects to make a contribution under this subsection, the two dollar (\$2) donation shall be added to the regular fee for any motor vehicle registration issued pursuant to this section. One (1) donation may be made per issuance of each registration. The fee shall be paid to the county clerk and shall be transmitted by the State Treasurer to the Department of Fish and Wildlife Resources to be used exclusively for the purpose of wildlife management and conservation activities in support of hunger relief. The county clerk may retain up to five percent (5%) of the fees collected under this subsection for administrative costs associated with the collection of this donation. Any donation requested under this subsection shall be voluntary and may be refused by the applicant at the time of issuance or renewal of a license plate.
- (16) *In addition to the fees outlined in this section, the county clerk shall collect from the registrants of electric vehicles, electric motorcycles, and hybrid vehicles the electric vehicle ownership fees imposed in Section 32 of this Act.*

➔SECTION 32. A NEW SECTION OF KRS CHAPTER 138 IS CREATED TO READ AS FOLLOWS:

(1) *As used in this section:*

- (a) *"Electric motorcycle" means the same as "motorcycle" or "motor scooter" as defined in KRS 186.010, that is powered by a:*
 - 1. *Battery or equivalent energy storage device that can be charged with an electric plug using an external electricity source; or*
 - 2. *Combination of an internal combustion engine and electric motor;*
- (b) *"Electric vehicle" means any vehicle that has plug-in charging capability, regardless of whether the vehicle is powered by:*
 - 1. *An electric motor only; or*
 - 2. *A combination of an internal combustion engine and electric power; and*
- (c) *"Hybrid vehicle" means any vehicle that does not have plug-in charging capability and is powered by a combination of an internal combustion engine and an electric motor.*

(2) *At the time of initial registration, and each year upon annual vehicle registration renewal, the county clerk shall collect, as required under Section 31 of this Act, from the registrants of electric motorcycles, electric vehicles, and hybrid vehicles the electric vehicle ownership fees established under subsections (3) and (4) of this section.*

- (3) *The electric vehicle ownership fees shall be:*
- (a) *One hundred twenty dollars (\$120) for electric vehicles; and*
 - (b) *Sixty dollars (\$60) for electric motorcycles or hybrid vehicles.*
- (4) *The Department of Revenue shall adjust the fees established in subsection (3) of this section, on the same schedule and in the same manner as the adjustments to the electric vehicle power taxes under Section 29 of this Act, except that:*
- (a) *Adjustment to the fees shall be rounded to the nearest dollar; and*
 - (b) *Any adjustment of fees shall not result in a decrease below the base fees established in subsection (3) of this section.*
- (5) *The electric vehicle ownership fees collected under this section shall be transferred:*
- (a) *Fifty percent (50%) to the general fund; and*
 - (b) *Fifty percent (50%) to the road fund.*

➔Section 33. KRS 131.400 is amended to read as follows:

- (1) KRS 131.410 to 131.445 shall be known as and may be cited as the "Kentucky Tax Amnesty Act."
- (2) ~~The department shall develop and administer tax amnesty programs as provided in KRS 131.410 to 131.445.~~
- (3) ~~As used in KRS 131.410 to 131.445, unless the context requires otherwise:~~
- (a) *"Account receivable" means an amount of state or federal tax, penalty, fee, or interest which has been recorded as due and entered in the account records of the department, or which the taxpayer should reasonably expect to become due as a direct or indirect result of any pending or completed audit or investigation which the taxpayer knows is being conducted by any federal or state government taxing authority;*
 - (b) *"Amnesty period" means the period of time established pursuant to subsection (3)~~(4)(a) or (b)~~ of this section during which a taxpayer may apply for tax amnesty;*
 - (c) *"Due and owing" means an assessment which has become final and is owed to the Commonwealth due to either the expiration of the taxpayer's appeal rights pursuant to KRS 131.110 or, if an assessment has been appealed, the issuance of a final order by the board or by any court of this Commonwealth. For the purposes of KRS 131.410 to 131.445, assessments that have been appealed shall be final, due and owing fifteen (15) days after the last unappealed or unappealable order sustaining the assessment or any part thereof has become final;*
 - (d) *"Federal government" means either the United States Department of Treasury or the Internal Revenue Service; and*
 - (e) ~~(b) "Taxpayer" means any individual, partnership, joint venture, association, corporation, receiver, trustee, guardian, executor, administrator, fiduciary, limited liability company, limited liability partnership, or any other entity of any kind subject to any tax set forth in subsection (3)~~(4)~~ of this section or any person required to collect any such tax under subsection (3)~~(4)~~ of this section;~~
 - (e) ~~"Account receivable" means an amount of state tax, penalty, fee, or interest which has been recorded as due and entered in the account records of the department, or which the taxpayer should reasonably expect to become due as a direct or indirect result of any pending or completed audit or investigation which the taxpayer knows is being conducted by any federal or state government taxing authority; and~~
 - (d) ~~"Due and owing" means an assessment which has become final and is owed to the Commonwealth due to either the expiration of the taxpayer's appeal rights pursuant to KRS 131.110 or, if an assessment has been appealed, the issuance of a final order by the board or by any court of this Commonwealth. For the purposes of KRS 131.410 to 131.445, assessments that have been appealed shall be final, due and owing fifteen (15) days after the last unappealed or unappealable order sustaining the assessment or any part thereof has become final.~~
- (3)~~(4)(a)~~ ~~Notwithstanding the provisions of any other law to the contrary, a tax amnesty program shall be conducted by the department during the fiscal year ending June 30, 2003, for a period of not less than sixty (60) days nor more than one hundred and twenty (120) days and shall apply to all taxpayers owing taxes, penalties, fees, or interest subject to the administrative jurisdiction of the department, with the exceptions of ad~~

~~valorem taxes levied on real property pursuant to KRS Chapter 132, ad valorem taxes on motor vehicles and motorboats collected by the county clerks, and ad valorem taxes on personal property levied pursuant to KRS Chapter 132 that are payable to local officials. The program shall apply to tax liabilities for taxable periods ending or transactions occurring after December 1, 1987, but prior to December 1, 2001. Amnesty tax return forms shall be in a form prescribed by the department.~~

~~(b) Notwithstanding the provisions of any other law to the contrary, a tax amnesty program shall be conducted by the department during the fiscal year ending June 30, 2013, for a period of not less than sixty (60) days, beginning on October 1, 2022, and ending on November 29, 2022, nor more than one hundred twenty (120) days. The program shall be available to all taxpayers owing:~~

(a) Taxes, penalties, fees, or interest subject to the administrative jurisdiction of the department, with the exception of:

1. Ad valorem taxes levied on real property pursuant to KRS Chapter 132;
2. Ad valorem taxes on motor vehicles and motorboats collected by the county clerks;
3. Ad valorem taxes on personal property levied pursuant to KRS Chapter 132 that are payable to local officials; and
4. Any penalties imposed under KRS 131.630 or 138.205; *and*

(b) *Federal taxes, penalties, fees, or interest referred to the department from the federal government for collection purposes.*

(4) *If the department is unable to secure a successful bid for the procurement of services under Section 37 of this Act, the department shall implement a tax amnesty program during a sixty (60) day period similar to the period established in subsection (3) of this section, except that the sixty (60) day period shall be held during the calendar year 2023.*

(5) The program shall apply to tax liabilities for taxable periods ending or transactions occurring *on or after* ~~December 1, 2001, and prior to~~ October 1, 2011, *but prior to December 1, 2021, and any federal tax liability referred to the department.* ~~Amnesty tax forms and submissions shall be in a form prescribed by the department.~~

➔Section 34. KRS 131.410 is amended to read as follows:

(1) For any taxpayer who meets the requirements of KRS 131.420:

(a) 1. For taxes which are owed as a result of the nonreporting or underreporting of tax liabilities or the nonpayment of any account receivable owed by an eligible taxpayer, the Commonwealth shall waive criminal prosecution and all civil penalties and fees which may be assessed under any KRS chapter subject to the administrative jurisdiction of the department for the taxable years or periods for which tax amnesty is requested.

2. For the amnesty *period* ~~periods~~ described in KRS 131.400(3)~~(4)~~, the Commonwealth shall waive interest as provided in ~~subsection (1) of~~ KRS 131.425(I).

(b) Except when the taxpayer and department enter into an installment payment agreement authorized under ~~subsection (3) of~~ KRS 131.420(3), failure to pay all taxes as shown on the taxpayer's amnesty tax return shall invalidate any amnesty granted *under* ~~pursuant to~~ KRS 131.410 to 131.445.

(2) This section shall not apply to any taxpayer who is on notice, written or otherwise, of a criminal investigation being conducted by an agency of the state or any political subdivision thereof or the United States, nor shall this section apply to any taxpayer who is the subject of any criminal litigation which is pending on the date of the taxpayer's application in any court of this state or the United States for nonpayment, delinquency, evasion or fraud in relation to any federal taxes or to any of the taxes to which this amnesty program is applicable.

(3) No refund or credit shall be granted for any interest, fee, or penalty paid prior to the time the taxpayer requests amnesty pursuant to KRS 131.420.

(4) Unless the department in its own discretion redetermines the amount of taxes due, no refund or credit shall be granted for any taxes paid under the amnesty program. Any administrative or judicial proceeding or claim seeking the refund or recovery of any amount paid under an amnesty program is hereby barred.

➔Section 35. KRS 131.420 is amended to read as follows:

- (1) The provisions of KRS 131.400 to 131.445 shall apply to any eligible taxpayer who files an application for amnesty within the time prescribed ***under subsection (3) of Section 33 of this Act***~~by the department~~ and does the following:
- (a) Files completed tax returns for all years or tax reporting periods as stated on the application for which returns have not previously been filed and files completed amended tax returns for all years or tax reporting periods as stated on the application for which the tax liability was underreported, except in cases in which the tax liability has been established through audit;
 - (b) Pays in full the taxes due for the periods and taxes applied for at the time the application or amnesty tax returns are filed within the amnesty period and pays the amount of any additional tax owed within thirty (30) days of notification by the department;
 - (c) Pays in full within the amnesty period all taxes previously assessed by the department that are due and owing at the time the application or amnesty tax returns are filed;~~and~~
 - (d) ***Pays in full within the amnesty period all taxes, penalties, fees, and interest assessed by the federal government and referred to the department for collection purposes; and***
 - (e) With regard to the program described in KRS 131.400(3)~~(4)(b)~~, agrees to file all tax returns when due and make all tax payments when due for three (3) years following the date amnesty is granted to the taxpayer.
- (2) An eligible taxpayer may participate in the amnesty program whether or not the taxpayer is under audit, notwithstanding the fact that the amount due is included in a proposed assessment or an assessment, bill, notice, or demand for payment issued by the department, and without regard to whether the amount due is subject to a pending administrative or judicial proceeding. An eligible taxpayer may participate in the amnesty program to the extent of the uncontested portion of any assessed liability. However, participation in the program shall be conditioned upon the taxpayer's agreement that the right to protest or initiate an administrative or judicial proceeding or to claim any refund of moneys paid under the program is barred with respect to the amounts paid under the amnesty programs.
- (3) (a) The department may enter into an installment payment agreement as provided in KRS 131.081(9) in cases of severe hardship in lieu of the complete payment required under subsection (1) of this section.
- (b) Failure of the taxpayer to make timely payments shall void the amnesty granted the taxpayer.
- (c) ~~1. All agreements and payments under the program described in KRS 131.400(4)(a) shall include interest as provided under subsection (2) of KRS 131.425.~~
2. All agreements and payments under the program described in KRS 131.400(3)~~(4)(b)~~ shall include interest as provided under KRS 131.425(3).
- (d) All required payments under an installment payment agreement under the program described in KRS 131.400(3)~~(4)(b)~~ shall be made on or before May 31, **2023**~~2013~~.
- (e) 1. If a taxpayer fails to make all required payments under paragraph (d) of this subsection by May 31, **2023**~~2013~~, the amnesty received by the taxpayer shall be invalidated, and all civil penalties, fees, and interest waived under the amnesty agreement shall:
- a. Be reinstated;
 - b. Be subject to immediate collection by the department; and
 - c. Not be subject to protest under KRS 131.110.
2. The department may utilize any remedy allowed by law to recover the amounts reinstated, and no statute of limitations shall apply.
- (4) If, following the termination of the tax amnesty period, the department issues a deficiency assessment based upon information independent of that shown on a return filed pursuant to subsection (1) of this section, the department shall have the authority to impose penalties and criminal action may be brought where authorized by law only with respect to the difference between the amount shown on the amnesty tax return and the correct amount of tax due. The imposition of penalties or criminal action shall not invalidate any waiver granted under KRS 131.410. With the exception of the cost-of-collection fee imposed under ~~subsection (1) of~~ KRS 131.440(I), all assessments issued by the department under KRS 131.410 to 131.445 may be protested by the taxpayer in the same manner as other assessments pursuant to the terms of this chapter.

➔Section 36. KRS 131.425 is amended to read as follows:

- (1) Notwithstanding the provisions of KRS 131.183(1), all taxes paid under an amnesty program return~~[-~~
 - ~~(a) Filed under the program described in KRS 131.400 (4)(a) shall bear no interest imposed under KRS 131.183(1) or other applicable statutes; and~~
 - ~~(b)]~~ filed under the program described in KRS 131.400(3)(a)~~[(4)(b)]~~ shall bear interest at one-half (1/2) the tax interest rate established by KRS 131.183(1) or other applicable statutes.
- (2) Notwithstanding the provisions of KRS 131.183(2) and 141.235, if any overpayment of tax under KRS 131.410 to 131.445 is refunded or credited within one hundred eighty (180) days after the return is filed, no interest shall be allowed.
- (3) All installment payment agreements entered into pursuant to KRS 131.420 relating to the program described in KRS 131.400(3)~~[(4)(b)]~~ shall bear interest on the outstanding amount of tax due during the installment period at the full rate established by KRS 131.183 or other applicable provisions of the Kentucky Revised Statutes.

➔Section 37. KRS 131.435 is amended to read as follows:

- (1) *The department and the Finance and Administration Cabinet shall begin procurement for services necessary to implement the tax amnesty program under KRS Chapter 45A, except as provided under subsection (2) of this section.*
- (2) (a) *The department shall issue a request for proposal, which complies with KRS 131.081, to solicit sufficient information for evaluating firms submitting statements of interest in providing tax amnesty services according to the following criteria:*
 1. *The qualifications of the firm to:*
 - a. *Provide advertising services prior to the start of the program described in subsection (3) of Section 33 of this Act and a toll-free telephone number for taxpayers to call for assistance;*
 - b. *Provide a customer-service approach and strategy to ensure a positive relationship with each taxpayer;*
 - c. *Contact every amnesty-eligible taxpayer, including by written correspondence and other forms of electronic and nonelectronic communication delivery channels, using contact and account receivable data supplied by the department related to tax amnesty and the tax amnesty period;*
 - d. *Employ the use of contact information correction sources, including data for all undeliverable mail, updated telephone numbers, and electronic mail addresses;*
 - e. *Assist any amnesty-eligible taxpayer by using tax-specific data, billing codes, or other information provided by the department;*
 - f. *Maintain the confidentiality of all data under KRS 131.190 which is supplied by the department or the taxpayer; and*
 - g. *Remit daily to the department all amnesty applications and tax payments received and all data corrections for the department's databases;*
 2. *The ability of all professional personnel employed by the firm that will provide tax amnesty services, including:*
 - a. *The total number of personnel that will provide tax amnesty services to taxpayers leading up to and during the amnesty period;*
 - b. *The title of each specific position type and total number of personnel filling each specific position type; and*
 - c. *The minimum qualifications for each specific position type;*
 3. *The past record and experience of the firm in performing tax amnesty services or other tax-related services;*
 4. *Performance data related to past tax amnesty services or other tax-related services performed by the firm;*

5. *Certification that the firm will meet the time requirements for the tax amnesty program and will conclude all services in a timely manner as required by the department or pay to the department a fee for failure to meet the timeframe;*
 6. *Verification of the location of all employees providing tax amnesty services;*
 7. *An agreement by the firm to provide a report to the department for posting to the department's Web site related to the following items:*
 - a. *A report of the public information campaign performed by the firm, including an itemized cost incurred;*
 - b. *The number of incoming telephone calls answered by week;*
 - c. *The number of mailings sent to taxpayers;*
 - d. *The number of returned mail items received;*
 - e. *The number of amnesty applications received from taxpayers by week;*
 - f. *The number of amnesty applications that were approved by taxpayer type;*
 - g. *The number of amnesty applications that were denied by taxpayer type and the number of denied amnesty applications by reason for denial;*
 - h. *According to the address listed on the amnesty application, information related to the absolute number and percentage of total for:*
 - i. *Amnesty applications received from businesses or individuals and whether the taxpayer was in-state or out-of-state;*
 - ii. *Amounts collected from businesses or individuals and whether the taxpayer was in-state or out-of-state; and*
 - iii. *The total amount collected by county, including the number of applications received by a business, individual, or office or member and the total amount paid for each category;*
 - i. *The number of amnesty applications received by appropriate payment ranges for the population of applications;*
 - j. *The payment amount received by type of tax;*
 - k. *The amount of tax collected by tax year;*
 - l. *The amount of federal tax collected by tax year;*
 - m. *The number of newly registered taxpayers; and*
 - n. *The amount of tax collected on protested audits by tax type and whether the amnesty payment paid the tax protested in full or was a partial payment on the audit; and*
 8. *Any other information required by the department.*
- (b) *When evaluating firms submitting statements of interest in providing tax amnesty services, the department shall use a weighted-evaluation approach to select a firm, including:*
1. *The ability of the firm to:*
 - a. *Provide a customer-service and taxpayer-assistance approach in providing amnesty services, including communication with taxpayers before and during the amnesty period, weighted no more than thirty percent (30%) of the evaluation score; and*
 - b. *Maintain lines of communication with the department related to strategy for and delivery of amnesty services and report to the department regarding the results from the firm delivering amnesty services, weighted no more than twenty-five percent (25%) of the evaluation score;*
 2. *The bid of the firm to provide amnesty services, weighted no more than fifteen percent (15%) of the evaluation score; and*

3. *The past performance of the firm with other states, including how well the firm met goals established by the other states, weighted no more than thirty percent (30%) of the evaluation score.*

- (3) For purposes of accounting for the revenues received pursuant to KRS 131.410 to 131.445, the department shall establish within the general fund a separate and distinct tax amnesty receipt account. All receipts collected as a result of the amnesty program shall be paid into this account, and all transactions involving this account shall be accounted for and reported as such.
- (4) *Following receipt of the report required by subsection (2) of this section and the disposition of moneys as required by subsection (3) of this section, the department shall provide a report summarizing the amnesty program results to the Interim Joint Committee on Appropriations and Revenue no later than July 1, 2023.*

➔Section 38. KRS 131.440 is amended to read as follows:

(1) ~~(a)~~ For purposes of the program described in KRS 131.400(4)(a), in addition to all other penalties provided under KRS 131.180, 131.410 to 131.445, and 131.990 and any other law, there is hereby imposed after the expiration of the tax amnesty period the following cost-of-collection fees:

1. ~~A cost of collection fee of twenty five percent (25%) on all taxes which are or become due and owing to the department for any reporting period, regardless of when due. This fee shall be in addition to any other applicable fee provided in this paragraph;~~
2. ~~Taxes which are assessed and collected after the amnesty period for taxable periods ending or transactions occurring prior to December 1, 2001, shall be charged a cost of collection fee of twenty five percent (25%) at the time of assessment; and~~
3. ~~For any taxpayer who failed to file a return for any previous tax period for which amnesty is available and fails to file the return during the amnesty period, the cost of collection fee shall be fifty percent (50%) of any tax deficiency assessed after the amnesty period.~~

~~(b)~~ For purposes of the program described in KRS 131.400(3)~~(4)(b)~~:

~~(a)~~ In addition to all other penalties provided under KRS 131.180, 131.410 to 131.445, 131.990 and any other law, there are hereby imposed after the expiration of the tax amnesty period the following cost-of-collection fees:

1. ~~(a)~~ A cost-of-collection fee of twenty-five percent (25%) on all taxes which are or become due and owing to the department for any reporting period, regardless of when due. This fee shall be in addition to any other applicable fee provided in this paragraph;
2. ~~(b)~~ Taxes which are assessed and collected after the amnesty period for taxable periods ending or transactions occurring prior to **December 1, 2021**~~October 1, 2011~~, shall be charged a cost-of-collection fee of twenty-five percent (25%) at the time of assessment; and
3. ~~(c)~~ For any taxpayer who failed to file a return for any previous tax period for which amnesty is available and fails to file the return during the amnesty period, the cost-of-collection fee shall be fifty percent (50%) of any tax deficiency assessed after the amnesty period.

~~(b)~~ After expiration of the tax amnesty period, an amnesty-eligible tax liability that remains unpaid and that is not covered by an installment agreement as provided in KRS 131.420 shall accrue interest at a rate that is two percent (2%) above the interest rate established by KRS 131.183 or other applicable provisions of the Kentucky Revised Statutes, beginning on the day after the tax amnesty period ends.

- (2) The commissioner shall have the right to waive any penalties or collection fees when it is demonstrated that any deficiency of the taxpayer was due to reasonable cause as defined in KRS 131.010(9). However, any taxes that cannot be paid under the amnesty program because of the exclusions *under*~~in subsection (2) of~~ KRS 131.410(2) shall not be subject to these fees.
- (3) The provisions of subsection (1) of this section shall not relate to any account which has been protested pursuant to KRS 131.110 as of the expiration of the amnesty period and which does not become due and owing, or to any account on which the taxpayer is remitting timely payments under a payment agreement negotiated with the department prior to or during the amnesty period.
- (4) The fee levied under subsection (1) of this section shall not apply to taxes paid pursuant to the terms of the amnesty program nor shall the judgment penalty of twenty percent (20%) levied under KRS 135.060(3) apply in any case in which the fee levied under this section is applicable.

➔Section 39. KRS 131.445 is amended to read as follows:

- (1) After the expiration of the tax amnesty period, the department shall vigorously pursue all civil, administrative, and criminal penalties authorized by state and federal law for all taxes found to be due the Commonwealth.
- (2) In addition to all other penalties provided under KRS 131.180, 131.410 to 131.445, 131.990, and any other law, any taxpayer who willfully fails to make a return or willfully makes a false return, or who willfully fails to pay taxes owing or collected, with intent to evade payment of the tax or amount collected, or any part thereof, shall be guilty of a Class D felony.
- (3) (a) Amnesty received by a taxpayer under the program described in KRS 131.400(3)~~((4)(b))~~ shall be invalidated if:
 1. The taxpayer fails to timely file any tax return or timely pay any tax and interest due for any period ending *on or* after **October 1, 2011**~~December 31, 2001~~, *but*~~and~~ prior to **December 1, 2021**~~October 1, 2011~~; or
 2. The taxpayer fails to timely file any tax return or timely pay any tax for any period beginning **December 1, 2021**~~October 1, 2011~~, and ending within three (3) years of the date amnesty was granted to the taxpayer.
- (b) Except as provided in paragraph (d) of this subsection, if the provisions of paragraph (a) of this subsection apply, then the civil penalties, fees, and interest waived pursuant to KRS 131.410 shall:
 1. Be reinstated;
 2. Be subject to immediate collection by the department; and
 3. Not be subject to protest under KRS 131.110.
- (c) The department may utilize any remedy permitted under the law to collect amounts due under this subsection, and no statute of limitations shall apply.
- (d) If paragraph (a) of this subsection applies to a taxpayer as the result of an audit or other investigation by the department, the amnesty shall not be invalidated until the taxpayer has had the opportunity to protest as provided in KRS 131.110, and has failed to pay the tax within thirty (30) days of the date on which the assessment becomes final, due, and owing as provided in KRS 131.500(1).

➔Section 40. KRS 68.200 is amended to read as follows:

- (1) As used in this section, unless the context clearly indicates otherwise:
 - (a) **"Gross rental charge" has the same meaning as in KRS 138.462;**
 - (b) **"Motor vehicle" has the same meaning as ~~means~~ "vehicle" as defined in KRS 186.010(8)(a);**
 - (c) **"Peer-to-peer car sharing" has the same meaning as in Section 9 of this Act;**
 - (d) **"Peer-to-peer car sharing program" has the same meaning as in Section 9 of this Act;**
 - (e) **"Peer-to-peer car sharing program agreement":**
 1. **Means the terms and conditions applicable to a shared vehicle owner and a shared vehicle driver that govern the use of a shared vehicle through a peer-to-peer car sharing program; and**
 2. **Does not include rental or lease agreements entered into with persons operating under a U-Drive-It certificate as defined in Section 9 of this Act;**
 - (f) **"Shared vehicle driver" has the same meaning as in Section 9 of this Act;**
 - (g) **"Transportation network company" has the same meaning as in Section 9 of this Act;**
 - (h) **"Transportation network company service" has the same meaning as in Section 9 of this Act; and**
 - (i) **"U-Drive-It" has the same meaning as in Section 9 of this Act;**
 - ~~(b) Retailer means "retailer" as defined in KRS 139.010; and~~
 - ~~(c) Gross rental charge means "gross rental charge" as defined in KRS 138.462].~~

- (2) A county containing a designated city, consolidated local government, or urban-county government may levy a license fee on *a*:
- (a) *U-Drive-It*;
 - (b) *Peer-to-peer car sharing program*; and
 - (c) *Transportation network company*.
- (3) ~~The license fee shall [the rental of motor vehicles which shall]~~ not exceed three percent (3%) of the gross rental charges from:
- (a) Rental agreements for periods of thirty (30) days or less *by a*:
 1. *U-Drive-It*; or
 2. *Peer-to-peer car sharing program*; or
 - (b) *The provision of transportation network company services by a transportation network company*.
- (4) The license fee shall *not* apply to *a U-Drive-It* ~~[retailer]~~ who *receives less* ~~[receive more]~~ than seventy-five percent (75%) of ~~its~~ ~~[their]~~ gross revenues generated in the county from gross rental charges.
- (5) Any license fee levied pursuant to this subsection shall be collected by *a*:
- (a) *U-Drive-It* ~~[the retailer]~~ from the renters of the motor vehicles;
 - (b) *Peer-to-peer car sharing program from the shared vehicle driver*; and
 - (c) *Transportation network company from the purchaser of the transportation network company services*.
- ~~(6)~~~~(3)~~ Revenues from rental of motor vehicles shall not be included in the gross rental charges on which the license fee is based if:
- (a) The declared gross weight of the motor vehicle exceeds eleven thousand (11,000) pounds; or
 - (b) The rental is part of the services provided by a funeral director for a funeral; ~~or~~
 - ~~(c) The rental is exempted from the state sales and use tax pursuant to KRS 139.470.~~
- ~~(7)~~~~(4)~~ A fiscal court or the legislative body of an urban-county government shall provide for collection of the license fee in the ordinance by which the license fee is levied. The revenues shall be deposited in an account to be known as the motor vehicle license fee account. The revenues may be shared among local governments pursuant to KRS 65.210 to 65.300.
- ~~(8)~~~~(5)~~ The county shall use the proceeds of the license fee for economic development activities. It shall distribute semiannually, by June 30 and December 31, all revenues not shared pursuant to KRS 65.210 to 65.300, to one (1) or more of the following entities if it has established, or contracted with, the entity for the purposes of economic development and is satisfied that the entity is promoting satisfactorily the county's economic development activities:
- (a) A riverport authority established by the county pursuant to KRS 65.520; or
 - (b) An industrial development authority established by the county pursuant to KRS 154.50-316; or
 - (c) A nonprofit corporation as defined in KRS 273.161(4) which has been organized for the purpose of promoting economic development.
- The entity shall make a written request for funds from the motor vehicle license fee account by May 31 and November 30, respectively.
- ~~(9)~~~~(6)~~
- (a) As used in this section, "designated city" means a city on the registry maintained by the Department for Local Government under this subsection.
 - (b) On or before January 1, 2015, the Department for Local Government shall create and maintain a registry of cities that, as of August 1, 2014, were classified as cities of the first, second, and third class. The Department for Local Government shall make the information included on the registry available to the public by publishing it on its Web site.

➔Section 41. KRS 143.022 is amended to read as follows:

- (1) A taxpayer engaged in severing or processing coal within this Commonwealth that has paid the tax imposed under KRS 143.020 may apply for a refund equal to the amount of tax paid under KRS 143.020 if the coal is transported directly to a market outside of North America.
- (2) To apply for the refund allowed under subsection (1) of this section the taxpayer shall file an application for refund with the department and submit all information and documentation necessary to substantiate that the tax was paid upon the coal which was transported directly to a market outside of North America.
- (3) The refund process allowed under subsection (1) of this section is available beginning on or after August 1, 2020, but before July 1, ~~2024~~~~2022~~, and limited during any calendar year to the export of a combined total of ten million (10,000,000) tons of coal subject to the tax imposed under KRS 143.020 and exported through United States coal export terminals to markets outside of North America.

➔Section 42. KRS 141.010 is amended to read as follows:

As used in this chapter, for taxable years beginning on or after January 1, 2018:

- (1) "Adjusted gross income," in the case of taxpayers other than corporations, means the amount calculated in KRS 141.019;
- (2) "Captive real estate investment trust" means a real estate investment trust as defined in Section 856 of the Internal Revenue Code that meets the following requirements:
 - (a)
 1. The shares or other ownership interests of the real estate investment trust are not regularly traded on an established securities market; or
 2. The real estate investment trust does not have enough shareholders or owners to be required to register with the Securities and Exchange Commission;
 - (b)
 1. The maximum amount of stock or other ownership interest that is owned or constructively owned by a corporation equals or exceeds:
 - a. Twenty-five percent (25%), if the corporation does not occupy property owned, constructively owned, or controlled by the real estate investment trust; or
 - b. Ten percent (10%), if the corporation occupies property owned, constructively owned, or controlled by the real estate investment trust.

The total ownership interest of a corporation shall be determined by aggregating all interests owned or constructively owned by a corporation; and
 2. For the purposes of this paragraph:
 - a. "Corporation" means a corporation taxable under KRS 141.040, and includes an affiliated group as defined in KRS 141.200, that is required to file a consolidated return pursuant to KRS 141.200; and
 - b. "Owned or constructively owned" means owning shares or having an ownership interest in the real estate investment trust, or owning an interest in an entity that owns shares or has an ownership interest in the real estate investment trust. Constructive ownership shall be determined by looking across multiple layers of a multilayer pass-through structure; and
 - (c) The real estate investment trust is not owned by another real estate investment trust;
- (3) "Commissioner" means the commissioner of the department;
- (4) "Corporation" has the same meaning as in Section 7701(a)(3) of the Internal Revenue Code;
- (5) "Critical infrastructure" means property and equipment owned or used by communications networks, electric generation, transmission or distribution systems, gas distribution systems, or water or wastewater pipelines that service multiple customers or citizens, including but not limited to real and personal property such as buildings, offices, lines, poles, pipes, structures, or equipment;
- (6) "Declared state disaster or emergency" means a disaster or emergency event for which:
 - (a) The Governor has declared a state of emergency pursuant to KRS 39A.100; or
 - (b) A presidential declaration of a federal major disaster or emergency has been issued;

- (7) "Department" means the Department of Revenue;
- (8) "Dependent" means those persons defined as dependents in the Internal Revenue Code;
- (9) "Disaster or emergency-related work" means repairing, renovating, installing, building, or rendering services that are essential to the restoration of critical infrastructure that has been damaged, impaired, or destroyed by a declared state disaster or emergency;
- (10) "Disaster response business" means any entity:
 - (a) That has no presence in the state and conducts no business in the state, except for disaster or emergency-related work during a disaster response period;
 - (b) Whose services are requested by a registered business or by a state or local government for purposes of performing disaster or emergency-related work in the state during a disaster response period; and
 - (c) That has no registrations, tax filings, or nexus in this state other than disaster or emergency-related work during the calendar year immediately preceding the declared state disaster or emergency;
- (11) "Disaster response employee" means an employee who does not work or reside in the state, except for disaster or emergency-related work during the disaster response period;
- (12) "Disaster response period" means a period that begins ten (10) days prior to the first day of the Governor's declaration under KRS 39A.100, or the President's declaration of a federal major disaster or emergency, whichever occurs first, and that extends thirty (30) calendar days after the declared state disaster or emergency;
- (13) "Doing business in this state" includes but is not limited to:
 - (a) Being organized under the laws of this state;
 - (b) Having a commercial domicile in this state;
 - (c) Owning or leasing property in this state;
 - (d) Having one (1) or more individuals performing services in this state;
 - (e) Maintaining an interest in a pass-through entity doing business in this state;
 - (f) Deriving income from or attributable to sources within this state, including deriving income directly or indirectly from a trust doing business in this state, or deriving income directly or indirectly from a single-member limited liability company that is doing business in this state and is disregarded as an entity separate from its single member for federal income tax purposes; or
 - (g) Directing activities at Kentucky customers for the purpose of selling them goods or services.

Nothing in this subsection shall be interpreted in a manner that goes beyond the limitations imposed and protections provided by the United States Constitution or Pub. L. No. 86-272;

- (14) "Employee" has the same meaning as in Section 3401(c) of the Internal Revenue Code;
- (15) "Employer" has the same meaning as in Section 3401(d) of the Internal Revenue Code;
- (16) "Fiduciary" has the same meaning as in Section 7701(a)(6) of the Internal Revenue Code;
- (17) "Financial institution" means:
 - (a) A national bank organized as a body corporate and existing or in the process of organizing as a national bank association pursuant to the provisions of the National Bank Act, 12 U.S.C. secs. 21 et seq., in effect on December 31, 1997, exclusive of any amendments made subsequent to that date;
 - (b) Any bank or trust company incorporated or organized under the laws of any state, except a banker's bank organized under KRS 286.3-135;
 - (c) Any corporation organized under the provisions of 12 U.S.C. secs. 611 to 631, in effect on December 31, 1997, exclusive of any amendments made subsequent to that date, or any corporation organized after December 31, 1997, that meets the requirements of 12 U.S.C. secs. 611 to 631, in effect on December 31, 1997; or
 - (d) Any agency or branch of a foreign depository as defined in 12 U.S.C. sec. 3101, in effect on December 31, 1997, exclusive of any amendments made subsequent to that date, or any agency or branch of a

- foreign depository established after December 31, 1997, that meets the requirements of 12 U.S.C. sec. 3101 in effect on December 31, 1997;
- (18) "Fiscal year" has the same meaning as in Section 7701(a)(24) of the Internal Revenue Code;
- (19) "Gross income":
- (a) In the case of taxpayers other than corporations, has the same meaning as in Section 61 of the Internal Revenue Code; and
- (b) In the case of corporations, means the amount calculated in KRS 141.039;
- (20) "Individual" means a natural person;
- (21) "Internal Revenue Code" means ~~[-~~
- (a) ~~For taxable years beginning on or after January 1, 2018, but before January 1, 2019, the Internal Revenue Code in effect on December 31, 2017, including the provisions contained in Pub. L. No. 115-97 apply to the same taxable year as the provisions apply for federal purposes, exclusive of any amendments made subsequent to that date, other than amendments that extend provisions in effect on December 31, 2017, that would otherwise terminate; and~~
- (b) ~~for taxable years beginning on or after January 1, 2022~~~~[2019]~~, the Internal Revenue Code in effect on December 31, ~~2021~~~~[2018]~~, **excluding:**
- (a) ***Pub. L. No. 117-2, sec. 9673, related to the tax treatment of restaurant revitalization grants; and*** ~~exclusive of~~
- (b) Any amendments made subsequent to that date~~[, other than amendments that extend provisions in effect on December 31, 2018, that would otherwise terminate]~~;
- (22) "Limited liability pass-through entity" means any pass-through entity that affords any of its partners, members, shareholders, or owners, through function of the laws of this state or laws recognized by this state, protection from general liability for actions of the entity;
- (23) "Modified gross income" means the greater of:
- (a) Adjusted gross income as defined in 26 U.S.C. sec. 62, including any amendments in effect on December 31 of the taxable year, and adjusted as follows:
1. Include interest income derived from obligations of sister states and political subdivisions thereof; and
2. Include lump-sum pension distributions taxed under the special transition rules of Pub. L. No. 104-188, sec. 1401(c)(2); or
- (b) Adjusted gross income as defined in subsection (1) of this section and adjusted to include lump-sum pension distributions taxed under the special transition rules of Pub. L. No. 104-188, sec. 1401(c)(2);
- (24) "Net income":
- (a) In the case of taxpayers other than corporations, means the amount calculated in KRS 141.019; and
- (b) In the case of corporations, means the amount calculated in KRS 141.039;
- (25) "Nonresident" means any individual not a resident of this state;
- (26) "Number of withholding exemptions claimed" means the number of withholding exemptions claimed in a withholding exemption certificate in effect under KRS 141.325, except that if no such certificate is in effect, the number of withholding exemptions claimed shall be considered to be zero;
- (27) "Part-year resident" means any individual that has established or abandoned Kentucky residency during the calendar year;
- (28) "Pass-through entity" means any partnership, S corporation, limited liability company, limited liability partnership, limited partnership, or similar entity recognized by the laws of this state that is not taxed for federal purposes at the entity level, but instead passes to each partner, member, shareholder, or owner their proportionate share of income, deductions, gains, losses, credits, and any other similar attributes;
- (29) "Payroll period" has the same meaning as in Section 3401(b) of the Internal Revenue Code;

- (30) "Person" has the same meaning as in Section 7701(a)(1) of the Internal Revenue Code;
- (31) "Registered business" means a business entity that owns or otherwise possesses critical infrastructure and that is registered to do business in the state prior to the declared state disaster or emergency;
- (32) "Resident" means an individual domiciled within this state or an individual who is not domiciled in this state, but maintains a place of abode in this state and spends in the aggregate more than one hundred eighty-three (183) days of the taxable year in this state;
- (33) "S corporation" has the same meaning as in Section 1361(a) of the Internal Revenue Code;
- (34) "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States;
- (35) "Taxable net income":
- (a) In the case of corporations that are taxable in this state, means "net income" as defined in subsection (24) of this section;
 - (b) In the case of corporations that are taxable in this state and taxable in another state, means "net income" as defined in subsection (24) of this section and as allocated and apportioned under KRS 141.120;
 - (c) For homeowners' associations as defined in Section 528(c) of the Internal Revenue Code, means "taxable income" as defined in Section 528(d) of the Internal Revenue Code. Notwithstanding the provisions of subsection (21) of this section, the Internal Revenue Code sections referred to in this paragraph shall be those code sections in effect for the applicable tax year; and
 - (d) For a corporation that meets the requirements established under Section 856 of the Internal Revenue Code to be a real estate investment trust, means "real estate investment trust taxable income" as defined in Section 857(b)(2) of the Internal Revenue Code, except that a captive real estate investment trust shall not be allowed any deduction for dividends paid;
- (36) "Taxable year" means the calendar year or fiscal year ending during such calendar year, upon the basis of which net income is computed, and in the case of a return made for a fractional part of a year under the provisions of this chapter or under administrative regulations prescribed by the commissioner, "taxable year" means the period for which the return is made; and
- (37) "Wages" has the same meaning as in Section 3401(a) of the Internal Revenue Code and includes other income subject to withholding as provided in Section 3401(f) and Section 3402(k), (o), (p), (q), and (s) of the Internal Revenue Code.

➔Section 43. KRS 139.730 is amended to read as follows:

- (1) In the administration of the sales and use tax, the department may require the filing of reports by any person or class of persons ~~with~~ ~~having in his or their~~ possession or custody *of* information relating to sales of tangible personal property, digital property, or an extended warranty service, the storage, use, or other consumption of which is subject to the tax.
- (2) *Any event coordinator of a festival or similar event shall provide the department with a list of vendors selling at the event any tangible property, digital property, or services listed in Section 3 of this Act.*
- (3) The report shall be filed at the time specified by the department and shall contain such information as the department may require.

➔SECTION 44. A NEW SECTION OF KRS CHAPTER 136 IS CREATED TO READ AS FOLLOWS:

- (1) *Any company whose tax, as provided in KRS 136.320, 136.330, 136.340, 136.350, 136.370, 342.445, or 304.3-270 was five thousand dollars (\$5,000) or more in the previous year shall file a declaration of estimated tax.*
- (2) *The tax due shall be paid in three (3) installments, one-third (1/3) on or before June 1, one-third (1/3) on or before October 1, and the remainder on or before the following March 1.*
- (3)
 - (a) *Any adjustments may be made on or before October 1.*
 - (b) *All adjustments shall be made on or before March 1.*
 - (c) *If any taxpayer uses the amount of the tax liability for the previous calendar year as the estimate for the declaration, no penalties or interest shall apply to any subsequent adjustments.*

(4) All taxes not paid when due may be subject to:

- (a) A penalty of five percent (5%) per month, but not more than twenty-five percent (25%) penalty shall be assessed on any one (1) report; and**
- (b) Interest at the tax interest rate as defined in KRS 131.010(6) from the date the report was due.**

➔Section 45. KRS 139.472 is amended to read as follows:

- (1) Notwithstanding any other provisions of this chapter, the taxes imposed by this chapter shall not apply to the sale or purchase of:
 - (a) A drug purchased for the treatment of a human being for which a prescription is required by state or federal law, whether the drug is dispensed by a licensed pharmacist, administered by a physician or other health care provider, or distributed as a free sample to or from a physician's office;
 - (b) An over-the-counter drug purchased for the treatment of a human being for which a prescription is issued;
 - (c) Medical oxygen and oxygen delivery equipment purchased for home use. Oxygen delivery equipment includes:
 - 1. High pressure cylinders, cryogenic tanks, oxygen concentrators, or similar medical oxygen delivery equipment including repair and replacement parts for the equipment; and
 - 2. Tubes, masks, and similar items required for the delivery of oxygen to the patient;
 - (d) Insulin and diabetic supplies, including hypodermic syringes, needles, and sugar (urine and blood) testing materials purchased by an individual for private use;
 - (e) Colostomy, urostomy, or ileostomy supplies purchased by an individual for private use;
 - (f) Prosthetic devices purchased by any health care provider for use in the treatment of a specific individual or purchased by an individual as prescribed by a person authorized under the laws of the Commonwealth to issue prescriptions;
 - (g) Prosthetic devices that are individually designed or created for an individual regardless of the purchaser;
 - (h) Mobility enhancing equipment for which a prescription is issued; and
 - (i) Durable medical equipment, including hospital beds for which a prescription is issued.
- (2) Except as specifically provided in subsection (1) of this section, supplies or equipment used to deliver a drug to a patient are taxable.
- (3) As used in this section *and Section 46 of this Act*:
 - (a) "Drug" means a compound, substance, or preparation and any component of a compound, substance, or preparation, other than food and food ingredients, dietary supplements, or alcoholic beverages as defined in KRS 139.485, that is recognized in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or a supplement to any of them, or is:
 - 1. Intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease ~~in humans~~; or
 - 2. Intended to affect the structure or any function of the ~~human~~ body;
 - (b) "Grooming and hygiene products" means soaps and cleaning solutions, shampoo, toothpaste, mouthwash, antiperspirants, and suntan lotions, regardless of whether the items meet the definition of an over-the-counter drug;
 - (c) 1. "Over-the-counter drug" means a drug that contains a label that identifies the product as a drug as required by 21 C.F.R. sec. 201.66. The "over-the-counter drug" label shall include:
 - a. A "Drug Facts" panel; or
 - b. A statement of the active ingredients with a list of those ingredients contained in the compound, substance, or preparation.

2. "Over-the-counter drug" shall not include grooming and hygiene products;
- (d) "Prescription" means an order, formula, or recipe issued in any form of oral, written, electronic, or other means of transmission by a person authorized under the laws of the Commonwealth to prescribe a drug;
- (e) 1. "Prosthetic device" means a replacement, corrective, or supportive device, including repair and replacement parts for the device, worn on or in the body to:
 - a. Artificially replace a missing portion of the body;
 - b. Prevent or correct a physical deformity or malfunction; or
 - c. Support a weak or deformed portion of the body.
2. "Prosthetic device" shall not include any of the following:
 - a. Corrective eyeglasses;
 - b. Contact lenses; or
 - c. Dental prosthesis;
- (f) 1. "Mobility enhancing equipment" means equipment, including repair and replacement parts for same, which:
 - a. Is primarily and customarily used to provide or increase the ability to move from one place to another and which is appropriate for use either in a home or a motor vehicle;
 - b. Is not generally used by persons with normal mobility; and
 - c. Does not include any motor vehicle or equipment on a motor vehicle normally provided by a motor vehicle manufacturer.
2. "Mobility enhancing equipment" shall not include durable medical equipment; and
- (g) 1. "Durable medical equipment" means equipment, including repair and replacement parts for same, which:
 - a. Can withstand repeated use;
 - b. Is primarily and customarily used to serve a medical purpose;
 - c. Generally is not useful to a person in the absence of illness or injury; and
 - d. Is not worn in or on the body.
2. "Durable medical equipment" shall not include mobility enhancing equipment or oxygen delivery equipment that is not worn in or on the body.
3. As used in this paragraph, "repair and replacement parts" includes all components or attachments used in connection with durable medical equipment.

→Section 46. KRS 139.480 is amended to read as follows:

Any other provision of this chapter to the contrary notwithstanding, the terms "sale at retail," "retail sale," "use," "storage," and "consumption," as used in this chapter, shall not include the sale, use, storage, or other consumption of:

- (1) Locomotives or rolling stock, including materials for the construction, repair, or modification thereof, or fuel or supplies for the direct operation of locomotives and trains, used or to be used in interstate commerce;
- (2) Coal for the manufacture of electricity;
- (3) (a) All energy or energy-producing fuels used in the course of manufacturing, processing, mining, or refining and any related distribution, transmission, and transportation services for this energy that are billed to the user, to the extent that the cost of the energy or energy-producing fuels used, and related distribution, transmission, and transportation services for this energy that are billed to the user exceed three percent (3%) of the cost of production.
- (b) Cost of production shall be computed on the basis of a plant facility, which shall include all operations within the continuous, unbroken, integrated manufacturing or industrial processing process that ends with a product packaged and ready for sale.

- (c) A person who performs a manufacturing or industrial processing activity for a fee and does not take ownership of the tangible personal property that is incorporated into, or becomes the product of, the manufacturing or industrial processing activity is a toller. For periods on or after July 1, 2018, the costs of the tangible personal property shall be excluded from the toller's cost of production at a plant facility with tolling operations in place as of July 1, 2018.
- (d) For plant facilities that begin tolling operations after July 1, 2018, the costs of tangible personal property shall be excluded from the toller's cost of production if the toller:
 - 1. Maintains a binding contract for periods after July 1, 2018, that governs the terms, conditions, and responsibilities with a separate legal entity, which holds title to the tangible personal property that is incorporated into, or becomes the product of, the manufacturing or industrial processing activity;
 - 2. Maintains accounting records that show the expenses it incurs to fulfill the binding contract that include but are not limited to energy or energy-producing fuels, materials, labor, procurement, depreciation, maintenance, taxes, administration, and office expenses;
 - 3. Maintains separate payroll, bank accounts, tax returns, and other records that demonstrate its independent operations in the performance of its tolling responsibilities;
 - 4. Demonstrates one (1) or more substantial business purposes for the tolling operations germane to the overall manufacturing, industrial processing activities, or corporate structure at the plant facility. A business purpose is a purpose other than the reduction of sales tax liability for the purchases of energy and energy-producing fuels; and
 - 5. Provides information to the department upon request that documents fulfillment of the requirements in subparagraphs 1. to 4. of this paragraph and gives an overview of its tolling operations with an explanation of how the tolling operations relate and connect with all other manufacturing or industrial processing activities occurring at the plant facility;
- (4) Livestock of a kind the products of which ordinarily constitute food for human consumption, provided the sales are made for breeding or dairy purposes and by or to a person regularly engaged in the business of farming;
- (5) Poultry for use in breeding or egg production;
- (6) Farm work stock for use in farming operations;
- (7) Seeds, the products of which ordinarily constitute food for human consumption or are to be sold in the regular course of business, and commercial fertilizer to be applied on land, the products from which are to be used for food for human consumption or are to be sold in the regular course of business; provided such sales are made to farmers who are regularly engaged in the occupation of tilling and cultivating the soil for the production of crops as a business, or who are regularly engaged in the occupation of raising and feeding livestock or poultry or producing milk for sale; and provided further that tangible personal property so sold is to be used only by those persons designated above who are so purchasing;
- (8) Insecticides, fungicides, herbicides, rodenticides, and other farm chemicals to be used in the production of crops as a business, or in the raising and feeding of livestock or poultry, the products of which ordinarily constitute food for human consumption;
- (9) Feed, including pre-mixes and feed additives, for livestock or poultry of a kind the products of which ordinarily constitute food for human consumption;
- (10) Machinery for new and expanded industry;
- (11) Farm machinery. As used in this section, the term "farm machinery":
 - (a) Means machinery used exclusively and directly in the occupation of:
 - 1. Tilling the soil for the production of crops as a business;
 - 2. Raising and feeding livestock or poultry for sale; or
 - 3. Producing milk for sale;
 - (b) Includes machinery, attachments, and replacements therefor, repair parts, and replacement parts which are used or manufactured for use on, or in the operation of farm machinery and which are necessary to

the operation of the machinery, and are customarily so used, including but not limited to combine header wagons, combine header trailers, or any other implements specifically designed and used to move or transport a combine head; and

- (c) Does not include:
 - 1. Automobiles;
 - 2. Trucks;
 - 3. Trailers, except combine header trailers; or
 - 4. Truck-trailer combinations;
- (12) Tombstones and other memorial grave markers;
- (13) On-farm facilities used exclusively for grain or soybean storing, drying, processing, or handling. The exemption applies to the equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities;
- (14) On-farm facilities used exclusively for raising poultry or livestock. The exemption shall apply to the equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities. The exemption shall apply but not be limited to vent board equipment, waterer and feeding systems, brooding systems, ventilation systems, alarm systems, and curtain systems. In addition, the exemption shall apply whether or not the seller is under contract to deliver, assemble, and incorporate into real estate the equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities;
- (15) Gasoline, special fuels, liquefied petroleum gas, and natural gas used exclusively and directly to:
 - (a) Operate farm machinery as defined in subsection (11) of this section;
 - (b) Operate on-farm grain or soybean drying facilities as defined in subsection (13) of this section;
 - (c) Operate on-farm poultry or livestock facilities defined in subsection (14) of this section;
 - (d) Operate on-farm ratite facilities defined in subsection (23) of this section;
 - (e) Operate on-farm llama or alpaca facilities as defined in subsection (25) of this section; or
 - (f) Operate on-farm dairy facilities;
- (16) Textbooks, including related workbooks and other course materials, purchased for use in a course of study conducted by an institution which qualifies as a nonprofit educational institution under KRS 139.495. The term "course materials" means only those items specifically required of all students for a particular course but shall not include notebooks, paper, pencils, calculators, tape recorders, or similar student aids;
- (17) Any property which has been certified as an alcohol production facility as defined in KRS 247.910;
- (18) Aircraft, repair and replacement parts therefor, and supplies, except fuel, for the direct operation of aircraft in interstate commerce and used exclusively for the conveyance of property or passengers for hire. Nominal intrastate use shall not subject the property to the taxes imposed by this chapter;
- (19) Any property which has been certified as a fluidized bed energy production facility as defined in KRS 211.390;
- (20)
 - (a)
 - 1. Any property to be incorporated into the construction, rebuilding, modification, or expansion of a blast furnace or any of its components or appurtenant equipment or structures as part of an approved supplemental project, as defined by KRS 154.26-010; and
 - 2. Materials, supplies, and repair or replacement parts purchased for use in the operation and maintenance of a blast furnace and related carbon steel-making operations as part of an approved supplemental project, as defined by KRS 154.26-010.
 - (b) The exemptions provided in this subsection shall be effective for sales made:
 - 1. On and after July 1, 2018; and
 - 2. During the term of a supplemental project agreement entered into pursuant to KRS 154.26-090;

- (21) Beginning on October 1, 1986, food or food products purchased for human consumption with food coupons issued by the United States Department of Agriculture pursuant to the Food Stamp Act of 1977, as amended, and required to be exempted by the Food Security Act of 1985 in order for the Commonwealth to continue participation in the federal food stamp program;
- (22) Machinery or equipment purchased or leased by a business, industry, or organization in order to collect, source separate, compress, bale, shred, or otherwise handle waste materials if the machinery or equipment is primarily used for recycling purposes;
- (23) Ratite birds and eggs to be used in an agricultural pursuit for the breeding and production of ratite birds, feathers, hides, breeding stock, eggs, meat, and ratite by-products, and the following items used in this agricultural pursuit:
- (a) Feed and feed additives;
 - (b) Insecticides, fungicides, herbicides, rodenticides, and other farm chemicals;
 - (c) On-farm facilities, including equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities. The exemption shall apply to incubation systems, egg processing equipment, waterer and feeding systems, brooding systems, ventilation systems, alarm systems, and curtain systems. In addition, the exemption shall apply whether or not the seller is under contract to deliver, assemble, and incorporate into real estate the equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities;
- (24) Embryos and semen that are used in the reproduction of livestock, if the products of these embryos and semen ordinarily constitute food for human consumption, and if the sale is made to a person engaged in the business of farming;
- (25) Llamas and alpacas to be used as beasts of burden or in an agricultural pursuit for the breeding and production of hides, breeding stock, fiber and wool products, meat, and llama and alpaca by-products, and the following items used in this pursuit:
- (a) Feed and feed additives;
 - (b) Insecticides, fungicides, herbicides, rodenticides, and other farm chemicals; and
 - (c) On-farm facilities, including equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities. The exemption shall apply to waterer and feeding systems, ventilation systems, and alarm systems. In addition, the exemption shall apply whether or not the seller is under contract to deliver, assemble, and incorporate into real estate the equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities;
- (26) Baling twine and baling wire for the baling of hay and straw;
- (27) Water sold to a person regularly engaged in the business of farming and used in the:
- (a) Production of crops;
 - (b) Production of milk for sale; or
 - (c) Raising and feeding of:
 - 1. Livestock or poultry, the products of which ordinarily constitute food for human consumption; or
 - 2. Ratites, llamas, alpacas, buffalo, cervids or aquatic organisms;
- (28) Buffalos to be used as beasts of burden or in an agricultural pursuit for the production of hides, breeding stock, meat, and buffalo by-products, and the following items used in this pursuit:
- (a) Feed and feed additives;
 - (b) Insecticides, fungicides, herbicides, rodenticides, and other farm chemicals;
 - (c) On-farm facilities, including equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities. The exemption shall apply to waterer and feeding systems, ventilation systems, and alarm systems. In addition, the exemption shall apply whether or not the seller is under contract to deliver, assemble, and incorporate

into real estate the equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities;

- (29) Aquatic organisms sold directly to or raised by a person regularly engaged in the business of producing products of aquaculture, as defined in KRS 260.960, for sale, and the following items used in this pursuit:
- (a) Feed and feed additives;
 - (b) Water;
 - (c) Insecticides, fungicides, herbicides, rodenticides, and other farm chemicals; and
 - (d) On-farm facilities, including equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities and, any gasoline, special fuels, liquefied petroleum gas, or natural gas used to operate the facilities. The exemption shall apply, but not be limited to: waterer and feeding systems; ventilation, aeration, and heating systems; processing and storage systems; production systems such as ponds, tanks, and raceways; harvest and transport equipment and systems; and alarm systems. In addition, the exemption shall apply whether or not the seller is under contract to deliver, assemble, and incorporate into real estate the equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities;
- (30) Members of the genus cervidae permitted by KRS Chapter 150 that are used for the production of hides, breeding stock, meat, and cervid by-products, and the following items used in this pursuit:
- (a) Feed and feed additives;
 - (b) Insecticides, fungicides, herbicides, rodenticides, and other chemicals; and
 - (c) On-site facilities, including equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities. In addition, the exemption shall apply whether or not the seller is under contract to deliver, assemble, and incorporate into real estate the equipment, machinery, attachments, repair and replacement parts, and any materials incorporated into the construction, renovation, or repair of the facilities;
- (31) (a) Repair or replacement parts for the direct operation or maintenance of a motor vehicle, including any towed unit, used exclusively in interstate commerce for the conveyance of property or passengers for hire, provided the motor vehicle is licensed for use on the highway and its declared gross vehicle weight with any towed unit is forty-four thousand and one (44,001) pounds or greater. Nominal intrastate use shall not subject the property to the taxes imposed by this chapter;
- (b) Repair or replacement parts for the direct operation and maintenance of a motor vehicle operating under a charter bus certificate issued by the Transportation Cabinet under KRS Chapter 281, or under similar authority granted by the United States Department of Transportation; and
- (c) For the purposes of this subsection, "repair or replacement parts" means tires, brakes, engines, transmissions, drive trains, chassis, body parts, and their components. "Repair or replacement parts" shall not include fuel, machine oils, hydraulic fluid, brake fluid, grease, supplies, or accessories not essential to the operation of the motor vehicle itself, except when sold as part of the assembled unit, such as cigarette lighters, radios, lighting fixtures not otherwise required by the manufacturer for operation of the vehicle, or tool or utility boxes; ~~and~~
- (32) Food donated by a retail food establishment or any other entity regulated under KRS 217.127 to a nonprofit organization for distribution to the needy; *and*
- (33) *Drugs and over-the counter drugs, as defined in Section 45 of this Act, that are purchased by a person regularly engaged in the business of farming and used in the treatment of cattle, sheep, goats, swine, poultry, ratite birds, llamas, alpacas, buffalo, aquatic organisms, or cervids.*

➔Section 47. KRS 132.010 is amended to read as follows:

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

- (1) "Department" means the Department of Revenue;
- (2) "Taxpayer" means any person made liable by law to file a return or pay a tax;
- (3) "Real property" includes all lands within this state and improvements thereon;

- (4) "Personal property" includes every species and character of property, tangible and intangible, other than real property;
- (5) "Resident" means any person who has taken up a place of abode within this state with the intention of continuing to abide in this state; any person who has had his or her actual or habitual place of abode in this state for the larger portion of the twelve (12) months next preceding the date as of which an assessment is due to be made shall be deemed to have intended to become a resident of this state;
- (6) "Compensating tax rate" means that rate which, rounded to the next higher one-tenth of one cent (\$0.001) per one hundred dollars (\$100) of assessed value and applied to the current year's assessment of the property subject to taxation by a taxing district, excluding new property and personal property, produces an amount of revenue approximately equal to that produced in the preceding year from real property. However, in no event shall the compensating tax rate be a rate which, when applied to the total current year assessment of all classes of taxable property, produces an amount of revenue less than was produced in the preceding year from all classes of taxable property. For purposes of this subsection, "property subject to taxation" means the total fair cash value of all property subject to full local rates, less the total valuation exempted from taxation by the homestead exemption provision of the Constitution and the difference between the fair cash value and agricultural or horticultural value of agricultural or horticultural land;
- (7) "Net assessment growth" means the difference between:
- (a) The total valuation of property subject to taxation by the county, city, school district, or special district in the preceding year, less the total valuation exempted from taxation by the homestead exemption provision of the Constitution in the current year over that exempted in the preceding year; and
 - (b) The total valuation of property subject to taxation by the county, city, school district, or special district for the current year;
- (8) "New property" means the net difference in taxable value between real property additions and deletions to the property tax roll for the current year. "Real property additions" shall mean:
- (a) Property annexed or incorporated by a municipal corporation, or any other taxing jurisdiction; however, this definition shall not apply to property acquired through the merger or consolidation of school districts, or the transfer of property from one (1) school district to another;
 - (b) Property, the ownership of which has been transferred from a tax-exempt entity to a nontax-exempt entity;
 - (c) The value of improvements to existing nonresidential property;
 - (d) The value of new residential improvements to property;
 - (e) The value of improvements to existing residential property when the improvement increases the assessed value of the property by fifty percent (50%) or more;
 - (f) Property created by the subdivision of unimproved property, provided, that when the property is reclassified from farm to subdivision by the property valuation administrator, the value of the property as a farm shall be a deletion from that category;
 - (g) Property exempt from taxation, as an inducement for industrial or business use, at the expiration of its tax exempt status;
 - (h) Property, the tax rate of which will change, according to the provisions of KRS 82.085, to reflect additional urban services to be provided by the taxing jurisdiction, provided, however, that the property shall be considered "real property additions" only in proportion to the additional urban services to be provided to the property over the urban services previously provided; and
 - (i) The value of improvements to real property previously under assessment moratorium.
- "Real property deletions" shall be limited to the value of real property removed from, or reduced over the preceding year on, the property tax roll for the current year;
- (9) "Agricultural land" means:
- (a) Any tract of land, including all income-producing improvements, of at least ten (10) contiguous acres in area used for the production of livestock, livestock products, poultry, poultry products and/or the growing of tobacco and/or other crops including timber;

- (b) Any tract of land, including all income-producing improvements, of at least five (5) contiguous acres in area commercially used for aquaculture; or
 - (c) Any tract of land devoted to and meeting the requirements and qualifications for payments pursuant to agriculture programs under an agreement with the state or federal government;
- (10) "Horticultural land" means any tract of land, including all income-producing improvements, of at least five (5) contiguous acres in area commercially used for the cultivation of a garden, orchard, or the raising of fruits or nuts, vegetables, flowers, or ornamental plants;
- (11) "Agricultural or horticultural value" means the use value of "agricultural or horticultural land" based upon income-producing capability and comparable sales of farmland purchased for farm purposes where the price is indicative of farm use value, excluding sales representing purchases for farm expansion, better accessibility, and other factors which inflate the purchase price beyond farm use value, if any, considering the following factors as they affect a taxable unit:
- (a) Relative percentages of tillable land, pasture land, and woodland;
 - (b) Degree of productivity of the soil;
 - (c) Risk of flooding;
 - (d) Improvements to and on the land that relate to the production of income;
 - (e) Row crop capability including allotted crops other than tobacco;
 - (f) Accessibility to all-weather roads and markets; and
 - (g) Factors which affect the general agricultural or horticultural economy, such as: interest, price of farm products, cost of farm materials and supplies, labor, or any economic factor which would affect net farm income;
- (12) "Deferred tax" means the difference in the tax based on agricultural or horticultural value and the tax based on fair cash value;
- (13) "Homestead" means real property maintained as the permanent residence of the owner with all land and improvements adjoining and contiguous thereto including but not limited to lawns, drives, flower or vegetable gardens, outbuildings, and all other land connected thereto;
- (14) "Residential unit" means all or that part of real property occupied as the permanent residence of the owner;
- (15) "Special benefits" are those which are provided by public works not financed through the general tax levy but through special assessments against the benefited property;
- (16) ***"Manufactured home" means a structure manufactured after June 15, 1976, in accordance with the National Manufactured Housing Construction and Safety Standards Act, transportable in one (1) or more sections, which when erected on site measures eight (8) body feet or more in width and thirty-two (32) body feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. It may be used as a place of residence, business, profession, or trade by the owner, lessee, or their assignees and may consist of one (1) or more units that can be attached or joined together to comprise an integral unit or condominium structure;***
- (17) ***"Mobile home" means a structure manufactured on or before June 15, 1976, that was not required to be constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act, transportable in one (1) or more sections, which when erected on site measures eight (8) body feet or more in width and thirty-two (32) body feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. It may be used as a place of residence, business, profession, or trade by the owner, lessee, or their assigns and may consist of one (1) or more units that can be attached or joined together to comprise an integral unit or condominium structure;***
- (18) ***"Modular home" means a structure which is certified by its manufacturer as being constructed in accordance with all applicable provisions of the Kentucky Building Code and standards adopted by the local authority which has jurisdiction, transportable in one (1) or more sections, and designed to be used as a***

dwelling on a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained therein;

(19) *"Prefabricated home" means a manufactured home, a mobile home, or a modular home;*

(20)~~(17)~~ "Recreational vehicle" means a vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper, and motor home. As used in this subsection:

- (a) "Travel trailer" means a vehicular unit, mounted on wheels, designed to provide temporary living quarters for recreational, camping, or travel use, and of a size or weight that does not require special highway movement permits when drawn by a motorized vehicle, and with a living area of less than two hundred twenty (220) square feet, excluding built-in equipment (such as wardrobes, closets, cabinets, kitchen units or fixtures) and bath and toilet rooms;
- (b) "Camping trailer" means a vehicular portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at the camp site to provide temporary living quarters for recreational, camping, or travel use;
- (c) "Truck camper" means a portable unit constructed to provide temporary living quarters for recreational, travel, or camping use, consisting of a roof, floor, and sides, designed to be loaded onto and unloaded from the bed of a pick-up truck; and
- (d) "Motor home" means a vehicular unit designed to provide temporary living quarters for recreational, camping, or travel use built on or permanently attached to a self-propelled motor vehicle chassis or on a chassis cab or van which is an integral part of the completed vehicle;

(21)~~(18)~~ "Hazardous substances" shall have the meaning provided in KRS 224.1-400;

(22)~~(19)~~ "Pollutant or contaminant" shall have the meaning provided in KRS 224.1-400;

(23)~~(20)~~ "Release" shall have the meaning as provided in either or both KRS 224.1-400 and KRS 224.60-115;

(24)~~(21)~~ "Qualifying voluntary environmental remediation property" means real property subject to the provisions of KRS 224.1-400 and 224.1-405, or 224.60-135 where the Energy and Environment Cabinet has made a determination that:

- (a) All releases of hazardous substances, pollutants, contaminants, petroleum, or petroleum products at the property occurred prior to the property owner's acquisition of the property;
- (b) The property owner has made all appropriate inquiry into previous ownership and uses of the property in accordance with generally accepted practices prior to the acquisition of the property;
- (c) The property owner or a responsible party has provided all legally required notices with respect to hazardous substances, pollutants, contaminants, petroleum, or petroleum products found at the property;
- (d) The property owner is in compliance with all land use restrictions and does not impede the effectiveness or integrity of any institutional control;
- (e) The property owner complied with any information request or administrative subpoena under KRS Chapter 224; and
- (f) The property owner is not affiliated with any person who is potentially liable for the release of hazardous substances, pollutants, contaminants, petroleum, or petroleum products on the property pursuant to KRS 224.1-400, 224.1-405, or 224.60-135, through:
 - 1. Direct or indirect familial relationship;
 - 2. Any contractual, corporate, or financial relationship, excluding relationships created by instruments conveying or financing title or by contracts for sale of goods or services; or
 - 3. Reorganization of a business entity that was potentially liable;

(25)~~(22)~~ "Intangible personal property" means stocks, mutual funds, money market funds, bonds, loans, notes, mortgages, accounts receivable, land contracts, cash, credits, patents, trademarks, copyrights, tobacco base, allotments, annuities, deferred compensation, retirement plans, and any other type of personal property that is not tangible personal property;

- (26)~~(23)~~ (a) "County" means any county, consolidated local government, urban-county government, unified local government, or charter county government;
- (b) "Fiscal court" means the legislative body of any county, consolidated local government, urban-county government, unified local government, or charter county government; and
- (c) "County judge/executive" means the chief executive officer of any county, consolidated local government, urban-county government, unified local government, or charter county government;
- (27)~~(24)~~ "Taxing district" means any entity with the authority to levy a local ad valorem tax, including special purpose governmental entities;
- (28)~~(25)~~ "Special purpose governmental entity" shall have the same meaning as in KRS 65A.010, and as used in this chapter shall include only those special purpose governmental entities with the authority to levy ad valorem taxes, and that are not specifically exempt from the provisions of this chapter by another provision of the Kentucky Revised Statutes;
- (29)~~(26)~~ (a) "Broadcast" means the transmission of audio, video, or other signals, through any electronic, radio, light, or similar medium or method now in existence or later devised over the airwaves to the public in general.
- (b) "Broadcast" shall not apply to operations performed by multichannel video programming service providers as defined in KRS 136.602 or any other operations that transmit audio, video, or other signals, exclusively to persons for a fee;
- (30)~~(27)~~ "Livestock" means cattle, sheep, swine, goats, horses, alpacas, llamas, buffaloes, and any other animals of the bovine, ovine, porcine, caprine, equine, or camelid species;
- (31)~~(28)~~ "Heavy equipment rental agreement" means the short-term rental contract under which qualified heavy equipment is rented without an operator for a period:
- (a) Not to exceed three hundred sixty-five (365) days; or
- (b) That is open-ended under the terms of the contract with no specified end date;
- (32)~~(29)~~ "Heavy equipment rental company" means an entity that is primarily engaged in a line of business described in Code 532412 or 532310 of the North American Industry Classification System Manual in effect on January 1, 2019;
- (33)~~(30)~~ "Qualified heavy equipment" means machinery and equipment, including ancillary equipment and any attachments used in conjunction with the machinery and equipment, that is:
- (a) Primarily used and designed for construction, mining, forestry, or industrial purposes, including but not limited to cranes, earthmoving equipment, well-drilling machinery and equipment, lifts, material handling equipment, pumps, generators, and pollution-reducing equipment; and
- (b) Held in a heavy equipment rental company's inventory for:
1. Rental under a heavy equipment rental agreement; or
 2. Sale in the regular course of business; and
- (34)~~(31)~~ "Veteran service organization" means an organization wholly dedicated to advocating on behalf of military veterans and providing charitable programs in honor and on behalf of military veterans.

➔Section 48. KRS 132.200 is amended to read as follows:

All property subject to taxation for state purposes shall also be subject to taxation in the county, city, school, or other taxing district in which it has a taxable situs, except the class of property described in KRS 132.030 and the following classes of property, which shall be subject to taxation for state purposes only:

- (1) Farm implements and farm machinery owned by or leased to a person actually engaged in farming and used in his farm operation;
- (2) Livestock, ratite birds, and domestic fowl;
- (3) Capital stock of savings and loan associations;

- (4) Machinery actually engaged in manufacturing, products in the course of manufacture, and raw material actually on hand at the plant for the purpose of manufacture. The printing, publication, and distribution of a newspaper or operating a job printing plant shall be deemed to be manufacturing;
- (5)
 - (a) Commercial radio and television equipment used to receive, capture, produce, edit, enhance, modify, process, store, convey, or transmit audio or video content or electronic signals which are broadcast over the air to an antenna;
 - (b) Equipment directly used or associated with the equipment identified in paragraph (a) of this subsection, including radio and television towers used to transmit or facilitate the transmission of the signal broadcast, but excluding telephone and cellular communications towers; and
 - (c) Equipment used to gather or transmit weather information;
- (6) Unmanufactured agricultural products. They shall be exempt from taxation for state purposes to the extent of the value, or amount, of any unpaid nonrecourse loans thereon granted by the United States government or any agency thereof, and except that cities and counties may each impose an ad valorem tax of not exceeding one and one-half cents (\$0.015) on each one hundred dollars (\$100) of the fair cash value of all unmanufactured tobacco and not exceeding four and one-half cents (\$0.045) on each one hundred dollars (\$100) of the fair cash value of all other unmanufactured agricultural products, subject to taxation within their limits that are not actually on hand at the plants of manufacturing concerns for the purpose of manufacture, nor in the hands of the producer or any agent of the producer to whom the products have been conveyed or assigned for the purpose of sale;
- (7) All privately owned leasehold interest in industrial buildings, as defined under KRS 103.200, owned and financed by a tax-exempt governmental unit, or tax-exempt statutory authority under the provisions of KRS Chapter 103, except that the rate shall not apply to the proportion of value of the leasehold interest created through any private financing;
- (8) Tangible personal property which has been certified as a pollution control facility as defined in KRS 224.1-300. In the case of tangible personal property certified as a pollution control facility which is incorporated into a landfill facility, the tangible personal property shall be presumed to remain tangible personal property for purposes of this subsection if the tangible personal property is being used for its intended purposes;
- (9) Property which has been certified as an alcohol production facility as defined in KRS 247.910;
- (10) On and after January 1, 1977, the assessed value of unmined coal shall be included in the formula contained in KRS 132.590(9) in determining the amount of county appropriation to the office of the property valuation administrator;
- (11) Tangible personal property located in a foreign trade zone established pursuant to 19 U.S.C. sec. 81, provided that the zone is activated in accordance with the regulations of the United States Customs Service and the Foreign Trade Zones Board;
- (12) Motor vehicles qualifying for permanent registration as historic motor vehicles under the provisions of KRS 186.043. However, nothing herein shall be construed to exempt historical motor vehicles from the usage tax imposed by KRS 138.460;
- (13) Property which has been certified as a fluidized bed energy production facility as defined in KRS 211.390;
- (14) All motor vehicles:
 - (a) Held for sale in the inventory of a licensed motor vehicle dealer, including motor vehicle auction dealers, which are not currently titled and registered in Kentucky and are held on an assignment pursuant to the provisions of KRS 186A.230;
 - (b) That are in the possession of a licensed motor vehicle dealer, including licensed motor vehicle auction dealers, for sale, although ownership has not been transferred to the dealer; and
 - (c) With a salvage title held by an insurance company;
- (15) Machinery or equipment owned by a business, industry, or organization in order to collect, source separate, compress, bale, shred, or otherwise handle waste materials if the machinery or equipment is primarily used for recycling purposes as defined in KRS 139.010;
- (16) New farm machinery and other equipment held in the retailer's inventory for sale under a floor plan financing arrangement by a retailer, as defined under KRS 365.800;

- (17) New boats and new marine equipment held for retail sale under a floor plan financing arrangement by a dealer registered under KRS 235.220;
- (18) Aircraft not used in the business of transporting persons or property for compensation or hire if an exemption is approved by the county, city, school, or other taxing district in which the aircraft has its taxable situs;
- (19) Federally documented vessels not used in the business of transporting persons or property for compensation or hire or for other commercial purposes, if an exemption is approved by the county, city, school, or other taxing district in which the federally documented vessel has its taxable situs;
- (20) Any nonferrous metal that conforms to the quality, shape, and weight specifications set by the New York Mercantile Exchange's special contract rules for metals, and which is located or stored in a commodity warehouse and held on warrant, or for which a written request has been made to a commodity warehouse to place it on warrant, according to the rules and regulations of a trading facility. In this subsection:
- (a) "Commodity warehouse" means a warehouse, shipping plant, depository, or other facility that has been designated or approved by a trading facility as a regular delivery point for a commodity on contracts of sale for future delivery; and
 - (b) "Trading facility" means a facility that is designated by or registered with the federal Commodity Futures Trading Commission under 7 U.S.C. secs. 1 et seq. "Trading facility" includes the Board of Trade of the City of Chicago, the Chicago Mercantile Exchange, and the New York Mercantile Exchange;
- (21) Qualifying voluntary environmental remediation property for a period of three (3) years following the Energy and Environment Cabinet's issuance of a No Further Action Letter or its equivalent, pursuant to the correction of the effect of all known releases of hazardous substances, pollutants, contaminants, petroleum, or petroleum products located on the property consistent with a corrective action plan approved by the Energy and Environment Cabinet pursuant to KRS 224.1-400, 224.1-405, or 224.60-135, and provided the cleanup was not financed through a public grant program of the petroleum storage tank environmental assurance fund;
- (22) Biotechnology products held in a warehouse for distribution by the manufacturer or by an affiliate of the manufacturer. For the purposes of this section:
- (a) "Biotechnology products" means those products that are applicable to the prevention, treatment, or cure of a disease or condition of human beings and that are produced using living organisms, materials derived from living organisms, or cellular, subcellular, or molecular components of living organisms. Biotechnology products does not include pharmaceutical products which are produced from chemical compounds;
 - (b) "Warehouse" includes any establishment that is designed to house or store biotechnology products, but does not include blood banks, plasma centers, or other similar establishments;
 - (c) "Affiliate" means an individual, partnership, or corporation that directly or indirectly owns or controls, or is owned or controlled by, or is under common ownership or control with, another individual, partnership, or corporation;
- (23) Recreational vehicles held for sale in a retailer's inventory;~~and~~
- (24) A privately owned leasehold interest in residential property described in KRS 132.195(2)(g), if an exemption is approved by the county, city, school, or other taxing district in which the residential property is located; **and**
- (25) ***Prefabricated homes held for sale in a manufacturer's or retailer's inventory.***

➔Section 49. KRS 171.397 is amended to read as follows:

- (1) (a) For all applications for a preliminary approval received prior to April 30, 2010, there shall be allowed as a credit against the taxes imposed by KRS 141.020, 141.040, 141.0401, or 136.505, an amount equal to:
1. Thirty percent (30%) of the qualified rehabilitation expenses, in the case of owner-occupied residential property; and
 2. Twenty percent (20%) of the qualified rehabilitation expenses, in the case of all other property.

In the case of an exempt entity that has incurred qualified rehabilitation expenses, the credit provided in this subsection shall be available to transfer or assign as provided under subsection (8) or (9) of this section.

- (b) For applications for preliminary approval received on or after April 30, 2010, the credit shall be refundable if the taxpayer makes an election under subsection (2)(b) of this section.
- (2) (a) A taxpayer seeking the credit provided under subsection (1) of this section shall file an application for a preliminary determination of maximum credit eligibility before April 30 of the year in which the proposed project will begin. The application shall describe the project and shall include documentation supporting the qualification of the project for the credit, the proposed start date, the proposed completion date, the projected qualified rehabilitation expenses, and any other information the council may require. The council shall determine the preliminary maximum credit available for each taxpayer and shall notify the taxpayer of that amount by June 30 of the year in which the application was filed. If total credits applied for in any year exceed the certified rehabilitation credit cap, plus any amounts added to the cap pursuant to paragraph (c) of this subsection, the provisions of subsection (5) of this section shall be applied to reduce the approved credits for all taxpayers with qualifying applications for that year.
- (b) 1. An application for a final determination of credit shall be submitted to the council upon completion of the project.
2. The application shall include an irrevocable election by the taxpayer to:
- Use the credit, in which case, the credit shall be refundable; or
 - Transfer the credit.
3. The council shall determine the final amount of credit approved for each taxpayer based upon the actual expenditures, preliminary determination of maximum credit, and a determination that the expenditures are qualified rehabilitation expenses.
4. The council shall notify the taxpayer and Department of Revenue of the final approved credit amount within sixty (60) days of the receipt of a completed application from the taxpayer.
- (c) 1. If the total amount of credits finally approved for a taxpayer under paragraph (b) of this subsection are less than the credits initially approved for a taxpayer under paragraph (a) of this subsection, the difference between the two (2) amounts shall be added to the certified rehabilitation credit cap for the next calendar year.
2. If the total amount of credits approved under paragraph (a) of this subsection in any calendar year is less than the certified rehabilitation credit cap, the difference between the credits actually awarded and the certified rehabilitation credit cap shall be added to the certified rehabilitation credit cap for the next calendar year.
- (3) (a) The maximum credit which may be claimed with regard to owner-occupied residential property shall be **one hundred twenty**~~sixty~~ thousand dollars **(\$120,000)**~~(\$60,000)~~ subject to subsection (5) of this section. The credit in this section shall be claimed for the taxable year in which the certified rehabilitation is completed.
- (b) The maximum credit which may be claimed with regard to all other property that is not owner-occupied residential shall be **ten million**~~four hundred thousand~~ dollars **(\$10,000,000)**~~(\$400,000)~~ subject to subsection (5) of this section. The credit in this section shall be claimed for the taxable year in which the certified rehabilitation is completed.
- (4) In the case of a husband and wife filing separate returns or filing separately on a joint return, the credit may be taken by either or divided equally, but the combined credit shall not exceed **one hundred twenty**~~sixty~~ thousand dollars **(\$120,000)**~~(\$60,000)~~ if subject to the limitation in subsection (3)(a) of this section, or **ten million**~~four hundred thousand~~ dollars **(\$10,000,000)**~~(\$400,000)~~ if subject to the limitation in subsection (3)(b) of this section, subject to the provisions of subsection (5) of this section.
- (5) The credit amount approved for a calendar year for all taxpayers under subsection (2)(a) of this section shall be limited to the certified rehabilitation credit cap. When the total credits applied for and approved in any year under subsection (2)(a) of this section exceed the certified rehabilitation credit cap, the council shall apportion the certified rehabilitation credit cap as follows: The certified rehabilitation credit cap for the year under consideration shall be multiplied by a fraction, the numerator which is the approved credit amount for an individual taxpayer for a calendar year and the denominator which is the total approved credits for all taxpayers for a calendar year.

- (6) (a) For all applications received prior to April 30, 2010, if the credit amount that may be claimed in any tax year as determined under subsections (3) to (5) of this section exceeds the taxpayer's total tax liabilities under KRS 136.505, 141.020, or 141.040 and 141.0401, the taxpayer may carry the excess tax credit forward until the tax credit is used, provided that any tax credits not used within seven (7) years of the taxable year the certified rehabilitation was complete shall be lost.
- (b) For all applications received on or after April 30, 2010, if the credit amount that may be claimed in any tax year as determined under subsections (3) to (5) of this section exceeds the taxpayer's total tax liabilities under KRS 136.505, 141.020, or 141.040 and 141.0401, the taxpayer may receive a refund, if the taxpayer elected to take the credit as required by subsection (2)(b) of this section.
- (7) (a) The credit shall apply against both the tax imposed by KRS 141.020 or 141.040 and the limited liability entity tax imposed by KRS 141.0401, with the ordering of credits as provided in KRS 141.0205.
- (b) 1. For applications received prior to April 30, 2010, if the taxpayer is a pass-through entity not subject to the tax imposed by KRS 141.040, the taxpayer shall apply the credit at the entity level against the limited liability tax entity imposed by KRS 141.0401, and shall also pass the credit through in the same proportion as the distributive share of income or loss is passed through.
2. For applications received on or after April 30, 2010, if the taxpayer is a pass-through entity not subject to the tax imposed by KRS 141.040, the taxpayer shall apply the credit at the entity level against the limited liability tax entity imposed by KRS 141.0401, and may receive a refund if the taxpayer elected to take the credit as required by subsection (2)(b)2.a. of this section.
- (8) Credits received under this section may be transferred or assigned if an election is made under subsection (2)(b) of this section, for some or no consideration, along with any related benefits, rights, responsibilities, and liabilities to **a financial institution as defined in KRS 141.010**~~[any entity]~~ subject to the ~~taxes~~~~[tax]~~ imposed by KRS 136.505, **141.040, or 141.0401**. Within thirty (30) days of the date of any transfer of credits, the party transferring the credits shall notify the Department of Revenue of:
- (a) The name, address, employer identification number, and bank routing and transfer number, of the party to which the credits are transferred;
- (b) The amount of credits transferred; and
- (c) Any additional information the Department of Revenue deems necessary.
- The provisions of this subsection shall apply to any credits that pass through to a successor or beneficiary of a taxpayer.
- (9) For purposes of this section, a lessee of a certified historic structure shall be treated as the owner of the structure if the remaining term of the lease is not less than the minimum period promulgated by administrative regulation by the council.
- (10) The taxes imposed in KRS 141.020, 141.040, and 141.0401 shall not apply to any consideration received for the transfer, sale, assignment, or use of a tax credit approved under this section.
- (11) The Department of Revenue shall assess a penalty on any taxpayer or exempt entity that performs disqualifying work, as determined by the Kentucky Heritage Council, on a certified historic structure for which a rehabilitation has been certified under this section in an amount equal to one hundred percent (100%) of the tax credit allowed on the rehabilitation. Any penalties shall be assessed against the property owner who performs the disqualifying work and not against any transferee of the credits.
- (12) The council may impose fees for processing applications for tax credits, not to exceed the actual cost associated with processing the applications.
- (13) The council may authorize a local government to perform an initial review of applications for the credit allowed under this section and forward the applications to the council with its recommendations.
- (14) The council and the Department of Revenue may promulgate administrative regulations in accordance with the provisions of KRS Chapter 13A to establish policies and procedures to implement the provisions of subsections (1) to (13) of this section.
- (15) The tax credit authorized by this section shall apply to tax periods ending on or after December 31, 2005.

➔Section 50. KRS 131.110 is amended to read as follows:

- (1) (a) The department~~[of Revenue]~~ shall mail to the taxpayer a notice of any tax assessed by it. The assessment shall be due and payable if not protested in writing to the department within:
1. Forty-five (45) days from the date of notice, for assessments issued prior to July 1, 2018; and
 2. Sixty (60) days from the date of notice, for assessments issued on or after July 1, 2018.
- (b) Claims for refund of paid assessments may be made under KRS 134.580 and denials appealed under KRS 49.220.
- (c) 1. The protest shall be accompanied by a supporting statement setting forth the grounds upon which the protest is made.
2. Upon written request, the department may extend the time for filing the supporting statement if it appears the delay is necessary and unavoidable.
3. The refusal of the extension may be reviewed in the same manner as a protested assessment.
- (2) After a timely protest has been filed, the taxpayer may request a conference with the department. The request shall be granted in writing stating the date and time set for the conference. The taxpayer may appear in person or by representative. Further conferences may be held by mutual agreement.
- (3) (a) After considering the taxpayer's protest, including any matters presented at the final conference, the department shall issue a final ruling on any matter still in controversy, which shall be mailed to the taxpayer. The ruling shall state that it is a final ruling of the department, generally state the issues in controversy, the department's position thereon and set forth the procedure for prosecuting an appeal to the Board of Tax Appeals.
- (b)~~[(4)]~~ The taxpayer may request in writing a final ruling at any time after filing a timely protest and supporting statement. When a final ruling is requested, the department shall issue such ruling within thirty (30) days from the date the request is received by the department.
- (c) *If a taxpayer files a timely protest in dispute of a property tax assessment issued under KRS 136.120 to 136.180 and does not receive from the department, within one (1) year from the date on which the protest was filed:*
1. *A fully executed written agreement to settle the protest as authorized under KRS 131.030(3);*
 2. *A final ruling in accordance with paragraphs (a) or (b) of this subsection; or*
 3. *Resolution and closure of the protest;*
- the department shall immediately issue a final ruling that accepts the taxpayer's grounds of the protest, including the taxpayer's proposed true value as stated in the protest.*
- ~~(4)~~~~[(5)]~~ After a final ruling has been issued, the taxpayer may appeal to the Board of Tax Appeals pursuant to the provisions of KRS 49.220.

➔Section 51. KRS 131.183 is amended to read as follows:

- (1) (a) Except for the addition to tax required when an underpayment of estimated tax occurs under KRS 141.044 and 141.305, all taxes payable to the Commonwealth not paid at the time prescribed by statute shall accrue interest at the tax interest rate.
- (b) 1. a. *Except as provided by subparagraph 2 of this paragraph*, the tax interest rate shall be equal to the adjusted prime rate charged by banks rounded to the nearest full percent as adjusted by subsection (2) of this section.
- b.~~[(c)]~~ The commissioner of revenue shall adjust the tax interest rate not later than November 15 of each year if the adjusted prime rate charged by banks during September of that year, rounded to the nearest full percent, is at least one (1) percentage point more or less than the tax interest rate which is then in effect. The adjusted tax interest rate shall become effective on January 1 of the immediately succeeding year.
2. *For additional tax billed in accordance with KRS 136.180(2), the tax interest rate shall be equal to the federal short-term rate applicable to each quarter of the period that begins on the date the protest was filed by the taxpayer under Section 50 of this Act and ends on the due date of the tax as stated on the final tax bill. The federal short-term rate for each quarter shall be the federal short-term rate determined by the Secretary of the Treasury under Section 6621(b)*

of the Internal Revenue Code of 1986 or equivalent section in case of amendment. The two percent (2%) adjustment provided by subsection (2)(a) of this section shall not apply to the interest rate determined under this subparagraph.

- (2) (a) 1. All taxes payable to the Commonwealth that have not been paid at the time prescribed by statute shall accrue interest at the tax interest rate as determined in accordance with subsection (1) of this section until May 1, 2008.
- 2. Beginning on May 1, 2008, all taxes payable to the Commonwealth that have not been paid at the time prescribed by statute shall accrue interest at the tax interest rate as determined in accordance with subsection (1) of this section plus two percent (2%).
- (b) 1. Interest shall be allowed and paid upon any overpayment as defined in KRS 134.580 in respect of any of the taxes provided for in Chapters 131, 132, 134, 136, 137, 138, 139, 140, 141, 142, 143, 143A, and 243 of the Kentucky Revised Statutes and KRS 160.613 and 160.614 at the rate provided in subsection (1) of this section until May 1, 2008.
- 2. Beginning on May 1, 2008, interest shall be allowed and paid upon any overpayment as defined in KRS 134.580 at the rate provided in subsection (1) of this section minus two percent (2%).
- 3. Effective for refunds issued after April 24, 2008, except for the provisions of KRS 138.351, 141.044(2), 141.235(3), and subsection (3) of this section, interest authorized under this subsection shall begin to accrue sixty (60) days after the latest of:
 - a. The due date of the return;
 - b. The date the return was filed;
 - c. The date the tax was paid;
 - d. The last day prescribed by law for filing the return; or
 - e. The date an amended return claiming a refund is filed.
- (c) In no case shall interest be paid in an amount less than five dollars (\$5).
- (d) No refund shall be made of any estimated tax paid unless a return is filed as required by KRS Chapter 141.
- (3) Effective for refund claims filed on or after July 15, 1992, if any overpayment of the tax imposed under KRS Chapter 141 results from a carryback of a net operating loss or a net capital loss, the overpayment shall be deemed to have been made on the date the claim for refund was filed. Interest authorized under subsection (2) of this section shall begin to accrue ninety (90) days from the date the claim for refund was filed.
- (4) No interest shall be allowed or paid on any sales tax refund as provided by KRS 139.536.
- (5) For purposes of this section, any addition to tax provided in KRS 141.044 and 141.305 shall be considered a penalty.

➔SECTION 52. A NEW SECTION OF KRS CHAPTER 141 IS CREATED TO READ AS FOLLOWS:

(1) *As used in this section:*

- (a) *"Assignee" means the taxpayer to whom the credit allowed under this section is transferred;*
- (b) *"Exempt entity" means any tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code, any political subdivision of the Commonwealth, any state or local agency, board, or commission, or any quasi-governmental entity;*
- (c) *"Qualifying expenditures" has the same meaning as in Section 53 of this Act;*
- (d) *"Qualifying decontamination property" has the same meaning as in Section 53 of this Act; and*
- (e) *"Taxpayer" means any:*
 - 1. *Entity that is subject to the taxes imposed by KRS 141.020 or KRS 141.040 and 141.0401; or*
 - 2. *Exempt entity and may include any individual, corporation, limited liability company, business development corporation, partnership, limited partnership, sole proprietorship, association, joint stock company, receivership, trust, professional service organization, or other legal entity*

through which business is conducted that claims the credit or transfers the credit under this section.

- (2) *For taxable years beginning on or after January 1, 2022, but before January 1, 2032, a taxpayer making a qualifying expenditure at a qualifying decontamination property shall be allowed a refundable credit against the taxes imposed by KRS 141.020 or 141.040 and 141.0401, with the ordering of credits as provided in Section 54 of this Act.*
- (3) *The department may promulgate administrative regulations in accordance with the provisions of KRS Chapter 13A to establish policies and procedures to implement the provisions of this section.*
- (4) *Any taxpayer approved for credit under this section shall not also claim or apply for credit related to the remediation or decontamination of the same qualifying property under KRS 141.418.*
- (5) *The taxpayer receiving the credits may assign, sell, or transfer, in whole or in part, the tax credit to any other taxpayer. Within thirty (30) days of credit transfer, the assignor shall provide written notice to the department of its intent to transfer or sell the tax credit along with supporting documentation prescribed by the department which shall include but not be limited to:*
 - (a) *Date on which the transfer is effective;*
 - (b) *Assignee's name, taxpayer identification number, address, and bank routing and transfer number; and*
 - (c) *Total amount of credit to be transferred.*
- (6) (a) *The purpose of this credit is to encourage investment in and decontamination or remediation of qualifying decontamination property. In order for the General Assembly to evaluate the fulfillment of the purpose stated in this section, the department shall provide the following information on a cumulative basis for each taxable year to provide a historical impact of the tax credit to the Commonwealth:*
 1. *The number of tax returns, by the tax type of return filed, claiming the credit for each taxable year;*
 2. *The total amount of credit claimed on returns filed for each taxable year;*
 3. *The cumulative number of projects by county, as identified by the county in which the qualifying decontamination project is located, for each taxable year;*
 4. *The cumulative total of credits claimed by county, as identified by the county in which the qualifying decontamination project is located for each taxable year;*
 5.
 - a. *In the case of taxpayers other than corporations, based on ranges of adjusted gross income of no larger than five thousand dollars (\$5,000), the total amount of credits claimed for each adjusted gross income range for each taxable year; and*
 - b. *In the case of corporations, based on ranges of net income of no larger than fifty thousand dollars (\$50,000), the total amount of credits claimed for each net income range for each taxable year; and*
 6. *Any other taxpayer information necessary for the General Assembly to evaluate this credit.*
- (b) *The report required by paragraph (a) of this subsection shall be submitted to the Interim Joint Committee on Appropriations and Revenue no later than November 1, 2024, and annually thereafter as long as the decontamination tax credit is claimed on any tax return filed.*

➔SECTION 53. A NEW SECTION OF SUBCHAPTER 1 OF KRS CHAPTER 224 IS CREATED TO READ AS FOLLOWS:

- (1) *For purposes of this section:*
 - (a) *"Assignor" means the recipient of the tax credit who may assign, sell, or transfer, in whole or in part, the tax credit to any other taxpayer;*
 - (b) *"Department" means the Department of Revenue;*
 - (c) *"Qualifying expenditures" means up to one hundred percent (100%) of the costs of materials, supplies, equipment, labor, professional engineering, consulting and architectural fees, permitting*

fees and expenses, demolition, asbestos abatement, and direct utility charges for voluntarily performing activities to decontaminate or remediate any preexisting hazardous substance, pollutant or contaminant, or petroleum and petroleum products as defined in KRS 224.60-115, including but not limited to the costs of performing operation and maintenance of the remediation systems and equipment at the qualifying decontamination property beyond the year in which the systems and equipment are built and installed and the costs of performing the remediation activities following the taxpayer's tax year in which the systems and equipment were first put into use at the qualifying decontamination property; and

- (d) *"Qualifying decontamination property" includes qualifying voluntary environmental remediation property as defined in KRS 141.418 and shall also include real property under the Brownfield Redevelopment Program as established in KRS 224.1-415, if the guidelines in KRS 141.418(1)(e) are met.*
- (2) *There is hereby created a decontamination tax credit.*
- (3) (a) *For taxable years beginning on or after January 1, 2022, but before January 1, 2032, a taxpayer making a qualifying expenditure at a qualifying decontamination property shall be allowed a refundable credit against the taxes imposed by KRS 141.020 or 141.040 and 141.0401, with the ordering of credits as provided in Section 54 of this Act.*
- (b) *The credit shall be equal to the amount of expenditures made by the taxpayer for the decontamination or remediation of the qualifying decontamination property.*
- (c) *The total credit awarded per qualifying decontamination property shall not exceed thirty million dollars (\$30,000,000).*
- (d) *The amount of credit to be taken in a taxable year shall not exceed twenty-five percent (25%) of the total amount of approved credit.*
- (4) *The qualifying expenditures:*
- (a) *Shall be in accordance with a corrective action plan approved by the cabinet under KRS 224.1-400, 224.1-405, or 224.60-135; and*
- (b) *May include up to one hundred percent (100%) of the costs of demolition that are not directly part of the decontamination or remediation activities, provided that the demolition is:*
1. a. *On the property where the decontamination or remediation activities are occurring; or*
 - b. *On adjacent property, so long as it is independently qualified as abandoned or underutilized;*
 2. *Necessary to accomplish the planned use of the property where the decontamination or remediation activities are occurring; and*
 3. *Part of a redevelopment plan approved by the municipal or county government and the cabinet.*
- (5) *The decontamination or remediation shall not be financed through a public grant program or the petroleum storage tank environmental assurance fund under KRS 224.60-115.*
- (6) *The amount of reasonably anticipated total qualifying expenditures associated with the qualifying decontamination property shall equal or exceed ten million dollars (\$10,000,000).*
- (7) (a) *The qualifying decontamination property shall be located:*
1. *Within one-half (1/2) mile of a tax increment financing development area; or*
 2. *In a census tract that qualifies for the use of the Kentucky New Markets Development Program tax credit created under KRS 141.434.*
- (b) *The amount of reasonably anticipated capital investment in the qualifying decontamination property shall exceed thirty million dollars (\$30,000,000).*
- (8) (a) *Beginning on or after January 1, 2022, a taxpayer seeking the credit established in this section shall file an application with the cabinet not less than thirty (30) days prior to the date the qualifying expenditures will begin, and on a form as prescribed by the cabinet for determination of eligibility.*

- (b) *The application shall include supporting documentation including:*
1. *The name, address, and taxpayer identification number of the owner of the qualifying decontamination property;*
 2. *Detailed description of the property;*
 3. *The proposed start and completion dates for the project; and*
 4. *The projected amount of total capital investment and qualifying expenditures associated with the property.*
- (c) *Taxpayers awarded a credit under this subsection shall submit receipts annually to the cabinet verifying the qualifying expenditures claimed.*
- (d) *The cabinet shall make a determination of the maximum credit available for the qualifying decontamination property and provide notification of the awarded credit amount to the department and taxpayer within sixty (60) days of the date on which the application was filed.*
- (e) *Any taxpayer approved for credit under this section shall not also claim or apply for any other credit related to the decontamination or remediation of the same qualifying decontamination property.*

➔Section 54. KRS 141.0205 is amended to read as follows:

If a taxpayer is entitled to more than one (1) of the tax credits allowed against the tax imposed by KRS 141.020, 141.040, and 141.0401, the priority of application and use of the credits shall be determined as follows:

- (1) The nonrefundable business incentive credits against the tax imposed by KRS 141.020 shall be taken in the following order:
 - (a) The limited liability entity tax credit permitted by KRS 141.0401;
 - (b) The economic development credits computed under KRS 141.347, 141.381, 141.384, 141.3841, 141.400, 141.401, 141.403, 141.407, 141.415, 154.12-207, and 154.12-2088;
 - (c) The qualified farming operation credit permitted by KRS 141.412;
 - (d) The certified rehabilitation credit permitted by KRS 171.397(1)(a);
 - (e) The health insurance credit permitted by KRS 141.062;
 - (f) The tax paid to other states credit permitted by KRS 141.070;
 - (g) The credit for hiring the unemployed permitted by KRS 141.065;
 - (h) The recycling or composting equipment credit permitted by KRS 141.390;
 - (i) The tax credit for cash contributions in investment funds permitted by KRS 154.20-263 in effect prior to July 15, 2002, and the credit permitted by KRS 154.20-258;
 - (j) The research facilities credit permitted by KRS 141.395;
 - (k) The employer High School Equivalency Diploma program incentive credit permitted under KRS 151B.402;
 - (l) The voluntary environmental remediation credit permitted by KRS 141.418;
 - (m) The biodiesel and renewable diesel credit permitted by KRS 141.423;
 - (n) The clean coal incentive credit permitted by KRS 141.428;
 - (o) The ethanol credit permitted by KRS 141.4242;
 - (p) The cellulosic ethanol credit permitted by KRS 141.4244;
 - (q) The energy efficiency credits permitted by KRS 141.436;
 - (r) The railroad maintenance and improvement credit permitted by KRS 141.385;
 - (s) The Endow Kentucky credit permitted by KRS 141.438;
 - (t) The New Markets Development Program credit permitted by KRS 141.434;
 - (u) The distilled spirits credit permitted by KRS 141.389;

- (v) The angel investor credit permitted by KRS 141.396;
 - (w) The film industry credit permitted by KRS 141.383 for applications approved on or after April 27, 2018, but before January 1, 2022;
 - (x) The inventory credit permitted by KRS 141.408; and
 - (y) The renewable chemical production credit permitted by KRS 141.4231.
- (2) After the application of the nonrefundable credits in subsection (1) of this section, the nonrefundable personal tax credits against the tax imposed by KRS 141.020 shall be taken in the following order:
- (a) The individual credits permitted by KRS 141.020(3);
 - (b) The credit permitted by KRS 141.066;
 - (c) The tuition credit permitted by KRS 141.069;
 - (d) The household and dependent care credit permitted by KRS 141.067;
 - (e) The income gap credit permitted by KRS 141.066; and
 - (f) The Education Opportunity Account Program tax credit permitted by KRS 141.522.
- (3) After the application of the nonrefundable credits provided for in subsection (2) of this section, the refundable credits against the tax imposed by KRS 141.020 shall be taken in the following order:
- (a) The individual withholding tax credit permitted by KRS 141.350;
 - (b) The individual estimated tax payment credit permitted by KRS 141.305;
 - (c) The certified rehabilitation credit permitted by KRS 171.3961, 171.3963, and 171.397(1)(b);
 - (d) The film industry tax credit permitted by KRS 141.383 for applications approved prior to April 27, 2018, or on or after January 1, 2022;~~{and}~~
 - (e) The development area tax credit permitted by KRS 141.398; *and*
 - (f) ***The decontamination tax credit permitted by Section 52 of this Act.***
- (4) The nonrefundable credit permitted by KRS 141.0401 shall be applied against the tax imposed by KRS 141.040.
- (5) The following nonrefundable credits shall be applied against the sum of the tax imposed by KRS 141.040 after subtracting the credit provided for in subsection (4) of this section, and the tax imposed by KRS 141.0401 in the following order:
- (a) The economic development credits computed under KRS 141.347, 141.381, 141.384, 141.3841, 141.400, 141.401, 141.403, 141.407, 141.415, 154.12-207, and 154.12-2088;
 - (b) The qualified farming operation credit permitted by KRS 141.412;
 - (c) The certified rehabilitation credit permitted by KRS 171.397(1)(a);
 - (d) The health insurance credit permitted by KRS 141.062;
 - (e) The unemployment credit permitted by KRS 141.065;
 - (f) The recycling or composting equipment credit permitted by KRS 141.390;
 - (g) The coal conversion credit permitted by KRS 141.041;
 - (h) The enterprise zone credit permitted by KRS 154.45-090, for taxable periods ending prior to January 1, 2008;
 - (i) The tax credit for cash contributions to investment funds permitted by KRS 154.20-263 in effect prior to July 15, 2002, and the credit permitted by KRS 154.20-258;
 - (j) The research facilities credit permitted by KRS 141.395;
 - (k) The employer High School Equivalency Diploma program incentive credit permitted by KRS 151B.402;
 - (l) The voluntary environmental remediation credit permitted by KRS 141.418;

- (m) The biodiesel and renewable diesel credit permitted by KRS 141.423;
 - (n) The clean coal incentive credit permitted by KRS 141.428;
 - (o) The ethanol credit permitted by KRS 141.4242;
 - (p) The cellulosic ethanol credit permitted by KRS 141.4244;
 - (q) The energy efficiency credits permitted by KRS 141.436;
 - (r) The ENERGY STAR home or ENERGY STAR manufactured home credit permitted by KRS 141.437;
 - (s) The railroad maintenance and improvement credit permitted by KRS 141.385;
 - (t) The railroad expansion credit permitted by KRS 141.386;
 - (u) The Endow Kentucky credit permitted by KRS 141.438;
 - (v) The New Markets Development Program credit permitted by KRS 141.434;
 - (w) The distilled spirits credit permitted by KRS 141.389;
 - (x) The film industry credit permitted by KRS 141.383 for applications approved on or after April 27, 2018, but before January 1, 2022;
 - (y) The inventory credit permitted by KRS 141.408;
 - (z) The renewable chemical production tax credit permitted by KRS 141.4231; and
 - (aa) The Education Opportunity Account Program tax credit permitted by KRS 141.522.
- (6) After the application of the nonrefundable credits in subsection (5) of this section, the refundable credits shall be taken in the following order:
- (a) The corporation estimated tax payment credit permitted by KRS 141.044;
 - (b) The certified rehabilitation credit permitted by KRS 171.3961, 171.3963, and 171.397(1)(b); ~~and~~
 - (c) The film industry tax credit permitted by KRS 141.383 for applications approved prior to April 27, 2018, or on or after January 1, 2022; *and*
 - (d) ***The decontamination tax credit permitted by Section 52 of this Act.***
- ➔Section 55. KRS 131.190 is amended to read as follows:
- (1) No present or former commissioner or employee of the department, present or former member of a county board of assessment appeals, present or former property valuation administrator or employee, present or former secretary or employee of the Finance and Administration Cabinet, former secretary or employee of the Revenue Cabinet, or any other person, shall intentionally and without authorization inspect or divulge any information acquired by him or her of the affairs of any person, or information regarding the tax schedules, returns, or reports required to be filed with the department or other proper officer, or any information produced by a hearing or investigation, insofar as the information may have to do with the affairs of the person's business.
 - (2) The prohibition established by subsection (1) of this section shall not extend to:
 - (a) Information required in prosecutions for making false reports or returns of property for taxation, or any other infraction of the tax laws;
 - (b) Any matter properly entered upon any assessment record, or in any way made a matter of public record;
 - (c) Furnishing any taxpayer or his or her properly authorized agent with information respecting his or her own return;
 - (d) Testimony provided by the commissioner or any employee of the department in any court, or the introduction as evidence of returns or reports filed with the department, in an action for violation of state or federal tax laws or in any action challenging state or federal tax laws;
 - (e) Providing an owner of unmined coal, oil or gas reserves, and other mineral or energy resources assessed under KRS 132.820, or owners of surface land under which the unmined minerals lie, factual information about the owner's property derived from third-party returns filed for that owner's property, under the provisions of KRS 132.820, that is used to determine the owner's assessment. This

information shall be provided to the owner on a confidential basis, and the owner shall be subject to the penalties provided in KRS 131.990(2). The third-party filer shall be given prior notice of any disclosure of information to the owner that was provided by the third-party filer;

- (f) Providing to a third-party purchaser pursuant to an order entered in a foreclosure action filed in a court of competent jurisdiction, factual information related to the owner or lessee of coal, oil, gas reserves, or any other mineral resources assessed under KRS 132.820. The department may promulgate an administrative regulation establishing a fee schedule for the provision of the information described in this paragraph. Any fee imposed shall not exceed the greater of the actual cost of providing the information or ten dollars (\$10);
- (g) Providing information to a licensing agency, the Transportation Cabinet, or the Kentucky Supreme Court under KRS 131.1817;
- (h) Statistics of gasoline and special fuels gallonage reported to the department under KRS 138.210 to 138.448;
- (i) Providing any utility gross receipts license tax return information that is necessary to administer the provisions of KRS 160.613 to 160.617 to applicable school districts on a confidential basis;
- (j) Providing documents, data, or other information to a third party pursuant to an order issued by a court of competent jurisdiction; or
- (k) Providing information to the Legislative Research Commission under:
 1. KRS 139.519 for purposes of the sales and use tax refund on building materials used for disaster recovery;
 2. KRS 141.436 for purposes of the energy efficiency products credits;
 3. KRS 141.437 for purposes of the ENERGY STAR home and the ENERGY STAR manufactured home credits;
 4. KRS 141.383 for purposes of the film industry incentives;
 5. KRS 154.26-095 for purposes of the Kentucky industrial revitalization tax credits and the job assessment fees;
 6. KRS 141.068 for purposes of the Kentucky investment fund;
 7. KRS 141.396 for purposes of the angel investor tax credit;
 8. KRS 141.389 for purposes of the distilled spirits credit;
 9. KRS 141.408 for purposes of the inventory credit;
 10. KRS 141.390 for purposes of the recycling and composting credit;
 11. KRS 141.3841 for purposes of the selling farmer tax credit;
 12. KRS 141.4231 for purposes of the renewable chemical production tax credit;
 13. KRS 141.524 for purposes of the Education Opportunity Account Program tax credit;
 14. KRS 141.398 for purposes of the development area tax credit;~~and~~
 15. KRS 139.516 for the purposes of the sales and use tax exemption on the commercial mining of cryptocurrency; *and*

16. Section 52 of this Act for purposes of the decontamination tax credit.

- (3) The commissioner shall make available any information for official use only and on a confidential basis to the proper officer, agency, board or commission of this state, any Kentucky county, any Kentucky city, any other state, or the federal government, under reciprocal agreements whereby the department shall receive similar or useful information in return.
- (4) Access to and inspection of information received from the Internal Revenue Service is for department use only, and is restricted to tax administration purposes. Information received from the Internal Revenue Service shall not be made available to any other agency of state government, or any county, city, or other state, and shall not be inspected intentionally and without authorization by any present secretary or employee of the Finance and Administration Cabinet, commissioner or employee of the department, or any other person.

- (5) Statistics of crude oil as reported to the department under the crude oil excise tax requirements of KRS Chapter 137 and statistics of natural gas production as reported to the department under the natural resources severance tax requirements of KRS Chapter 143A may be made public by the department by release to the Energy and Environment Cabinet, Department for Natural Resources.
- (6) Notwithstanding any provision of law to the contrary, beginning with mine-map submissions for the 1989 tax year, the department may make public or divulge only those portions of mine maps submitted by taxpayers to the department pursuant to KRS Chapter 132 for ad valorem tax purposes that depict the boundaries of mined-out parcel areas. These electronic maps shall not be relied upon to determine actual boundaries of mined-out parcel areas. Property boundaries contained in mine maps required under KRS Chapters 350 and 352 shall not be construed to constitute land surveying or boundary surveys as defined by KRS 322.010 and any administrative regulations promulgated thereto.

→Section 56. (1) The Legislative Research Commission shall direct the staff of the Legislative Research Commission to gather information related to electric vehicles and transportation funding, including:

- (a) Other state's statutes, regulations, and policies; and
- (b) Federal government regulations and guidance.

(2) The staff shall gather the information during the 2022 Interim of the General Assembly and report to the Legislative Research Commission the findings on a monthly basis, with reports due on June 30, 2022, July 30, 2022, August 30, 2022, September 30, 2022, October 30, 2022, and a summary of all information gathered submitted no later than December 1, 2022, for referral to the Interim Joint Committee on Appropriations and Revenue and the Interim Joint Committee on Transportation.

→Section 57. Jailer Canteen Accounts: Notwithstanding KRS 67.0802(6)(a), any compensation resulting from the disposal of real or personal property that was purchased from a canteen account under KRS 441.135 shall be returned to the canteen account from which the real or personal property was originally purchased. All proceeds resulting from the disposal of real or personal property purchased from a canteen account shall be reported to the Interim Joint Committee on Appropriations and Revenue by December 1 of each fiscal year.

→Section 58. Administrative Fee on Infrastructure for Economic Development Fund Projects: A one-half of one percent administrative fee is authorized to be paid to the Kentucky Infrastructure Authority for the administration of each project funded by the Infrastructure for Economic Development Fund for Coal-Producing Counties and the Infrastructure for Economic Development Fund for Tobacco Counties. These administrative fees shall be paid, upon inception of the project, out of the fund from which the project was allocated.

→Section 59. Charges for Federal, State, and Local Audits: Any additional expenses incurred by the Auditor of Public Accounts for required audits of Federal Funds shall be charged to the government or agency that is the subject of the audit. The Auditor of Public Accounts receives General Fund appropriations for audits of the statewide systems of personnel and payroll, cash and investments, revenue collection, and the state accounting system. Any expenses incurred by the Auditor of Public Accounts for any other audits shall be charged to the agency that is the subject of such audit. The Auditor of Public Accounts shall maintain a record of all time and expenses for each audit or investigation.

Any expenses incurred by the Auditor of Public Accounts for auditing individual governmental entities when mandated by a legislative committee shall be charged to the agency or entity receiving audit services.

→Section 60. Personnel Board Operating Assessment: Each Agency of the Executive Branch with employees covered by KRS Chapter 18A shall be assessed each fiscal year the amount required for the operation of the Personnel Board. The agency assessment shall be determined by the Secretary of the Finance and Administration Cabinet based on the authorized full-time positions of each agency on July 1 of each year of the biennium. The Secretary of the Finance and Administration Cabinet shall collect the assessment.

→Section 61. Water Withdrawal Fees: The water withdrawal fees imposed by the Kentucky River Authority shall not be subject to state and local taxes. Notwithstanding KRS 151.710(10), Tier 1 water withdrawal fees shall be used to support the operations of the Authority and for contractual services for water supply and quality studies.

→Section 62. Urgent Needs School Assistance: If a school district receives an allotment for an Urgent Needs School authorized in 2014 Ky. Acts ch. 117, Part I, A., 28., (5), 2014 Ky. Acts ch. 117, Part I, C., 1., (19)(b), 2016 Ky. Acts ch. 149, Part I, A., 28., (4) and (5), 2018 Ky. Acts ch. 169, Part I, A., 27., (3), or 2021 Ky. Acts ch. 169, Part I, A., 28., (3), and subsequently, as a result of litigation or insurance, receives funds for the original facility, the school district shall reimburse the Commonwealth an amount equal to that received for such purposes. If the litigation or insurance receipts are less than the amount received, the district shall reimburse the Commonwealth an amount

equal to that received as a result of litigation or insurance less the district's costs and legal fees in securing the judgment or payment. Any funds received in this manner shall be deposited in the General Fund.

➔Section 63. Premium and Retaliatory Taxes: Notwithstanding KRS 304.17B-021(4)(d), premium taxes collected under KRS Chapter 136 from any insurer and retaliatory taxes collected under KRS 304.3-270 from any insurer shall be credited to the General Fund.

➔Section 64. Monthly Per Employee Health Insurance Benefits Assessment: The Personnel Cabinet shall collect a benefits assessment per month per employee eligible for health insurance coverage in the state group for duly authorized use by the Personnel Cabinet in administering its statutory and administrative responsibilities, including but not limited to administration of the Commonwealth's health insurance program.

➔Section 65. KRS 134.490 is amended to read as follows:

- (1) ~~[The following notices shall be sent by a third party purchaser to the delinquent taxpayer by first class mail with proof of mailing, and shall include the information required by subsection (3)(d) of this section:]~~
- (a) Within fifty (50) days after the delivery of a certificate of delinquency by the clerk to a third-party purchaser, the third-party purchaser shall send a notice to the delinquent taxpayer informing the delinquent taxpayer that the certificate of delinquency has been purchased by the third-party purchaser. ~~[; and]~~
 - (b) At least annually thereafter, until the notice required by subsection (2) of this section is sent, the third-party purchaser shall send a notice to the delinquent taxpayer.
 - (c) ***The notices included in this subsection shall be sent by certified mail with proof of mailing and include the information required by subsection (3)(d) of this section. A copy of each notice shall be sent to each mortgagee who holds a mortgage on the property that is the subject of the certificate of delinquency.***
- (2) Anytime after the expiration of the one (1) year tolling period established by KRS 134.546, the third-party purchaser may institute an action to collect the amount due on a certificate of delinquency. At least forty-five (45) days before instituting a legal action, the third-party purchaser shall send ***a notice*** to the taxpayer ***and a copy of the notice to each mortgagee who holds a mortgage on the property*** by ~~certified~~~~[first class]~~ mail with proof of mailing ~~[, a notice informing the taxpayer that enforcement action will be taken].~~ ~~The~~~~[This]~~ notice shall:
- (a) ***Inform the taxpayer that enforcement action will be taken;***
 - (b) ***Include a statement advising the taxpayer that substantial additional administrative costs and fees associated with collection in addition to the amount due on the certificate of delinquency may be imposed and that collection actions may include foreclosure; and***
 - (c) ~~[also]~~ Include the information required by subsection (3) of this section.
- ~~The notice~~~~[, and]~~ shall be in addition to any notice sent under subsection (1) of this section.
- (3) (a) 1. For certificates of delinquency for all property except property described in paragraph (b) of this subsection, third-party purchasers or their designees shall obtain from the office of the property valuation administrator of the county in which the real property is located the most recent address for the property owner.
2. To obtain information from the office of the property valuation administrator, the third-party purchaser shall, at the option of the property valuation administrator, either:
- a. Obtain information from an up-to-date public access list or Web site offered by the property valuation administrator; or
 - b. Submit a list of addresses, map identification numbers, or parcel numbers for which updated information is requested to the property valuation administrator, who shall update his or her records with regard to the properties for which information is requested and provide the updated information to the third-party purchaser within ten (10) days.
3. For this service, the property valuation administrator may charge a fee not to exceed two dollars (\$2) for each address provided or obtained.
4. Except as provided in paragraph (b) of this subsection, the third-party purchaser shall send the notices required by subsections (1) and (2) of this section to the address provided by the property

valuation administrator. Unless the provisions of subparagraph 7. of this paragraph apply, the third-party purchaser shall not be required to send a notice to any party other than the owner of record as provided by the property valuation administrator at the time the notice is sent ***and the mortgagee as required by subsections (1) and (2) of this section.***

5. If, due to insufficient staffing, the property valuation administrator is unable to provide the requested information to the third-party purchaser within ten (10) days of submission, the property valuation administrator shall immediately notify the third-party purchaser, and the third-party purchaser may send the notices required by subsections (1) and (2) of this section to the address reflected in the public records of the property valuation administrator.
 6. Any notices sent pursuant to information obtained under this paragraph that are returned as undeliverable shall be re-sent by ***certified***~~first class~~ mail with proof of mailing addressed to the "Occupant" at the address of the property that is the subject of the certificate of delinquency. These notices shall be sent within twenty (20) days of receipt of the returned notice.
 7. If a third-party purchaser becomes aware of a more recent or more accurate address for a delinquent taxpayer that is different from the address reflected in the records of the property valuation administrator, the third-party purchaser shall send notices to the updated address in the manner required by this subsection, and shall notify the property valuation administrator of the updated address.
 8. If a third-party purchaser receives an address from the property valuation administrator during an address check after a first notice is sent and returned as undeliverable, and the address is the same as was originally provided, the third-party purchaser shall send the notice addressed to "Occupant" at the address of the property that is the subject of the certificate of delinquency ***in the manner required by this subsection.***
- (b)
1. For certificates of delinquency relating to unmined coal, oil or gas reserves, or any other mineral or energy resources assessed separately from the surface real property pursuant to KRS 132.820, third-party purchasers or their designees shall obtain from the department the most recent address for the property owner.
 2. To obtain information about a particular property, the third-party purchaser shall submit to the department a list of addresses, map identification numbers, parcel numbers, and any other information the department may require. The department shall:
 - a. Update its records with regard to the properties for which information is requested; and
 - b. Provide the updated information to the third-party purchaser within ten (10) business days.
 3. For this service, the department may charge a fee not to exceed two dollars (\$2) for each address provided.
 4. The third-party purchaser shall send the notices required by subsections (1) and (2) of this section relating to unmined coal, oil or gas reserves, or any other mineral or energy resources assessed separately from the surface real property pursuant to KRS 132.820 to the address provided by the department. Unless the provisions of subparagraph 5.f. of this paragraph apply, the third-party purchaser shall not be required to send a notice to any party other than the owner of record as provided by the department at the time the notice is sent ***and the mortgagee as required by subsections (1) and (2) of this section.***
 5.
 - a. Any notice sent pursuant to subsections (1) and (2) of this section based on information obtained pursuant to this paragraph and returned as undeliverable shall be submitted to the department within ten (10) days of receipt of the returned notice.
 - b. The department shall attempt to obtain an updated address for the owner of the property subject to the certificate of delinquency from the individual or entity filing the property tax return for the property.
 - c. The individual or entity filing the property tax return shall provide an address of the property owner upon request of the department.
 - d. The department shall provide any updated address information to the third-party purchaser.

- e. If updated information is provided, the notices shall be re-sent by *certified*~~[first-class]~~ mail with proof of mailing to the updated address of the owner within ten (10) days of the receipt of the updated information from the department.
 - f. If a third-party purchaser becomes aware of a more recent or more accurate address for a delinquent taxpayer that is different from the address reflected in the records of the department, the third-party purchaser shall send notices to the updated address in the manner required by this subsection, and shall notify the department of the updated address.
- (c) The third-party purchaser shall maintain complete and accurate records of all notices sent pursuant to this section.
- (d) The notices required by this section shall include the following information:
- 1. A statement that the certificate of delinquency is a lien of record against the property for which delinquent taxes are owed;
 - 2. A statement that the certificate bears interest at the rate provided in KRS 134.125;
 - 3. A statement that if the certificate is not paid, it will be subject to collection as provided by law, and that collection actions may include foreclosure. The notice required by subsection (2) of this section shall also include a statement of the intent to institute legal action to collect the amount due;
 - 4. A complete listing of the amount due, as of the date of the notice, broken down as follows:
 - a. The purchase price of the certificate of delinquency;
 - b. Interest accrued subsequent to the purchase of the certificate of delinquency; and
 - c. Fees imposed by the third-party purchaser;
 - 5. If the third-party purchaser is required to register with the department as provided in KRS 134.128(3), for certificates of delinquency purchased after June 1, 2012, a statement informing the taxpayer that upon written request and the payment of a processing fee, the third-party purchaser will offer a payment plan; and
 - 6. Information, in a format and with content as determined by the department, detailing the provisions of the law relating to third-party purchaser fees and charges.
- (e) In addition, the notice shall provide the following information to the taxpayer:
- 1. The legal name of the third-party purchaser;
 - 2. The third-party purchaser's physical address;
 - 3. The third-party purchaser's mailing address for payments, if different from the physical address; and
 - 4. The third-party purchaser's telephone number.

If the information required by this paragraph changes, the third-party purchaser shall, within thirty (30) days of the change becoming effective, send a notice to each taxpayer by *certified*~~[first-class]~~ mail with proof of mailing with the corrected information. The third-party purchaser shall also update contact information included in the records of the county clerk within ten (10) days of the change becoming effective. Failure to send the original notice or any correction notices shall result in the suspension of the accrual of all interest and any fees incurred by the third-party purchaser after that date until proper notice is given as required by this subsection.

- (4) If a person entitled to pay a certificate of delinquency to a third-party purchaser makes payment on the certificate of delinquency to the county clerk under the conditions described in KRS 134.127(3)(d), the payment shall constitute payment in full, and no other amounts may be collected by the third-party purchaser from the person.
- (5) (a) For certificates of delinquency purchased after June 1, 2012, at the written request of a delinquent taxpayer, a third-party purchaser required to register with the department as provided in KRS 134.128(3) shall provide a monthly installment payment plan to a taxpayer.

- (b) The taxpayer and third-party purchaser shall sign an agreement detailing the terms of the installment payment plan.
 - (c) The third-party purchaser may impose a processing fee, not to exceed eight dollars (\$8) per month to offset the administrative cost of providing the payment plan. No other fees, charges, interest, or other amounts not expressly authorized by this chapter shall be charged, assessed, or collected by the third-party purchaser.
 - (d) The existence of an agreement to provide a payment plan shall not impact the right of the third-party purchaser to pursue legal action if the delinquent taxpayer fails to follow the terms of the installment payment agreement.
 - (e) Upon default of a delinquent taxpayer:
 - 1. The third-party purchaser shall retain all amounts paid, which shall be applied to the outstanding balance due; and
 - 2. The third-party purchaser shall not be required to offer the delinquent taxpayer another opportunity for an installment payment plan.
 - (f) If a third-party purchaser who was required to offer payment plans pursuant to paragraph (a) of this subsection, subsequently does not purchase a sufficient number of certificates of delinquency to require registration with the department, the third-party purchaser shall continue to offer payment plans under the conditions established by this subsection for all delinquent taxpayers whose certificates of delinquency were purchased during a period in which the third-party purchaser was required to register with the department.
 - (g) A third-party purchaser who is not required to register with the department as provided in KRS 134.128(3), or who holds certificates of delinquency purchased prior to June 1, 2012, may voluntarily offer installment payment plans to delinquent taxpayers in accordance with the provisions of this subsection.
 - (h) The department may establish additional terms and conditions for installment payment plans in an administrative regulation.
- (6) Any person to whom a third-party purchaser transfers or assigns a certificate of delinquency shall be considered a third-party purchaser under this chapter.

➔Section 66. KRS 134.504 is amended to read as follows:

- (1) The department shall be responsible for the collection of certificates of delinquency and personal property certificates of delinquency. The provisions of this section relating to certificates of delinquency shall also apply to personal property certificates of delinquency unless otherwise specifically noted. The department shall offer the collection duties related to certificates of delinquency and personal property certificates of delinquency to the county attorney in each county, unless the department determines that a county attorney has previously failed to perform collection duties in a reasonable and acceptable manner.
- (2) Any county attorney desiring to perform the collection duties shall enter into a contract with the department on an annual basis.
- (3) The terms of the contract shall specify the duties to be undertaken by the county attorney, which shall include, at a minimum, the duties set forth in subsection (4) of this section. The terms of the contract shall also provide that, if the county attorney fails to perform the duties required by the contract during the contract period, the department may assume all collection responsibilities.
- (4) The following duties shall be performed by the department or the county attorney, as the case may be, with regard to each certificate of delinquency:
 - (a) Within thirty (30) days after the establishment of a certificate of delinquency, the county attorney or the department shall mail a notice by regular mail to the owner of record on the assessment date at the address on the records of the property valuation administrator, or to the in-care-of address if an in-care-of address is provided as required by subsection (5) of this section. The notice shall:
 - 1. Include the name, address, and telephone number of a contact person in the county attorney's office or the department, as the case may be;
 - 2. Advise that:

- a. The certificate of delinquency is a lien of record against the property on which the taxes are due;
 - b. The amounts due are a personal obligation of the taxpayer on the assessment date; and
 - c. The certificate bears interest at the rate of twelve percent (12%) and, if not paid, will be subject to collection by the county attorney or the department as provided by law;
3. Include the total amount due as of the date of the notice;
 4. ***Include in bold print in at least twelve (12) point font, a statement advising the taxpayer~~advise~~*** that anytime after ninety (90) days from the creation of the certificate of delinquency, the certificate of delinquency may be paid by a third-party purchaser and, that if so paid, the certificate of delinquency will be subject to collection by the third-party purchaser as provided by law. The notice shall also advise that a third-party purchaser may impose substantial additional administrative costs and fees associated with collection in addition to the amount due on the certificate of delinquency, and that collection actions may include foreclosure. This provision shall not be included in notices sent for personal property certificates of delinquency; and
 5. Advise that the taxpayer may qualify for a payment plan with the county attorney or the department, if the taxpayer meets the requirements established by the county attorney or the department, and if terms are agreed to prior to the date of the sale;
- (b) The county attorney or the department shall file in the office of the county clerk a list of the names and addresses to which the thirty (30) day notice was mailed along with a certificate attesting that the notices were mailed in accordance with the requirements of this section;
- (c)
1. All thirty (30) day notices returned as undeliverable shall be submitted by the county attorney or department to the property valuation administrator, and a list of the returned notices shall be filed with the county clerk, who shall record the list in the order book of the county.
 2. The property valuation administrator shall attempt to correct inadequate or erroneous addresses and, if property has been transferred, shall determine the new owner, current mailing address, and in-care-of address, if any, as provided in KRS 382.135.
 3. The property valuation administrator shall return the notices with the corrected information to the county attorney or the department within twenty (20) days of receipt.
 4. Upon receipt of the new information from the property valuation administrator, the county attorney or the department shall resend the notice required by paragraph (a) of this subsection using the updated information;
- (d)
1. At least twenty (20) days after the mailing of the thirty (30) day notice required by paragraph (a) of this subsection, but within sixty (60) days of the establishment of a certificate of delinquency, the county attorney or department shall send a second notice, by regular mail, to owners of record whose tax bills remain delinquent, or to the in-care-of addresses or corrected address, if information regarding a new property owner has been received by the county attorney or the department under the provisions of paragraph (c) of this subsection. The notice shall include, at a minimum, the following information:
 - a. The name, address, and telephone number of a contact person in the county attorney's office or the department, as the case may be;
 - b. A statement that a sale of tax claims will be held by the county clerk on the date established by the department for the sale. The text of the statement shall include the actual sale date, as well as a statement noting that the certificate of delinquency may be paid by a third-party purchaser at the sale, and if the certificate of delinquency is paid by a third-party purchaser, it will be subject to collection by the third-party purchaser as provided by law, that significant additional collection fees will be imposed by the third-party purchaser, and that collection actions may include foreclosure. This statement shall not be included in notices sent to owners of property subject to a personal property certificate of delinquency; and

- c. A statement that the taxpayer may qualify for a payment plan with the county attorney or the department, if the taxpayer meets the requirements established by the county attorney or the department and if terms are agreed to prior to the date of the sale.
 2. The county attorney or the department shall file in the office of the county clerk a list of the names and addresses to which the sixty (60) day notice was mailed, along with a certificate attesting that the notices were mailed in accordance with the requirements of this section.
 3. If the notice required by paragraph (c) of this subsection is returned as undeliverable, and the property valuation administrator is not able to provide a corrected or updated address, the county attorney or the department shall address the sixty (60) day notice to "Occupant" and shall mail the notice to the address of the property to which the certificate of delinquency applies;
 - (e) The county attorney or the department shall deliver to the property valuation administrator, at the same time the notice required by paragraph (d) of this subsection is sent, a list of the owners whose tax bills remain delinquent. The property valuation administrator shall review this list in accordance with KRS 132.220 to establish that the properties on the list can be identified and physically located; and
 - (f) Anytime after the expiration of the one (1) year tolling period established by KRS 134.546, the county attorney or department may institute an action to collect the amount due on a certificate of delinquency owned by the taxing jurisdictions and in the possession of the county clerk. At least forty-five (45) days before instituting a legal action, the county attorney or department shall send, by regular mail, a notice of intent to initiate legal action to enforce the lien. The notice shall be sent to the owner of record of the property or to the in-care-of address or corrected address if either has been provided pursuant to this section.
- (5) If property subject to a certificate of delinquency has been transferred in any year after the assessment date, the property valuation administrator shall determine the in-care-of address supplied in the deed pursuant to KRS 382.135 and shall provide that information to the county attorney or the department.
- (6) (a) Failure of the county attorney or the department to mail the notices required in subsection (4) of this section shall not affect the validity of the claim of the state, county, school district, and taxing district. However, the county attorney or the department shall not receive any compensation, commission, or payment related to any certificate of delinquency for which the notices required by the provisions of subsection (4) of this section are not sent.
- (b) For each notice mailed, one dollar (\$1) shall be added to the amount of the certificate of delinquency, to offset the cost of mailing, and, upon collection, the county attorney or the department shall be paid such amounts as reimbursement for mailing costs.
- (7) (a) As compensation for the collection duties performed pursuant to a contract with the department, a county attorney shall be paid twenty percent (20%) of the amount due each taxing unit during the contract period, whether the amount is paid voluntarily, through sale, or under court order, and whether the amount is paid to the county clerk or the county attorney. The fee for the county attorney shall be added to the amount of the certificate of delinquency and shall be paid by the person paying the certificate of delinquency.
- (b) If payment in full is voluntarily made by the taxpayer to the county attorney or county clerk within five (5) days of the filing of the tax claim with the county clerk, the county attorney fee shall be waived.
- (c) If a county attorney files a court action or files a cross-claim, the county attorney shall be paid an additional fee of thirteen percent (13%) of the amount of the certificate of delinquency and shall be reimbursed for costs incident to the court action. The additional fee and costs incident to the litigation shall be added to the certificate of delinquency and shall be paid by the person paying the certificate of delinquency.
- (d) If more than one (1) county attorney renders necessary services to collect on a certificate of delinquency, the county attorney serving the last notice or rendering the last substantial service preceding collection shall be entitled to the fee.
- (8) (a) The county attorney shall establish a system to accept installment payments from delinquent taxpayers. The county attorney may, during the contract period, enter into an agreement with a delinquent taxpayer to accept installment payments on the certificates of delinquency. The agreement shall not waive the county attorney's right to initiate court action or other authorized collection activities if the taxpayer does not make payments in accordance with the agreement.

- (b) The county attorney may, upon written request of the taxpayer for good cause and with agreement of the affected taxing jurisdiction or fee recipient, waive or reduce fees and penalties that are part of a certificate of delinquency during settlement or negotiation with a taxpayer in accordance with guidance provided by the department.
- (9) Any action by the county attorney authorized by this chapter shall be filed on relation of the commissioner. A copy of any judgment obtained by the county attorney shall be sent to the department.
- (10) (a) The county attorney shall notify the county clerk and the department of the filing of a suit at the time the suit is filed and of payment agreements at the time such agreements are entered into. The county clerk shall note on the certificate of delinquency the filing of the lawsuit or the existence of the payment agreement, and these certificates of delinquency shall not be available for purchase or payment by a third-party purchaser.
- (b) The county attorney shall provide to the county clerk at least ten (10) days but not more than twenty (20) days prior to the annual sale date for the county established pursuant to KRS 134.128, a protected list of current year certificates of delinquency that are:
1. Under a payment plan with the county attorney on which payments are current;
 2. Involved in litigation initiated by the county attorney or in which the county attorney responds or files an answer;
 3. Involved in bankruptcy litigation in which the county attorney has filed a claim; or
 4. Included on a list of protected properties submitted to the county attorney by a vacant property review commission or an alternative government entity as provided in KRS 99.727.
- The list shall include sufficient detail for the county clerk to accurately identify the property.
- (c) The county attorney shall notify the county clerk of the failure of any payment agreement and, upon notification to the clerk, the certificate of delinquency shall be available for purchase.
- (11) The department may make its delinquent tax collection databases and other technical resources, including but not limited to tax refund offsetting, available to the county attorney upon request from the county attorney. The county attorney seeking assistance shall enter into any agreements required by the department to protect taxpayer confidentiality, to ensure database integrity, or to address the concerns of the department.
- (12) (a) If a county attorney chooses not to contract for collection duties, or if a county attorney fails to perform the duties required by the contract, the department shall assume responsibility for all uncollected certificates of delinquency and personal property certificates of delinquency, including, at the option of the department, those with pending court action or for which the county attorney has entered into an installment payment agreement.
- (b) If the department assumes or retains responsibility for the collection of certificates of delinquency and personal property certificates of delinquency, the twenty percent (20%) fee that would have been paid to the county attorney under subsection (7) of this section, and any other fees or costs established by this section for the county attorney shall be paid to the department for deposit in the delinquent tax fund provided for under KRS 134.552.

➔Section 67. Sections 2 to 26, 29 to 32, 45 and 46 of this Act take effect on January 1, 2023.

➔Section 68. Sections 47 and 48 apply to property assessed on or after January 1, 2023.

➔Section 69. Sections 57 to 64 of this Act apply to the fiscal year beginning July 1, 2022, and ending June 30, 2023, and the fiscal year beginning July 1, 2023, and ending June 30, 2024, and shall expire at the end of June 30, 2024.

➔Section 70. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

➔Section 71. Whereas the Department of Revenue and the Finance and Administration Cabinet are required to procure services necessary to implement the tax amnesty program, which begins on October 1, 2022, an emergency is declared to exist, and Sections 32 to 38 of this Act take effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Veto Overridden and Signed by Secretary of State April 14, 2022.

CHAPTER 213

(HB 9)

AN ACT relating to educational opportunities and making an appropriation therefor.

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

➔Section 1. KRS 160.1590 is amended to read as follows:

As used in KRS 160.1590 to 160.1599:

- (1) ~~["Achievement academy" has the same meaning as "public charter school";~~
- ~~(2) —~~ "Achievement gap" means the difference between performance goals and actual performance on state standardized examinations and other academic performance measures for subgroups of students, especially groups defined by socioeconomic status, race, and ethnicity;
- ~~(2)~~~~(3)~~ "Applicant" means an eligible person or persons, organization, or entity that seeks approval from a charter school authorizer to establish a public charter school;
- ~~(3)~~~~(4)~~ "Charter application" means a proposal from an applicant to an authorizer to enter into a charter contract whereby the proposed school obtains public charter school status;
- ~~(4)~~~~(5)~~ "Charter contract" or "contract" means a fixed-term, renewable contract between a charter school and an authorizer that identifies the roles, powers, responsibilities, and performance expectations for each party to the contract pursuant to KRS 160.1596;
- ~~(5)~~~~(6)~~ "Charter school board of directors" means the independent board of a public charter school that is party to the charter contract with the authorizer and whose members have been elected or selected pursuant to the school's application;
- ~~(6)~~~~(7)~~ "Conversion public charter school" means a public charter school that existed as a noncharter public school prior to becoming a public charter school;
- (7) ***"District of location" means the public school district in which a public charter school is physically located;***
- (8) "Education service provider" means an education management organization, school design provider, or any other partner entity with which a public charter school contracts for educational design, implementation, or comprehensive management;
- (9) "Local school board" ***or "local board"*** means a school board exercising management and control of a local school district;
- (10) "Local school district" means a county or independent school district as identified in KRS 160.010 and 160.020;
- (11) "Parent" means a parent, guardian, or other person or entity having legal custody of a child;
- (12) ***"Proportionate per pupil basis" means multiplying an amount of funds by a fraction, with the numerator being the average daily attendance of the public charter school, and the denominator being the average daily attendance of the school district of location;***
- (13) ***"Proportionate per pupil transported basis" means multiplying an amount of funds by a fraction, with the numerator being the aggregate daily attendance of students transported by a public charter school, and the denominator being the aggregate daily attendance of students transported by the school district of location;***
- ~~(14)~~~~(12)~~ "Public charter school" means a public school that:
 - (a) Is a public body corporate and politic, exercising public power, including the power in name to contract and be contracted with, sue and be sued, and adopt bylaws not inconsistent with this section;
 - (b) Has autonomy over decisions, including but not limited to matters concerning finance, personnel, scheduling, curriculum, and instruction;
 - (c) Is governed by an independent board of directors;

- (d) Is established and operating under the terms of a charter contract between the public charter school's board of directors and its authorizer;
 - (e) Is a public school to which parents choose to send their children;
 - (f) Is a public school that admits students on the basis of a random and open lottery if more students apply for admission than can be accommodated;
 - (g) Offers a comprehensive instructional program *to enrolled students* ~~[within a public school district];~~
 - (h) Operates in pursuit of a specific set of educational objectives as defined in its charter contract; and
 - (i) Operates under the oversight of its authorizer in accordance with its charter contract;
- ~~(15)~~~~(13)~~ "Public charter school authorizer" or "authorizer" means an entity or body that reviews, approves, or denies charter applications, enters into charter contracts with applicants, oversees public charter schools, and renews, does not renew, or revokes charter contracts. Authorizers *shall* include:
- (a) A local school board of a local school district, *which shall only have authority to approve charter applications within the boundaries of its district* ~~[in which a public charter school is located];~~
 - (b) A collaborative among local school boards that forms to set up a regional public charter school to be located within the area managed and controlled by those local school boards;
 - (c) The mayor of a consolidated local government, *who shall be considered an authorizer governing board for the purposes of KRS 160.1590 to 160.1599 and* who may only authorize public charter schools to be physically located within the county in which the city is located and who has submitted a written notice to the state board that he or she intends to serve as an authorizer; and
 - (d) The chief executive officer of an urban-county government, *who shall be considered an authorizer governing board for the purposes of KRS 160.1590 to 160.1599 and* who may only authorize public charter schools to be physically located within the county in which the city is located and who has submitted a written notice to the state board that he or she intends to serve as an authorizer;
- ~~(16)~~~~(14)~~ "Qualified teacher" means a person certified by the Education Professional Standards Board pursuant to KRS 161.028, 161.030, 161.046, or 161.048;
- ~~(15)~~ ~~"Regional achievement academy" means a public charter school that has been established to serve students across multiple school districts;~~
- ~~(16)~~ ~~"Regional achievement zone" means one (1) county containing four (4) or more local school districts or two (2) or more contiguous counties, each containing four (4) or more local school districts;~~
- ~~(17)~~ ~~"Start up public charter school" means a public charter school that did not exist as a noncharter public school prior to becoming a public charter school;~~
- ~~(17)~~~~(18)~~ "State board" means the Kentucky Board of Education;
- ~~(18)~~~~(19)~~ "Student" means any child who is eligible for attendance in a public school in Kentucky; ~~and~~
- ~~(19)~~~~(20)~~ *"Urban academy" means a public charter school that includes an enrollment preference for students who live in close proximity to the school as defined in the charter contract; and*
- (20) "Virtual public charter school" means a public charter school that offers educational services primarily or completely through an online program.

➔Section 2. KRS 160.1591 is amended to read as follows:

- (1) The General Assembly hereby finds and declares that:
 - (a) Reducing achievement gaps in Kentucky is necessary for the state to realize its workforce and economic development potential;
 - (b) Past and current measures have been insufficient for making progress toward reducing the state's achievement gaps;
 - (c) Additional public school options are necessary to help reduce socioeconomic, racial, and ethnic achievement gaps; and
 - (d) The demand exists for high-quality public charter schools in the Commonwealth.

- (2) The General Assembly hereby establishes a public charter school project to benefit parents, teachers, and community members by creating new, innovative, and more flexible ways of educating all children within the public school system and by advancing a renewed commitment to the mission, goals, and diversity of public education. The purposes of the public charter school initiative are to:
- (a) Improve student learning outcomes by creating additional high-performing schools with high standards for student performance;
 - (b) Encourage the use of different, high-quality models of teaching, governing, scheduling, or other aspects of schooling that meet a variety of student needs;
 - (c) Close achievement gaps for low-performing groups of public school students;
 - (d) Allow schools freedom and flexibility in exchange for exceptional levels of results-driven accountability;
 - (e) Increase high-quality educational opportunities within the public education system for all students, especially those at risk of academic failure; and
 - (f) Provide students, parents, community members, and local entities with expanded opportunities for involvement in the public education system.
- (3) Beginning in academic year ~~2022-2023~~[2017-2018], any authorizer may authorize an unlimited number of public charter schools~~[within the boundary of the local school district].~~
- (4) A public charter school shall not be a virtual public charter school.
- (5) ~~[(a) A public charter school authorized by a local school board or collaborative may enroll students who reside within the boundaries of the district or districts represented by the local school board or collaborative.]~~
- ~~(a)~~~~[(b)]~~ Enrollment preference for a conversion public charter school shall be given to students who attended the school the previous school year. If the number of students enrolled does not exceed the capacity of the school, secondary preference shall be given to students who reside within the district boundary in which the public charter school is located.
- ~~(b)~~~~[(e)]~~ Enrollment preference for public charter schools shall be given to students enrolled in the public charter school the previous year and to siblings of students already enrolled in the school. ~~The~~~~[An]~~ enrollment preference for returning students shall exclude those students from entering into a lottery, as identified in paragraph (f) of this subsection.
- (c) *Enrollment preference for public charter schools identified as an urban academy in the charter contract shall be given to students who live in close proximity to the school, as governed by the charter contract.*
- (d) Enrollment preference may be given to the children of the public charter school's board of directors and full-time employees of the public charter school provided they constitute no more than ten percent (10%) of the total student population.
- (e) A public charter school may allow an enrollment preference for students who meet federal eligibility requirements for free or reduced-price meals and students who attend persistently low-achieving noncharter public schools.
- (f) If capacity is insufficient to enroll all students who wish to attend any specific grade level or program at a public charter school, the school shall select students through a randomized and transparent lottery. *The lottery process may allow for siblings in a lottery or different lotteries to be admitted together.*
- ~~[(6) (a) A public charter school established within the boundaries of a regional achievement zone shall be a regional achievement academy.~~
- ~~(b) 1. A regional achievement academy may be authorized by a single local school board within the regional achievement zone or by a collaborative of local school boards within the regional achievement zone.~~
- ~~2. A regional achievement academy authorized by a single local school board shall be located within the boundaries of the authorizing local school district.~~
- ~~3. A regional achievement academy authorized by a collaborative of local school boards shall be located within the regional achievement zone.~~

- ~~(e) A regional achievement academy may only enroll students who reside within the boundaries of its regional achievement zone.~~
- ~~(d) Enrollment preference in a regional achievement academy may be given to students who reside within the boundaries of the local school district where the regional achievement academy is located.]~~

~~(6)(7)]~~ Consistent with the requirements of KRS 160.1590 to 160.1599 and 161.141, the state board shall promulgate administrative regulations to guide student application, lottery, and enrollment in public charter schools.

➔Section 3. KRS 160.1592 is amended to read as follows:

- (1) A public charter school shall be part of the state's system of public education but shall be exempt from all statutes and administrative regulations applicable to the state board, a local school district, or a school, except the public charter school shall adhere to the same health, safety, civil rights, and disability rights requirements as are applied to all public schools and to all requirements otherwise identified in KRS 160.1590 to 160.1599 and 161.141.
- (2) A public charter school may elect to comply with any one (1) or more provisions of any state statute or administrative regulation.
- (3) A public charter school shall:
 - (a) Be governed by a board of directors;
 - (b) Be established and operate in pursuit of a specific set of educational objectives as defined in the charter contract between the school's board of directors and its authorizer;
 - (c) Ensure students meet compulsory attendance requirements under KRS 158.030 and 158.100 ***and record student enrollment and attendance in a manner necessary for participation in the fund to support education excellence in Kentucky;***
 - (d) Hire only qualified teachers to provide student instruction;
 - (e) Ensure high school course offerings meet or exceed the minimum required under KRS 156.160 for high school graduation;
 - (f) Design its education programs to meet or exceed the student performance standards adopted by the Kentucky Board of Education;
 - (g) Ensure students' participation in required state assessment of student performance, as required under KRS 158.6453;
 - (h) Adhere to all generally accepted accounting principles and adhere to the same financial audits, audit procedures, and audit requirements as are applied to other public schools under KRS 156.265;
 - (i) Utilize the same system for reporting student information data and financial data as is utilized by other school districts across the state;
 - (j) Require criminal background checks for staff and volunteers, including members of its governing board, as required of all public school employees and volunteers within the public schools specified in KRS 160.380 and 161.148;
 - (k) Comply with open records and open meeting requirements under KRS Chapter 61;
 - (l) Comply with purchasing requirements and limitations under KRS Chapter 45A and KRS 156.074 and 156.480, or provide to the public charter school board of directors a detailed monthly report of school purchases over ten thousand dollars (\$10,000), including but not limited to curriculum, furniture, and technology;
 - (m) Provide instructional time that is at least equivalent to the student instructional year specified in KRS 158.070;
 - (n) Provide data to the Kentucky Department of Education and the authorizer as required by the Kentucky Department of Education or authorizer to generate a school report card under KRS 158.6453;
 - (o) Operate under the oversight of its authorizer in accordance with its charter contract and application;
 - (p) As a public body corporate, have all the powers necessary for carrying out the terms of its charter contract, including the power to:

1. Receive and disburse funds for school purposes;
 2. Secure appropriate insurance and enter into contracts and leases;
 3. Contract with an education service provider, provided the board of directors of the public charter school retains oversight and authority over the school;
 4. Incur debt in reasonable anticipation of the receipt of public or private funds;
 5. Pledge, assign, or encumber its assets to be used as collateral for loans or extensions of credit;
 6. Solicit and accept any gifts or grants for school purposes, subject to applicable laws and the terms of its charter;
 7. Acquire real property for use as its facility or facilities, from public or private sources; and
 8. Employ or contract with other entities for the provision of teaching, professional, and support staff, as needed;~~{and}~~
- (q) Conduct an admissions lottery if capacity is insufficient to enroll all students who wish to attend the school and ensure that every student has a fair opportunity to be considered in the lottery and that the lottery is competently conducted, equitable, randomized, transparent, impartial, and in accordance with targeted student population and service community as identified in KRS 160.1593(3) so that students are accepted in a public charter school without regard to ethnicity, national origin, religion, sex, income level, disabling condition, proficiency in the English language, or academic or athletic ability; **and**
- (r) ***Establish a food program for students that, at a minimum, provides free and reduced-price meals to students identified as qualifying for such meals under federal guidelines for the National School Lunch Program.***
- (4) For purposes of this subsection, a member of the board of directors of a public charter school shall be considered an officer under KRS 61.040 and shall be removed from office under the statute's provisions.
- (5) A local school district shall provide or publicize to parents and the general public information about public charter schools authorized by the local school district as an enrollment option within the district to the same extent and through the same means that the school district provides and publicizes information about noncharter public schools in the district.
- (6) A local school district shall not assign or require any student enrolled in the local school district to attend a public charter school.
- (7) (a) For purposes of ensuring compliance with this section and the charter under which it operates, a public charter school shall be administered by a public charter school board of directors accountable to the authorizer in a manner agreed to in the charter contract, as negotiated between the public charter school applicant and the authorizer.
- (b) The board of directors of a public charter school shall consist of a minimum of two (2) parents of students attending any public charter school operating under the direction of the board of directors.
- (c) A member of the board of directors of a public charter school shall:
1. Not be an employee of that school or of an education service provider that provides services to the school; and
 2. File full disclosure reports and identify any potential conflicts of interest, relationships with management organizations, and relationships with family members who are applying to or are employed by the public charter school or have other business dealings with the school, the management organization of the school, or any other public charter school and shall make these documents available online through the authorizer.
- (8) Collectively, members of the board of directors shall possess expertise in leadership, curriculum and instruction, law, and finance.
- (9) (a) A board of directors may hold one (1) or more charter contracts.
- (b) Each public charter school under contract with a board of directors shall be separate and distinct from any other public charter school under contract with the board of directors.

- (10) The board of directors shall be responsible for the operation of its public charter school, including but not limited to preparation of a budget, contracting for services, school curriculum, and personnel matters.
- (11) The board of directors shall:
 - (a) Ensure that all meetings of the board are publicized in advance according to the rules governing the authorizer and are open to the public at times convenient to parents; and
 - (b) Require any education service provider contracted with the board to provide a monthly detailed budget to the board.
- (12)
 - (a) A public charter school may negotiate and contract with its authorizer or any third party for the use, operation, and maintenance of a building and grounds, liability insurance, and the provision of any service, activity, or undertaking that the public charter school is required to perform in order to carry out the educational program described in its charter. Any services for which a public charter school contracts with a school district shall be provided by the district at cost and shall be negotiated as a separate agreement after final charter contract negotiations. The public charter school shall have standing to sue and be sued in its own name for the enforcement of any contract under color of authority granted by KRS 160.1590 to 160.1599. A public charter school may own, rent, or lease its space.
 - (b) Any entity contracted to provide educational services or goods to a public charter school in an amount exceeding ten thousand dollars (\$10,000) shall be subject to the Open Records Act under KRS Chapter 61 for all records associated with the public charter school contract.
- (13) A public charter school shall be exempt from administrative regulations governing public schools for purposes of zoning and local land use regulation. The Finance and Administration Cabinet shall annually publish a list of vacant and unused buildings and vacant and unused portions of buildings that are owned by the state and that may be suitable for the operation of a public charter school and shall provide the list to applicants for public charter schools and to existing public charter schools upon request.
- (14) A public charter school shall be nonsectarian in its programs, admissions policies, employment practices, partnerships, and all other operations and shall not have entrance requirements or charge tuition or fees, except that a public charter school may require the payment of fees on the same basis and to the same extent as other public schools.
- (15) A public charter school shall not discriminate against any student, employee, or any other person on the basis of ethnicity, religion, national origin, sex, disability, special needs, athletic ability, academic ability, or any other ground that would be unlawful if done by a public school.
- (16) A public charter school shall serve one (1) or more of grades kindergarten through twelve (12) and shall limit admission to students within the grade levels served.
- (17) A public charter school shall provide programs and services to a student with a disability in accordance with the student's individualized education program and all federal and state laws, rules, and regulations. A public charter school shall deliver the services directly or contract with another provider to deliver the services. A public charter school shall establish an admissions and release committee at the school and the committee shall:
 - (a) Develop an individualized education program for each student with a disability; or
 - (b) Review, revise, or utilize a student's individualized education program completed by the admissions and release committee of the student's former school. If needed, the committee shall work collaboratively with staff from the student's former school to review and revise a student's existing individualized education program.
- (18)
 - (a) A public charter school shall be eligible to participate in state-sponsored or district-sponsored interscholastic athletics, academic programs, competitions, awards, scholarships, and recognition programs for students, educators, administrators, and schools to the same extent as noncharter public schools. Participants shall comply with eligibility requirements of students enrolled in noncharter public schools.
 - (b) A public charter school has no obligation to provide extracurricular activities or access to facilities for students enrolled in the public charter school.
 - (c) If a public charter school sponsors interscholastic athletic activities, students enrolled in the public charter school shall be considered eligible to participate in interscholastic competitions by the Kentucky

Board of Education or the agency designated by the state board to manage interscholastic athletics, if other eligibility requirements are met. A student enrolled in a public charter school that sponsors an interscholastic athletic activity shall be ineligible to participate in that activity at any other school.

- (d) If a public charter school does not offer any interscholastic athletic activity sanctioned by the Kentucky Board of Education or the agency designated by the state board to manage interscholastic athletics, a student enrolled in the public charter school shall be eligible to participate at the school the student would attend based on the student's residence.
 - (e) If a public charter school offers any interscholastic athletic activity sanctioned by the Kentucky Board of Education or the agency designated by the state board to manage interscholastic athletics, a student enrolled in the public charter school shall be ineligible to participate in any interscholastic athletic activity at any other school.
- (19) Nothing in this section shall be construed to prevent the establishment of a single-sex public charter school consistent with federal regulations or a public charter school designed to provide expanded learning opportunities for students at risk of academic failure or for students with special needs.
 - (20) The authorizer of a public charter school shall semiannually consider for approval a public charter school's proposed amendments to a charter contract. The authorizer may consider requests for amendments more frequently upon mutual agreement between the authorizer and the public charter school. The denial of an amendment request is appealable pursuant to KRS 160.1595.
 - (21) If a student who was previously enrolled in a public charter school enrolls in another public school located within the state, the new school shall accept any credits earned and grades received by the student in courses or instructional programs while enrolled in the public charter school in a uniform and consistent manner and according to the same criteria that are used to accept credits from other public schools.
 - (22) A teacher employed by a local board of education under a continuing service contract and offered employment with a public charter school shall be granted a two (2) year leave of absence to teach in a public charter school. The leave of absence shall commence on the first day of service to the public charter school. During the first or second year of the leave of absence, the teacher may notify the local board of education that the teacher intends to return to a teaching position in the local school district. The teacher shall be allowed to return to a teaching position in the local school district at the appropriate salary for the teacher's years of experience and educational level. After two (2) years on leave, the relationship between the teacher and the local board of education shall be determined by the local board and the local board shall notify the teacher of the decision.

➔Section 4. KRS 160.1593 is amended to read as follows:

- (1) An application to establish a public charter school may be submitted to a public charter school authorizer by teachers, parents, school administrators, community residents, public organizations, nonprofit organizations, or a combination thereof.
- (2) An applicant shall submit an application for approval of a public charter school to an authorizer and ***shall also submit a written notification of the application*** simultaneously to the state board ***as a record of the filing***. Charter authorizers shall accept and document the date and time of receipt of all charter applications.
- (3) The information provided in the application shall be consistent with this section and shall include:
 - (a) A mission statement and a vision statement for the public charter school, including the targeted student population and the community the school hopes to serve, ***and shall outline how the public charter school will establish resident and nonresident enrollment policies which shall be subject to the same limitations as a school district;***
 - (b) A description of the school's proposed academic program that is aligned with state standards, and that implements one (1) or more of the purposes described in KRS 160.1591, and the instructional methods that will support the implementation and success of the program;
 - (c)
 1. The student achievement goals for the public charter school's educational program and the chosen methods of evaluating whether students have attained the skills and knowledge specified for those goals; and
 2. An explanation of how the school's proposed educational program is likely to improve the achievement of traditionally underperforming students, ***serve the needs of students with individualized education programs, or provide students with career readiness education opportunities*** ~~in the local school district;~~

- (d) The school's plan for using external, internal, and state-required assessments to measure student progress on the performance framework as identified in KRS 160.1596, and how the school will use data to drive instruction and continued school improvement;
- (e) The proposed governance structure of the school, including a list of members of the initial board of directors, a draft of bylaws that include the description of the qualifications, terms, and methods of appointment or election of directors, and the organizational structure of the school that clearly presents lines of authority and reporting between the board of directors, school administrators, staff, any related bodies such as advisory bodies or parent and teacher councils, and any external organizations that will play a role in managing the school;
- (f)
 1. Plans and timelines for student recruitment and enrollment, including policies and procedures for conducting transparent and random admission lotteries that are open to the public, and that are consistent with KRS 160.1591 and 160.1592;{}
 2. An application shall demonstrate a plan to recruit at least one hundred (100) students, unless the application is focused on serving special needs or at-risk students *or students seeking career readiness education; and*
 3. ***If the application is for a public charter school located in a district with total student enrollment of seven thousand five hundred (7,500) or less, then the application shall include a memorandum of understanding with the district of location endorsing the application. However, if the application is for an urban academy located within a county where the total enrollment of all independent school districts is greater than seven thousand five hundred (7,500), then this subparagraph shall not apply;***
- (g) A proposed five (5) year budget, including the start-up year and projections for four (4) additional years with clearly stated assumptions;
- (h) Draft fiscal and internal control policies for the public charter school;
- (i) Requirements and procedures for programmatic audits and assessments at least once annually, with audits and assessments being comparable in scope to those required of noncharter public schools;
- (j) A draft handbook that outlines the personnel policies of the public charter school, including the criteria to be used in the hiring of qualified teachers, school administrators, and other school employees, a description of staff responsibilities, and the school's plan to evaluate personnel on an annual basis;
- (k) A draft of the policies and procedures by which students may be disciplined, including students with disabilities, which shall be consistent with the requirements of due process and with state and federal laws and regulations governing the placement of students with disabilities;
- (l) A description of the facilities to be used by the public charter school, including the location of the school, if known, and how the facility supports the implementation of the school's academic program. If the facilities to be used by the proposed school are not known at the time the application is submitted, the applicant shall notify the authorizer within ten (10) business days of acquiring facilities for the school. The school shall obtain certification of occupancy for the facilities at least thirty (30) days prior to the first student instructional day;
- (m) The proposed ages and grade levels to be served by the public charter school, including the planned, minimum, and maximum enrollment per grade per year;
- (n) The school calendar and school day schedule, which shall total at least the equivalent to the student instructional year specified in KRS 158.070;
- (o) Types and amounts of insurance coverage to be obtained by the public charter school, which shall include adequate insurance for liability, property loss, and the personal injury of students comparable to other schools within the local school district operated by the local school board;
- (p) A description of the health and food services to be provided to students attending the school;
- (q) Procedures to be followed in the case of the closure or dissolution of the public charter school, including provisions for the transfer of students and student records to the ***district of location***~~local school district in which the public charter school is located~~ or to another charter school located within the local school district and an assurance and agreement to payment of net assets or equity, after payment of debts as specified in KRS 160.1598;

- (r) A code of ethics for the school setting forth the standards of conduct expected of its board of directors, officers, and employees;
 - (s) Plans for recruiting and developing staff;
 - (t) A staffing chart for the school's first year and a staffing chart for the term of the charter;
 - (u) A plan for parental and community involvement in the school, including the role of parents in the administration and governance of the school;
 - (v) The public charter school's plan for identifying and successfully serving students with disabilities, students who are English language learners, bilingual students, and students who are academically behind and gifted, including but not limited to the school's plan for compliance with all applicable federal and state laws and regulations;
 - (w) A description of cocurricular and extracurricular programs and how they will be funded and delivered;
 - (x) The process by which the school will resolve any disputes with the authorizer; and
 - (y) A detailed start-up plan, including financing, tasks, timelines, and individuals responsible for carrying out the plan.
- (4) If the public charter school applicant intends to contract with an education service provider for educational program implementation or comprehensive management, the application shall additionally require the applicant to:
- (a) Provide evidence of success in serving student populations similar to the targeted population, including demonstrated academic achievement as well as successful management of nonacademic school functions, if applicable;
 - (b) Provide student performance data and financial audit reports for all current and past public charter schools;
 - (c) Provide documentation of and explanation for any actions taken against any of its public charter schools for academic, financial, or ethical concerns;
 - (d) Provide evidence of current capacity for growth;
 - (e) Provide a term sheet setting forth:
 1. The proposed duration of the service contract;
 2. The annual proposed fees to be paid to the education service provider;
 3. The roles and responsibilities of the board of directors, the school staff, and the education service provider;
 4. The scope of services and resources to be provided by the education service provider;
 5. Performance evaluation measures and timelines;
 6. Compensation structure, including clear identification of all fees to be paid to the education service provider;
 7. Methods of contract oversight and enforcement;
 8. Investment disclosure; and
 9. Conditions for renewal and termination of the contract; and
 - (f) Disclose and explain any existing or potential conflicts of interest between the board of directors and the proposed education service provider or any affiliated business entities.

➔Section 5. KRS 160.1594 is amended to read as follows:

- (1) A public charter school authorizer shall:
- (a) Fulfill the expectations and intent of this section and KRS 160.1590 to 160.1599 and 161.141;
 - (b) Demonstrate public accountability and transparency in all matters concerning its charter-authorizing practices, decisions, and expenditures;

- (c) **Establish an annual timeline consistent with statutory guidelines with deadlines to** solicit, invite, **accept**, and evaluate applications from applicants;
 - (d) Approve new and renewal charter applications that meet the requirements of this section and KRS 160.1593;
 - (e) Decline to approve charter applications that:
 - 1. Fail to meet the requirements of this section and KRS 160.1593; or
 - 2. Are for a school that would be wholly or partly under the control or direction of any religious denomination;
 - (f) Negotiate and execute in good faith a charter contract with each public charter school it authorizes;
 - (g) Monitor the performance and compliance of public charter schools according to the terms of the charter contract;
 - (h) Determine whether each charter contract it authorizes merits renewal or revocation; and
 - (i) Establish and maintain policies and practices consistent with the principles and professional standards for authorizers of public charter schools, including standards relating to:
 - 1. Organizational capacity and infrastructure;
 - 2. Soliciting and evaluating applications;
 - 3. Performance contracting;
 - 4. Ongoing public charter school oversight and evaluation; and
 - 5. Charter approval, renewal, and revocation decision making.
- (2) In reviewing applications, the public charter school authorizer is encouraged to give preference to applications that demonstrate the intent, capacity, and capability to provide comprehensive learning experiences to:
- (a) Students identified by the applicants as at risk of academic failure; ~~and~~
 - (b) Students with special needs as identified in their individualized education program as defined in KRS 158.281; **and**
 - (c) **Students who seek career readiness education opportunities.**
- (3) After a charter applicant submits a written application to establish a public charter school, the authorizer shall:
- (a) Complete a thorough review process;
 - (b) Conduct an in-person interview with the applicant group;
 - (c) Provide an opportunity in a public forum for local residents to provide input and learn about the charter application;
 - (d) Provide a detailed analysis of the application to the applicant or applicants **which shall include any identified deficiencies**;
 - (e) Allow an applicant a reasonable time to provide additional materials and amendments to its application to address any identified deficiencies, **including allowing an applicant to request a sixty (60) day extension to seek technical assistance in curing deficiencies from the state board under Section 6 of this Act**; and
 - (f) Approve or deny a charter application based on established objective criteria or request additional information.
- (4) In deciding to approve a charter application, the authorizer shall:
- (a) Grant charters only to applicants that possess competence in all elements of the application requirements identified in this section and KRS 160.1593;
 - (b) Base decisions on documented evidence collected through the application review process; and
 - (c) Follow charter-granting policies and practices that are transparent, based on merit, and avoid conflicts of interest.

- (5) ***Unless an extension is requested under subsection (3) of this section,*** no later than sixty (60) days following the filing of the charter application, the authorizer shall approve or deny the charter application. The authorizer shall adopt by resolution all charter approval or denial decisions in an open meeting of the authorizer's board of directors.
- (6) Any failure to act on a charter application ***within sixty (60) days of the established application submission deadline*** shall be deemed ***an approval***~~or denial~~ by the authorizer.
- (7) An application shall be approved if the public charter school authorizer finds that:
 - (a) The public charter school described in the application meets the requirements established by this section and KRS 160.1590 and 160.1592;
 - (b) The applicant demonstrates the ability to operate the school in an educationally and fiscally sound manner; and
 - (c) Approving the application is likely to improve student learning and achievement and further the purposes established by KRS 160.1591.
- (8) An authorizer shall provide a written explanation within five (5) days ***of adopting a resolution,*** for the public record, stating its reasons for approval or denial of a charter application, including a thorough explanation of how the charter application either meets or fails to meet established objective criteria for making charter application decisions, and the authorizing process which the authorizer used to review, evaluate, and make its final decision.
- (9) An authorizer's charter application approval shall be submitted to the Kentucky Department of Education ***as written notice***~~for final approval by the commissioner of education~~.
- (10) When an authorizer that is a local school board or a collaborative of local school boards receives a charter school application, any member of the board or boards who has not received charter authorization training within twelve (12) months immediately preceding the date the application was received shall receive six (6) hours of in-service training prior to evaluating the charter application. Except for training provided prior to July 15, 2020, the training shall be in addition to the annual in-service training required under KRS 160.180, and each board shall select the trainer to deliver the training to its members. Charter authorizer training shall not be required of any local school board member until a charter application is submitted to the board or boards.

➔Section 6. KRS 160.1595 is amended to read as follows:

- (1) ***Any applicant or board of directors of a public charter school may request technical assistance from the Kentucky Department of Education to address deficiencies identified by an authorizer. The department shall respond within thirty (30) days of the request.***
- (2) (a) The state board, upon receipt of a notice of appeal~~or upon its own motion~~, shall review decisions of any ***other*** authorizer concerning the approval or denial of a public charter school application, the nonrenewal or revocation of a public charter school's contract, the denial of a public charter school's request to consider a charter amendment, or the unilateral imposition of conditions ***in the charter contract,*** in accordance with the provisions of this section.

(b)~~(2)~~ A charter applicant or approved public charter school who wishes to appeal a decision of an authorizer concerning a charter application, a charter amendment, or the nonrenewal or revocation of a charter, or the unilateral imposition of conditions, shall provide the state board and the authorizer with a notice of appeal within thirty (30) days after the authorizer's decision. The ***appellant***~~person bringing the appeal~~ shall limit the grounds of the appeal to the grounds for the denial of or the nonrenewal or revocation of a charter, or the unilateral imposition of conditions, whichever is being appealed, specified by the authorizer. The notice shall include a brief statement of the reasons the public charter school applicant or public charter school contends the authorizer's denial of or nonrenewal or revocation of a charter, or imposition of conditions was in error.

(c)~~(3)~~ If the notice of appeal~~, or the motion to review by the state board,~~ relates to an authorizer's decision to deny, refuse to renew, or revoke a charter or to an authorizer's unilateral imposition of conditions that are unacceptable to the charter applicant or public charter school, the appeal and review process shall be as follows:

 - I.~~(a)~~ Within forty-five (45) days after receipt of the notice of appeal~~or the making of a motion to review by the state board~~ and after reasonable public notice, the state board, at a public hearing

which may be held in the school district in which the proposed public charter school has applied for a charter *or where the public charter school exists*, shall review the decision of the authorizer and make its findings;~~[-]~~

2. *The state board shall determine:*

- a. *If the final decision of the authorizer was contrary to the best interest of the students or community; and*
- b. *If the application failed to satisfy the requirements of subsections (3) and (4) of Section 4 of this Act;*

3. If the state board finds that the authorizer's decision was contrary to the best interest of the students or community *and the application satisfies the statutory requirements*, the state board shall~~[- remand such decision to the authorizer with written instructions for reconsideration thereof. The instructions shall include specific recommendations concerning the matters requiring reconsideration;~~

~~(b) Within thirty (30) days following the remand of a decision to the authorizer and after reasonable public notice, the authorizer, at a public hearing, shall reconsider its decision and make a final decision;~~

~~(c) If the authorizer's final decision is still to deny, refuse to renew, or revoke a charter or to unilaterally impose conditions unacceptable to the charter applicant, a second notice of appeal may be filed with the State Board of Education within thirty (30) days following such final decision;~~

~~(d) Within thirty (30) days following receipt of the second notice of appeal or the making of a motion for a second review by the State Board of Education and after reasonable public notice, the state board, at a public hearing shall determine if the final decision of the authorizer was contrary to the best interest of the students or community. If such a finding is made, the state board shall~~ remand such final decision to the authorizer with instructions to approve the charter application or amendment, or to renew or reinstate the charter, or to approve or disapprove conditions imposed. The decision of the state board shall be a final action subject to judicial review in the Circuit Court encompassing the school district in which the public charter school is located; and

4.~~[(e)]~~ Charters granted to applicants by authorizers after a successful appeal to the state board, as outlined in *subparagraph*~~[paragraph]~~ 3.~~[(d)]~~ of this *paragraph*~~[subsection]~~, shall be provided joint oversight by the authorizer and the state board for, at a minimum, the first five (5) years of the school's operation, and until the authorizer, state board, and public charter school agree that charter oversight may be provided solely by the authorizer. The state board shall be a formal participant in all authorizing decision making concerning the public charter school during that period, and shall be included in all communication between the public charter school and the authorizer.

~~[(4) (a) Within ten (10) days of taking action to approve or deny a charter application that has been remanded back to the authorizer for reconsideration, the authorizer shall notify the state board of the action taken.~~

~~(b) The authorizer shall provide a report to the charter applicant, the state board, and the Education and Workforce Development Cabinet simultaneously and shall include a copy of the resolution adopted by the authorizer's board of directors identifying any action taken, the reason for the decision, and an assurance as to compliance with all of the procedural requirements and application elements found in this section and KRS 160.1591 and 160.1593.]~~

➔Section 7. KRS 160.1596 is amended to read as follows:

- (1) (a) For purposes of this section, a member of the board of directors of a public charter school shall be considered an officer under KRS 61.040 and shall, within sixty (60) days of final approval of an application, take an oath of office as required under KRS 62.010.
- (b) Within seventy-five (75) days of the final approval of an application, the board of directors and the authorizer shall enter into a binding charter contract that establishes the academic and operational performance expectations and measures by which the public charter school will be evaluated.

- (c) The executed charter contract shall become the final authorization for the public charter school. The charter contract shall include:
1. The term of the contract;
 2. The agreements relating to each item required under KRS 160.1592(3) and 160.1593(3), as modified or supplemented during the approval process;
 3. The rights and duties of each party;
 4. The administrative relationship between the authorizer and the public charter school;
 5. The allocation of state, local, and federal funds, and the schedule to disburse funds to the public charter school by the authorizer;
 6. The process the authorizer will use to provide ongoing oversight, including a process to conduct annual site visits;
 7. The specific commitments of the public charter school authorizer relating to its obligations to oversee, monitor the progress of, and supervise the public charter school;
 8. The process and criteria the authorizer will use to annually monitor and evaluate the overall academic, operating, and fiscal conditions of the public charter school, including the process the authorizer will use to oversee the correction of any deficiencies found in the annual review;
 9. The process for revision or amendment to the terms of the charter contract agreed to by the authorizer and the board of directors of the public charter school;
 10. The process agreed to by the authorizer and the board of directors of the public charter school that identifies how disputes between the authorizer and the board will be handled; and
 11. Any other terms and conditions agreed to by the authorizer and the board of directors, including pre-opening conditions. Reasonable conditions shall not include enrollment caps or operational requirements that place undue constraints on a public charter school or are contradictory to the provisions of KRS 160.1590 to 160.1599 and 161.141. Such conditions, even when incorporated in a charter contract, shall be considered unilaterally imposed conditions.
- (d) 1. The performance provisions within a charter contract shall be based on a performance framework that sets forth the academic and operational performance indicators, measures, and metrics to be used by the authorizer to evaluate each public charter school. The performance framework shall include at a minimum indicators, measures, and metrics for:
- a. Student academic proficiency;
 - b. Student academic growth;
 - c. Achievement gaps in both student proficiency and student growth for student subgroups, including race, sex, socioeconomic status, and areas of exceptionality;
 - d. Student attendance;
 - e. Student suspensions;
 - f. Student withdrawals;
 - g. Student exits;
 - h. Recurrent enrollment from year to year;
 - i. College or career readiness at the end of grade twelve (12);
 - j. Financial performance and sustainability; and
 - k. Board of directors' performance and stewardship, including compliance with all applicable statutes, administrative regulations, and terms of the charter contract.
2. The performance framework shall allow the inclusion of additional rigorous, valid, and reliable indicators proposed by a public charter school to augment external evaluations of its performance. The proposed indicators shall be consistent with the purposes of KRS 160.1590 to 160.1599 and 161.141 and shall be negotiated with the authorizer.

3. The performance framework shall require the disaggregation of student performance data by subgroups, including race, sex, socioeconomic status, and areas of exceptionality.
 4. The authorizer shall be responsible for collecting, analyzing, and reporting to the state board all state-required assessment and achievement data for each public charter school it oversees.
- (e) Annual student achievement performance targets shall be set, in accordance with the state accountability system, by each public charter school in conjunction with its authorizer, and those measures shall be designed to help each school meet applicable federal, state, and authorizer goals.
 - (f) The charter contract shall be signed by the chair of the governing board of the authorizer and the chair of the board of directors of the public charter school. An approved charter application shall ~~not~~ serve as a charter contract for the public charter school.
 - (g) No public charter school may commence operations without a charter contract executed according to this section and approved in an open meeting of the governing board of the authorizer.
- (2) Within five (5) days after entering into a charter contract, a copy of the executed contract shall be submitted by the authorizer to the commissioner of education.
 - (3) ***For the purposes of local and state funding, a public charter school shall serve as a school of the district of location.***
 - (4) ***For the purposes of federal funding, a public charter school shall serve as a local education agency.***
 - (5) ***All students enrolled in a public charter school shall be included in the average daily attendance calculation under KRS 157.360 and the aggregate and average daily attendance of transported pupils calculation under KRS 157.370 of the district of location in the same manner as any other public schools in the district and shall be reported by the public charter schools to the school district and state Department of Education for purposes of calculating the state and local share of funding for each public charter school.***
 - (6) ***Notwithstanding the formula for allocating district funds under KRS 160.345(8) and any other statute governing a district's funding of schools, unless an authorizing district agrees to provide a larger sum of funding in the charter contract, after local capital outlay funds that are restricted in use pursuant to KRS 157.420(4) and funds under KRS 157.440(1)(b) and 157.621 necessary to meet debt service obligations on bonds or other financing mechanisms for new construction and renovation projects for school facilities are excluded, and before any other funds are budgeted for district use, a district shall transfer to each of the public charter schools located within the district:***
 - (a) ***The amount that is proportional to the public charter school's enrollment or average daily attendance in comparison with the overall district qualifying numbers for:***
 1. ***Funds that are related to students' attendance and enrollment and allocated to the district of location pursuant to KRS 157.360;***
 2. ***Any add-on or funding factors provided for in the state budget;***
 3. ***Any add-on or funding factors provided for by the Kentucky Department of Education; and***
 4. ***Funds pursuant to KRS 157.360(2)(a) and (b) and (13)(a).***

For each funding source identified in this paragraph, the transfer amount shall be based on the public charter school's qualifying student enrollment or average daily attendance, depending on the method used in the funding source's calculation;
 - (b) ***On a proportionate per pupil basis:***
 1. ***Education funds allocated to the school district pursuant to KRS 157.440(1)(a) and (2)(a), or pursuant to any applicable federal statute; and***
 2. ***All taxes and payments in lieu of taxes transferred to the district of location or levied and collected by the district of location; and***
 - (c) ***On a proportionate per pupil transported basis, transportation funds calculated pursuant to KRS 157.360(2)(c) and 157.370 and distributed to the district of location, unless the school district provides transportation to students attending the public charter school under written terms agreed upon by the district and the public charter school in either the charter contract or, if the district is not the public charter school's authorizer, a separate agreement.***

- (7) (a) *If transportation funds are transferred under this section to a public charter school, then the public charter school receiving those funds shall provide transportation services to the enrolled students residing within the district of location.*
- (b) *If funds designated for providing additional services to specific students are transferred under this section, then the public charter school receiving those funds shall provide those services in the same manner as the district of location.*
- (c) *If transportation services are not provided by the public charter school and no written agreement to provide transportation services with the district of location exists, then no transportation funds shall be transferred and the district of location shall not be responsible for providing transportation to the public charter school's students.*
- (8) *Notwithstanding the identification of funds to be transferred in this section, a collaborative among local school boards authorizing a public charter school may negotiate among the local boards and a charter applicant to identify the amount of funds to be transferred to the public charter school. The agreement shall be detailed in the charter contract.*
- (9) (a) *For the calculation of amounts under subsections (6) and (7) of this section during the first school year of operation of a public charter school in a school district, beginning with the start of instruction:*
1. *The public charter school's average daily attendance shall be calculated based on a projection of the public charter school's enrollment and the district's overall average daily attendance;*
 2. *The public charter school's aggregate daily attendance of students transported shall be calculated based on a projection of the public charter school's enrollment and transportation plan and the district's overall aggregate daily attendance of students transported; and*
 3. *The amounts attributable to each individual student's attendance at the public charter school shall be calculated based on a projection of the public charter school's enrollment and demographics and the district's overall enrollment and demographics.*
- (b) *The calculations shall be adjusted in January of the first school year of operation to reflect the first semester's actual data. Subsequent years of operation shall be calculated using actual data from the prior school year.*
- (10) (a) *Funds identified for transfer under this section shall be transferred by a district of location to each of the public charter schools located within the district. However, up to three percent (3%) of the funds identified under this section for transfer to a public charter school may be retained by an authorizer as an authorizer fee.*
- (b) *If the authorizer of a public charter school does not include the local board of education of the district of location, then the district of location shall transfer the authorizer fee to the public charter school's authorizer.*
- (c) *If the Kentucky Board of Education requires the authorization of a public charter school on appeal from an authorizer, the board shall receive twenty-five percent (25%) of the authorizing fee for the duration of joint oversight required by Section 6 of this Act.*
- (11) *Funds identified for transfer by a district of location to a public charter school under this section shall be transferred throughout the school year according to a schedule determined by the state board. The scheduled dates shall be within thirty (30) days of the dates of state disbursement of funds to school districts. Failure to transfer required funds shall, for every five (5) days late, result in a fine to the violator of not less than five percent (5%) of the total funds per funding period to be transferred. Fines imposed shall be transferred to the public charter school affected by the delay.*
- (12) *A public charter school shall be eligible for federal and state competitive grants and shall not be excluded from an opportunity to apply or participate so long as the public charter school meets the criteria established for the respective grants. Each public charter school that receives grant aid shall comply with all requirements to receive such aid.*
- (13) *A public charter school shall receive a proportionate per pupil share of any state moneys not otherwise identified in this section that is received by the school district of location. The public charter school shall also receive, according to federal law, moneys generated under federal categorical aid programs for*

students that are eligible for the aid and attending the public charter school. Each public charter school that receives such aid shall comply with all requirements to receive such aid.

- (14) *The commissioner of education shall apply for all federal funding that supports charter school initiatives for which a state must be the applicant and shall cooperate with any public charter school in its efforts to seek federal funding.*
- (15) *If a public charter school closes for any reason, the assets of the school shall be distributed first to satisfy outstanding payroll obligations for employees of the school, then to the creditors of the school, then to the district of location or authorizing districts if authorized by a collaborative of local boards of education. If the assets are insufficient to satisfy outstanding obligations, the authorizer shall petition to Circuit Court of the county in which the public charter school is located to prioritize the distribution of assets.*
- (16) The state board shall promulgate administrative regulations to:
- (a) Establish the process to be used to evaluate the performance of a charter school authorizer, based upon the requirements of KRS 160.1590 to 160.1599 and 161.141, and the actions to be taken in response to failures in performance; **and**
 - (b) **Govern the calculation and distribution of funds due to public charter schools from school districts, the schedule of distribution of funds, and the imposition of fines for late distribution of funds.**

~~[(4) The commissioner of education shall apply for financial assistance through the federal government for the planning, program design, and initial implementation of public charter schools in the state within sixty (60) days after June 29, 2017, or at the first available grant application period. Federal grants include but are not limited to the Charter Schools Program administered by the United States Department of Education.]~~

- (17) ~~[(5)]~~ By August 31, 2023~~[2019]~~, and annually thereafter, each public charter school authorizer shall submit to the commissioner of education, the secretary of the Education and Workforce Development Cabinet, and the Interim Joint Committee on Education a report to include:
- (a) The names of each public charter school operating under contract with the authorizer during the previous academic year that:
 1. Closed during or after the academic year; or
 2. Had the contract nonrenewed or revoked;
 - (b) The names of each public charter school operating under contract with the authorizer during the previous academic year that have not yet begun to operate;
 - (c) The number of applications received, the number reviewed, and the number approved;
 - (d) A summary of the academic and financial performance of each public charter school operated under contract with the authorizer during the previous academic year; and
 - (e) The authorizing duties and functions performed by the authorizer during the previous academic year.

➔Section 8. KRS 160.1597 is amended to read as follows:

- (1) Upon the approval of a charter contract by a public charter school authorizer, the applicant shall be permitted to operate a public charter school for a term of five (5) years.
- (2) The board of directors of the public charter school shall negotiate and execute a charter contract with the governing body of the authorizer.
- (3) A public charter school shall have all corporate powers necessary and desirable for carrying out a public charter school program in accordance with this section and the terms of the charter contract, including all of the powers of a local board of education and of a local school district, except as otherwise provided in KRS 160.1590 to 160.1599.
- (4) The powers granted to a public charter school under this section constitute the performance of essential public purposes and governmental purposes of this state. A public charter school shall be exempt to the same extent as other public schools from all taxation, fees, assessments, ~~and for~~ special ad valorem levies on its earnings and its property. Instruments of conveyance to or from a public charter school and any bonds or notes issued by a public charter school, together with the income received, shall at all times be exempt from taxation.
- (5) A public charter school shall not have the power to levy taxes or to acquire property by eminent domain, but shall have police powers to the same extent and under the same requirements as a local school district.

- (6) The board of directors of the public charter school shall have final authority over policy and operational decisions of the public charter school, although the decision-making authority may be delegated to the administrators and staff of the school in accordance with the provisions of the charter contract.
- (7) Notwithstanding any other statute to the contrary, no civil liability shall attach to any public charter school authorizer or to any of its members or employees, individually or collectively, for any acts or omissions of the public charter school. Neither the local school district nor the Commonwealth shall be liable for the debts or financial obligations of a public charter school or any person or corporate entity who operates a public charter school.

➔Section 9. KRS 160.1598 is amended to read as follows:

- (1) A charter contract may be renewed by the authorizer for a term of duration of five (5) years, although the authorizer may vary the term to as few as three (3) years. Any variation in the public charter school's term must be solely based on the performance, demonstrated capacities, and particular circumstances of a public charter school. Authorizers may grant renewal with specific conditions for necessary improvements to a public charter school, but may not impose conditions inconsistent with KRS 160.1590 to 160.1599.
- (2)
 - (a) No later than one (1) calendar year prior to the expiration date of a charter contract, an authorizer shall issue a public charter school performance report and charter renewal application guidance to the public charter school it authorized. The performance report shall summarize the school's performance record to date, based on the performance framework required under KRS 160.1596 and the charter contract, and shall provide notice of any weaknesses or concerns related to the school that may jeopardize its position in seeking renewal if not timely rectified and of any strengths or achievements that support its position in seeking renewal.
 - (b) The school shall have twenty (20) days to respond to the performance report and submit any corrections or clarification for the report to the authorizer.
 - (c) Within ten (10) days of receiving a school's response, the authorizer shall review the response and issue a final performance report to the school.
- (3)
 - (a) The renewal application guidance shall, at a minimum, provide an opportunity for the public charter school to:
 - 1. Present additional evidence beyond the data contained in the performance report supporting its case for charter renewal;
 - 2. Describe improvements undertaken or planned for the school; and
 - 3. Detail the school's plan for the next charter term.
 - (b) The renewal application guidance shall include or refer explicitly to the criteria that will guide the authorizer's renewal decisions, which shall be based on the performance framework as identified in the charter contract.
- (4)
 - (a) No later than six (6) months prior to the expiration date of a charter contract, the board of directors of a public charter school seeking charter contract renewal shall submit a renewal application to the authorizer pursuant to the renewal application guidance issued by the authorizer.
 - (b) The authorizer shall rule by resolution on the renewal application no later than thirty (30) days after receipt of the application.
- (5) In making charter application, renewal, or other appealable decisions, an authorizer shall:
 - (a) Make its decision within established timeframes. Any failure of the authorizer to act on a charter application, renewal, or other appealable decision shall be deemed **an approval**~~a denial~~ of the requested action~~and thereafter be subject to appeal~~;
 - (b) Base its decision on evidence of the public charter school's performance over the term of the charter contract in accordance with the performance framework required in the charter contract;
 - (c) Ensure that data used in making renewal decisions is available to the public charter school and the public; and
 - (d) Provide a public report summarizing the evidence basis for each decision.
- (6) A charter contract may not be renewed if the authorizer determines that the public charter school has:

- (a) Committed a material violation of any of the terms, conditions, standards, or procedures required under KRS 160.1590 to 160.1599 and 161.141 or the charter contract, and has persistently failed to correct the violation after fair and specific notice from the authorizer;
 - (b) Failed to meet or make significant progress toward the performance expectations identified in the charter contract;
 - (c) Failed to meet generally accepted standards of fiscal management, and has failed to correct the violation after fair and specific notice from the authorizer; or
 - (d) Substantially violated any material provision of law from which the public charter school was not exempted and has failed to correct the violation after fair and specific notice from the authorizer.
- (7) An authorizer may take immediate action to revoke a charter contract if a violation threatens the health and safety of the students of the public charter school.
- (8) The State Board of Education shall promulgate administrative regulations establishing a revocation and nonrenewal process for charter authorizers that:
- (a) Provides the charter holder with a timely notification of the prospect of revocation or nonrenewal and of the reasons for such possible closure;
 - (b) Allows a charter holder a reasonable time in which to prepare a response;
 - (c) Provides the charter holder with an opportunity to submit documentation and provide testimony challenging the rationale behind the closure and in support of the continuation of the school at ~~a~~ **public meeting**~~[orderly proceeding]~~ held for that purpose;
 - (d) Allows the charter holder the right to representation by counsel and to call witnesses on behalf of the charter holder;
 - (e) Permits the recording of such proceedings; and
 - (f) After a reasonable period of deliberation, requires a final determination be made and conveyed in writing to the charter holder.
- (9) If an authorizer revokes or does not renew a contract, the authorizer shall clearly state, in a resolution of its governing board the reason for the revocation or nonrenewal.
- (10) Within ten (10) days of taking action to renew, not renew, or revoke a charter, the authorizer shall report to the state board the action taken, and shall provide a report to the public charter school at the same time the report is issued to the state board. The report shall include a copy of the resolution adopted by the authorizer's governing board describing the action taken and reasons for the decision and assurance as to compliance with all of the procedural requirements and application elements found in KRS 160.1593.
- (11) An authorizer shall develop a public charter school closure protocol to ensure timely notification to parents, orderly transition of students and student records to new schools, and proper disposition of school funds, property, and assets. The protocol shall specify tasks, timelines, and responsible parties, including delineating the respective duties of the school and the authorizer. If a public charter school closes for any reason, the authorizer shall oversee and work with the closing school to ensure a smooth and orderly closure and transition for students and parents, as guided by the closure protocol. If a public charter school is subject to closure, following exhaustion of any appeal allowed under KRS 160.1595, an authorizer may remove at will at any time any or all of the members of the board of directors of the public charter school in connection with ensuring a smooth and orderly closure. If the authorizer removes members of the board of directors such that the board of directors can no longer function, the authorizer shall be empowered to take any further necessary and proper acts connected with closure of the public charter school in the name and interest of the public charter school.

➔Section 10. KRS 160.1599 is amended to read as follows:

- (1) An existing public school not scheduled for closure may be converted into a public charter school and be identified *to become*~~as~~ a conversion public charter school if an applicant indicates to a valid authorizer the intent to convert an existing public school into a conversion public charter school.
- (2) A conversion public charter school may only be established if:
 - (a) A school has been identified by the Kentucky Department of Education as performing in the lowest five percent (5%) of its level and sixty percent (60%) of the parents or guardians of students who attend the

school have signed a petition requesting the conversion, which shall be completed and submitted to a valid authorizer no later than ninety (90) days after the date of the first signature;

- (b) A school has been identified by the Kentucky Department of Education as not performing in the lowest five percent (5%) of its level and sixty percent (60%) of the parents or guardians of students who attend the school have signed a petition requesting the conversion, which is approved by a majority vote of the local school board. If approved the completed petition shall be submitted to a valid authorizer no later than ninety (90) days after the date of the first signature; or
 - (c) The local school board votes to convert an existing public school over which it has authority.
- (3) For each conversion option identified in subsection (2) of this section, the Kentucky Board of Education shall promulgate administrative regulations to govern the processes and procedures for the petition, the conversion, and the operation of a conversion public charter school.
 - (4) A conversion public charter school shall be governed by a board of directors constituted and empowered as provided in KRS 160.1592.
 - (5) A conversion public charter school shall continue to comply with all federal and state requirements concerning the treatment of children with special needs and accept all students who attended the school prior to its conversion who wish to attend.
 - (6) A conversion public charter school shall hire its own employees.
 - (7) An employee who works in a conversion public charter school shall be an employee of the public charter school.
 - (8) (a) For any collective bargaining agreement entered into on or after June 29, 2017, a governing board shall not be bound by its collective bargaining agreement for employees of a conversion public charter school.
 - (b) Employees of a conversion public charter school may organize and collectively bargain only as a unit separate from other school employees.
 - (9) A conversion public charter school shall continue to be housed in the same public school facility and shall have the option of using the existing assets of the school.

➔SECTION 11. A NEW SECTION OF KRS 160.1590 TO 160.1599 IS CREATED TO READ AS FOLLOWS:

- (1) *The Kentucky Public Charter School Pilot Project is hereby established to study the impact of public charter schools within the common school system.*
- (2) *Authorizers for the pilot project shall include:*
 - (a) *A school board of a county school district located in a county with a consolidated local government, which shall have authorizing jurisdiction within the territory of the district's boundaries; and*
 - (b) *Notwithstanding Section 1 of this Act, the board of regents of Northern Kentucky University, which shall have authorizing jurisdiction within any county containing four (4) or more local school districts. The board of regents shall only become a pilot project authorizer if the board adopts a resolution confirming the status by January 1, 2023. The board of regents shall send notice of the resolution to each local board within the jurisdiction, the Kentucky Board of Education, and the Legislative Research Commission. The board of regents may decline to be an authorizer by July 1, 2023, in the same manner.*
- (3) *By July 1, 2023, each pilot project authorizer shall solicit, review, and approve at least one (1) charter application for a public charter school within the authorizer's jurisdiction that serves as an urban academy. The charter contract shall be for a five (5) year term, but otherwise subject to KRS 160.1590 to 160.1599. The pilot authorizers shall submit a copy of the approved charter contracts to the Legislative Research Commission.*
- (4) (a) *If on July 1, 2023, the Northern Kentucky University board of regents is not a pilot project authorizer, then notwithstanding Section 1 of this Act, a collective of metropolitan local school boards that is composed of two (2) members from each local board of a district located in a county that contains four (4) or more local school districts shall become a substitute pilot project authorizer. Each local board shall select its members to serve on the collective.*

- (b) *The collective shall have authorizing authority within the collective districts' boundaries. The collective shall adopt authorizer policies as if it were a single local board and may allocate authorizer fees as necessary to support authorizer functions. The collective may contract with other governmental or nonprofit organizations to assist with public charter school oversight.*
- (c) *By July 1, 2024, the collective shall solicit, review, and approve at least one (1) charter application for a public charter school within the authorizer's jurisdiction that serves as an urban academy. The charter contract shall be for a five (5) year term, but otherwise subject to KRS 160.1590 to 160.1599. The pilot authorizers shall submit a copy of the approved charter contracts to the Legislative Research Commission.*
- (5) *By July 1 of each year the charter contract is in effect, the pilot project authorizers shall submit an annual report to the Interim Joint Committee on Education and the Interim Joint Committee on Appropriations and Revenue detailing the authorizer's oversight activities over the previous year. The report shall have content and be in a format approved by the Education Assessment and Accountability Review Subcommittee with the assistance of the Office of Education Accountability.*
- (6) *Starting in 2024 and until the initial charter contract ends, the Office of Education Accountability shall annually review the performance of the public charter schools authorized under this section and submit the report to the Interim Joint Committee on Education and the Interim Joint Committee on Appropriations and Revenue. The Education Assessment and Accountability Review Subcommittee may provide guidance to the Office of Education Accountability on the content and format of the report.*
- (7) *Upon the end of the initial term of the charter contract, the pilot authorizers shall review the reports under subsection (5) of this section and determine if the contract shall be renewed in the same manner as any other charter contract under the provisions of Section 9 of this Act. The decision shall be appealable under Section 6 of this Act.*

➔Section 12. KRS 161.141 is amended to read as follows:

- (1) As used in this section, "*education service provider*," "public charter school," "local school board," and "local school district" have the same meanings as in KRS 160.1590.
- (2)
 - (a) Public charter school employees shall participate in the Teachers' Retirement System or the County Employees Retirement System, as determined by their eligibility for participation in the appropriate system and provided the public charter school satisfies the criteria set by the Internal Revenue Service to participate in a governmental retirement plan.
 - (b) Teachers and other certified personnel shall make any required employee contributions to the Teachers' Retirement System under KRS 161.220 to 161.716.
 - (c) Classified employees shall make any required employee contributions to the County Employees Retirement System under KRS 78.510 to 78.852.
 - (d) *A public charter school shall participate in the state-sponsored health insurance program on the same basis as a local school district pursuant to Section 13 of this Act.*
 - (e) *Any state appropriation for retirement, health, or life insurance benefits made on behalf of a local public employee or a school district employee shall also be made on behalf of a public charter school employee.*
 - (f) *A public charter school shall make any required employer contributions to the Teachers' Retirement System under KRS 161.220 to 161.716 and the County Employees Retirement System under KRS 78.510 to 78.852 in the same manner as local school districts.*
 - (g) *For the purposes of calculating sick leave credit under KRS 161.220 to 161.716, teachers and other certified personnel of a public charter school shall not accumulate more days of sick leave during their employment with the public charter school than they would have otherwise accumulated as a certified employee of the school district of location.*
- (3)
 - (a) A public charter school employee shall not be required to be a member of any collective bargaining agreement.
 - (b) A public charter school employee who enters into any collective bargaining unit must do so as a separate unit from the local school district.

- (4) A local school board shall not require any employee of the local school district to be employed in a public charter school or any student enrolled in the school district to attend a public charter school.
- (5) A local school board shall not harass, threaten, discipline, discharge, retaliate, or in any manner discriminate against any district employee involved directly or indirectly with an application to establish a public charter school.
- (6) ***An employee of an education service provider shall not be considered a public charter school employee, but shall meet the same certification and background check requirements otherwise required of a public charter school employee.***

→Section 13. KRS 18A.225 is amended to read as follows:

- (1) (a) The term "employee" for purposes of this section means:
 - 1. Any person, including an elected public official, who is regularly employed by any department, office, board, agency, or branch of state government; or by a public postsecondary educational institution; or by any city, urban-county, charter county, county, or consolidated local government, whose legislative body has opted to participate in the state-sponsored health insurance program pursuant to KRS 79.080; and who is either a contributing member to any one (1) of the retirement systems administered by the state, including but not limited to the Kentucky Retirement Systems, County Employees Retirement System, Kentucky Teachers' Retirement System, the Legislators' Retirement Plan, or the Judicial Retirement Plan; or is receiving a contractual contribution from the state toward a retirement plan; or, in the case of a public postsecondary education institution, is an individual participating in an optional retirement plan authorized by KRS 161.567; or is eligible to participate in a retirement plan established by an employer who ceases participating in the Kentucky Employees Retirement System pursuant to KRS 61.522 whose employees participated in the health insurance plans administered by the Personnel Cabinet prior to the employer's effective cessation date in the Kentucky Employees Retirement System;
 - 2. Any certified or classified employee of a local board of education ***or a public charter school as defined in Section 1 of this Act;***
 - 3. Any elected member of a local board of education;
 - 4. Any person who is a present or future recipient of a retirement allowance from the Kentucky Retirement Systems, County Employees Retirement System, Kentucky Teachers' Retirement System, the Legislators' Retirement Plan, the Judicial Retirement Plan, or the Kentucky Community and Technical College System's optional retirement plan authorized by KRS 161.567, except that a person who is receiving a retirement allowance and who is age sixty-five (65) or older shall not be included, with the exception of persons covered under KRS 61.702(4)(c), unless he or she is actively employed pursuant to subparagraph 1. of this paragraph; and
 - 5. Any eligible dependents and beneficiaries of participating employees and retirees who are entitled to participate in the state-sponsored health insurance program;
- (b) The term "health benefit plan" for the purposes of this section means a health benefit plan as defined in KRS 304.17A-005;
- (c) The term "insurer" for the purposes of this section means an insurer as defined in KRS 304.17A-005; and
- (d) The term "managed care plan" for the purposes of this section means a managed care plan as defined in KRS 304.17A-500.
- (2) (a) The secretary of the Finance and Administration Cabinet, upon the recommendation of the secretary of the Personnel Cabinet, shall procure, in compliance with the provisions of KRS 45A.080, 45A.085, and 45A.090, from one (1) or more insurers authorized to do business in this state, a group health benefit plan that may include but not be limited to health maintenance organization (HMO), preferred provider organization (PPO), point of service (POS), and exclusive provider organization (EPO) benefit plans encompassing all or any class or classes of employees. With the exception of employers governed by the provisions of KRS Chapters 16, 18A, and 151B, all employers of any class of employees or former employees shall enter into a contract with the Personnel Cabinet prior to including that group in the

state health insurance group. The contracts shall include but not be limited to designating the entity responsible for filing any federal forms, adoption of policies required for proper plan administration, acceptance of the contractual provisions with health insurance carriers or third-party administrators, and adoption of the payment and reimbursement methods necessary for efficient administration of the health insurance program. Health insurance coverage provided to state employees under this section shall, at a minimum, contain the same benefits as provided under Kentucky Kare Standard as of January 1, 1994, and shall include a mail-order drug option as provided in subsection (13) of this section. All employees and other persons for whom the health care coverage is provided or made available shall annually be given an option to elect health care coverage through a self-funded plan offered by the Commonwealth or, if a self-funded plan is not available, from a list of coverage options determined by the competitive bid process under the provisions of KRS 45A.080, 45A.085, and 45A.090 and made available during annual open enrollment.

- (b) The policy or policies shall be approved by the commissioner of insurance and may contain the provisions the commissioner of insurance approves, whether or not otherwise permitted by the insurance laws.
 - (c) Any carrier bidding to offer health care coverage to employees shall agree to provide coverage to all members of the state group, including active employees and retirees and their eligible covered dependents and beneficiaries, within the county or counties specified in its bid. Except as provided in subsection (20) of this section, any carrier bidding to offer health care coverage to employees shall also agree to rate all employees as a single entity, except for those retirees whose former employers insure their active employees outside the state-sponsored health insurance program.
 - (d) Any carrier bidding to offer health care coverage to employees shall agree to provide enrollment, claims, and utilization data to the Commonwealth in a format specified by the Personnel Cabinet with the understanding that the data shall be owned by the Commonwealth; to provide data in an electronic form and within a time frame specified by the Personnel Cabinet; and to be subject to penalties for noncompliance with data reporting requirements as specified by the Personnel Cabinet. The Personnel Cabinet shall take strict precautions to protect the confidentiality of each individual employee; however, confidentiality assertions shall not relieve a carrier from the requirement of providing stipulated data to the Commonwealth.
 - (e) The Personnel Cabinet shall develop the necessary techniques and capabilities for timely analysis of data received from carriers and, to the extent possible, provide in the request-for-proposal specifics relating to data requirements, electronic reporting, and penalties for noncompliance. The Commonwealth shall own the enrollment, claims, and utilization data provided by each carrier and shall develop methods to protect the confidentiality of the individual. The Personnel Cabinet shall include in the October annual report submitted pursuant to the provisions of KRS 18A.226 to the Governor, the General Assembly, and the Chief Justice of the Supreme Court, an analysis of the financial stability of the program, which shall include but not be limited to loss ratios, methods of risk adjustment, measurements of carrier quality of service, prescription coverage and cost management, and statutorily required mandates. If state self-insurance was available as a carrier option, the report also shall provide a detailed financial analysis of the self-insurance fund including but not limited to loss ratios, reserves, and reinsurance agreements.
 - (f) If any agency participating in the state-sponsored employee health insurance program for its active employees terminates participation and there is a state appropriation for the employer's contribution for active employees' health insurance coverage, then neither the agency nor the employees shall receive the state-funded contribution after termination from the state-sponsored employee health insurance program.
 - (g) Any funds in flexible spending accounts that remain after all reimbursements have been processed shall be transferred to the credit of the state-sponsored health insurance plan's appropriation account.
 - (h) Each entity participating in the state-sponsored health insurance program shall provide an amount at least equal to the state contribution rate for the employer portion of the health insurance premium. For any participating entity that used the state payroll system, the employer contribution amount shall be equal to but not greater than the state contribution rate.
- (3) The premiums may be paid by the policyholder:
- (a) Wholly from funds contributed by the employee, by payroll deduction or otherwise;

- (b) Wholly from funds contributed by any department, board, agency, public postsecondary education institution, or branch of state, city, urban-county, charter county, county, or consolidated local government; or
 - (c) Partly from each, except that any premium due for health care coverage or dental coverage, if any, in excess of the premium amount contributed by any department, board, agency, postsecondary education institution, or branch of state, city, urban-county, charter county, county, or consolidated local government for any other health care coverage shall be paid by the employee.
- (4) If an employee moves his or her place of residence or employment out of the service area of an insurer offering a managed health care plan, under which he or she has elected coverage, into either the service area of another managed health care plan or into an area of the Commonwealth not within a managed health care plan service area, the employee shall be given an option, at the time of the move or transfer, to change his or her coverage to another health benefit plan.
 - (5) No payment of premium by any department, board, agency, public postsecondary educational institution, or branch of state, city, urban-county, charter county, county, or consolidated local government shall constitute compensation to an insured employee for the purposes of any statute fixing or limiting the compensation of such an employee. Any premium or other expense incurred by any department, board, agency, public postsecondary educational institution, or branch of state, city, urban-county, charter county, county, or consolidated local government shall be considered a proper cost of administration.
 - (6) The policy or policies may contain the provisions with respect to the class or classes of employees covered, amounts of insurance or coverage for designated classes or groups of employees, policy options, terms of eligibility, and continuation of insurance or coverage after retirement.
 - (7) Group rates under this section shall be made available to the disabled child of an employee regardless of the child's age if the entire premium for the disabled child's coverage is paid by the state employee. A child shall be considered disabled if he or she has been determined to be eligible for federal Social Security disability benefits.
 - (8) The health care contract or contracts for employees shall be entered into for a period of not less than one (1) year.
 - (9) The secretary shall appoint thirty-two (32) persons to an Advisory Committee of State Health Insurance Subscribers to advise the secretary or the secretary's designee regarding the state-sponsored health insurance program for employees. The secretary shall appoint, from a list of names submitted by appointing authorities, members representing school districts from each of the seven (7) Supreme Court districts, members representing state government from each of the seven (7) Supreme Court districts, two (2) members representing retirees under age sixty-five (65), one (1) member representing local health departments, two (2) members representing the Kentucky Teachers' Retirement System, and three (3) members at large. The secretary shall also appoint two (2) members from a list of five (5) names submitted by the Kentucky Education Association, two (2) members from a list of five (5) names submitted by the largest state employee organization of nonschool state employees, two (2) members from a list of five (5) names submitted by the Kentucky Association of Counties, two (2) members from a list of five (5) names submitted by the Kentucky League of Cities, and two (2) members from a list of names consisting of five (5) names submitted by each state employee organization that has two thousand (2,000) or more members on state payroll deduction. The advisory committee shall be appointed in January of each year and shall meet quarterly.
 - (10) Notwithstanding any other provision of law to the contrary, the policy or policies provided to employees pursuant to this section shall not provide coverage for obtaining or performing an abortion, nor shall any state funds be used for the purpose of obtaining or performing an abortion on behalf of employees or their dependents.
 - (11) Interruption of an established treatment regime with maintenance drugs shall be grounds for an insured to appeal a formulary change through the established appeal procedures approved by the Department of Insurance, if the physician supervising the treatment certifies that the change is not in the best interests of the patient.
 - (12) Any employee who is eligible for and elects to participate in the state health insurance program as a retiree, or the spouse or beneficiary of a retiree, under any one (1) of the state-sponsored retirement systems shall not be eligible to receive the state health insurance contribution toward health care coverage as a result of any other employment for which there is a public employer contribution. This does not preclude a retiree and an active

employee spouse from using both contributions to the extent needed for purchase of one (1) state sponsored health insurance policy for that plan year.

- (13) (a) The policies of health insurance coverage procured under subsection (2) of this section shall include a mail-order drug option for maintenance drugs for state employees. Maintenance drugs may be dispensed by mail order in accordance with Kentucky law.
- (b) A health insurer shall not discriminate against any retail pharmacy located within the geographic coverage area of the health benefit plan and that meets the terms and conditions for participation established by the insurer, including price, dispensing fee, and copay requirements of a mail-order option. The retail pharmacy shall not be required to dispense by mail.
- (c) The mail-order option shall not permit the dispensing of a controlled substance classified in Schedule II.
- (14) The policy or policies provided to state employees or their dependents pursuant to this section shall provide coverage for obtaining a hearing aid and acquiring hearing aid-related services for insured individuals under eighteen (18) years of age, subject to a cap of one thousand four hundred dollars (\$1,400) every thirty-six (36) months pursuant to KRS 304.17A-132.
- (15) Any policy provided to state employees or their dependents pursuant to this section shall provide coverage for the diagnosis and treatment of autism spectrum disorders consistent with KRS 304.17A-142.
- (16) Any policy provided to state employees or their dependents pursuant to this section shall provide coverage for obtaining amino acid-based elemental formula pursuant to KRS 304.17A-258.
- (17) If a state employee's residence and place of employment are in the same county, and if the hospital located within that county does not offer surgical services, intensive care services, obstetrical services, level II neonatal services, diagnostic cardiac catheterization services, and magnetic resonance imaging services, the employee may select a plan available in a contiguous county that does provide those services, and the state contribution for the plan shall be the amount available in the county where the plan selected is located.
- (18) If a state employee's residence and place of employment are each located in counties in which the hospitals do not offer surgical services, intensive care services, obstetrical services, level II neonatal services, diagnostic cardiac catheterization services, and magnetic resonance imaging services, the employee may select a plan available in a county contiguous to the county of residence that does provide those services, and the state contribution for the plan shall be the amount available in the county where the plan selected is located.
- (19) The Personnel Cabinet is encouraged to study whether it is fair and reasonable and in the best interests of the state group to allow any carrier bidding to offer health care coverage under this section to submit bids that may vary county by county or by larger geographic areas.
- (20) Notwithstanding any other provision of this section, the bid for proposals for health insurance coverage for calendar year 2004 shall include a bid scenario that reflects the statewide rating structure provided in calendar year 2003 and a bid scenario that allows for a regional rating structure that allows carriers to submit bids that may vary by region for a given product offering as described in this subsection:
 - (a) The regional rating bid scenario shall not include a request for bid on a statewide option;
 - (b) The Personnel Cabinet shall divide the state into geographical regions which shall be the same as the partnership regions designated by the Department for Medicaid Services for purposes of the Kentucky Health Care Partnership Program established pursuant to 907 KAR 1:705;
 - (c) The request for proposal shall require a carrier's bid to include every county within the region or regions for which the bid is submitted and include but not be restricted to a preferred provider organization (PPO) option;
 - (d) If the Personnel Cabinet accepts a carrier's bid, the cabinet shall award the carrier all of the counties included in its bid within the region. If the Personnel Cabinet deems the bids submitted in accordance with this subsection to be in the best interests of state employees in a region, the cabinet may award the contract for that region to no more than two (2) carriers; and
 - (e) Nothing in this subsection shall prohibit the Personnel Cabinet from including other requirements or criteria in the request for proposal.
- (21) Any fully insured health benefit plan or self-insured plan issued or renewed on or after July 12, 2006, to public employees pursuant to this section which provides coverage for services rendered by a physician or osteopath duly licensed under KRS Chapter 311 that are within the scope of practice of an optometrist duly licensed

under the provisions of KRS Chapter 320 shall provide the same payment of coverage to optometrists as allowed for those services rendered by physicians or osteopaths.

- (22) Any fully insured health benefit plan or self-insured plan issued or renewed on or after June 29, 2021, to public employees pursuant to this section shall comply with:
- (a) KRS 304.12-237;
 - (b) KRS 304.17A-270 and 304.17A-525;
 - (c) KRS 304.17A-600 to 304.17A-633;
 - (d) KRS 205.593;
 - (e) KRS 304.17A-700 to 304.17A-730;
 - (f) KRS 304.14-135;
 - (g) KRS 304.17A-580 and 304.17A-641;
 - (h) KRS 304.99-123;
 - (i) KRS 304.17A-138; and
 - (j) Administrative regulations promulgated pursuant to statutes listed in this subsection.
- (23) Any fully insured health benefit plan or self-insured plan issued or renewed on or after January 1, 2022, to public employees pursuant to this section shall comply with KRS 304.17A-148.

➔Section 14. KRS 161.220 is amended to read as follows:

As used in KRS 161.220 to 161.716 and 161.990:

- (1) "Retirement system" means the arrangement provided for in KRS 161.220 to 161.716 and 161.990 for payment of allowances to members;
- (2) "Retirement allowance" means the amount annually payable during the course of his or her natural life to a member who has been retired by reason of service;
- (3) "Disability allowance" means the amount annually payable to a member retired by reason of disability;
- (4) "Member" means the commissioner of education, deputy commissioners, associate commissioners, and all division directors in the State Department of Education, employees participating in the system pursuant to KRS 196.167(3)(b)1., and any full-time teacher or professional occupying a position requiring certification or graduation from a four (4) year college or university, as a condition of employment, and who is employed by public boards, institutions, or agencies as follows:
 - (a) Local boards of education *and public charter schools if the public charter school satisfies the criteria set by the Internal Revenue Service to participate in a governmental retirement plan*;
 - (b) Eastern Kentucky University, Kentucky State University, Morehead State University, Murray State University, Western Kentucky University, and any community colleges established under the control of these universities;
 - (c) State-operated secondary area vocational education or area technology centers, Kentucky School for the Blind, and Kentucky School for the Deaf;
 - (d) Other public education agencies as created by the General Assembly and those members of the administrative staff of the Teachers' Retirement System of the State of Kentucky whom the board of trustees may designate by administrative regulation;
 - (e) Regional cooperative organizations formed by local boards of education or other public educational institutions listed in this subsection, for the purpose of providing educational services to the participating organizations;
 - (f) All full-time members of the staffs of the Kentucky Association of School Administrators, Kentucky Education Association, Kentucky Vocational Association, Kentucky High School Athletic Association, Kentucky Academic Association, and the Kentucky School Boards Association who were members of the Kentucky Teachers' Retirement System or were qualified for a position covered by the system at the time of employment by the association in the event that the board of directors of the respective association petitions to be included. The board of trustees of the Kentucky Teachers' Retirement System

may designate by resolution whether part-time employees of the petitioning association are to be included. The state shall make no contributions on account of these employees, either full-time or part-time. The association shall make the employer's contributions, including any contribution that is specified under KRS 161.550. The provisions of this paragraph shall be applicable to persons in the employ of the associations on or subsequent to July 1, 1972;

- (g) Employees of the Council on Postsecondary Education who were employees of the Department for Adult Education and Literacy and who were members of the Kentucky Teachers' Retirement System at the time the department was transferred to the council pursuant to Executive Order 2003-600;
 - (h) The Office of Career and Technical Education;
 - (i) The Office of Vocational Rehabilitation;
 - (j) The Kentucky Educational Collaborative for State Agency Children;
 - (k) The Governor's Scholars Program;
 - (l) Any person who is retired for service from the retirement system and is reemployed by an employer identified in this subsection in a position that the board of trustees deems to be a member, except that any person who becomes a member on or after January 1, 2022, and subsequently draws a monthly lifetime retirement allowance, shall upon reemployment after retirement not earn a second retirement account;
 - (m) Employees of the former Cabinet for Workforce Development who are transferred to the Kentucky Community and Technical College System and who occupy positions covered by the Kentucky Teachers' Retirement System shall remain in the Teachers' Retirement System. New employees occupying these positions, as well as newly created positions qualifying for Teachers' Retirement System coverage that would have previously been included in the former Cabinet for Workforce Development, shall be members of the Teachers' Retirement System;
 - (n) Effective January 1, 1998, employees of state community colleges who are transferred to the Kentucky Community and Technical College System shall continue to participate in federal old age, survivors, disability, and hospital insurance, and a retirement plan other than the Kentucky Teachers' Retirement System offered by Kentucky Community and Technical College System. New employees occupying positions in the Kentucky Community and Technical College System as referenced in KRS 164.5807(5) that would not have previously been included in the former Cabinet for Workforce Development, shall participate in federal old age, survivors, disability, and hospital insurance and have a choice at the time of employment of participating in a retirement plan provided by the Kentucky Community and Technical College System, including participation in the Kentucky Teachers' Retirement System, on the same basis as faculty of the state universities as provided in KRS 161.540 and 161.620;
 - (o) Employees of the Office of General Counsel, the Office of Budget and Administrative Services, and the Office of Quality and Human Resources within the Office of the Secretary of the former Cabinet for Workforce Development and the commissioners of the former Department for Adult Education and Literacy and the former Department for Technical Education who were contributing to the Kentucky Teachers' Retirement System as of July 15, 2000;
 - (p) Employees of the Kentucky Department of Education only who are graduates of a four (4) year college or university, notwithstanding a substitution clause within a job classification, and who are serving in a professional job classification as defined by the department;
 - (q) The Governor's School for Entrepreneurs Program;
 - (r) Employees of the Office of Adult Education within the Department of Workforce Investment in the Education and Workforce Development Cabinet who were employees of the Council on Postsecondary Education, Kentucky Adult Education Program and who were members of the Kentucky Teachers' Retirement System at the time the Program was transferred to the cabinet pursuant to Executive Orders 2019-0026 and 2019-0027; and
 - (s) Employees of the Education Professional Standards Board who were members of the Kentucky Teachers' Retirement System at the time the employees were transferred to the Kentucky Department of Education pursuant to Executive Order 2020-590;
- (5) "Present teacher" means any teacher who was a teacher on or before July 1, 1940, and became a member of the retirement system created by 1938 (1st Extra. Sess.) Ky. Acts ch. 1, on the date of the inauguration of the

system or within one (1) year after that date, and any teacher who was a member of a local teacher retirement system in the public elementary or secondary schools of the state on or before July 1, 1940, and continued to be a member of the system until he or she, with the membership of the local retirement system, became a member of the state Teachers' Retirement System or who becomes a member under the provisions of KRS 161.470(4);

- (6) "New teacher" means any member not a present teacher;
- (7) "Prior service" means the number of years during which the member was a teacher in Kentucky prior to July 1, 1941, except that not more than thirty (30) years' prior service shall be allowed or credited to any teacher;
- (8) "Subsequent service" means the number of years during which the teacher is a member of the Teachers' Retirement System after July 1, 1941;
- (9) "Final average salary" means the average of the five (5) highest annual salaries which the member has received for service in a covered position and on which the member has made contributions, or on which the public board, institution, or agency has picked-up member contributions pursuant to KRS 161.540(2), or the average of the five (5) years of highest salaries as defined in KRS 61.680(2)(a), which shall include picked-up member contributions. Additionally, the board of trustees may approve a final average salary based upon the average of the three (3) highest salaries for individuals who become members prior to January 1, 2022, who are at least fifty-five (55) years of age and have a minimum of twenty-seven (27) years of Kentucky service credit. However, if any of the five (5) or three (3) highest annual salaries used to calculate the final average salary was paid within the three (3) years immediately prior to the date of the member's retirement for individuals who become members prior to January 1, 2022, or within the five (5) years immediately prior to the date of the member's retirement for individuals who become members on or after January 1, 2022, the amount of salary to be included for each of those three (3) years or five (5) years, as applicable, for the purpose of calculating the final average salary shall be limited to the lesser of:
 - (a) The member's actual salary; or
 - (b) The member's annual salary that was used for retirement purposes during each of the prior three (3) years or five (5) years, as applicable, plus a percentage increase equal to the percentage increase received by all other members employed by the public board, institution, or agency, or for members of school districts, the highest percentage increase received by members on any one (1) rank and step of the salary schedule of the school district. The increase shall be computed on the salary that was used for retirement purposes. The board of trustees may promulgate an administrative regulation in accordance with KRS Chapter 13A to establish a methodology for measuring the limitation so that the combined increases in salary for each of the last three (3) full years of salary prior to retirement shall not exceed the total permissible percentage increase received by other members of the employer for the same three (3) year period.

For individuals who became members of the retirement system prior to July 1, 2021, this limitation shall not apply if the member receives an increase in salary in a percentage exceeding that received by the other members, and this increase was accompanied by a corresponding change in position or in length of employment. The board of trustees may promulgate an administrative regulation in accordance with KRS Chapter 13A to provide definitions for a corresponding change in position or in length of employment. This limitation shall also not apply to the payment to a member for accrued annual leave if the individual becomes a member before July 1, 2008, or accrued sick leave which is authorized by statute and which shall, for individuals subject to KRS 161.155(10) who became nonuniversity members of the system prior to January 1, 2022, be included as part of a retiring member's annual compensation for the member's last year of active service;

- (10) "Annual compensation" means the total salary received by a member as compensation for all services performed in employment covered by the retirement system during a fiscal year. Annual compensation shall not include payment for any benefit or salary adjustments made by the public board, institution, or agency to the member or on behalf of the member which is not available as a benefit or salary adjustment to other members employed by that public board, institution, or agency. Annual compensation shall not include the salary supplement received by a member under KRS 157.197(2)(c), 158.6455, or 158.782 on or after July 1, 1996. Under no circumstances shall annual compensation include compensation that is earned by a member while on assignment to an organization or agency that is not a public board, institution, or agency listed in subsection (4) of this section. In the event that federal law requires that a member continue membership in the retirement system even though the member is on assignment to an organization or agency that is not a public board, institution, or agency listed in subsection (4) of this section, the member's annual compensation for

retirement purposes shall be deemed to be the annual compensation, as limited by subsection (9) of this section, last earned by the member while still employed solely by and providing services directly to a public board, institution, or agency listed in subsection (4) of this section. The board of trustees shall determine if any benefit or salary adjustment qualifies as annual compensation. For an individual who becomes a member on or after July 1, 2008, annual compensation shall not include lump-sum payments upon termination of employment for accumulated annual or compensatory leave;

- (11) "Age of member" means the age attained on the first day of the month immediately following the birthdate of the member. This definition is limited to retirement eligibility and does not apply to tenure of members;
- (12) "Employ," and derivatives thereof, means relationships under which an individual provides services to an employer as an employee, as an independent contractor, as an employee of a third party, or under any other arrangement as long as the services provided to the employer are provided in a position that would otherwise be covered by the Kentucky Teachers' Retirement System and as long as the services are being provided to a public board, institution, or agency listed in subsection (4) of this section;
- (13) "Regular interest" means:
 - (a) For an individual who becomes a member prior to July 1, 2008, interest at three percent (3%) per annum;
 - (b) For an individual who becomes a member on or after July 1, 2008, but prior to January 1, 2022, interest at two and one-half percent (2.5%) per annum for purposes of crediting interest to the teacher savings account or any other contributions made by the employee that are refundable to the employee upon termination of employment; and
 - (c) For an individual who becomes a member on or after January 1, 2022, the rolling five (5) year yield on a thirty (30) year United States Treasury bond as of the end of May prior to the most recently completed fiscal year, except that:
 1. Once the member has at least sixty (60) months of service in the system it shall mean interest at two and one-half percent (2.5%) per annum for purposes of crediting interest to employee contributions in the foundational benefit component or any other contributions made by the employee to the foundational benefit component that are refundable to the employee upon termination of employment; and
 2. The board shall have the authority to adjust the regular interest rate for individuals who become members on or after January 1, 2022, in accordance with KRS 161.633 and 161.634;
- (14) "Accumulated contributions" means the contributions of a member to the teachers' savings fund, including picked-up member contributions as described in KRS 161.540(2), plus accrued regular interest;
- (15) "Annuitant" means a person who receives a retirement allowance or a disability allowance;
- (16) "Local retirement system" means any teacher retirement or annuity system created in any public school district in Kentucky in accordance with the laws of Kentucky;
- (17) "Fiscal year" means the twelve (12) month period from July 1 to June 30. The retirement plan year is concurrent with this fiscal year. A contract for a member employed by a local board of education may not exceed two hundred sixty-one (261) days in the fiscal year;
- (18) "Public schools" means the schools and other institutions mentioned in subsection (4) of this section;
- (19) "Dependent" as used in KRS 161.520 and 161.525 means a person who was receiving, at the time of death of the member, at least one-half (1/2) of the support from the member for maintenance, including board, lodging, medical care, and related costs;
- (20) "Active contributing member" means a member currently making contributions to the Teachers' Retirement System, who made contributions in the next preceding fiscal year, for whom picked-up member contributions are currently being made, or for whom these contributions were made in the next preceding fiscal year;
- (21) "Full-time" means employment in a position that requires services on a continuing basis equal to at least seven-tenths (7/10) of normal full-time service on a fiscal year basis;
- (22) "Full actuarial cost," when used to determine the payment that a member must pay for service credit means the actuarial value of all costs associated with the enhancement of a member's benefits or eligibility for benefit enhancements, including health insurance supplement payments made by the retirement system. The actuary

for the retirement system shall determine the full actuarial value costs and actuarial cost factor tables as provided in KRS 161.400;

- (23) "Last annual compensation" means the annual compensation, as defined by subsection (10) of this section and as limited by subsection (9) of this section, earned by the member during the most recent period of contributing service, either consecutive or nonconsecutive, that is sufficient to provide the member with one (1) full year of service credit in the Kentucky Teachers' Retirement System, and which compensation is used in calculating the member's initial retirement allowance, excluding bonuses, retirement incentives, payments for accumulated sick leave, annual, personal, and compensatory leave, and any other lump-sum payment. For an individual who becomes a member on or after July 1, 2008, payments for annual or compensatory leave shall not be included in determining the member's last annual compensation;
- (24) "Participant" means a member, as defined by subsection (4) of this section, or an annuitant, as defined by subsection (15) of this section;
- (25) "Qualified domestic relations order" means any judgment, decree, or order, including approval of a property settlement agreement, that:
- (a) Is issued by a court or administrative agency; and
 - (b) Relates to the provision of child support, alimony payments, or marital property rights to an alternate payee;
- (26) "Alternate payee" means a spouse, former spouse, child, or other dependent of a participant, who is designated to be paid retirement benefits in a qualified domestic relations order;
- (27) "University member" means an individual who becomes a member through employment with an employer specified in subsection (4)(b) and (n) of this section;
- (28) "Nonuniversity member" means an individual who becomes a member through employment with an employer specified under subsection (4) of this section, except for those members employed by an employer specified in subsection (4)(b) and (n) of this section;
- (29) "Accumulated employer contribution" means the employer contribution deposited to a member's account through the supplemental benefit component and regular interest credited on such amounts as provided by KRS 161.635 for nonuniversity members and KRS 161.636 for university members;
- (30) "Accumulated account balance" means:
- (a) For members who began participating in the system prior to January 1, 2022, the member's accumulated contributions; or
 - (b) For members who began participating in the system on or after January 1, 2022, the combined sum of the member's accumulated contributions and the member's accumulated employer contributions;
- (31) "Foundational benefit component" means the benefits provided by KRS 161.220 to 161.716 to individuals who become members on or after January 1, 2022, except for the supplemental benefit component and retiree health benefits set forth in KRS 161.675; and
- (32) "Supplemental benefit component" means:
- (a) The benefit established pursuant to KRS 161.635 for individuals who become nonuniversity members on or after January 1, 2022; or
 - (b) The benefit established pursuant to KRS 161.636 for individuals who become university members on or after January 1, 2022.

➔Section 15. KRS 78.510 is amended to read as follows:

As used in KRS 78.510 to 78.852, unless the context otherwise requires:

- (1) "System" means the County Employees Retirement System;
- (2) "Board" means the board of trustees of the system as provided in KRS 78.782;
- (3) "County" means any county, or nonprofit organization created and governed by a county, counties, or elected county officers, sheriff and his or her employees, county clerk and his or her employees, circuit clerk and his or her deputies, former circuit clerks or former circuit clerk deputies, or political subdivision or instrumentality, including school boards, cities, charter county governments, urban-county governments,

consolidated local governments, or unified local governments participating in the system by order appropriate to its governmental structure, as provided in KRS 78.530, and if the board is willing to accept the agency, organization, or corporation, the board being hereby granted the authority to determine the eligibility of the agency to participate;

- (4) "School board" means:
- (a) Any board of education participating in the system by order appropriate to its governmental structure, as provided in KRS 78.530, and if the board is willing to accept the agency or corporation, the board being hereby granted the authority to determine the eligibility of the agency to participate; *or*
 - (b) *A public charter school as defined in Section 1 of this Act if the public charter school satisfies the criteria set by the Internal Revenue Service to participate in a governmental retirement plan;*
- (5) "Examiner" means the medical examiners as provided in KRS 61.665;
- (6) "Employee" means every regular full-time appointed or elective officer or employee of a participating county and the coroner of a participating county, whether or not he or she qualifies as a regular full-time officer. The term shall not include persons engaged as independent contractors, seasonal, emergency, temporary, and part-time workers. In case of any doubt, the board shall determine if a person is an employee within the meaning of KRS 78.510 to 78.852;
- (7) "Employer" means a county, as defined in subsection (3) of this section, the elected officials of a county, or any authority of the county having the power to appoint or elect an employee to office or employment in the county;
- (8) "Member" means any employee who is included in the membership of the system or any former employee whose membership has not ceased under KRS 78.535;
- (9) "Service" means the total of current service and prior service as defined in this section;
- (10) "Current service" means the number of years and months of employment as an employee, on and after July 1, 1958, for which creditable compensation is paid and employee contributions deducted, except as otherwise provided;
- (11) "Prior service" means the number of years and completed months, expressed as a fraction of a year, of employment as an employee, prior to July 1, 1958, for which creditable compensation was paid. An employee shall be credited with one (1) month of prior service only in those months he received compensation for at least one hundred (100) hours of work. Twelve (12) months of current service in the system shall be required to validate prior service;
- (12) "Accumulated contributions" means the sum of all amounts deducted from the compensation of a member and credited to his individual account in the members' account, including employee contributions picked up after August 1, 1982, pursuant to KRS 78.610(4), together with interest credited, on the amounts, and any other amounts the member shall have contributed thereto, including interest credited thereon. "Accumulated contributions" shall not include employee contributions that are deposited into accounts established pursuant to 26 U.S.C. sec. 401(h) within the fund established in KRS 78.520, as prescribed by KRS 78.5536(3)(b);
- (13) "Creditable compensation":
- (a) Except as limited by paragraph (c) of this subsection, means all salary, wages, and fees, including payments for compensatory time, paid to the employee as a result of services performed for the employer or for time during which the member is on paid leave, which are includable on the member's federal form W-2 wage and tax statement under the heading "wages, tips, other compensation", including employee contributions picked up after August 1, 1982, pursuant to KRS 78.610(4). The creditable compensation of fee officers who receive salary, fees, maintenance, or other perquisites as a result of their official duties is the gross amount received decreased by the cost of salary paid deputies and clerks and the cost of office supplies and other official expenses;
 - (b) Includes:
 - 1. Lump-sum bonuses, severance pay, or employer-provided payments for purchase of service credit, which shall be averaged over the employee's service with the system in which it is recorded if it is equal to or greater than one thousand dollars (\$1,000);
 - 2. Cases where compensation includes maintenance and other perquisites, but the board shall fix the value of that part of the compensation not paid in money;

3. Lump-sum payments for creditable compensation paid as a result of an order of a court of competent jurisdiction, the Personnel Board, or the Commission on Human Rights, or for any creditable compensation paid in anticipation of settlement of an action before a court of competent jurisdiction, the Personnel Board, or the Commission on Human Rights, including notices of violations of state or federal wage and hour statutes or violations of state or federal discrimination statutes, which shall be credited to the fiscal year during which the wages were earned or should have been paid by the employer. This subparagraph shall also include lump-sum payments for reinstated wages pursuant to KRS 61.569, which shall be credited to the period during which the wages were earned or should have been paid by the employer;
 4. Amounts which are not includable in the member's gross income by virtue of the member having taken a voluntary salary reduction provided for under applicable provisions of the Internal Revenue Code; and
 5. Elective amounts for qualified transportation fringes paid or made available on or after January 1, 2001, for calendar years on or after January 1, 2001, that are not includable in the gross income of the employee by reason of 26 U.S.C. sec. 132(f)(4); and
- (c) Excludes:
1. Living allowances, expense reimbursements, lump-sum payments for accrued vacation leave, sick leave except as provided in KRS 78.616(5), and other items determined by the board;
 2. For employees who begin participating on or after September 1, 2008, lump-sum payments for compensatory time;
 3. Training incentive payments for city officers paid as set out in KRS 64.5277 to 64.5279;
 4. For employees who begin participating on or after August 1, 2016, nominal fees paid for services as a volunteer; and
 5. Any salary or wages paid to an employee for services as a Kentucky State Police school resource officer as defined by KRS 158.441;
- (14) "Final compensation" means:
- (a) For a member who begins participating before September 1, 2008, who is employed in a nonhazardous position, the creditable compensation of the member during the five (5) fiscal years he or she was paid at the highest average monthly rate divided by the number of months of service credit during that five (5) year period multiplied by twelve (12). The five (5) years may be fractional and need not be consecutive. If the number of months of service credit during the five (5) year period is less than forty-eight (48), one (1) or more additional fiscal years shall be used;
 - (b) For a member who is employed in a nonhazardous position, whose effective retirement date is between August 1, 2001, and January 1, 2009, and whose total service credit is at least twenty-seven (27) years and whose age and years of service total at least seventy-five (75), final compensation means the creditable compensation of the member during the three (3) fiscal years the member was paid at the highest average monthly rate divided by the number of months of service credit during that three (3) year period multiplied by twelve (12). The three (3) years may be fractional and need not be consecutive. If the number of months of service credit during the three (3) year period is less than twenty-four (24), one (1) or more additional fiscal years shall be used;
 - (c) For a member who begins participating before September 1, 2008, who is employed in a hazardous position, as provided in KRS 61.592, the creditable compensation of the member during the three (3) fiscal years he or she was paid at the highest average monthly rate divided by the number of months of service credit during that three (3) year period multiplied by twelve (12). The three (3) years may be fractional and need not be consecutive. If the number of months of service credit during the three (3) year period is less than twenty-four (24), one (1) or more additional fiscal years, which may contain less than twelve (12) months of service credit, shall be used;
 - (d) For a member who begins participating on or after September 1, 2008, but prior to January 1, 2014, who is employed in a nonhazardous position, the creditable compensation of the member during the five (5) complete fiscal years immediately preceding retirement divided by five (5). Each fiscal year used to determine final compensation must contain twelve (12) months of service credit. If the member does not have five (5) complete fiscal years that each contain twelve (12) months of service credit, then

- one (1) or more additional fiscal years, which may contain less than twelve (12) months of service credit, shall be added until the number of months in the final compensation calculation is at least sixty (60) months; or
- (e) For a member who begins participating on or after September 1, 2008, but prior to January 1, 2014, who is employed in a hazardous position as provided in KRS 61.592, the creditable compensation of the member during the three (3) complete fiscal years he or she was paid at the highest average monthly rate divided by three (3). Each fiscal year used to determine final compensation must contain twelve (12) months of service credit. If the member does not have three (3) complete fiscal years that each contain twelve (12) months of service credit, then one (1) or more additional fiscal years, which may contain less than twelve (12) months of service credit, shall be added until the number of months in the final compensation calculation is at least thirty-six (36) months;
- (15) "Final rate of pay" means the actual rate upon which earnings of an employee were calculated during the twelve (12) month period immediately preceding the member's effective retirement date, and shall include employee contributions picked up after August 1, 1982, pursuant to KRS 78.610(4). The rate shall be certified to the system by the employer and the following equivalents shall be used to convert the rate to an annual rate: two thousand eighty (2,080) hours for eight (8) hour workdays, one thousand nine hundred fifty (1,950) hours for seven and one-half (7.5) hour workdays, two hundred sixty (260) days, fifty-two (52) weeks, twelve (12) months, one (1) year;
 - (16) "Retirement allowance" means the retirement payments to which a member is entitled;
 - (17) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of the actuarial tables adopted by the board. In cases of disability retirement, the options authorized by KRS 61.635 shall be computed by adding ten (10) years to the age of the member, unless the member has chosen the Social Security adjustment option as provided for in KRS 61.635(8), in which case the member's actual age shall be used. For members who begin participating in the system prior to January 1, 2014, no disability retirement option shall be less than the same option computed under early retirement;
 - (18) "Normal retirement date", unless otherwise provided in KRS 78.510 to 78.852, means:
 - (a) For a member with service in a nonhazardous position, the sixty-fifth birthday of a member;
 - (b) For a member with service in a hazardous position who begins participating before September 1, 2008, the first day of the month following a member's fifty-fifth birthday; or
 - (c) For a member with service in a hazardous position who begins participating on or after September 1, 2008, the first day of the month following a member's sixtieth birthday;
 - (19) "Fiscal year" of the system means the twelve (12) months from July 1 through the following June 30, which shall also be the plan year. The "fiscal year" shall be the limitation year used to determine contribution and benefits limits as set out in 26 U.S.C. sec. 415;
 - (20) "Agency reporting official" means the person designated by the participating employer who shall be responsible for forwarding all employer and employee contributions and a record of the contributions to the system and for performing other administrative duties pursuant to the provisions of KRS 78.510 to 78.852;
 - (21) "Regular full-time positions," as used in subsection (6) of this section, shall mean all positions that average one hundred (100) or more hours per month, determined by using the number of hours actually worked in a calendar or fiscal year, or eighty (80) or more hours per month in the case of noncertified employees of school boards, determined by using the number of hours actually worked in a calendar or school year, unless otherwise specified, except:
 - (a) Seasonal positions, which although temporary in duration, are positions which coincide in duration with a particular season or seasons of the year and that may recur regularly from year to year, in which case the period of time shall not exceed nine (9) months, except for employees of school boards, in which case the period of time shall not exceed six (6) months;
 - (b) Emergency positions that are positions that do not exceed thirty (30) working days and are nonrenewable;
 - (c) Temporary positions that are positions of employment with a participating agency for a period of time not to exceed twelve (12) months and not renewable;

- (d) Probationary positions which are positions of employment with a participating employer that do not exceed twelve (12) months and that are used uniformly by the participating agency on new employees who would otherwise be eligible for participation in the system. Probationary positions shall not be renewable by the participating employer for the same employee, unless the employee has not been employed with the participating employer for a period of at least twelve (12) months; or
 - (e) Part-time positions that are positions that may be permanent in duration, but that require less than a calendar or fiscal year average of one hundred (100) hours of work per month, determined by using the number of months actually worked within a calendar or fiscal year, in the performance of duty, except in case of noncertified employees of school boards, the school term average shall be eighty (80) hours of work per month, determined by using the number of months actually worked in a calendar or school year, in the performance of duty;
- (22) "Alternate participation plan" means a method of participation in the system as provided for by KRS 78.530(3);
 - (23) "Retired member" means any former member receiving a retirement allowance or any former member who has on file at the retirement office the necessary documents for retirement benefits and is no longer contributing to the system;
 - (24) "Current rate of pay" means the member's actual hourly, daily, weekly, biweekly, monthly, or yearly rate of pay converted to an annual rate as defined in final rate of pay. The rate shall be certified by the employer;
 - (25) "Beneficiary" means the person, persons, estate, trust, or trustee designated by the member in accordance with KRS 61.542 or 61.705 to receive any available benefits in the event of the member's death. As used in KRS 78.5536, beneficiary shall not mean an estate, trust, or trustee;
 - (26) "Recipient" means the retired member, the person or persons designated as beneficiary by the member and drawing a retirement allowance as a result of the member's death, or a dependent child drawing a retirement allowance. An alternate payee of a qualified domestic relations order shall not be considered a recipient, except for purposes of KRS 61.623;
 - (27) "Person" means a natural person;
 - (28) "School term or year" means the twelve (12) months from July 1 through the following June 30;
 - (29) "Retirement office" means the Kentucky Public Pensions Authority office building in Frankfort, unless otherwise designated by the Kentucky Public Pensions Authority;
 - (30) "Vested" for purposes of determining eligibility for purchasing service credit under KRS 61.552 means the employee has at least forty-eight (48) months of service if age sixty-five (65) or older or at least sixty (60) months of service if under the age of sixty-five (65). For purposes of this subsection, "service" means service in the systems administered by the Kentucky Retirement Systems and County Employees Retirement System;
 - (31) "Participating" means an employee is currently earning service credit in the system as provided in KRS 78.615;
 - (32) "Month" means a calendar month;
 - (33) "Membership date" means the date upon which the member began participating in the system as provided in KRS 78.615;
 - (34) "Participant" means a member, as defined by subsection (8) of this section, or a retired member, as defined by subsection (23) of this section;
 - (35) "Qualified domestic relations order" means any judgment, decree, or order, including approval of a property settlement agreement, that:
 - (a) Is issued by a court or administrative agency; and
 - (b) Relates to the provision of child support, alimony payments, or marital property rights to an alternate payee;
 - (36) "Alternate payee" means a spouse, former spouse, child, or other dependent of a participant, who is designated to be paid retirement benefits in a qualified domestic relations order;
 - (37) "Accumulated employer credit" means the employer pay credit deposited to the member's account and interest credited on such amounts as provided by KRS 78.5512 and 78.5516;

- (38) "Accumulated account balance" means:
- (a) For members who began participating in the system prior to January 1, 2014, the member's accumulated contributions; or
 - (b) For members who began participating in the system on or after January 1, 2014, in the hybrid cash balance plan as provided by KRS 78.5512 and 78.5516, the combined sum of the member's accumulated contributions and the member's accumulated employer credit;
- (39) "Volunteer" means an individual who:
- (a) Freely and without pressure or coercion performs hours of service for an employer participating in one (1) of the systems administered by Kentucky Retirement Systems or the County Employees Retirement System without receipt of compensation for services rendered, except for reimbursement of actual expenses, payment of a nominal fee to offset the costs of performing the voluntary services, or both; and
 - (b) If a retired member, does not become an employee, leased employee, or independent contractor of the employer for which he or she is performing volunteer services for a period of at least twelve (12) months following the retired member's most recent retirement date;
- (40) "Nominal fee" means compensation earned for services as a volunteer that does not exceed five hundred dollars (\$500) per month. Compensation earned for services as a volunteer from more than one (1) participating employer during a month shall be aggregated to determine whether the compensation exceeds the five hundred dollars (\$500) per month maximum provided by this subsection;
- (41) "Nonhazardous position" means a position that does not meet the requirements of KRS 78.5520 or has not been approved by the board as a hazardous position;
- (42) "Hazardous position" means a position that meets the requirements of KRS 78.5520 and has been approved by the board as hazardous;
- (43) "Level-percentage-of-payroll amortization method" means a method of determining the annual amortization payment on the unfunded actuarial accrued liability as expressed as a percentage of payroll over a set period of years. Under this method, the percentage of payroll shall be projected to remain constant for all years remaining in the set period and the unfunded actuarially accrued liability shall be projected to be fully amortized at the conclusion of the set period;
- (44) "Increment" means twelve (12) months of service credit which are purchased. The twelve (12) months need not be consecutive. The final increment may be less than twelve (12) months;
- (45) "Last day of paid employment" means the last date employer and employee contributions are required to be reported in accordance with KRS 16.543, 61.543, or 78.615 to the retirement office in order for the employee to receive current service credit for the month. Last day of paid employment does not mean a date the employee receives payment for accrued leave, whether by lump sum or otherwise, if that date occurs twenty-four (24) or more months after previous contributions;
- (46) "Objective medical evidence" means reports of examinations or treatments; medical signs which are anatomical, physiological, or psychological abnormalities that can be observed; psychiatric signs which are medically demonstrable phenomena indicating specific abnormalities of behavior, affect, thought, memory, orientation, or contact with reality; or laboratory findings which are anatomical, physiological, or psychological phenomena that can be shown by medically acceptable laboratory diagnostic techniques, including but not limited to chemical tests, electrocardiograms, electroencephalograms, X-rays, and psychological tests;
- (47) "Hazardous disability" as used in KRS 78.510 to 78.852 means a disability which results in an employee's total incapacity to continue as an employee in a hazardous position, but the employee is not necessarily deemed to be totally and permanently disabled to engage in other occupations for remuneration or profit;
- (48) "Act in line of duty" means, for purposes of members serving in a hazardous position, an act occurring which was required in the performance of the principal duties of the hazardous position as defined by the job description;
- (49) "Dependent child" means a child in the womb and a natural or legally adopted child of the member who has neither attained age eighteen (18) nor married or who is an unmarried full-time student who has not attained age twenty-two (22). Solely in the case of a member who dies as a direct result of an act in line of duty as

defined in this section or who dies as a result of a duty-related injury as defined in KRS 61.621, "dependent child" also means a naturally or legally adopted disabled child of the member, regardless of the child's age, if the child has been determined to be eligible for federal Social Security disability benefits or is being claimed as a qualifying child for tax purposes due to the child's total and permanent disability;

- (50) "Normal retirement age" means the age at which the member meets the requirements for his or her normal retirement date as provided by subsection (18) of this section;
- (51) "Disability retirement date" means the first day of the month following the last day of paid employment;
- (52) "Monthly average pay" means:
- (a) In the case of a member who dies as a direct result of an act in line of duty as defined in KRS 16.505 or who dies as a result of a duty-related injury as defined in KRS 61.621, the higher of the member's monthly final rate of pay or the average monthly creditable compensation earned by the deceased member during his or her last twelve (12) months of employment; or
 - (b) In the case where a member becomes totally and permanently disabled as a direct result of an act in line of duty as defined in KRS 16.505 or becomes disabled as a result of a duty-related injury as defined in KRS 61.621 and is eligible for the benefits provided by KRS 61.621(5)(a), the higher of the member's monthly final rate of pay or the average monthly creditable compensation earned by the disabled member during his or her last twelve (12) months of employment prior to the date the act in line of duty or duty-related injury occurred;
- (53) "Authority" means the Kentucky Public Pensions Authority as provided by KRS 61.505; and
- (54) "Executive director" means the executive director of the Kentucky Public Pensions Authority.

➔Section 16. If any provision of this Act or its application to any person or circumstance is held invalid by a court of competent jurisdiction, the invalidity does not affect other provisions or applications of this section that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

Veto Overridden and Signed by Secretary of State April 14, 2022.

CHAPTER 214

(HB 241)

AN ACT relating to appropriations providing financing and conditions for the operations, maintenance, support, and functioning of the Transportation Cabinet of the Commonwealth of Kentucky.

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

➔Section 1. Notwithstanding KRS 48.100 and 48.300, the Transportation Cabinet Budget is as follows:

PART I

OPERATING BUDGET

(1) **Funds Appropriations:** There is appropriated out of the General Fund, Road Fund, Restricted Funds accounts, Federal Funds accounts, or Bond Funds accounts for the fiscal year beginning July 1, 2021, and ending June 30, 2022, for the fiscal year beginning July 1, 2022, and ending June 30, 2023, and for the fiscal year beginning July 1, 2023, and ending June 30, 2024, the following discrete sums, or so much thereof as may be necessary. Appropriated funds are included pursuant to KRS 48.700 and 48.710. Each appropriation is made by source of respective fund or funds accounts. Appropriations for the budget units of the Transportation Cabinet are subject to the provisions of Chapters 12, 42, 45, and 48 of the Kentucky Revised Statutes and compliance with the conditions and procedures set forth in this Act.

A. TRANSPORTATION CABINET

Budget Units

1. GENERAL ADMINISTRATION AND SUPPORT

2021-22

2022-23

2023-24

General Fund	-0-	17,864,000	500,000
Restricted Funds	31,400	2,743,400	2,752,300
Federal Funds	-0-	69,456,000	-0-
Road Fund	1,088,200	81,374,000	81,626,400
TOTAL	1,119,600	171,437,400	84,878,700

(1) **Biennial Highway Construction Plan:** The Secretary of the Transportation Cabinet shall produce a single document that shall detail the enacted fiscal biennium 2022-2024 Biennial Highway Construction Program and the 2024-2028 Highway Preconstruction Program.

(2) **Debt Service:** Included in the above Road Fund appropriation is \$343,800 in fiscal year 2022-2023 and \$345,000 in fiscal year 2023-2024 for debt service on previously authorized bonds.

(3) **Adopt-A-Highway Litter Program:** The Transportation Cabinet and the Energy and Environment Cabinet may receive, accept, and solicit grants, contributions of money, property, labor, or other things of value from any governmental agency, individual, nonprofit organization, or private business to be used for the Adopt-a-Highway Litter Program or other statewide litter programs. Any contribution of this nature shall be deemed to be a contribution to a state agency for a public purpose and shall be treated as Restricted Funds under KRS Chapter 45 and reported according to KRS Chapter 48, and shall not be subject to restrictions set forth under KRS Chapter 11A.

(4) **Riverport Improvements:** Included in the above General Fund appropriation is \$500,000 in each fiscal year to improve public riverports within Kentucky. The Secretary of the Transportation Cabinet, in conjunction with the Kentucky Water Transportation Advisory Board, shall determine how the funds are distributed.

(5) **Electric Vehicle Charging Program:** Included in the above appropriations are \$17,364,000 in General Fund and \$69,456,000 in Federal Funds in fiscal year 2022-2023 for the Electric Vehicle Charging Program in the Infrastructure Investment and Jobs Act. Notwithstanding KRS 45.229, these funds shall not lapse and shall carry forward. The Transportation Cabinet shall submit an Electric Vehicle Infrastructure Development Plan to the Interim Joint Committee on Transportation on or before June 30, 2022.

2. AVIATION

	2021-22	2022-23	2023-24
General Fund	-0-	11,400,000	757,000
Restricted Funds	77,400	22,690,000	19,130,400
Federal Funds	-0-	500,500	500,500
Road Fund	30,700	1,866,400	1,875,700
TOTAL	108,100	36,456,900	22,263,600

(1) **Operational Costs:** Notwithstanding KRS 183.525(5), the above Restricted Funds appropriation includes operational costs of the program in each fiscal year.

(2) **Debt Service - Existing Projects:** Included in the above Road Fund appropriation is \$836,100 in fiscal year 2022-2023 and \$835,300 in fiscal year 2023-2024 for debt service on previously authorized bonds. Notwithstanding KRS 183.525, \$836,100 in fiscal year 2022-2023 and \$835,300 in fiscal year 2023-2024 is transferred to the Road Fund from the Kentucky Aviation Economic Development Fund to support debt service on those bonds.

(3) **Debt Service - New Projects:** Included in the above General Fund appropriation is \$757,000 in fiscal year 2023-2024 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.

(4) **General Aviation Airports:** Included in the above General Fund appropriation is a one-time allocation of \$11,400,000 in fiscal year 2022-2023 to provide \$200,000 to each General Aviation airport.

3. DEBT SERVICE

	2022-23	2023-24
Road Fund	134,952,100	136,855,100

(1) **Economic Development Road Lease-Rental Payments:** Included in the above Road Fund appropriation is \$134,705,100 in fiscal year 2022-2023 and \$136,605,100 in fiscal year 2023-2024 for Economic

Development Road lease-rental payments relating to projects financed by Economic Development Road Revenue Bonds previously authorized by the General Assembly and issued by the Kentucky Turnpike Authority.

(2) **Debt Payment Acceleration Fund Account:** Notwithstanding KRS 175.505, no portion of the revenues to the state Road Fund provided by the adjustments in KRS 138.220(2), excluding KRS 177.320 and 177.365, shall accrue to the Debt Payment Acceleration Fund account during the 2022-2024 fiscal biennium.

4. HIGHWAYS

	2021-22	2022-23	2023-24
General Fund	-0-	250,000,000	-0-
Restricted Funds	6,826,300	159,157,500	310,375,400
Federal Funds	176,904,800	1,391,741,900	1,245,769,800
Road Fund	11,583,700	996,115,300	974,783,400
TOTAL	195,314,800	2,797,014,700	2,530,928,600

(1) **Debt Service:** Included in the above Federal Funds appropriation is \$77,900,400 in fiscal year 2022-2023 and \$70,356,800 in fiscal year 2023-2024 for debt service on Grant Anticipation Revenue Vehicle (GARVEE) Bonds previously appropriated by the General Assembly.

(2) **State Supported Construction Program:** Included in the above Road Fund appropriation is \$477,924,700 in fiscal year 2022-2023 and \$475,689,500 in fiscal year 2023-2024 for the State Supported Construction Program.

(3) **Biennial Highway Construction Program:** Included in the Biennial Highway Construction Program is \$336,324,700 in fiscal year 2022-2023 and \$334,089,500 in fiscal year 2023-2024 from the Road Fund for state construction projects and the state match for federal projects in the 2022-2024 Biennial Highway Construction Program.

(4) **Highway Construction Contingency Account:** Included in the State Supported Construction Program is \$16,600,000 in each fiscal year for the Highway Construction Contingency Account. Notwithstanding KRS 45.247(2), (4), (6), (7), and (8), the Secretary shall only expend Highway Construction Contingency moneys for projects of an emergency nature, for projects that relieve a hazardous condition, or to provide the state match for unanticipated Federal Funds made available as a result of other states not utilizing their total federal obligations. Notwithstanding KRS 224.43-505(2), included in the Highway Construction Contingency Account is \$4,000,000 in each fiscal year to support the Kentucky Pride Fund created in KRS 224.43-505. Notwithstanding KRS 45.247 and 177.320(4), included in the Highway Construction Contingency Account is \$290,000 in each fiscal year for the Kentucky Transportation Center. Also included in the Highway Construction Contingency Account for Railroads is \$1,600,000 in each fiscal year for public safety and service improvements which shall not be expended unless matched with non-state funds equaling at least 20 percent of the total amount for any individual project. Additionally, in each fiscal year, up to \$350,000 of the \$1,600,000 appropriation may be used to establish and administer the Kentucky Rail Office in the Kentucky Transportation Cabinet.

(5) **2020-2022 Biennial Highway Construction Plan:** Projects in the enacted 2020-2022 Biennial Highway Construction Plan are authorized to continue their current authorization into the 2022-2024 fiscal biennium. If projects in previously enacted highway construction plans conflict with the 2022-2024 Biennial Highway Construction Plan, the projects in the 2022-2024 Biennial Highway Construction Plan shall control. The Secretary shall make every effort to maintain highway program delivery by adhering to the timeframes included in the 2022-2024 Biennial Highway Construction Plan for those projects.

(6) **State Match Provisions:** The Transportation Cabinet is authorized to utilize Road Fund or General Fund state construction moneys or Toll Credits to match federal highway moneys.

(7) **Federal Aid Highway Funds:** If additional federal highway moneys are made available to Kentucky by the United States Congress, the funds shall be used according to the following priority: (a) Any demonstration-specific or project-specific moneys shall be used on the project identified; and (b) All other funds shall be used to ensure that projects in the fiscal biennium 2022-2024 Biennial Highway Construction Plan are funded. If additional federal moneys remain after these priorities are met, the Transportation Cabinet may select projects from the Highway Preconstruction Program.

(8) **Road Fund Cash Management:** The Secretary of the Transportation Cabinet may continue the Cash Management Plan to address the policy of the General Assembly to expeditiously initiate and complete projects in the

fiscal biennium 2022-2024 Biennial Highway Construction Plan. Notwithstanding KRS Chapter 45, specifically including KRS 45.242 and 45.244, the Secretary may concurrently advance projects in the Biennial Highway Construction Plan by employing management techniques that maximize the Cabinet's ability to contract for and effectively administer the project work. Under the approved Cash Management Plan, the Secretary shall continuously ensure that the unspent project and Road Fund balances available to the Transportation Cabinet are sufficient to meet expenditures consistent with appropriations provided. The Transportation Cabinet shall provide quarterly reports to the Interim Joint Committee on Appropriations and Revenue when the General Assembly is not in session and the Standing Committees on Appropriations and Revenue when the General Assembly is in session beginning July 1, 2022.

(9) Carry Forward of Appropriation Balances: Notwithstanding KRS 45.229, unexpended Road Fund and General Fund appropriations in the Highways budget unit for the Construction program, the Maintenance program, and the Research program in fiscal year 2021-2022 and in fiscal year 2022-2023 shall not lapse but shall carry forward. Unexpended Federal Funds and Restricted Funds appropriations in the Highways budget unit for the Construction program, the Maintenance program, the Equipment Services program, and the Research program in fiscal year 2021-2022 and in fiscal year 2022-2023, up to the amount of ending cash balances and unissued Highway and GARVEE Bond Funds, to include any interest income earned on those bond funds, and grant balances shall not lapse but shall carry forward.

(10) Federally Supported Construction Program: Included in the above Federal Funds appropriation is \$1,026,136,100 in fiscal year 2022-2023 and \$867,771,400 in fiscal year 2023-2024 for federal construction projects.

(11) Highways Maintenance: Included in the above Highways Road Fund appropriation is \$439,456,200 in fiscal year 2022-2023 and \$423,427,500 in fiscal year 2023-2024 for Highways Maintenance.

(12) Delayed Projects Status Report: The Secretary of the Transportation Cabinet shall report by September 30 of each fiscal year to the Interim Joint Committee on Transportation any project included in the enacted Biennial Highway Construction Plan which has been delayed beyond the fiscal year for which the project was authorized. The report shall include:

- (a) The county name;
- (b) The Transportation Cabinet project identification number;
- (c) The route where the project is located;
- (d) The length of the project;
- (e) A description of the project and the scope of improvement;
- (f) The type of local, state, or federal funds to be used on the project;
- (g) The stage of development for the design, right-of-way, utility, and construction phases;
- (h) The fiscal year in which each phase of the project was scheduled to commence;
- (i) The estimated cost for each phase of the project;
- (j) A detailed description of the circumstances leading to the delay; and
- (k) The same information required in paragraphs (a) to (i) of this subsection for the project or projects advanced with funds initially scheduled for the delayed project.

(13) Maintenance Reentry Employment Program: Included in the above Road Fund appropriation is \$1,000,000 in each fiscal year to support contracting with a 501(c)(3) nonprofit organization that employs individuals on probation or parole supervision to perform crew-based maintenance services. These individuals shall be selected with input from the Department of Corrections and shall provide assistance with litter abatement, graffiti removal, and vegetation control in highway districts three, five, six, and seven.

(14) Federal Highways Match: Included in the above General Fund appropriation is \$250,000,000 in fiscal year 2022-2023 to match Federal Funds from the Infrastructure Investment and Jobs Act exclusively for the Brent Spence Bridge Project, the Mountain Parkway Widening Project, or the I-69 Ohio River Crossing Project. Notwithstanding KRS 45.229, the General Fund appropriation balance for Federal Highways Match for fiscal years 2021-2022 and 2022-2023 shall not lapse and shall carry forward.

(15) Grant Anticipation Revenue Vehicle (GARVEE) Bonds: Included in the above Restricted Funds appropriation is \$150,000,000 in fiscal year 2023-2024 for GARVEE Bond Funds to be issued for the Brent Spence Bridge Project.

(16) New Grant Anticipation Revenue Vehicle (GARVEE) Debt Service: Included in the above Federal Funds appropriation is \$2,106,300 in fiscal year 2023-2024 for GARVEE Bonds debt service payments relating to the Brent Spence Bridge Project.

(17) River Crossing Study: It is the intent of the General Assembly for the Transportation Cabinet to conduct a feasibility study for alternative crossings at the Cave-in-Rock ferry.

5. JUDGMENTS

(1) Payment of Judgments: Road Fund resources required to pay judgments shall be transferred from the State Construction Account at the time when actual payments must be disbursed from the State Treasury.

6. PUBLIC TRANSPORTATION

	2021-22	2022-23	2023-24
General Fund	63,800	15,575,800	15,575,800
Restricted Funds	-0-	730,100	730,000
Federal Funds	53,200	82,622,700	80,586,000
TOTAL	117,000	98,928,600	96,891,800

(1) Nonpublic School Transportation: Included in the above General Fund appropriation is \$5,000,000 in each fiscal year for nonpublic school transportation.

7. REVENUE SHARING

	2021-22	2022-23	2023-24
Road Fund	214,500	372,763,000	364,783,000
TOTAL	214,500	372,763,000	364,783,000

(1) County Road Aid Program: Included in the above Road Fund appropriation is \$140,877,100 in fiscal year 2022-2023 and \$137,848,400 in fiscal year 2023-2024 for the County Road Aid Program in accordance with KRS 177.320, 179.410, 179.415, and 179.440.

(2) Rural Secondary Program: Included in the above Road Fund appropriation is \$170,900,000 in fiscal year 2022-2023 and \$167,225,900 in fiscal year 2023-2024 for the Rural Secondary Program in accordance with KRS 177.320, 177.330, 177.340, 177.350, and 177.360.

(3) Municipal Road Aid Program: Included in the above Road Fund appropriation is \$59,276,100 in fiscal year 2022-2023 and \$58,001,800 in fiscal year 2023-2024 for the Municipal Road Aid Program in accordance with KRS 177.365, 177.366, and 177.369.

(4) Energy Recovery Road Fund: Included in the above Road Fund appropriation is \$141,800 in fiscal year 2022-2023 and \$141,900 in fiscal year 2023-2024 for the Energy Recovery Road Fund in accordance with KRS 177.977, 177.9771, 177.978, 177.979, and 177.981.

(5) Continuation of the Flex Funds and 80/20 Bridge Replacement Programs: The Transportation Cabinet shall continue the Flex Funds and the 80/20 Bridge Replacement Programs within the Rural Secondary Program.

(6) County Judge/Executive Expense Allowance: Notwithstanding KRS 67.220, County Judge/Executives not serving in a consolidated local government that served as a County Judge/Executive prior to November 2022 shall receive an annual expense allowance of \$3,600. County Judge/Executives newly elected in November 2022 and those serving in counties with a consolidated local government shall not receive an annual expense allowance.

8. VEHICLE REGULATION

	2021-22	2022-23	2023-24
Restricted Funds	94,400	17,265,100	17,392,200
Federal Funds	-0-	4,127,100	4,627,100
Road Fund	588,800	46,728,300	47,052,200
TOTAL	683,200	68,120,500	69,071,500

(1) **Debt Service:** Included in the above Road Fund appropriation is \$1,507,000 in each fiscal year for debt service on previously authorized bonds.

(2) **Motor Vehicle Commission Additional Personnel:** Included in the above Restricted Funds appropriation is \$350,000 in each fiscal year to support four additional positions for the Motor Vehicle Commission.

TOTAL - TRANSPORTATION CABINET

	2021-22	2022-23	2023-24
General Fund	63,800	294,839,800	16,832,800
Restricted Funds	7,029,500	202,586,100	350,380,300
Federal Funds	176,958,000	1,548,448,200	1,331,483,400
Road Fund	13,505,900	1,633,799,100	1,606,975,800
TOTAL	197,557,200	3,679,673,200	3,305,672,300

PART II

CAPITAL PROJECTS BUDGET

(1) **Capital Construction Fund Appropriations and Reauthorizations:** Moneys in the Capital Construction Fund are appropriated for the following capital projects subject to the conditions and procedures in this Act. Items listed without appropriated amounts are previously authorized for which no additional amount is required. These items are listed in order to continue their current authorization into the 2022-2024 fiscal biennium. Unless otherwise specified, reauthorized projects shall conform to the original authorization enacted by the General Assembly.

(2) **Expiration of Existing Line-Item Capital Construction Projects:** All appropriations to existing line-item capital construction projects expire on June 30, 2022, unless reauthorized in this Act with the following exceptions: (a) A construction contract for the project shall have been awarded by June 30, 2022; (b) Permanent financing or a short-term line of credit sufficient to cover the total authorized project scope shall have been obtained in the case of projects authorized for bonds, if the authorized project completes an initial draw on the line of credit within the biennium immediately subsequent to the original authorization; and (c) Grant or loan agreements, if applicable, shall have been finalized and properly signed by all necessary parties. Notwithstanding the criteria set forth in this subsection, the disposition of 2020-2022 fiscal biennium nonstatutory appropriated maintenance pools funded from Capital Construction Investment Income shall remain subject to the provisions of KRS 45.770(5)(c).

(3) **Bond Proceeds Investment Income:** Investment income earned from bond proceeds beyond that which is required to satisfy Internal Revenue Service arbitrage rebates and penalties and excess bond proceeds upon the completion of a bond-financed capital project shall be used to pay debt service according to the Internal Revenue Service Code and accompanying regulations.

(4) **Appropriations for Projects Not Line-Itemized:** Inasmuch as the identification of specific projects cannot be ascertained with absolute certainty at this time, amounts are appropriated for specific purposes to projects which are not individually identified in this Act in the following areas: Aircraft Maintenance Pool, Barkley Regional Airport Improvement Projects Pool, Mt. Sterling/Montgomery County Airport Improvement Projects Pool, and Bardstown/Nelson County Airport Improvement Projects Pool. Notwithstanding any statute to the contrary, projects estimated to cost \$1,000,000 and over and equipment estimated to cost \$200,000 and over shall be reported to the Capital Projects and Bond Oversight Committee.

A. TRANSPORTATION CABINET

Budget Units	2021-22	2022-23	2023-24
1. GENERAL ADMINISTRATION AND SUPPORT			
001. Maintenance Pool - 2022-2024			
Road Fund	-0-	4,000,000	4,000,000
002. Construct Ballard County Maintenance Facility and Salt Storage Additional Reauthorization (\$2,284,000 Road Fund)			
Road Fund	-0-	229,000	-0-
003. Construct Clay County District Office Additional Reauthorization (\$7,445,000 Road Fund)			

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	Road Fund	-0-	5,500,000	-0-
004.	AASHTOWare			
	Road Fund	-0-	1,000,000	1,000,000
005.	Construct Whitley County Maintenance Facility and Salt Structure Additional Reauthorization (\$1,050,000 Road Fund)			
	Road Fund	3,000,000	-0-	-0-
006.	District 6 Office and Materials Lab Additional Reauthorization (\$1,500,000 Road Fund)			
	Road Fund	-0-	9,500,000	-0-
007.	Construct Breckinridge County Maintenance and Salt Storage Facility			
	Road Fund	-0-	500,000	2,500,000
008.	Construct Regional Salt Structures			
	Road Fund	-0-	2,000,000	-0-
009.	Construct Union County Maintenance and Salt Storage Facility			
	Road Fund	-0-	500,000	2,500,000
010.	Construct District 2 Office and Materials Lab			
	Road Fund	-0-	2,000,000	-0-
011.	Construct Morgan County Maintenance and Salt Storage Facility			
	Road Fund	-0-	500,000	-0-
012.	Construct Bath County Maintenance and Salt Storage Facility			
	Road Fund	-0-	500,000	-0-
013.	Construct Hart County Maintenance and Salt Storage Facility			
	Road Fund	-0-	500,000	-0-
014.	Construct Mercer County Maintenance and Salt Storage Facility			
	Road Fund	-0-	500,000	-0-
015.	Permanent Salt Conveyor System - Graves County			
	Road Fund	-0-	350,000	-0-
016.	Construct Boyle County Bridge Crew Facility			
	Road Fund	-0-	200,000	1,300,000
2.	AVIATION			
001.	Aircraft Maintenance Pool - 2022-2024			
	General Fund	-0-	800,000	100,000
	Investment Income	-0-	-0-	700,000
	TOTAL	-0-	800,000	800,000
002.	Purchase New Jet Fuel Truck			
	Restricted Funds	-0-	210,000	-0-
003.	Barkley Regional Airport Improvement Projects Pool			
	Bond Funds	-0-	-0-	5,300,000
004.	Mt. Sterling/Montgomery County Airport Improvement Projects Pool			
	Bond Funds	-0-	-0-	8,000,000

005.	Bardstown/Nelson County Airport Improvement Projects Pool			
	Bond Funds	-0-	-0-	7,700,000
3.	HIGHWAYS			
001.	Repair Loadometers and Rest Areas - 2022-2024			
	Road Fund	-0-	3,000,000	3,000,000
002.	Various Environmental Compliance - 2022-2024			
	Road Fund	-0-	500,000	500,000
003.	Road Maintenance Parks - 2022-2024			
	Road Fund	-0-	1,250,000	1,250,000
004.	Jefferson County - Lease			

PART III

FUNDS TRANSFER

The General Assembly finds that the financial condition of state government requires the following action.

Notwithstanding the statutes or requirements of the Restricted Funds enumerated below, there is transferred to the General Fund the following amounts in fiscal year 2022-2023 and fiscal year 2023-2024:

	2022-23	2023-24
A. TRANSPORTATION CABINET		
1. Aviation		
Agency Revenue Fund	421,100	453,000
(KRS 183.525(4) and (5))		
2. Aviation		
Agency Revenue Fund	-0-	757,000
(KRS 183.525(4) and (5))		
TOTAL - FUNDS TRANSFER	421,100	1,210,000

PART IV

TRANSPORTATION CABINET BUDGET SUMMARY

OPERATING BUDGET

	2021-22	2022-23	2023-24
General Fund	63,800	294,839,800	16,832,800
Restricted Funds	7,029,500	202,586,100	350,380,300
Federal Funds	176,958,000	1,548,448,200	1,331,483,400
Road Fund	13,505,900	1,633,799,100	1,606,975,800
SUBTOTAL	197,557,200	3,679,673,200	3,305,672,300

CAPITAL PROJECTS BUDGET

	2021-22	2022-23	2023-24
General Fund	-0-	800,000	100,000
Restricted Funds	-0-	210,000	-0-
Road Fund	3,000,000	32,529,000	16,050,000
Bond Funds	-0-	-0-	21,000,000

2024

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Investment Income	-0-	-0-	700,000
SUBTOTAL	3,000,000	33,539,000	37,850,000

TOTAL - TRANSPORTATION CABINET BUDGET

	2021-22	2022-23	2023-24
General Fund	63,800	295,639,800	16,932,800
Restricted Funds	7,029,500	202,796,100	350,380,300
Federal Funds	176,958,000	1,548,448,200	1,331,483,400
Road Fund	16,505,900	1,666,328,100	1,623,025,800
Bond Funds	-0-	-0-	21,000,000
Investment Income	-0-	-0-	700,000
TOTAL FUNDS	200,557,200	3,713,212,200	3,343,522,300

Vetoed in Part and Overridden and Signed by Secretary of State April 14, 2022.

CHAPTER 215

(HB 271)

AN ACT relating to the Department of Agriculture.

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

➔Section 1. KRS 247.220 is amended to read as follows:

- (1) The Commissioner of Agriculture shall make grants of state funds to qualified local agricultural fairs on a matching basis, to be used by them to pay premium awards for exhibits and displays of domestic livestock, poultry, harness horse racing, other horse events, and agricultural products. The premiums actually awarded shall conform to those appearing on the premium list issued by the fair.
- (2) The state may provide funds for use in the establishment of new facilities and improvement of existing facilities for use in conducting events at local agricultural fairs as provided by this section. No grant for buildings shall be made until the local fair board has complied with the local fair program and qualified for the state grant as provided in subsection (5) of this section. Grants for facilities shall be made under regulations promulgated by the Fair Council and the Commissioner of Agriculture. In no event shall the allocation for facilities result in a decrease in the number of approved agricultural classes or premiums.
- (3) There shall be a Fair Council in the Department of Agriculture. The council shall act in an advisory capacity to the Commissioner in all matters pertaining to the administration of the department's fair program. It shall be called into session when there are matters for its consideration. It shall meet at least twice each calendar year at Frankfort or at any other place that may be determined.
- (4) (a) The council shall be composed of~~the~~:
 1. **The** Commissioner, **or the Commissioner's designee**, as chairman~~ex-officio~~;
 2. **The** Presidents or their designated representatives of the following state groups:
 - a. Kentucky Farm Bureau Federation;
 - b. Kentucky Association of Fairs and Horse Shows, Inc.;
 - c. Kentucky **Horse**~~Colt~~ Racing **Commission**~~Association~~;
 - d. American Saddlebred Horse Association; and
 - e. Kentucky Walking Horse Association;
 3. **The** Agricultural Education Consultant of the Kentucky Department of Education;

4. **The** dean of the University of Kentucky College of Agriculture, Food and Environment, **or the dean's designee**;
 5. **The** co-chairs of the Interim Joint Committee on Agriculture; and
 6. **Two representatives**~~[A representative]~~ appointed by the Commissioner who **are experienced in showing livestock or**~~[is involved with, or experienced in,]~~ animal agriculture.
- (b) The Commissioner may, with the concurrence of a majority of the members of the council, appoint additional members to the council.
- (5) To qualify for a grant of state funds, a fair shall meet standards set by the Commissioner and his advisory council whose approval may be given only if the fair:
- (a) Provides in its bylaws for holding an annual fair running for at least three (3) days;
 - (b) Presents, through the medium of youth organizations such as 4-H clubs, Future Farmers of America, and other similar organizations, an educational program concerning the production and marketing of the livestock, poultry, and horse industries;
 - (c) Complies with all administrative regulations which the Department of Agriculture is hereby authorized to promulgate; and
 - (d) Appoints one (1) or more members to its fair board from local livestock associations, horsemen's associations, and county farm bureaus, and selects one (1) or more county extension agents and vocational agriculture teachers for counties served by the fair as members of the board. Wherever local livestock associations, horsemen's associations, and farm bureaus are in existence, appointees are to be nominated to the fair board by these organizations. Where fairs serve an area, appointments may be made from all counties within the particular area. It shall be the responsibility of the appointees to aid in establishing premium lists and planning agricultural exhibits.
- (6) Any fair receiving a grant of state funds shall file with the director of the Shows and Fairs Division in the Department of Agriculture, by December 1 of the year in which the grant is received, satisfactory proof that all state premium awards have been paid and a certified notarized financial report submitted by the treasurer of the local fair association.

➔Section 2. KRS 247.800 is amended to read as follows:

The Department of Agriculture~~[, in conjunction with the Tourism, Arts and Heritage Cabinet,]~~ shall **manage**~~[create]~~ an~~[interagency]~~ agritourism program to be housed in the Office of Agricultural Marketing in the Department of Agriculture. It shall be the purpose of the agritourism program to:

- (1) Promote agritourism in Kentucky to potential visitors, both national and international; and
- (2) Assist in sustaining the viability and growth of the agritourism industry in Kentucky.

➔Section 3. KRS 247.802 is amended to read as follows:

The **agritourism program**~~[Office of Agritourism]~~ shall perform all duties necessary to carry out the purposes of KRS 247.800 to 247.810, including but not limited to:

- (1) ~~[Within the first year of its creation, developing a statewide master plan for implementation of KRS 247.800 and this section. The Office of Agritourism shall report on the plan to the Agritourism Advisory Council at the request of the council;~~
- (2) ~~Developing a unified Kentucky agritourism marketing strategy between the Department of Agriculture and the Tourism, Arts and Heritage Cabinet to promote Kentucky agritourism. The strategy shall include but not be limited to promotion of Kentucky agritourism through the creation of an agritourism Web site and advertisement through various media outlets;~~
- (3) ~~Coordinating efforts to educate the general public about the importance of Kentucky's agricultural heritage and industry;~~
- (4) ~~Developing regional agritourism development plans for each of the nine (9) tourism regions as follows:~~
 - (a) ~~Bluegrass;~~
 - (b) ~~Cave;~~
 - (c) ~~Green River;~~

- ~~(d) — Eastern Highlands North;~~
- ~~(e) — Eastern Highlands South;~~
- ~~(f) — Louisville Lincoln;~~
- ~~(g) — Northern Kentucky;~~
- ~~(h) — Southern Lakes and Rivers; and~~
- ~~(i) — Western Lakes and Rivers;}~~

~~(2)~~~~(5)}~~ Providing support, education, and resource materials for all interested persons, to include but not be limited to existing Kentucky agritourism businesses, displaced tobacco farmers and others engaged in agribusiness within the state, and other Kentuckians with the intent of developing an agritourism business. The agritourism *program*~~office~~ shall provide this assistance in the following areas, to include but not be limited to:

- (a) Agritourism opportunities, networks, product development, and entrepreneurship;
- (b) Agritourism funding opportunities, including but not limited to grants, loans, and partnerships; and
- (c) Insurance and infrastructure concerns of the agritourism industry;

~~(3)~~~~(6)}~~ Working and partnering with federal, state, and local organizations to carry out the purposes of KRS 247.800 to 247.810;

~~(4)~~~~(7)}~~ Reporting to the Agritourism Advisory Council, as created in KRS 247.804, annually or at the request of the chair~~, and in accordance with subsection (1) of this section~~; and

~~(5)~~~~(8)}~~ Considering the recommendations of the Agritourism Advisory Council, in accordance with KRS 247.806(2).

➔Section 4. KRS 247.804 is amended to read as follows:

An Agritourism Advisory Council shall be established within the Department of Agriculture to advise and assist the ~~Office of~~ agritourism *program*. The Agritourism Advisory Council shall be composed of:

(1) One (1) representative from each of the following entities:

- (a) Department of Agriculture, appointed by the Commissioner of Agriculture;
- (b) Tourism, Arts and Heritage Cabinet, appointed by the secretary of the cabinet;
- ~~(c) Education and Workforce Development Cabinet, appointed by the secretary of the cabinet;~~
- ~~(d) Department of Fish and Wildlife Resources Commission, appointed by the commissioner of the department;~~
- ~~(e) University of Kentucky College of Agriculture, Food and Environment, appointed by the dean~~~~Cooperative Extension Service;~~
- ~~(f) Kentucky Tourism Council;~~
- ~~(d)~~~~(g)}~~ Kentucky Farm Bureau; *and*
- ~~(h) Kentucky Association of Fairs and Horse Shows;~~
- ~~(i) Southern and Eastern Kentucky Tourism Development Association;~~
- ~~(j) Licking River Valley Resource Conservation and Development Council;~~
- ~~(k) Buffalo Trace Covered Bridge Authority;}~~
- ~~(e)~~~~(4)}~~ Kentucky Chamber of Commerce;
- ~~(m) Kentucky Council of Area Development Districts; and~~
- ~~(n) Jackson Purchase Resource Conservation and Development Foundation, Inc.;~~

(2) The Governor, or a designee;

(3) Two (2) members of the General Assembly who hold an interest in agriculture, one (1) appointed by the President of the Senate and one (1) appointed by the Speaker of the House of Representatives; and

- (4) ~~Seven (7)~~~~Nine (9)~~ representatives of agriculture or the agritourism industry, appointed by the Commissioner of Agriculture ~~from a list of candidates compiled by the tourism regions as set forth in KRS 247.802(4). Each tourism region shall submit three (3) candidates with a business interest in agritourism who reside within that region, and the Commissioner shall appoint one (1) candidate from each region from those names submitted.~~

➔Section 5. KRS 247.806 is amended to read as follows:

The duties of the Agritourism Advisory Council shall include but not be limited to the following:

- (1) Review and make recommendations on the development of *agritourism marketing*~~{the statewide master plan}~~, based upon the report from the ~~Office of~~ agritourism *program* in accordance with KRS 247.802~~(4)~~; and
- (2) Make recommendations to ~~redirect the duties of~~ the ~~Office of~~ agritourism *program* as necessary, in keeping with the *program's*~~{office's}~~ purposes stated in KRS 247.800.

➔Section 6. KRS 247.808 is amended to read as follows:

- (1) Members of the Agritourism Advisory Council *appointed by the Commissioner of Agriculture* shall be appointed for four (4) year terms. Sitting members shall be eligible for reappointment.
- (2) The Agritourism Advisory Council shall elect a chair and vice chair from its membership.
- (3) The Agritourism Advisory Council shall meet annually or at the request of the chair. A quorum of the council shall consist of *eight (8)*~~fourteen (14)~~ members, and a majority of members present at any duly called meeting may act upon any matter before it for consideration.
- (4) In the event of a vacancy, the appropriate appointing entity may appoint a replacement member who shall hold office during the remainder of the term so vacated.
- (5) Members of the Agritourism Advisory Council shall serve without compensation.

➔Section 7. KRS 247.810 is amended to read as follows:

The *Department*~~{Commissioner}~~ of Agriculture ~~and the secretary of the Tourism, Arts and Heritage Cabinet~~ shall promulgate administrative regulations in accordance with KRS Chapter 13A, as necessary to implement the provisions of KRS 247.800 to 247.810.

➔Section 8. KRS 257.230 is amended to read as follows:

The state veterinarian shall be an agent of the board, shall enforce the administrative regulations of the board *pertaining to livestock, poultry, and fish* and, under the direction of the board, shall supervise and control the action of all deputies, inspectors, agents and specialists within the Office of the State Veterinarian. He or she shall devote his or her entire time to the duties of the office. He or she shall recommend from time to time such changes in the administrative regulations of the board, as he or she deems necessary, and do all other things necessary and proper for the successful enforcement of this chapter.

Veto Overridden and Signed by Secretary of State April 14, 2022.

CHAPTER 216

(HB 297)

AN ACT relating to the retirement and declaring an emergency.

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

➔Section 1. KRS 16.582 is amended to read as follows:

- (1) (a) Total and permanent disability means a disability which results in the member's incapacity to engage in any occupation for remuneration or profit. Loss by severance of both hands at or above the wrists, or both feet at or above the ankles, or one (1) hand above the wrist and one (1) foot above the ankle, or the complete, irrevocable loss of the sight of both eyes shall be considered as total and permanent.
- (b) Hazardous disability means a disability which results in the member's total incapacity to continue as a regular full-time officer or as an employee in a hazardous position, as defined in KRS 61.592, but

which does not result in the member's total and permanent incapacity to engage in other occupations for remuneration or profit.

- (c) In determining whether the disability meets the requirement of this section, any reasonable accommodation provided by the employer as provided in 42 U.S.C. sec. 12111(9) and 29 C.F.R. Part 1630 shall be considered.
 - (d) If the board determines that the total and permanent disability of a member receiving a retirement allowance under this section has ceased, then the board shall determine if the member has a hazardous disability.
- (2) Any person may qualify to retire on disability, subject to the following:
- (a) The person shall have sixty (60) months of service, twelve (12) of which shall be current service credited under KRS 16.543(1), 61.543(1), or 78.615(1). The service requirement shall be waived if the disability is a total and permanent disability or a hazardous disability and is a direct result of an act in line of duty;
 - (b) For a person whose membership date is prior to August 1, 2004, the person shall not be eligible for an unreduced retirement allowance;
 - (c) The person's application shall be on file in the retirement office no later than twenty-four (24) months after the person's last day of paid employment, as defined in KRS 16.505, as a regular full-time officer or in a regular full-time hazardous position under KRS 61.592;
 - (d) The person shall receive a satisfactory determination pursuant to KRS 61.665; and
 - (e) A person's disability application based on the same claim of incapacity shall be accepted and reconsidered for disability if accompanied by new objective medical evidence. The application shall be on file in the retirement office no later than twenty-four (24) months after the person's last day of paid employment as a regular full-time officer or in a regular full-time hazardous position.
- (3) Upon the examination of the objective medical evidence by licensed physicians pursuant to KRS 61.665, it shall be determined that:
- (a) The incapacity results from bodily injury, mental illness, or disease. For purposes of this section, "injury" means any physical harm or damage to the human organism other than disease or mental illness;
 - (b) The incapacity is deemed to be permanent; and
 - (c) The incapacity does not result directly or indirectly from:
 1. Injury intentionally self-inflicted while sane or insane; or
 2. Bodily injury, mental illness, disease, or condition which pre-existed membership in the system or reemployment, whichever is most recent, unless:
 - a. The disability results from bodily injury, mental illness, disease, or a condition which has been substantially aggravated by an injury or accident arising out of or in the course of employment; or
 - b. The person has at least sixteen (16) years' current or prior service for employment with employers participating in the retirement systems administered by the Kentucky Retirement Systems or the County Employees Retirement System.

For purposes of this subparagraph, "reemployment" shall not mean a change of employment between employers participating in the retirement systems administered by the Kentucky Retirement Systems or the County Employees Retirement System with no loss of service credit.
- (4) (a) 1. An incapacity shall be deemed to be permanent *for the purpose of hazardous disability* if it is expected to result in death or can be expected to last for a continuous period of not less than twelve (12) months from the person's last day of paid employment in a position as a regular full-time officer or a hazardous position.
2. The determination of a permanent incapacity *for the purpose of hazardous disability* shall be based on the medical evidence contained in the member's file and the member's residual functional capacity and physical exertion requirements.

3. *The determination of a total and permanent incapacity shall be based on the medical evidence contained in the member's file and the member's residual functional capacity.*
- (b) The person's residual functional capacity shall be the person's capacity for work activity on a regular and continuing basis. The person's physical ability shall be assessed in light of the severity of the person's physical, mental, and other impairments. The person's ability to walk, stand, carry, push, pull, reach, handle, and other physical functions shall be considered with regard to physical impairments. The person's ability to understand, remember, and carry out instructions and respond appropriately to supervision, coworkers, and work pressures in a work setting shall be considered with regard to mental impairments. Other impairments, including skin impairments, epilepsy, visual sensory impairments, postural and manipulative limitations, and environmental restrictions, shall be considered in conjunction with the person's physical and mental impairments to determine residual functional capacity.
- (c) The person's physical exertion requirements shall be determined based on the following standards:
1. Sedentary work shall be work that involves lifting no more than ten (10) pounds at a time and occasionally lifting or carrying articles such as large files, ledgers, and small tools. Although a sedentary job primarily involves sitting, occasional walking and standing may also be required in the performance of duties.
 2. Light work shall be work that involves lifting no more than twenty (20) pounds at a time with frequent lifting or carrying of objects weighing up to ten (10) pounds. A job shall be in this category if lifting is infrequently required but walking and standing are frequently required, or if the job primarily requires sitting with pushing and pulling of arm or leg controls. If the person has the ability to perform substantially all of these activities, the person shall be deemed capable of light work. A person deemed capable of light work shall be deemed capable of sedentary work unless the person has additional limitations such as the loss of fine dexterity or inability to sit for long periods.
 3. Medium work shall be work that involves lifting no more than fifty (50) pounds at a time with frequent lifting or carrying of objects weighing up to twenty-five (25) pounds. If the person is deemed capable of medium work, the person shall be deemed capable of light and sedentary work.
 4. Heavy work shall be work that involves lifting no more than one hundred (100) pounds at a time with frequent lifting or carrying of objects weighing up to fifty (50) pounds. If the person is deemed capable of heavy work, the person shall also be deemed capable of medium, light, and sedentary work.
 5. Very heavy work shall be work that involves lifting objects weighing more than one hundred (100) pounds at a time with frequent lifting or carrying of objects weighing fifty (50) or more pounds. If the person is deemed capable of very heavy work, the person shall be deemed capable of heavy, medium, light, and sedentary work.
- (5) (a) The disability retirement allowance shall be determined as provided in KRS 16.576, except if the member's total service credit on his or her last day of paid employment in a regular full-time position is less than twenty (20) years, service shall be added beginning with his or her last date of paid employment and continuing to his or her fifty-fifth birthday. The maximum service credit added shall not exceed the total service the member had on his or her last day of paid employment, and the maximum service credit for calculating his or her retirement allowance, including his or her total service and service added under this section, shall not exceed twenty (20) years.
- (b) For a member whose participation begins on or after August 1, 2004, but prior to January 1, 2014, the disability retirement allowance shall be the higher of twenty-five percent (25%) of the member's monthly final rate of pay or the retirement allowance determined in the same manner as for retirement at his or her normal retirement date with years of service and final compensation being determined as of the date of his disability.
- (c) For a member who begins participating on or after January 1, 2014, in the hybrid cash balance plan as provided by KRS 16.583, the disability retirement allowance shall be the higher of twenty-five percent (25%) of the member's monthly final rate of pay or the retirement allowance determined in the same manner as for retirement at his or her normal retirement date under KRS 16.583.

- (6) If the member receives a satisfactory determination of hazardous disability pursuant to KRS 61.665 and the disability is the direct result of an act in line of duty as defined in KRS 16.505, the member's retirement allowance shall be calculated as follows:
- (a) For the disabled member, benefits as provided in subsection (5) of this section except that the monthly retirement allowance payable shall not be less than twenty-five percent (25%) of the member's monthly final rate of pay; and
 - (b) For each dependent child of the member on his or her disability retirement date, who is alive at the time any particular payment is due, a monthly payment equal to ten percent (10%) of the disabled member's monthly final rate of pay; however, total maximum dependent children's benefit shall not exceed forty percent (40%) of the member's monthly final rate of pay. The payments shall be payable to each dependent child, or to a legally appointed guardian or as directed by the system.
- (7) If the member receives a satisfactory determination of total and permanent disability pursuant to KRS 61.665 and the disability is the direct result of an act in line of duty as defined in KRS 16.505, the member's retirement allowance shall be calculated as follows:
- (a) For the disabled member, the benefits as provided in subsection (5) of this section except that the monthly retirement allowance payable shall not be less than seventy-five percent (75%) of the member's monthly average pay; and
 - (b) For each dependent child of the member on his or her disability retirement date, who is alive at the time any particular payment is due, a monthly payment equal to ten percent (10%) of the disabled member's monthly average pay, except that:
 1. Member and dependent children payments under this subsection shall not exceed one hundred percent (100%) of the member's monthly average pay; and
 2. Total maximum dependent children's benefits shall not exceed twenty-five percent (25%) of the member's monthly average pay while the member is living and forty percent (40%) of the member's monthly average pay after the member's death. The payments shall be payable to each dependent child, or to a legally appointed guardian or as directed by the system, and shall be divided equally among all dependent children.
- (8) No benefit provided in this section shall be reduced as a result of any change in the extent of disability of any retired member who is ***the age of normal retirement*** ~~age fifty-five (55)~~ or older.
- (9) If a regular full-time officer or hazardous position member has been approved for benefits under a hazardous disability, the board shall, upon request of the member, permit the member to receive the hazardous disability allowance while accruing benefits in a nonhazardous position, subject to proper medical review of the nonhazardous position's job description by the system's medical examiner.
- (10) For a member of the State Police Retirement System, in lieu of the allowance provided in subsection (5) to (7) of this section, the member may be retained on the regular payroll and receive the compensation authorized by KRS 16.165, if he or she is qualified.

➔Section 2. KRS 61.505 is amended to read as follows:

- (1) There is created an eight (8) member Kentucky Public Pensions Authority whose purpose shall be to administer and operate:
- (a) A single personnel system for the staffing needs of the Kentucky Retirement Systems and the County Employees Retirement System;
 - (b) A system of accounting that is developed by the Authority for the Kentucky Retirement Systems and the County Employees Retirement System;
 - (c) Day-to-day administrative needs of the Kentucky Retirement Systems and the County Employees Retirement System, including but not limited to:
 1. Benefit counseling and administration;
 2. Information technology and services, including a centralized Web site for the Authority, the Kentucky Retirement Systems, and the County Employees Retirement System;
 3. Legal services;

4. Employer reporting and compliance;
 5. Processing and distribution of benefit payments, and other financial, investment administration, and accounting duties as directed by the Kentucky Retirement Systems board of trustees or the County Employees Retirement System board of trustees;
 6. All administrative actions, *orders, decisions, and determinations* necessary to carry out benefit functions required by the Kentucky Retirement Systems and the County Employment Retirement System statutes, including but not limited to administration of reduced and unreduced retirement benefits, disability retirement, reemployment after retirement, service purchases, computation of sick-leave credit costs, *correction of system records, qualified domestic relations orders, and pension spiking determinations*~~[-, and all other administrative decisions and orders];~~ and
 7. Completing and compiling financial data and reports;
- (d) Any jointly held assets used for the administration of the Kentucky Retirement Systems and the County Employees Retirement System, including but not limited to real estate, office space, equipment, and supplies;
 - (e) *The hiring of* a single actuarial consulting firm who shall serve both the Kentucky Retirement Systems and the County Employees Retirement System;
 - (f) *The hiring of a single external certified public accountant who shall perform audits for both the Kentucky Retirement Systems and the County Employees Retirement System;*
 - (g) The *promulgation of*~~[-Authority may promulgate]~~ administrative regulations as an authority or on behalf of the Kentucky Retirement Systems and the County Employees Retirement System, individually or collectively, provided such regulations are not inconsistent with the provisions of this section and KRS 16.505 to 16.652, 61.505, 61.510 to 61.705, and 78.510 to 78.852, necessary or proper in order to carry out the provisions of this section and duties authorized by KRS 16.505 to 16.652 and 61.510 to 61.705;
 - ~~(h)~~~~(g)~~ *A system of* contracting management for administrative services; and
 - ~~(i)~~~~(h)~~ Other tasks or duties as directed solely or jointly by the boards of the Kentucky Retirement Systems or the County Employees Retirement System.
- (2) The eight (8) member Kentucky Public Pensions Authority shall be composed of the following individuals:
 - (a) The chair of the Kentucky Retirement Systems board of trustees;
 - (b) The chair of the County Employees Retirement System board of trustees;
 - (c) The investment committee chair of the Kentucky Retirement Systems board of trustees, unless the investment committee chair is also the chair of the board of trustees in which case the chair of the Kentucky Retirement Systems shall appoint an individual who serves on the investment committee;
 - (d) The investment committee chair of the County Employees Retirement System board of trustees, unless the investment committee chair is also the chair of the County Employees Retirement System board of trustees in which case the chair of the County Employees Retirement System shall appoint an individual who serves on the investment committee;
 - (e) Two additional (2) trustees of the Kentucky Retirement Systems board of trustees selected by the chair of the Kentucky Retirement Systems board of trustees of which one (1) shall be a trustee who was elected by the membership of one (1) of the systems administered by Kentucky Retirement Systems and one (1) shall be a trustee of Kentucky Retirement Systems who was appointed by the Governor; and
 - (f) Two additional (2) trustees of the County Employees Retirement System board of trustees selected by the chair of the County Employees Retirement System board of trustees of which one (1) shall be a trustee who was elected by the membership of the County Employees Retirement System and one (1) shall be a trustee of the County Employees Retirement System who was appointed by the Governor.
 - (3) The Kentucky Public Pensions Authority is hereby granted the powers and privileges of a corporation, including but not limited to the following powers:
 - (a) To sue and be sued in its corporate name;
 - (b) To make bylaws not inconsistent with the law and in accordance with its duties as provided by this section;

- (c) To conduct the business and promote the purposes for which it was formed;
 - (d) To carry out the obligations of the Authority subject to KRS Chapters 45, 45A, 56, and 57;
 - (e) To purchase fiduciary liability insurance; and
 - (f) The Kentucky Public Pensions Authority shall reimburse any Authority member, officer, or employee for any legal expense resulting from a civil action arising out of the performance of his or her official duties. The hourly rate of reimbursement for any contract for legal services under this paragraph shall not exceed the maximum hourly rate provided in the Legal Services Duties and Maximum Rate Schedule promulgated by the Government Contract Review Committee established pursuant to KRS 45A.705, unless a higher rate is specifically approved by the secretary of the Finance and Administration Cabinet or his or her designee.
- (4) Any vacancy which may occur in an appointed position on the Kentucky Public Pensions Authority shall be filled in the same manner which provides for the selection of the particular member of the Authority. No person shall serve in more than one (1) position as a member of the Authority and if a person holds more than one (1) position as a member of the Authority, he or she shall resign a position.
- (5) (a) Membership on the Authority shall not be incompatible with any other office unless a constitutional incompatibility exists. No Authority member shall serve in more than one (1) position as a member of the Authority.
- (b) An Authority member shall be removed from office upon conviction of a felony or for a finding of a violation of any provision of KRS 11A.020 or 11A.040 by a court of competent jurisdiction.
- (c) A current or former employee of the County Employees Retirement System, Kentucky Retirement Systems, or the Kentucky Public Pensions Authority shall not be eligible to serve as a member of the Authority.
- (6) Kentucky Public Pensions Authority members who do not otherwise receive a salary from the State Treasury shall receive a per diem of eighty dollars (\$80) for each day they are in session or on official duty, and they shall be reimbursed for their actual and necessary expenses in accordance with state administrative regulations and standards, except that the members shall not receive a per diem or receive reimbursements on the same day they receive a per diem or reimbursements for service to the Kentucky Retirement Systems board of trustees or County Employees Retirement Systems board of trustees.
- (7) (a) The Authority shall meet at least once in each quarter of the year and may meet in special session upon the call of the chair or the executive director of the Authority.
- (b) The Authority shall elect a chair and a vice chair. The chair shall not serve more than four (4) consecutive years as chair or vice chair of the Authority. The vice chair shall not serve more than four (4) consecutive years as chair or vice chair of the Authority. A member who has served four (4) consecutive years as chair or vice chair of the Authority may be elected chair or vice chair of the Authority after an absence of two (2) years from the positions.
- (c) A majority of the Authority members shall constitute a quorum and all actions taken by the Authority shall be by affirmative vote of a majority of the Authority members present.
- (d) The Authority shall post on the Authority's Web site and shall make available to the public:
- 1. All meeting notices and agendas of the Authority. Notices and agendas shall be posted to the Authority's Web site at least seventy-two (72) hours in advance of the Authority's meetings, except in the case of special or emergency meetings as provided by KRS 61.823;
 - 2. All Authority minutes or other materials that require adoption or ratification by the Authority. The items listed in this subparagraph shall be posted within seventy-two (72) hours of adoption or ratification of the Authority;
 - 3. All bylaws, policies, or procedures adopted or ratified by the Authority; and
 - 4. A listing of the members of the Authority and membership on each committee established by the Authority.
- (8) (a) The Kentucky Public Pensions Authority shall appoint or contract for the services of an executive director and fix the compensation and other terms of employment for this position without limitation of the provisions of KRS Chapter 18A, 45A, and KRS 64.640. The executive director shall be the chief

administrative officer of the Authority, the Kentucky Retirement Systems board of trustees, and the County Employees Retirement System board of trustees. The executive director shall work cooperatively with the chief executive officers of the Kentucky Retirement Systems and the County Employees Retirement System. ***The Authority shall annually conduct a performance evaluation of the executive director.***

- (b) The Kentucky Public Pensions Authority shall authorize the executive director to appoint the employees deemed necessary to transact the duties of the Authority for the purposes outlined in subsection (1) of this section. ***After the effective date of this Act, approval by the Authority shall be required for a petition to the secretary of the Personnel Cabinet for the creation of any new unclassified position pursuant to KRS 18A.115(1)(e), (g), (h), and (i).***
- (c) Effective April 1, 2021, the Kentucky Public Pensions Authority shall assume responsibility of administering the staff of the Kentucky Retirement Systems in order to provide the services established by this section.
- (d)
 - 1. All employees of the Kentucky Public Pensions Authority, except for the executive director ***and no more than six (6) unclassified employees of the Office of Investments employed pursuant to KRS 18A.115(1)(e), (g), (h), and (i)*** ~~chief investment officer, and one (1) deputy chief investment officer~~, shall be subject to the state personnel system established pursuant to KRS 18A.005 to 18A.204 and shall have their salaries determined by the secretary of the Personnel Cabinet.
 - 2. ***The employees exempted from the classified service under this paragraph shall not be subject to the salary limitations specified in KRS 64.640(2) and (3).***
 - 3. ***The Kentucky Public Pensions Authority shall adopt a written salary and classification plan fixing a range of compensation and written terms of employment for any of the unclassified employees of the Office of Investments it authorizes under this paragraph. The Authority shall authorize the executive director to appoint up to six (6) unclassified employees of the Office of Investments subject to the compensation ranges and terms of employment the Authority has established. The Authority may amend the written salary and classification plan adopted under this paragraph at any time.***
- (e) The Authority shall annually ***review, approve, and submit a*** report to the Public Pension Oversight Board ***detailing*** the number of employees of the Authority, the salary paid to each employee, and the change in the salaries of each individual employed by the Authority over the prior year.
- (f) The Authority shall require the executive director and the employees as it thinks proper to execute bonds for the faithful performance of their duties notwithstanding the limitations of KRS Chapter 62.
- (g) Notwithstanding any other provision of statute to the contrary, including but not limited to any provision of KRS Chapter 12, the Governor shall have no authority to change any provision of this section by executive order or action, including but not limited to reorganizing, replacing, amending, or abolishing the membership of the Kentucky Public Pensions Authority.
- (9) All employees of the Authority shall serve during its will and pleasure. Notwithstanding any statute to the contrary, employees shall not be considered legislative agents under KRS 6.611.
- (10) The Attorney General, or an assistant designated by him or her, may attend each meeting of the Authority and may receive the agenda, board minutes, and other information distributed to Authority members upon request. The Attorney General may act as legal adviser and attorney for the Authority, and the Authority may contract for legal services, notwithstanding the limitations of KRS Chapter 12 or 13B.
- (11) (a)
 - 1. All expenses incurred by or on behalf of the Kentucky Public Pensions Authority shall be paid by the systems administered by the Kentucky Retirement Systems or the County Employees Retirement System and shall be prorated, assigned, or allocated to each system as determined by Kentucky Public Pensions Authority.
 - 2. ***Until June 30, 2024***, any additional initial costs determined by the Authority to be attributable solely to establishing a separate County Employees Retirement System board and the Kentucky Public Pensions Authority as provided by this section and KRS 78.782 shall be paid by the County Employees Retirement System. ***Until June 30, 2024***, any additional ongoing annual administrative and investment expenses that occur after the establishment of a separate County Employees Retirement System board and the Kentucky Public Pensions Authority that are

determined by the Authority to be a direct result of establishing a separate County Employees Retirement System board and the Kentucky Public Pensions Authority shall be paid by the County Employees Retirement System. ***Beginning on and after July 1, 2024, any annual administrative and investment expenses shall be prorated, assigned, or allocated to each system as determined by the Kentucky Public Pensions Authority as provided by subparagraph 1. of this paragraph but without attribution to the establishment of a separate County Employees Retirement System board and the Kentucky Public Pensions Authority.***

3. ***In order to evaluate the results of establishing a separate County Employees Retirement System board and the Kentucky Public Pensions Authority, on or before November 15, 2022, and on or before November 15 following the close of each successive fiscal year, the Kentucky Public Pensions Authority shall report to the Public Pensions Oversight Board the annual administrative and investment expenses of the Kentucky Retirement Systems and the County Employees Retirement System. The report shall include but not be limited to the process or manner the Authority used to prorate, assign, or allocate to each system its share of the expenses, the amount of expenses prorated, assigned, or allocated to each system itemized by category, and any efforts by the systems or the Authority to reduce administrative costs and staffing needs.***
- (b) Any other statute to the contrary notwithstanding, authorization for all expenditures relating to the administrative operations of the Kentucky Public Pensions Authority, the Kentucky Retirement Systems, and the County Employees Retirement System shall be contained in the biennial budget unit request, branch budget recommendation, and the financial plan adopted by the General Assembly pursuant to KRS Chapter 48. ***The Kentucky Public Pensions Authority shall approve the biennial budget unit request prior to its submission by the Authority.*** The request from the Kentucky Public Pensions Authority shall include any specific administrative expenses requested by the Kentucky Retirement Systems board of trustees or the County Employees Retirement System board of trustees pursuant to KRS 61.645(13) or 78.782(13), as applicable, that are not otherwise expenses specified by paragraph (a) of this subsection.
- (12) (a) An Authority member shall discharge his or her duties as a member of the Authority, including his or her duties as a member of a committee of the Authority:
 1. In good faith;
 2. On an informed basis; and
 3. In a manner he or she honestly believes to be in the best interest of the County Employees Retirement System and the Kentucky Retirement Systems, as applicable.
 - (b) An Authority member discharges his or her duties on an informed basis if, when he or she makes an inquiry into the business and affairs of the Authority, system, or systems or into a particular action to be taken or decision to be made, he or she exercises the care an ordinary prudent person in a like position would exercise under similar circumstances.
 - (c) In discharging his or her duties, an Authority member may rely on information, opinions, reports, or statements, including financial statements and other financial data, if prepared or presented by:
 1. One (1) or more officers or employees of the Authority whom the Authority member honestly believes to be reliable and competent in the matters presented;
 2. Legal counsel, public accountants, actuaries, or other persons as to matters the Authority member honestly believes are within the person's professional or expert competence; or
 3. A committee of the Authority of which he or she is not a member if the Authority member honestly believes the committee merits confidence.
 - (d) An Authority member shall not be considered as acting in good faith if he or she has knowledge concerning the matter in question that makes reliance otherwise permitted by paragraph (c) of this subsection unwarranted.
 - (e) Any action taken as a member of the Authority, or any failure to take any action as an Authority member, shall not be the basis for monetary damages or injunctive relief unless:
 1. The Authority member has breached or failed to perform the duties of the member's office in compliance with this section; and

2. In the case of an action for monetary damages, the breach or failure to perform constitutes willful misconduct or wanton or reckless disregard for human rights, safety, or property.
- (f) A person bringing an action for monetary damages under this section shall have the burden of proving by clear and convincing evidence the provisions of paragraph (e)1. and 2. of this subsection, and the burden of proving that the breach or failure to perform was the legal cause of damages suffered by the Kentucky Retirement Systems or County Employees Retirement System, as applicable.
- (g) In discharging his or her administrative duties under this section, an Authority member shall strive to administer the systems in an efficient and cost-effective manner for the taxpayers of the Commonwealth of Kentucky and shall take all actions available under the law to contain costs for the trusts, including costs for participating employers, members, and retirees.

➔Section 3. KRS 61.510 is amended to read as follows:

As used in KRS 61.510 to 61.705, unless the context otherwise requires:

- (1) "System" means the Kentucky Employees Retirement System created by KRS 61.510 to 61.705;
- (2) "Board" means the board of trustees of the system as provided in KRS 61.645;
- (3) "Department" means any state department or board or agency participating in the system in accordance with appropriate executive order, as provided in KRS 61.520. For purposes of KRS 61.510 to 61.705, the members, officers, and employees of the General Assembly and any other body, entity, or instrumentality designated by executive order by the Governor, shall be deemed to be a department, notwithstanding whether said body, entity, or instrumentality is an integral part of state government;
- (4) "Examiner" means the medical examiners as provided in KRS 61.665;
- (5) "Employee" means the members, officers, and employees of the General Assembly and every regular full-time, appointed or elective officer or employee of a participating department, including the Department of Military Affairs. The term does not include persons engaged as independent contractors, seasonal, emergency, temporary, interim, and part-time workers. In case of any doubt, the board shall determine if a person is an employee within the meaning of KRS 61.510 to 61.705;
- (6) "Employer" means a department or any authority of a department having the power to appoint or select an employee in the department, including the Senate and the House of Representatives, or any other entity, the employees of which are eligible for membership in the system pursuant to KRS 61.525;
- (7) "State" means the Commonwealth of Kentucky;
- (8) "Member" means any employee who is included in the membership of the system or any former employee whose membership has not been terminated under KRS 61.535;
- (9) "Service" means the total of current service and prior service as defined in this section;
- (10) "Current service" means the number of years and months of employment as an employee, on and after July 1, 1956, except that for members, officers, and employees of the General Assembly this date shall be January 1, 1960, for which creditable compensation is paid and employee contributions deducted, except as otherwise provided, and each member, officer, and employee of the General Assembly shall be credited with a month of current service for each month he serves in the position;
- (11) "Prior service" means the number of years and completed months, expressed as a fraction of a year, of employment as an employee, prior to July 1, 1956, for which creditable compensation was paid; except that for members, officers, and employees of the General Assembly, this date shall be January 1, 1960. An employee shall be credited with one (1) month of prior service only in those months he received compensation for at least one hundred (100) hours of work; provided, however, that each member, officer, and employee of the General Assembly shall be credited with a month of prior service for each month he served in the position prior to January 1, 1960. Twelve (12) months of current service in the system are required to validate prior service;
- (12) "Accumulated contributions" at any time means the sum of all amounts deducted from the compensation of a member and credited to his individual account in the members' account, including employee contributions picked up after August 1, 1982, pursuant to KRS 61.560(4), together with interest credited, on such amounts and any other amounts the member shall have contributed thereto, including interest credited thereon. For members who begin participating on or after September 1, 2008, "accumulated contributions" shall not include

employee contributions that are deposited into accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS 16.510 and 61.515, as prescribed by KRS 61.702(3)(b);

(13) "Creditable compensation":

(a) Means all salary, wages, tips to the extent the tips are reported for income tax purposes, and fees, including payments for compensatory time, paid to the employee as a result of services performed for the employer or for time during which the member is on paid leave, which are includable on the member's federal form W-2 wage and tax statement under the heading "wages, tips, other compensation," including employee contributions picked up after August 1, 1982, pursuant to KRS 61.560(4). For members of the General Assembly, it shall mean all amounts which are includable on the member's federal form W-2 wage and tax statement under the heading "wages, tips, other compensation," including employee contributions picked up after August 1, 1982, pursuant to KRS 6.505(4) or 61.560(4);

(b) Includes:

1. Lump-sum bonuses, severance pay, or employer-provided payments for purchase of service credit, which shall be averaged over the employee's total service with the system in which it is recorded if it is equal to or greater than one thousand dollars (\$1,000);
2. Cases where compensation includes maintenance and other perquisites, but the board shall fix the value of that part of the compensation not paid in money;
3. Lump-sum payments for creditable compensation paid as a result of an order of a court of competent jurisdiction, the Personnel Board, or the Commission on Human Rights, or for any creditable compensation paid in anticipation of settlement of an action before a court of competent jurisdiction, the Personnel Board, or the Commission on Human Rights, including notices of violations of state or federal wage and hour statutes or violations of state or federal discrimination statutes, which shall be credited to the fiscal year during which the wages were earned or should have been paid by the employer. This subparagraph shall also include lump-sum payments for reinstated wages pursuant to KRS 61.569, which shall be credited to the period during which the wages were earned or should have been paid by the employer;
4. Amounts which are not includable in the member's gross income by virtue of the member having taken a voluntary salary reduction provided for under applicable provisions of the Internal Revenue Code; and
5. Elective amounts for qualified transportation fringes paid or made available on or after January 1, 2001, for calendar years on or after January 1, 2001, that are not includable in the gross income of the employee by reason of 26 U.S.C. sec. 132(f)(4); and

(c) Excludes:

1. Living allowances, expense reimbursements, lump-sum payments for accrued vacation leave, and other items determined by the board;
2. For employees who begin participating on or after September 1, 2008, lump-sum payments for compensatory time;
3. For employees who begin participating on or after August 1, 2016, nominal fees paid for services as a volunteer; and
4. Any salary or wages paid to an employee for services as a Kentucky State Police school resource officer as defined by KRS 158.441;

(14) "Final compensation" of a member means:

- (a) For a member who begins participating before September 1, 2008, who is employed in a nonhazardous position, the creditable compensation of the member during the five (5) fiscal years he or she was paid at the highest average monthly rate divided by the number of months of service credit during that five (5) year period multiplied by twelve (12). The five (5) years may be fractional and need not be consecutive. If the number of months of service credit during the five (5) year period is less than forty-eight (48), one (1) or more additional fiscal years shall be used;
- (b) For a member who is employed in a nonhazardous position, whose effective retirement date is between August 1, 2001, and January 1, 2009, and whose total service credit is at least twenty-seven (27) years

and whose age and years of service total at least seventy-five (75), final compensation means the creditable compensation of the member during the three (3) fiscal years the member was paid at the highest average monthly rate divided by the number of months of service credit during that three (3) years period multiplied by twelve (12). The three (3) years may be fractional and need not be consecutive. If the number of months of service credit during the three (3) year period is less than twenty-four (24), one (1) or more additional fiscal years shall be used. Notwithstanding the provision of KRS 61.565, the funding for this paragraph shall be provided from existing funds of the retirement allowance;

- (c) For a member who begins participating before September 1, 2008, who is employed in a hazardous position, as provided in KRS 61.592, the creditable compensation of the member during the three (3) fiscal years he or she was paid at the highest average monthly rate divided by the number of months of service credit during that three (3) year period multiplied by twelve (12). The three (3) years may be fractional and need not be consecutive. If the number of months of service credit during the three (3) year period is less than twenty-four (24), one (1) or more additional fiscal years shall be used;
 - (d) For a member who begins participating on or after September 1, 2008, but prior to January 1, 2014, who is employed in a nonhazardous position, the creditable compensation of the member during the five (5) complete fiscal years immediately preceding retirement divided by five (5). Each fiscal year used to determine final compensation must contain twelve (12) months of service credit. If the member does not have five (5) complete fiscal years that each contain twelve (12) months of service credit, then one (1) or more additional fiscal years, which may contain less than twelve (12) months of service credit, shall be added until the number of months in the final compensation calculation is at least sixty (60) months; or
 - (e) For a member who begins participating on or after September 1, 2008, but prior to January 1, 2014, who is employed in a hazardous position as provided in KRS 61.592, the creditable compensation of the member during the three (3) complete fiscal years he or she was paid at the highest average monthly rate divided by three (3). Each fiscal year used to determine final compensation must contain twelve (12) months of service credit. If the member does not have three (3) complete fiscal years that each contain twelve (12) months of service credit, then one (1) or more additional fiscal years, which may contain less than twelve (12) months of service credit, shall be added until the number of months in the final compensation calculation is at least thirty-six (36) months;
- (15) "Final rate of pay" means the actual rate upon which earnings of an employee were calculated during the twelve (12) month period immediately preceding the member's effective retirement date, including employee contributions picked up after August 1, 1982, pursuant to KRS 61.560(4). The rate shall be certified to the system by the employer and the following equivalents shall be used to convert the rate to an annual rate: two thousand eighty (2,080) hours for eight (8) hour workdays, nineteen hundred fifty (1,950) hours for seven and one-half (7-1/2) hour workdays, two hundred sixty (260) days, fifty-two (52) weeks, twelve (12) months, one (1) year;
- (16) "Retirement allowance" means the retirement payments to which a member is entitled;
- (17) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of the actuarial tables that are adopted by the board. In cases of disability retirement, the options authorized by KRS 61.635 shall be computed by adding ten (10) years to the age of the member, unless the member has chosen the Social Security adjustment option as provided for in KRS 61.635(8), in which case the member's actual age shall be used. For members who began participating in the system prior to January 1, 2014, no disability retirement option shall be less than the same option computed under early retirement;
- (18) "Normal retirement date" means the sixty-fifth birthday of a member, unless otherwise provided in KRS 61.510 to 61.705;
- (19) "Fiscal year" of the system means the twelve (12) months from July 1 through the following June 30, which shall also be the plan year. The "fiscal year" shall be the limitation year used to determine contribution and benefit limits as established by 26 U.S.C. sec. 415;
- (20) "Officers and employees of the General Assembly" means the occupants of those positions enumerated in KRS 6.150. The term shall also apply to assistants who were employed by the General Assembly for at least one (1) regular legislative session prior to July 13, 2004, who elect to participate in the retirement system, and who serve for at least six (6) regular legislative sessions. Assistants hired after July 13, 2004, shall be designated as interim employees;

- (21) "Regular full-time positions," as used in subsection (5) of this section, shall mean all positions that average one hundred (100) or more hours per month determined by using the number of months actually worked within a calendar or fiscal year, including all positions except:
- (a) Seasonal positions, which although temporary in duration, are positions which coincide in duration with a particular season or seasons of the year and which may recur regularly from year to year, the period of time shall not exceed nine (9) months;
 - (b) Emergency positions which are positions *utilized by the employer during:*
 1. *An emergency as determined by the employer for a period*~~which do~~ *not exceeding*~~exceed~~ *thirty (30) working days and are nonrenewable; or*
 2. *A state of emergency declared by the President of the United States or the Governor of the Commonwealth of Kentucky that are created or filled specifically for addressing the employer's needs during and as a result of the declared emergency;*
 - (c) Temporary positions which are positions of employment with a participating department for a period of time not to exceed nine (9) months and are nonrenewable;
 - (d) Part-time positions which are positions which may be permanent in duration, but which require less than a calendar or fiscal year average of one hundred (100) hours of work per month, determined by using the number of months actually worked within a calendar or fiscal year, in the performance of duty; and
 - (e) Interim positions which are positions established for a one-time or recurring need not to exceed nine (9) months;
- (22) "Vested" for purposes of determining eligibility for purchasing service credit under KRS 61.552 means the employee has at least forty-eight (48) months of service if age sixty-five (65) or older or at least sixty (60) months of service if under the age of sixty-five (65). For purposes of this subsection, "service" means service in the systems administered by the Kentucky Retirement Systems and County Employees Retirement System;
- (23) "Parted employer" means a department, portion of a department, board, or agency, such as Outwood Hospital and School, which previously participated in the system, but due to lease or other contractual arrangement is now operated by a publicly held corporation or other similar organization, and therefore is no longer participating in the system. The term "parted employer" shall not include a department, board, or agency that ceased participation in the system pursuant to KRS 61.522;
- (24) "Retired member" means any former member receiving a retirement allowance or any former member who has filed the necessary documents for retirement benefits and is no longer contributing to the retirement system;
- (25) "Current rate of pay" means the member's actual hourly, daily, weekly, biweekly, monthly, or yearly rate of pay converted to an annual rate as defined in final rate of pay. The rate shall be certified by the employer;
- (26) "Beneficiary" means the person or persons or estate or trust or trustee designated by the member in accordance with KRS 61.542 or 61.705 to receive any available benefits in the event of the member's death. As used in KRS 61.702, "beneficiary" does not mean an estate, trust, or trustee;
- (27) "Recipient" means the retired member or the person or persons designated as beneficiary by the member and drawing a retirement allowance as a result of the member's death or a dependent child drawing a retirement allowance. An alternate payee of a qualified domestic relations order shall not be considered a recipient, except for purposes of KRS 61.623;
- (28) "Level percentage of payroll amortization method" means a method of determining the annual amortization payment on the unfunded actuarial accrued liability as expressed as a percentage of payroll over a set period of years but that may be converted to a dollar value for purposes of KRS 61.565(1)(d). Under this method, the percentage of payroll shall be projected to remain constant for all years remaining in the set period of time and the unfunded actuarially accrued liability shall be projected to be fully amortized at the conclusion of the set period of years;
- (29) "Increment" means twelve (12) months of service credit which are purchased. The twelve (12) months need not be consecutive. The final increment may be less than twelve (12) months;
- (30) "Person" means a natural person;

- (31) "Retirement office" means the Kentucky Public Pensions Authority's office building in Frankfort, unless otherwise designated by the Kentucky Public Pensions Authority;
- (32) "Last day of paid employment" means the last date employer and employee contributions are required to be reported in accordance with KRS 16.543, 61.543, or 78.615 to the retirement office in order for the employee to receive current service credit for the month. Last day of paid employment does not mean a date the employee receives payment for accrued leave, whether by lump sum or otherwise, if that date occurs twenty-four (24) or more months after previous contributions;
- (33) "Objective medical evidence" means reports of examinations or treatments; medical signs which are anatomical, physiological, or psychological abnormalities that can be observed; psychiatric signs which are medically demonstrable phenomena indicating specific abnormalities of behavior, affect, thought, memory, orientation, or contact with reality; or laboratory findings which are anatomical, physiological, or psychological phenomena that can be shown by medically acceptable laboratory diagnostic techniques, including but not limited to chemical tests, electrocardiograms, electroencephalograms, X-rays, and psychological tests;
- (34) "Participating" means an employee is currently earning service credit in the system as provided in KRS 61.543;
- (35) "Month" means a calendar month;
- (36) "Membership date" means:
- (a) The date upon which the member began participating in the system as provided in KRS 61.543; or
 - (b) For a member electing to participate in the system pursuant to KRS 196.167(4) who has not previously participated in the system or the Kentucky Teachers' Retirement System, the date the member began participating in a defined contribution plan that meets the requirements of 26 U.S.C. sec. 403(b);
- (37) "Participant" means a member, as defined by subsection (8) of this section, or a retired member, as defined by subsection (24) of this section;
- (38) "Qualified domestic relations order" means any judgment, decree, or order, including approval of a property settlement agreement, that:
- (a) Is issued by a court or administrative agency; and
 - (b) Relates to the provision of child support, alimony payments, or marital property rights to an alternate payee;
- (39) "Alternate payee" means a spouse, former spouse, child, or other dependent of a participant, who is designated to be paid retirement benefits in a qualified domestic relations order;
- (40) "Accumulated employer credit" mean the employer pay credit deposited to the member's account and interest credited on such amounts as provided by KRS 16.583 and 61.597;
- (41) "Accumulated account balance" means:
- (a) For members who began participating in the system prior to January 1, 2014, the member's accumulated contributions; or
 - (b) For members who began participating in the system on or after January 1, 2014, in the hybrid cash balance plan as provided by KRS 16.583 and 61.597, the combined sum of the member's accumulated contributions and the member's accumulated employer credit;
- (42) "Volunteer" means an individual who:
- (a) Freely and without pressure or coercion performs hours of service for an employer participating in one (1) of the systems administered by Kentucky Retirement Systems without receipt of compensation for services rendered, except for reimbursement of actual expenses, payment of a nominal fee to offset the costs of performing the voluntary services, or both; and
 - (b) If a retired member, does not become an employee, leased employee, or independent contractor of the employer for which he or she is performing volunteer services for a period of at least twelve (12) months following the retired member's most recent retirement date;
- (43) "Nominal fee" means compensation earned for services as a volunteer that does not exceed five hundred dollars (\$500) per month *with each participating employer*. Compensation earned for services as a volunteer

from more than one (1) participating employer during a month shall *not* be aggregated to determine whether the compensation exceeds the five hundred dollars (\$500) per month maximum provided by this subsection;

- (44) "Nonhazardous position" means a position that does not meet the requirements of KRS 61.592 or has not been approved by the board as a hazardous position;
- (45) "Monthly average pay" means:
- (a) In the case of a member who dies as a direct result of an act in line of duty as defined in KRS 16.505 or who dies as a result of a duty-related injury as defined in KRS 61.621, the higher of the member's monthly final rate of pay or the average monthly creditable compensation earned by the deceased member during his or her last twelve (12) months of employment; or
 - (b) In the case where a member becomes totally and permanently disabled as a direct result of an act in line of duty as defined in KRS 16.505 or becomes disabled as a result of a duty-related injury as defined in KRS 61.621 and is eligible for the benefits provided by KRS 61.621(5)(a), the higher of the member's monthly final rate of pay or the average monthly creditable compensation earned by the disabled member during his or her last twelve (12) months of employment prior to the date the act in line of duty or duty-related injury occurred;
- (46) "Authority" means the Kentucky Public Pensions Authority as provided by KRS 61.505;~~and~~
- (47) "Executive director" means the executive director of the Kentucky Public Pensions Authority; *and*
- (48) ***"Instructional staff" means the employees of a state college or university participating under Section 5 of this Act who are:***
- (a) ***Faculty;***
 - (b) ***Staff responsible for teaching; or***
 - (c) ***Other individuals employed in an administrative position that is eligible for participation in the Teachers' Insurance and Annuity Association (TIAA) or the Teachers' Retirement System.***

➔Section 4. KRS 61.515 is amended to read as follows:

There is hereby created and established:

- (1) A retirement system for employees to be known as the "Kentucky Employees Retirement System" by and in which name it shall, pursuant to the provisions of KRS 61.510 to 61.705, transact all its business and shall have the powers and privileges of a corporation; and
- (2)
 - (a) A fund, called the "Kentucky Employees Retirement Fund," which shall consist of all the assets of the system as set forth in KRS 61.570 to 61.585.
 - (b) All assets received in the fund shall be deemed trust funds to be held and applied solely as provided in KRS 61.510 to 61.705.
 - (c) ***The assets in the fund shall be attributable to members participating in the Kentucky Employees Retirement System in both hazardous positions as defined in KRS 61.592 and nonhazardous positions as defined in Section 3 of this Act, and when payment is made from the fund:***
 1. ***No assets attributable to members in hazardous positions shall be used to pay benefits to members in nonhazardous positions; and***
 2. ***No assets attributable to members in nonhazardous positions shall be used to pay benefits to members in hazardous positions.***

➔Section 5. KRS 61.520 is amended to read as follows:

- (1) Each department determined by the board to be eligible and qualified for participation shall participate in the system when the Governor by appropriate executive order, the authority to issue such executive order being granted, directs such department to participate in the system. The effective date of such participation shall be determined by the board and fixed by the Governor in his executive order.
- (2)
 - (a) Notwithstanding the provisions of subsection (1) of this section, the Governor is authorized to permit any state college or university, which he directs by appropriate executive order to participate in the system after January 1, 1972, to include its noninstructional employees in the membership of the system while excluding the instructional employees of the state college or university from membership.

- (b) All employees of an agency participating under authority of *paragraph (a) of this* subsection ~~[(2)(a) of this section]~~ shall be considered noninstructional employees except the members of the instructional staff *as defined in Section 3 of this Act* ~~[of the state college or university who are responsible for teaching and the administrative positions which are included in the Teachers' Insurance and Annuity Association (TIAA) or the Kentucky Teachers' Retirement System].~~
- (3) All executive orders issued under authority of this section since July 1, 1956, are hereby ratified by the General Assembly and each participating and contributing department, board, agency, corporation, board for mental health or individuals with an intellectual disability, or entity participating since that date under such executive order is hereby declared to be a participating department under the Kentucky Employees Retirement System.
- (4) Except as provided by KRS 61.522:
- (a) Once a department participates it shall continue to participate as long as it remains qualified; and
 - (b) Any position initially required to participate in the Kentucky Employees Retirement System shall continue to participate as long as the position exists.

➔Section 6. KRS 61.565 is amended to read as follows:

- (1) (a) Each employer participating in the State Police Retirement System as provided for in KRS 16.505 to 16.652 and the Kentucky Employees Retirement System as provided for in KRS 61.510 to 61.705 shall contribute annually to the respective retirement system an amount determined by the actuarial valuation completed in accordance with KRS 61.670 and as specified by this section. Employer contributions for each respective retirement system shall be equal to the sum of the "normal cost contribution" and the "actuarially accrued liability contribution."
- (b) For purposes of this section, the normal cost contribution shall be computed as a percentage of pay and shall be an annual amount that is sufficient when combined with employee contributions to fund benefits earned during the year in the respective system. The amount shall be:
 1. Paid as a percentage of creditable compensation reported for each employee participating in the system and accruing benefits; and
 2. The same percentage of pay for all employees who are participating in the same retirement system, except that separate percentage rates shall be developed in each system for those employers whose employees are participating in hazardous duty retirement coverage as provided by KRS 61.592.
- (c) For purposes of this section, the actuarially accrued liability contribution for all employers, except for contributions paid by nonhazardous employers in the Kentucky Employees Retirement System on or after July 1, 2021, shall be:
 1. Computed by amortizing the total unfunded actuarially accrued liability of each system over a closed period of thirty (30) years beginning with the 2019 actuarial valuation using the level percentage of payroll amortization method, except that any increase or decrease in the unfunded actuarially accrued liability occurring after the completion of the 2019 actuarial valuation shall be amortized over a closed period of twenty (20) years beginning with the actuarial valuation in which the increase or decrease in the unfunded actuarially accrued liability is recognized. An increase or decrease in the unfunded actuarially accrued liability may result from, but not be limited to, legislative changes to benefits, changes in actuarial methods or assumptions, or actuarial gains or losses;
 2. Paid as a percentage of payroll on the creditable compensation reported for each employee participating in the system and accruing benefits; and
 3. The same percentage of pay for all employees who are participating in the same retirement system, except that separate percentage rates shall be developed in each system for those employers whose employees are participating in hazardous duty retirement coverage as provided by KRS 61.592.
- (d) 1. For purposes of this section, the actuarially accrued liability contribution for nonhazardous employers in the Kentucky Employees Retirement System on or after July 1, 2021:

- a. Shall be an annual dollar amount that is sufficient to amortize the total unfunded actuarially accrued liability of the system over a closed period of thirty (30) years beginning with the 2019 actuarial valuation using the level percentage of payroll amortization method, except that any increase or decrease in the unfunded actuarially accrued liability occurring after the completion of the 2019 actuarial valuation shall be amortized over a closed period of twenty (20) years beginning with the actuarial valuation in which the increase or decrease in the unfunded actuarially accrued liability is recognized. An increase or decrease in the unfunded actuarially accrued liability may result from but not be limited to legislative changes to benefits, changes in actuarial methods or assumptions, or actuarial gains or losses;
 - b. Shall be prorated to each individual nonhazardous employer in the Kentucky Employees Retirement System by multiplying the annual dollar amount of the actuarially accrued liability contribution for the system as determined by subdivision a. of this subparagraph by the individual employer's percentage of the system's total actuarially accrued liability as of the June 30, 2019, actuarial valuation which shall be determined solely by the system's consulting actuary and assigned to each employer based upon the last participating employer of the member or retiree as of June 30, 2019. The individual employer's percentage of the system's total actuarially accrued liability as of the June 30, 2019, actuarial valuation shall be used to determine the individual employer's prorated dollar amount of the system's actuarially accrued liability contribution in all future fiscal years of the amortization period or periods, except that the employer's percentage shall be adjusted to reflect any employer who voluntarily or involuntarily ceases participation as provided by KRS 61.522 and except as provided by subparagraphs 4. and 5. of this paragraph. For purposes of this subdivision, all executive branch departments, program cabinets and their respective departments, and administrative bodies enumerated in KRS 12.020, and any other executive branch agencies administratively attached to a department, program cabinet, or administrative body enumerated in KRS 12.020, shall be considered a single individual employer and only one (1) value shall be computed for these executive branch employers. For purposes of this subdivision, all employers of the legislative branch, including the Legislative Research Commission and the General Assembly that covers legislators and staff who participate in the Kentucky Employees Retirement System, shall be considered a single individual employer and only one (1) value shall be computed for these employers. For purposes of this subdivision, all employers of the judicial branch, including the Administrative Office of the Courts, the Judicial Form Retirement System, and all master commissioners, shall be considered a single individual employer and only one (1) value shall be computed for these employers;
 - c. Shall be payable by an individual employer in equal monthly dollar installments during the fiscal year in accordance with the reporting requirements specified by KRS 61.675 so that the individual employer pays its full prorated dollar amount of the actuarially accrued liability contribution as determined by subdivision b. of this subparagraph; and
 - d. Notwithstanding subdivision b. of this subparagraph for those individual participating employers who are local and district health departments governed by KRS Chapter 212, community mental health centers, and employers whose employees are not subject to KRS 18A.005 to 18A.200, who received or were eligible to receive a distribution of general fund appropriations in the 2018-2020 biennial executive branch budget to assist in paying retirement costs under 2018 Ky. Acts ch. 169, Part I, G., 4., (5); 2018 Ky. Acts ch. 169, Part I, G., 5., (2); or 2018 Ky. Acts ch. 169, Part I, G., 9., (2), shall not, once the initial dollar amounts are established in accordance with this paragraph, be adjusted in terms of dollars paid by the individual employer, except that adjustments shall be made by the system upon completion of an actuarial investigation as provided by KRS 61.670, so long as at least four (4) years have passed since the last adjustment to the actuarially accrued liability contribution for these employers. The provisions of this subdivision shall not be interpreted to mean that employers described by this subdivision may continue paying the dollar value of contributions or employer contribution rates established or paid by the employer in budget periods occurring prior to July 1, 2021.
2. Individual employers, solely for purposes of collecting employer contributions from various fund sources during the fiscal year, may convert the actuarially accrued liability contribution

established by this paragraph to a percentage of pay and may adjust the percent of pay during the fiscal year in order to pay the required dollar value of actuarially accrued liability contribution required by this paragraph. No provision of this subparagraph shall be construed to reduce an individual employer's actuarially accrued liability contribution as otherwise provided by this paragraph.

3. The provisions of this paragraph shall not apply to those employers who cease participation as provided by KRS 61.522.
4. In the event an individual Kentucky Employees Retirement System nonhazardous employer who is required to pay an actuarially accrued liability contribution as provided by this paragraph and as calculated from the 2019 actuarial valuation or subsequent valuations, merges with another employer or entity, forms a new or separate employer or entity, or splits or separates operations into multiple employers or entities, the system shall, except for those employers or entities who pay the costs to cease participation as provided by KRS 61.522, have full authority to assign a portion or all of the total actuarially accrued liability contribution to the merged, new, split, or separate employers or entities, regardless of whether or not the merged, new, split, or separate employers or entities participate in the system. In the case of a district health department established pursuant to KRS Chapter 212, which ceases to operate or which has a county or counties that withdraw from the district health department, the systems shall assign the total actuarially accrued liability contribution based upon the proportion of taxable property of each county as certified by the Department for Public Health in the Cabinet for Health and Family Services in accordance with KRS 212.132. The system shall establish by administrative regulations the process of assigning actuarially accrued liability contributions as authorized by this subparagraph.
5.
 - a. An employer who is not in the executive, legislative, or judicial branch of Kentucky state government as enumerated in subparagraph 1.b. of this paragraph may on or before July 1, 2021, appeal to the board regarding any current or former employees or retirees the employer believes should not be used to determine the employer's percentage of the system's total actuarially accrued liability. The only appeals that shall be submitted by the employer or considered by the board shall be potential errors where the last participating employer is in dispute, situations where employees of the employer were hired through a contract between the executive branch and the employer for the employee to provide services to the executive branch, or situations where a community mental health center was contracted to provide services at a facility previously operated by the executive branch. The employer shall submit the information required by the board to verify potential errors or contract employees with employers.
 - b. The board shall review and issue a final determination regarding any appeals by December 31, 2021. In situations where the board determines the last participating employer was incorrect and should be assigned to another employer, the system shall, effective for employer contributions payable on or after July 1, 2022, assign the cost to the executive branch until such time ownership of the liability can be determined and assigned to the correct employer. In situations where the board determines certain employees of employers were hired through a contract between the executive branch and the employer for an employee or employees to provide services to the executive branch, those liabilities shall, effective for employer contributions payable on or after July 1, 2022, be assigned to the executive branch. In situations where the board determines the community mental health center was contracted to provide services at a facility previously operated by the executive branch, the liabilities for employees providing services at that facility shall, ***effective for employer contributions payable on or after July 1, 2022***, be assigned to the executive branch.
 - c. No appeal shall be submitted by the employer or considered by the board regarding the assumptions or methodology used by the actuary to determine a particular employer's percentage of the system's total actuarially accrued liability or the use of the last participating employer to assign liabilities to an employer, except as otherwise provided by this subparagraph.
 - d. The board shall within thirty (30) days following the final determinations submit to the Public Pension Oversight Board the list of appeals that were approved, the number of

employees involved, and any costs that will be transferred to the executive branch effective July 1, 2022.

- (e) The employer contributions computed under this section shall be determined using:
 - 1. The entry age normal cost funding method;
 - 2. An asset smoothing method that smooths investment gains and losses over a five (5) year period; and
 - 3. Other funding methods and assumptions established by the board in accordance with KRS 61.670.
- (2) (a) Except as limited by subsection (1)(d)1.d. of this section as it relates to the Kentucky Employees Retirement System, normal cost contribution rates and the actuarially accrued liability contribution shall be determined by the board on the basis of the annual actuarial valuation last preceding the July 1 of a new biennium.
- (b) The board shall not have the authority to amend contribution rates as of July 1 of the second year of the biennium for the Kentucky Employees Retirement System and the State Police Retirement System.
- (3) The system shall advise each employer prior to July 1 of any change in the employer contribution rate. Based on the employer contribution rate, each employer shall include in the budget sufficient funds to pay the employer contributions as determined by the board under this section.
- (4) All employers, including the General Assembly, shall pay the full actuarially required contributions, as prescribed by this section, to the Kentucky Employees Retirement System and the State Police Retirement System in fiscal years occurring on or after July 1, 2020.

➔Section 7. KRS 61.590 is amended to read as follows:

- (1) (a) A member or beneficiary eligible to receive retirement benefits under any of the provisions of KRS 61.510 to 61.705, 78.510 to 78.852, and 16.510 to 16.652 shall have on file at the retirement office on the form prescribed by the board, a correctly completed notification of retirement, giving his or her name, address, Social Security number or Kentucky *Public Pensions Authority*~~Retirement Systems~~ member identification number, last day of employment, and other information the *Authority*~~system~~ may require. The form entitled "Notification of Retirement" shall not be filed more than six (6) months before the member's effective retirement date.
- (b) A member eligible to receive retirement benefits under any of the provisions of KRS 61.510 to 61.705, 78.510 to 78.852, and 16.510 to 16.652 shall certify in writing on the "Notification of Retirement" form or another form prescribed by the board that no prearranged agreement existed prior to the member's retirement between the member and any participating agency in the systems administered by the Kentucky Retirement Systems *or any participating agency in the County Employees Retirement System* for the member to return to employment with the participating agency. No retirement benefits shall be paid to the member until the member completes the certification required by this paragraph.
- (2) After receipt of the correctly completed form entitled "Notification of Retirement", the *Authority*~~system~~ shall cause to be prepared an estimate of the amounts the member or beneficiary may expect to receive under the various plans available to the member or beneficiary. This information shall be recorded on a form entitled "Estimated Retirement Allowance" and forwarded to the member or beneficiary.
- (3) The member or beneficiary shall file at the retirement office the form entitled "Estimated Retirement Allowance" after he or she has checked one (1) payment option of his or her choice, signed the document, and had his or her signature witnessed. A member shall not have the right to select a different payment option on or after the first day of the month in which the member receives his or her first retirement allowance or after the effective date of a deferred retirement option as provided by subsection (6) of this section, except as provided by KRS 61.542(5). A beneficiary shall not have the right to select a different payment option after the effective date of the beneficiary's retirement allowance as provided in subsection (7) of this section.
- (4) A member or beneficiary choosing a monthly payment option shall have on file at the retirement office his or her birth certificate or other acceptable evidence of date of birth. If a survivorship option is chosen, proof of dates of birth of the beneficiary and member shall be on file at the retirement office.
- (5) (a) The effective date of normal retirement shall be the first month following the month in which employment from all employers participating in any of the systems administered by Kentucky

Retirement Systems *and all employers participating in the County Employees Retirement System* was terminated.

- (b) The effective date of disability retirement shall be the first month following the month in which the member's last day of paid employment in a regular full-time position occurred, provided the member files the form entitled "Estimated Retirement Allowance" no later than six (6) months following the date the notification of approval for disability retirement benefits is *sent by United States first-class mail to the member's last address on file in the retirement office, by electronic mail to the member's last electronic mail address on file in the retirement office, or by other electronic means*~~mailed~~. If the member fails to file the form entitled "Estimated Retirement Allowance" within six (6) months of the date the notification of approval for disability retirement benefits is ~~sent~~~~mailed~~, then the member's form entitled "Notification of Retirement" shall be void. The member shall be required to submit a new form entitled "Notification of Retirement" to apply for disability retirement and reestablish eligibility for disability retirement benefits.
- (c) The effective date of early retirement shall be the first month following the month a correctly completed form entitled "Notification of Retirement" is filed at the retirement office or a future month designated by the member, if employment from all employers participating in any of the systems administered by Kentucky Retirement Systems *and all employers participating in the County Employees Retirement System* has been terminated and if the member files the form entitled "Estimated Retirement Allowance" no later than six (6) months following termination. If the member fails to file the form entitled "Estimated Retirement Allowance" within six (6) months following the effective retirement date of the member, then the member's form entitled "Notification of Retirement" shall be void and the member shall be required to submit a new form entitled "Notification of Retirement" to apply for early retirement.
- (6) The effective date of a deferred retirement option as provided under KRS 16.576(5) shall be the month following age sixty-five (65), or the month following written notification from the member that he *or she* wishes to begin receiving retirement payments. In the event of the death of a member who has deferred his *or her* retirement allowance, the effective date of retirement shall be the month following the member's death.
- (7) Notwithstanding the provisions of KRS 16.578 or 61.640, the effective date of a beneficiary's retirement allowance under normal, early, or disability retirement shall be as prescribed in subsection (5) or (6) of this section if the member dies before the first day of the month in which the member would have received his or her first retirement allowance and his or her beneficiary becomes eligible for payments under KRS 16.578 or 61.640.

➔Section 8. KRS 61.610 is amended to read as follows:

- (1) Once each year following the retirement of a person on a disability retirement allowance, except for persons who become totally and permanently disabled as a direct result of an act in line of duty as defined in KRS 16.505 or become disabled as a result of a duty-related injury as defined in KRS 61.621 in which case shall be once every three (3) years following retirement, or less frequently as determined by the board's medical examiner but not less than once every five (5) years, the system may require the person, prior to his or her normal retirement date, to undergo an employment and medical staff review and, if necessary, be required to file at the retirement office on the review form prescribed by the board current employment information and current medical information for the bodily injury, mental illness, or disease for which he or she receives a disability retirement allowance. The person shall have one hundred eighty (180) days from the day the system ~~sent~~~~mailed~~ the review form *by United States first-class mail* to the person's last address on file in the retirement office, *by electronic mail to the person's last electronic mail address on file in the retirement office, or by other electronic means*, to file at the retirement office the review form and the current employment and medical information. The person shall certify to the retirement office that the review form, including current employment and medical information, is ready to be evaluated by the medical examiner in accordance with KRS 61.615.
- (2) If, after good faith efforts, the person informs the system that he or she has been unable to obtain the employment or medical information, the system shall assist the person in obtaining the records and may use the authority granted pursuant to KRS 61.685(1) to obtain the records.
- (3) If the person fails or refuses to file at the retirement office the review form, including the current employment and medical information, his or her retirement allowance shall be discontinued or reduced on the first day of the month following the expiration of the one hundred eighty (180) days from the day the system ~~sent~~~~mailed~~ the review form *by United States first-class mail* to the person's last address on file in the retirement office, *by*

electronic mail to the person's last electronic mail address on file in the retirement office, or by other electronic means. The Authority~~[system]~~ shall send notice of the discontinuance or reduction of the disability retirement allowance by United States first-class mail to the person's last address on file in the retirement office, *by electronic mail to the person's last electronic mail address on file in the retirement office, or by other electronic means.* If the person's benefits are discontinued or reduced under this section, his or her rights to further disability retirement allowances shall cease, except as provided by KRS 61.615.

- (4) The *Kentucky Public Pensions Authority*~~[system]~~ shall hire or contract for the services of *one (1) or more investigators*~~[an investigator]~~ to investigate potential fraud involving disability benefits with the system. The *investigators*~~[investigator]~~ shall evaluate potential cases of disability fraud and conduct spot audits for potential fraud as determined by the system in cases involving members who become totally and permanently disabled as a direct result of an act in line of duty as defined in KRS 16.505 or become disabled as a result of a duty-related injury as defined in KRS 61.621.

➔Section 9. KRS 61.615 is amended to read as follows:

- (1) If the board's medical examiner determines that a recipient of a disability retirement allowance is, prior to his or her normal retirement date, employed in a position with the same or similar duties, or in a position with duties requiring greater residual functional capacity and physical exertion, as the position from which he or she was disabled, except where the recipient has returned to work on a trial basis not to exceed nine (9) months, the system may reduce or discontinue the retirement allowance. Each recipient of a disability retirement allowance who is engaged in gainful employment shall notify the system of any employment; otherwise, the system shall have the right to recover payments of a disability retirement allowance made during the employment.
- (2) If the board's medical examiner determines that a recipient of a disability retirement allowance is, prior to his or her normal retirement date, no longer incapacitated by the bodily injury, mental illness, or disease for which he or she receives a disability retirement allowance, the board may reduce or discontinue the retirement allowance.
- (3) The system shall have full power and exclusive authority to reduce or discontinue a disability retirement allowance and the system shall utilize the services of a medical examiner as provided in KRS 61.665, in determining whether to continue, reduce, or discontinue a disability retirement allowance under this section.
- (a) The system shall select a medical examiner to evaluate the forms and medical information submitted by the person. If there is objective medical evidence of a mental impairment, the medical examiner may request the board's licensed mental health professional to assist in determining the level of the mental impairment.
- (b) The medical examiners shall be paid a reasonable amount by the retirement system for each case evaluated.
- (c) The medical examiner shall recommend that disability retirement allowance be continued, reduced, or discontinued.
1. If the medical examiner recommends that the disability retirement allowance be continued, the system shall make retirement payments in accordance with the retirement plan selected by the person.
 2. If the medical examiner recommends that the disability retirement allowance be reduced or discontinued, the system shall send notice of the recommendation by United States first-class mail to the person's last address on file in the retirement office, *by electronic mail to the person's last electronic mail address on file in the retirement office, or by other electronic means.*
 - a. The person shall have sixty (60) days from the day that the system ~~sent[mailed]~~ the notice to file at the retirement office additional supporting employment or medical information and certify to the retirement office that the forms and additional supporting employment information or medical information are ready to be evaluated by the medical examiner or to appeal the recommendation of the medical examiner to reduce or discontinue the disability retirement allowance by filing at the retirement office a request for a formal hearing.
 - b. If the person fails or refuses to file at the retirement office the forms, the additional supporting employment information, and current medical information or to appeal the recommendation of the medical examiners to reduce or discontinue the disability

retirement allowance, his or her retirement allowance shall be discontinued on the first day of the month following the expiration of the period of the sixty (60) days from the day the system ~~sent~~~~mailed~~ the notice of the recommendation **by United States first-class mail** to the person's last address on file in the retirement office, **by electronic mail to the person's last electronic mail address on file in the retirement office, or by other electronic means.**

- (d) The medical examiner shall make a recommendation based upon the evaluation of additional supporting medical information submitted in accordance with paragraph (c)2.a. of this subsection.
1. If the medical examiner recommends that the disability retirement allowance be continued, the system shall make disability retirement payments in accordance with the retirement plan selected by the person.
 2. If the medical examiner recommends that the disability retirement allowance be reduced or discontinued based upon the evaluation of additional supporting medical information, the system shall send notice of this recommendation by United States first-class mail to the person's last address on file in the retirement office, **by electronic mail to the person's last electronic mail address on file in the retirement office, or by other electronic means.**
 - a. The person shall have sixty (60) days from the day that the system ~~sent~~~~mailed~~ the notice of the recommendation to appeal the recommendation to reduce or discontinue the disability retirement allowance by filing at the retirement office a request for formal hearing.
 - b. If the person fails or refuses to appeal the recommendation of the medical examiners to reduce or discontinue the disability retirement allowance, his or her retirement allowance shall be discontinued on the first day of the month following the expiration of the period of the sixty (60) days from the day the system ~~sent~~~~mailed~~ the notice of the recommendation **by United States first-class mail** to the person's last address on file in the retirement office, **by electronic mail to the person's last electronic mail address on file in the retirement office, or by other electronic means.**
- (e) Any person whose disability benefits have been reduced or discontinued, pursuant to paragraph (c)2. or (d)2. of this subsection, may file at the retirement office a request for formal hearing to be conducted in accordance with KRS Chapter 13B. The right to demand a formal hearing shall be limited to a period of sixty (60) days after the person had notice, as described in paragraph (c) or (d) of this subsection. The request for formal hearing shall be filed with the system, at the retirement office in Frankfort. The request for formal hearing shall include a short and plain statement of the reasons the reduction, discontinuance, or denial of disability retirement is being contested.
- (f) Failure of the person to request a formal hearing within the period of time specified shall preclude the person from proceeding any further with contesting the reduction or discontinuation of disability retirement allowance, except as provided in subsection (6)(d) of this section. This paragraph shall not limit the person's right to appeal to a court.
- (g) A final order of the board shall be based on substantial evidence appearing in the record as a whole and shall set forth the decision of the board and the facts and law upon which the decision is based. If the board orders that the person's disability retirement allowance be discontinued or reduced, the order shall take effect on the first day of the month following the day the system ~~sent~~~~mailed~~ the order **by United States first-class mail** to the person's last address on file in the retirement office, **by electronic mail to the person's last electronic mail address on file in the retirement office, or by other electronic means.** Judicial review of the final board order shall not operate as a stay and the system shall discontinue or reduce the person's disability retirement allowance as provided in this section.
- (h) Notwithstanding any other provisions of this section, the system may require the person to submit to one (1) or more medical or psychological examinations at any time. The system shall be responsible for any costs associated with any examinations of the person requested by the medical examiner or the system for the purpose of providing medical information deemed necessary by the medical examiner or the system. Notice of the time and place of the examination shall be ~~provided~~~~mailed~~ to the person or his or her legal representative. If the person fails or refuses to submit to one (1) or more medical examinations, his or her rights to further disability retirement allowance shall cease.
- (i) All requests for a hearing pursuant to this section shall be made in writing.

- (4) The board may establish an appeals committee whose members shall be appointed by the chair and who shall have the authority to act upon the recommendations and reports of the hearing officer pursuant to this section on behalf of the board.
- (5) Any person aggrieved by a final order of the board may seek judicial review after all administrative appeals have been exhausted by filing a petition for judicial review in the Franklin Circuit Court in accordance with KRS Chapter 13B.
- (6) If a disability retirement allowance is reduced or discontinued for a person who began participating in the system prior to January 1, 2014, the person may apply for early retirement benefits as provided under KRS 61.559, subject to the following provisions:
- (a) The person may not change his or her beneficiary or payment option, except as provided by KRS 61.542(5);
 - (b) If the person has returned to employment with an employer participating in one (1) of the systems administered by Kentucky Retirement Systems, the service and creditable compensation shall be used in recomputing his or her benefit, except that the person's final compensation shall not be less than the final compensation last used in determining his or her retirement allowance;
 - (c) The benefit shall be reduced as provided by KRS 61.595(2);
 - (d) The person shall remain eligible for reinstatement of his or her disability allowance upon reevaluation by the medical review board until his or her normal retirement age. The person shall apply for reinstatement of disability benefits in accordance with the provisions of this section. An application for reinstatement of disability benefits shall be administered as an application under KRS 61.600, and only the bodily injuries, mental illnesses, diseases, or conditions for which the person was originally approved for disability benefits shall be considered. Bodily injuries, mental illnesses, diseases, or conditions that came into existence after the person's last day of paid employment shall not be considered as a basis for reinstatement of disability benefits. Bodily injuries, mental illnesses, diseases, or conditions alleged by the person as being incapacitating, but which were not the basis for the award of disability retirement benefits, shall not be considered. If the person establishes that the disability benefits should be reinstated, the retirement system shall pay disability benefits effective from the first day of the month following the month in which the person applied for reinstatement of the disability benefits; and
 - (e) Upon attaining normal retirement age, the person shall receive the higher of either his or her disability retirement allowance or his or her early retirement allowance.
- (7) ***If a disability retirement allowance is reduced or discontinued for a person who began participating in the system on or after January 1, 2014, the person shall remain eligible for reinstatement of his or her disability allowance as provided under subsection (6)(d) of this section.***
- (8) No disability retirement allowance shall be reduced or discontinued by the system after the person's normal retirement date except in case of reemployment as provided for by KRS 61.637. If a disability retirement allowance has been reduced or discontinued, except if the person is reemployed as provided for by KRS 61.637, the retirement allowance shall be reinstated upon attainment of the person's normal retirement date to the retirement allowance prior to adjustment. No reinstated payment shall be less than the person is receiving upon attainment of the person's normal retirement date.
- ➔Section 10. KRS 61.635 is amended to read as follows:
- (1) Each member shall have the right to elect to have his ***or her*** retirement allowance payable under any one (1) of the options set forth in this section in lieu of the retirement allowance otherwise payable to ***the member***~~him~~ upon retirement under any of the provisions of KRS 16.505 to 16.652, 61.510 to 61.705, and 78.510 to 78.852. The amount of any optional retirement allowance shall be actuarially equivalent to the amount of retirement allowance otherwise payable to ***the member***~~him~~.
 - (2) Survivorship one hundred percent (100%). The member may elect to receive a decreased retirement allowance during his ***or her*** lifetime and have the retirement allowance continued after ***the member's***~~his~~ death to his ***or her*** beneficiary during the lifetime of the person.
 - (3) Survivorship sixty-six and two-thirds percent (66-2/3%). The member may elect to receive a decreased retirement allowance during his ***or her*** lifetime and have two-thirds (2/3) of the retirement allowance continue after ***the member's***~~his~~ death to his ***or her*** beneficiary during the lifetime of the person.

- (4) Survivorship fifty percent (50%). The member may elect to receive a decreased retirement allowance during his *or her* lifetime and have one-half (1/2) of the retirement allowance continued after *the member's*~~[his]~~ death to his *or her* beneficiary during the lifetime of the person.
- (5) Life with ten (10) years certain. The member less than age seventy-six (76) may elect to receive a monthly retirement allowance during his *or her* lifetime which shall guarantee payments for one hundred twenty (120) months. If the member dies before receiving payments for one hundred twenty (120) months, *the member's*~~[his]~~ beneficiary shall receive the remaining payments monthly, for the duration of the one hundred twenty (120) months' period. However, if the trust is designated as beneficiary, the trustee of the trust may elect to receive a lump-sum payment which shall be the actuarial equivalent to the remaining payments, or the trustee may elect to continue the remaining monthly payments to the trust of the member. If the estate is designated as beneficiary, the estate shall receive a lump-sum payment which shall be the actuarial equivalent to the remaining payments.
- (6) Life with fifteen (15) years certain. The member less than age sixty-eight (68) may elect to receive a monthly retirement allowance during his *or her* lifetime which shall guarantee payments for one hundred ~~and~~ eighty (180) months. If the member dies before receiving payments for one hundred ~~and~~ eighty (180) months, *the member's*~~[his]~~ beneficiary shall receive the remaining payments monthly for the duration of the one hundred ~~and~~ eighty (180) months' period. However, if the trust is designated as beneficiary, the trustee of the trust may elect to receive a lump-sum payment which shall be the actuarial equivalent to the remaining payments, or the trustee may elect to continue the remaining payments to the trust of the member. If the estate is designated as beneficiary, the estate shall receive a lump-sum payment which shall be the actuarial equivalent to the remaining payments.
- (7) Life with twenty (20) years certain. The member less than age sixty-two (62) may elect to receive a monthly retirement allowance during his *or her* lifetime which shall guarantee payments for two hundred ~~and~~ forty (240) months. If the member dies before receiving payments for two hundred ~~and~~ forty (240) months, *the member's*~~[his]~~ beneficiary shall receive the remaining payments for the duration of the two hundred ~~and~~ forty (240) months period. However, if the trust is beneficiary, the trustee of the trust may elect to receive a lump-sum payment which shall be the actuarial equivalent to the remaining payments, or the trustee may elect to continue the remaining payments to the trust of the member. If the estate is designated as beneficiary, the estate shall receive a lump-sum payment which shall be the actuarial equivalent to the remaining payments.
- (8) Social Security adjustment options. These options shall be available to any member who has not attained age sixty-two (62) as follows:
 - (a) No survivor rights. The member may elect to receive an increased retirement allowance from his *or her* effective retirement date through the month he *or she* attains age sixty-two (62) at which time his retirement allowance shall be decreased for the remainder of his *or her* lifetime;
 - (b) Survivor rights. The member may elect to receive an increased retirement allowance from his *or her* effective retirement date through the month he attains age sixty-two (62) based on the option payable under subsection (2) of this section, if the retirement allowance shall be decreased in the month following the month he *or she* attains age sixty-two (62), or the month following the month he *or she* would have attained age sixty-two (62), in event of *the member's*~~[his]~~ death, and have the retirement allowance continue after *the member's*~~[his]~~ death to his *or her* beneficiary during the lifetime of the person.
- (9) Beneficiary Social Security adjustment option. This option is available to the beneficiary of a deceased member if the beneficiary, who is a person, has not attained age sixty (60), and is eligible to receive Social Security payments at age sixty (60). The beneficiary may elect to receive during his *or her* lifetime an increased retirement allowance based on his *or her* annual benefit payable for life. The payment shall begin on his *or her* effective retirement date and continue through the month he *or she* attains age sixty (60) at which time his *or her* retirement allowance shall be decreased for the remainder of his *or her* lifetime.
- (10) Pop-up option. The member may elect to receive a decreased retirement allowance during his *or her* lifetime and have the retirement allowance continued after *the member's*~~[his]~~ death to his *or her* beneficiary during the lifetime of the person. If the beneficiary dies prior to the member, or if the beneficiary is the member's spouse and they divorce, the member's retirement allowance shall increase to the amount that would have been payable as a single life annuity.

- (11) Actuarial equivalent refund. A member who began participating in the system prior to January 1, 2014, may elect to receive a one (1) time lump-sum payment which shall be the actuarial equivalent of the amount payable for a period of sixty (60) months under KRS 61.595 (1).
- (12) Partial lump-sum option.
 - (a) No survivor rights. A member retiring on or before January 1, 2009, may elect to receive a one-time lump-sum payment equal to twelve (12), twenty-four (24), or thirty-six (36) monthly retirement allowances payable under the applicable retirement formula for the system and receive a reduced monthly retirement allowance payable for his or her lifetime. The lump-sum payment shall be paid in the month the first monthly retirement allowance is payable.
 - (b) Survivor rights. A member retiring on or before January 1, 2009, may elect to receive a one-time lump-sum payment equal to twelve (12), twenty-four (24), or thirty-six (36) monthly retirement allowances payable under subsection (2) of this section and receive a reduced monthly retirement allowance payable for his or her lifetime. The lump-sum payment shall be paid in the month the first monthly retirement allowance is payable. The reduced retirement allowance shall be continued after the member's death to his *or her* beneficiary during the lifetime of the person.
- (13) The other provisions of this section notwithstanding, the beneficiary of a retired member of the General Assembly shall, after the member's death, receive sixty-six and two-thirds percent (66-2/3%) of the member's retirement allowance during his or her lifetime if the member of the General Assembly began participating in the system prior to January 1, 2014, and has elected this option and has made contributions in accordance with subsection (14) of this section and of KRS 61.560. The retirement allowance of the retired member of the General Assembly shall not be actuarially reduced to provide for this survivor benefit.
- (14) A member of the General Assembly who began participating in the system prior to January 1, 2014, who wishes to obtain the survivorship option specified in subsection (13) of this section shall so notify the Kentucky **Public Pensions Authority**~~[retirement systems]~~:
 - (a) Within thirty (30) days after first becoming a member of the General Assembly if he *or she* is not a member of the General Assembly on July 15, 1980; or
 - (b) Within thirty (30) days after July 15, 1980, if he *or she* is a member of the General Assembly on July 15, 1980.
- (15) The system shall forward to members of the General Assembly a form on which a member who began participating in the system prior to January 1, 2014, may elect the option provided for in subsections (13) and (14) of this section.
- (16) The options described in subsections (2), (3), (4), (8)(b), (10), (12)(b), and (13) of this section shall be extended to the member only if the designated beneficiary is a person.

➔Section 11. KRS 61.637 is amended to read as follows:

- (1) A retired member who is receiving monthly retirement payments under any of the provisions of KRS 61.510 to 61.705 and 78.510 to 78.852 and who is reemployed as an employee by a participating agency prior to August 1, 1998, shall have his or her retirement payments suspended for the duration of reemployment. Monthly payments shall not be suspended for a retired member who is reemployed if he or she anticipates that he or she will receive less than the maximum permissible earnings as provided by the Federal Social Security Act in compensation as a result of reemployment during the calendar year. The payments shall be suspended at the beginning of the month in which the reemployment occurs.
- (2) Employer and employee contributions shall be made as provided in KRS 61.510 to 61.705 and 78.510 to 78.852 on the compensation paid during reemployment, except where monthly payments were not suspended as provided in subsection (1) of this section or would not increase the retired member's last monthly retirement allowance by at least one dollar (\$1), and the member shall be credited with additional service credit.
- (3) In the month following the termination of reemployment, retirement allowance payments shall be reinstated under the plan under which the member was receiving payments prior to reemployment.
- (4) (a) Notwithstanding the provisions of this section, the payments suspended in accordance with subsection (1) of this section shall be paid retroactively to the retired member, or his or her estate, if he or she does not receive more than the maximum permissible earnings as provided by the Federal Social Security Act in compensation from participating agencies during any calendar year of reemployment.

- (b) If the retired member is paid suspended payments retroactively in accordance with this section, employee contributions deducted during his or her period of reemployment, if any, shall be refunded to the retired employee, and no service credit shall be earned for the period of reemployment.
- (c) If the retired member is not eligible to be paid suspended payments for his or her period of reemployment as an employee, his or her retirement allowance shall be recomputed under the plan under which the member was receiving payments prior to reemployment as follows:
 - 1. The retired member's final compensation shall be recomputed using creditable compensation for his or her period of reemployment; however, the final compensation resulting from the recalculation shall not be less than that of the member when his or her retirement allowance was last determined;
 - 2. If the retired member initially retired on or subsequent to his or her normal retirement date, his or her retirement allowance shall be recomputed by using the formula in KRS 61.595(1);
 - 3. If the retired member initially retired prior to his or her normal retirement date, his or her retirement allowance shall be recomputed using the formula in KRS 61.595(2), except that the member's age used in computing benefits shall be his or her age at the time of his or her initial retirement increased by the number of months of service credit earned for service performed during reemployment;
 - 4. The retirement allowance payments resulting from the recomputation under this subsection shall be payable in the month following the termination of reemployment in lieu of payments under subparagraph 3. of this paragraph. The member shall not receive less in benefits as a result of the recomputation than he or she was receiving prior to reemployment or would receive as determined under KRS 61.691; and
 - 5. Any retired member who was reemployed prior to March 26, 1974, shall begin making contributions to the system in accordance with the provisions of this section on the first day of the month following March 26, 1974.
- (5) A retired member, or his or her estate, shall pay to the retirement fund the total amount of payments which are not suspended in accordance with subsection (1) of this section if the member received more than the maximum permissible earnings as provided by the Federal Social Security Act in compensation from participating agencies during any calendar year of reemployment, except the retired member or his or her estate may repay the lesser of the total amount of payments which were not suspended or fifty cents (\$0.50) of each dollar earned over the maximum permissible earnings during reemployment if under age sixty-five (65), or one dollar (\$1) for every three dollars (\$3) earned if over age sixty-five (65).
- (6) (a) "Reemployment" or "reinstatement" as used in this section shall not include a retired member who has been ordered reinstated by the Personnel Board under authority of KRS 18A.095.
- (b) A retired member who has been ordered reinstated by the Personnel Board under authority of KRS 18A.095 or by court order or by order of the Human Rights Commission and accepts employment by an agency participating in the Kentucky Employees Retirement System or County Employees Retirement System shall void his or her retirement by reimbursing the system in the full amount of his or her retirement allowance payments received.
- (7) (a) Effective August 1, 1998, the provisions of subsections (1) to (4) of this section shall no longer apply to a retired member who is reemployed in a position covered by the same retirement system from which the member retired. Reemployed retired members shall be treated as new members upon reemployment. Any retired member whose reemployment date preceded August 1, 1998, who does not elect, within sixty (60) days of notification by the retirement systems, to remain under the provisions of subsections (1) to (4) of this section shall be deemed to have elected to participate under this subsection.
- (b) A retired member whose disability retirement was discontinued pursuant to KRS 61.615 and who is reemployed in one (1) of the systems administered by the Kentucky Retirement Systems or County Employees Retirement System prior to his or her normal retirement date shall have his or her accounts combined upon termination for determining eligibility for benefits. If the member is eligible for retirement, the member's service and creditable compensation earned as a result of his or her reemployment shall be used in the calculation of benefits, except that the member's final compensation shall not be less than the final compensation last used in determining his or her retirement allowance.

The member shall not change beneficiary or payment option designations. This provision shall apply to members reemployed on or after August 1, 1998.

- (8) If a retired member accepts employment or begins serving as a volunteer with an employer participating in the systems administered by Kentucky Retirement Systems or County Employees Retirement System within twelve (12) months of his or her retirement date, the retired member shall notify the Authority and the participating employer shall submit the information required or requested by the Authority to confirm the individual's employment or volunteer status. The retired member shall not be required to notify the Authority regarding any employment or volunteer service with a participating agency that is accepted after twelve (12) months following his or her retirement date.
- (9) If the retired member is under a contract to provide services as an independent contractor or leased employee to an employer participating in the systems administered by Kentucky Retirement Systems or County Employees Retirement System within twelve (12) months of his or her retirement date, the member shall submit a copy of that contract to the Authority, and the Authority shall determine if the member is an independent contractor or leased employee for purposes of retirement benefits. The retired member and the participating employer shall submit the information required or requested by the Authority to confirm the individual's status as an independent contractor or leased employee. The retired member shall not be required to notify the Authority regarding any services entered into as an independent contractor or leased employee with a participating agency that the employee enters into after twelve (12) months following his or her retirement date.
- (10) If a member is receiving a retirement allowance, or has filed the forms required for a retirement allowance, and is employed within one (1) month of the member's initial retirement date in a position that is required to participate in the same retirement system from which the member retired, the member's retirement shall be voided and the member shall repay to the retirement system all benefits received. The member shall contribute to the member account established for him or her prior to his or her voided retirement. The retirement allowance for which the member shall be eligible upon retirement shall be determined by total service and creditable compensation.
- (11)
 - (a) If a member of the Kentucky Employees Retirement System retires from a department which participates in more than one (1) retirement system and is reemployed within one (1) month of his or her initial retirement date by the same department in a position participating in another retirement system, the retired member's retirement allowance shall be suspended for the first month of his or her retirement, and the member shall repay to the retirement system all benefits received for the month.
 - (b) A retired member of the County Employees Retirement System who after initial retirement is hired by the county from which the member retired shall be considered to have been hired by the same employer.
- (12)
 - (a) If a hazardous member who retired prior to age fifty-five (55), or a nonhazardous member who retired prior to age sixty-five (65), is reemployed within six (6) months of the member's termination by the same employer, the member shall obtain from his or her previous and current employers a copy of the job description established by the employers for the position and a statement of the duties performed by the member for the position from which he or she retired and for the position in which he or she has been reemployed.
 - (b) The job descriptions and statements of duties shall be filed with the retirement office.
- (13) If the retirement system determines that the retired member has been employed in a position with the same principal duties as the position from which the member retired:
 - (a) The member's retirement allowance shall be suspended during the period that begins on the month in which the member is reemployed and ends six (6) months after the member's termination;
 - (b) The retired member shall repay to the retirement system all benefits paid from systems administered by Kentucky Retirement Systems or County Employees Retirement System under reciprocity, including medical insurance benefits, that the member received after reemployment began;
 - (c) Upon termination, or subsequent to expiration of the six (6) month period from the date of termination, the retired member's retirement allowance based on his or her initial retirement account shall no longer be suspended, and the member shall receive the amount to which he or she is entitled, including an increase as provided by KRS 61.691;

- (d) Except as provided in subsection (7) of this section, if the position in which a retired member is employed after initial retirement is a regular full-time position, the retired member shall contribute to a second member account established for him or her in the retirement system. Service credit gained after the member's date of reemployment shall be credited to the second member account; and
 - (e) Upon termination, the retired member shall be entitled to benefits payable from his or her second retirement account.
- (14) (a) If the retirement system determines that the retired member has not been reemployed in a position with the same principal duties as the position from which he or she retired, the retired member shall continue to receive his or her retirement allowance.
- (b) If the position is a regular full-time position, the member shall contribute to a second member account in the retirement system.
- (15) (a) If a retired member is reemployed at least one (1) month after initial retirement in a different position, or at least six (6) months after initial retirement in the same position, and prior to normal retirement age, the retired member shall contribute to a second member account in the retirement system and continue to receive a retirement allowance from the first member account.
- (b) Service credit gained after reemployment shall be credited to the second member account. Upon termination, the retired member shall be entitled to benefits payable from the second member account.
- (16) A retired member who is reemployed and contributing to a second member account shall not be eligible to purchase service credit under any of the provisions of KRS 16.505 to 16.652, 61.510 to 61.705, or 78.510 to 78.852 which he or she was eligible to purchase prior to his or her initial retirement.
- (17) Notwithstanding any provision of subsections (1) to (7)(a) and (10) to (15) of this section, the following shall apply to retired members who are reemployed by an agency participating in one (1) of the systems administered by Kentucky Retirement Systems or County Employees Retirement System on or after September 1, 2008:
- (a) Except as provided by paragraphs (c) and (d) of this subsection, if a member is receiving a retirement allowance from one (1) of the systems administered by Kentucky Retirement Systems or County Employees Retirement System, or has filed the forms required to receive a retirement allowance from one (1) of the systems administered by Kentucky Retirement Systems or County Employees Retirement System, and is employed in a regular full-time position required to participate in one (1) of the systems administered by Kentucky Retirement Systems or County Employees Retirement System or is employed in a position that is not considered regular full-time with an agency participating in one (1) of the systems administered by Kentucky Retirement Systems or County Employees Retirement System within three (3) months following the member's initial retirement date, the member's retirement shall be voided, and the member shall repay to the retirement system all benefits received, including any health insurance benefits. If the member is returning to work in a regular full-time position required to participate in one (1) of the systems administered by Kentucky Retirement Systems:
 - 1. The member shall contribute to a member account established for him or her in one (1) of the systems administered by Kentucky Retirement Systems or County Employees Retirement System, and employer contributions shall be paid on behalf of the member by the participating employer; and
 - 2. Upon subsequent retirement, the member shall be eligible for a retirement allowance based upon total service and creditable compensation, including any additional service or creditable compensation earned after his or her initial retirement was voided;
 - (b) Except as provided by paragraphs (c) and (d) of this subsection, if a member is receiving a retirement allowance from one (1) of the systems administered by Kentucky Retirement Systems or County Employees Retirement System and is employed in a regular full-time position required to participate in one (1) of the systems administered by Kentucky Retirement Systems or County Employees Retirement System after a three (3) month period following the member's initial retirement date, the member may continue to receive his or her retirement allowance during the period of reemployment subject to the following provisions:
 - 1. If a member is reemployed by a participating agency within twelve (12) months of the member's retirement date, the participating agency shall certify in writing on a form prescribed by the Authority that no prearranged agreement existed between the employee and agency prior to the

employee's retirement for the employee to return to work with the participating agency. If an elected official is reelected to a new term of office in the same position *as the elected official held prior to retirement and takes office* ~~and has retired from the elected office~~ within twelve (12) months *of his or her retirement date* ~~prior to taking the new term of office~~, he or she shall be deemed by the *Authority* ~~system~~ as having a prearranged agreement under the provisions of this subparagraph and shall have his or her retirement voided. If the participating agency fails to complete the certification, the member's retirement shall be voided and the provisions of paragraph (a) of this subsection shall apply to the member and the employer. Employment that is accepted by the retired member after twelve (12) months following the member's retirement date shall not constitute a prearranged agreement under this paragraph;

2. Notwithstanding any other provision of KRS Chapter 16, 61, or 78 to the contrary, the member shall not contribute to the systems and shall not earn any additional benefits for any work performed during the period of reemployment;
 3. Except as provided by KRS 70.291 to 70.293, 95.022, and 164.952 and except for any retiree employed as a school resource officer as defined by KRS 158.441, the employer shall pay employer contributions as specified by KRS 61.565, 61.702, and 78.635, as applicable, on all creditable compensation earned by the employee during the period of reemployment. The additional contributions paid shall be used to reduce the unfunded actuarial liability of the systems; and
 4. Except as provided by KRS 70.291 to 70.293, 95.022, and 164.952 and except for any retiree employed as a school resource officer as defined by KRS 158.441, the employer shall be required to reimburse the systems for the cost of the health insurance premium paid by the systems to provide coverage for the retiree, not to exceed the cost of the single premium. Effective July 1, 2015, local school boards shall not be required to pay the reimbursement required by this subparagraph for retirees employed by the board for eighty (80) days or less during the fiscal year;
- (c) If a member is receiving a retirement allowance from the State Police Retirement System or from hazardous duty retirement coverage with the Kentucky Employees Retirement System or the County Employees Retirement System, or has filed the forms required to receive a retirement allowance from the State Police Retirement System or from hazardous duty retirement coverage with the Kentucky Employees Retirement System or the County Employees Retirement System, and is employed in a regular full-time position required to participate in the State Police Retirement System or in a hazardous duty position with the Kentucky Employees Retirement System or the County Employees Retirement System within one (1) month following the member's initial retirement date, the member's retirement shall be voided, and the member shall repay to the retirement system all benefits received, including any health insurance benefits. If the member is returning to work in a regular full-time position required to participate in one (1) of the systems administered by Kentucky Retirement Systems or County Employees Retirement System:
1. The member shall contribute to a member account established for him or her in one (1) of the systems administered by Kentucky Retirement Systems or County Employees Retirement System, and employer contributions shall be paid on behalf of the member by the participating employer; and
 2. Upon subsequent retirement, the member shall be eligible for a retirement allowance based upon total service and creditable compensation, including any additional service or creditable compensation earned after his or her initial retirement was voided;
- (d) If a member is receiving a retirement allowance from the State Police Retirement System or from hazardous duty retirement coverage with the Kentucky Employees Retirement System or the County Employees Retirement System and is employed in a regular full-time position required to participate in the State Police Retirement System or in a hazardous duty position with the Kentucky Employees Retirement System or the County Employees Retirement System after a one (1) month period following the member's initial retirement date, the member may continue to receive his or her retirement allowance during the period of reemployment subject to the following provisions:
1. If a member is reemployed by a participating agency within twelve (12) months of the member's retirement date, the participating agency shall certify in writing on a form prescribed by the Authority that no prearranged agreement existed between the employee and agency prior to the

employee's retirement for the employee to return to work with the participating agency. If an elected official is reelected to a new term of office in the same position *as the elected official held prior to retirement and takes office* ~~[and has retired from the elected office]~~ within twelve (12) months *of his or her retirement date* ~~[prior to taking the new term of office]~~, he or she shall be deemed by the Authority as having a prearranged agreement under the provisions of this subparagraph and shall have his or her retirement voided. If the participating agency fails to complete the certification, the member's retirement shall be voided and the provisions of paragraph (c) of this subsection shall apply to the member and the employer. Employment that is accepted by the retired member after twelve (12) months following the member's retirement date shall not constitute a prearranged agreement under this paragraph;

2. Notwithstanding any other provision of KRS Chapter 16, 61, or 78 to the contrary, the member shall not contribute to the systems and shall not earn any additional benefits for any work performed during the period of reemployment;
 3. Except as provided by KRS 70.291 to 70.293, 95.022, and 164.952 and except for any retiree employed as a school resource officer as defined by KRS 158.441, the employer shall pay employer contributions as specified by KRS 61.565, 61.702, and 78.635, as applicable, on all creditable compensation earned by the employee during the period of reemployment. The additional contributions paid shall be used to reduce the unfunded actuarial liability of the systems;
 4. Except as provided by KRS 70.291 to 70.293, 95.022, and 164.952 and except for any retiree employed as a school resource officer as defined by KRS 158.441, the employer shall be required to reimburse the systems for the cost of the health insurance premium paid by the systems to provide coverage for the retiree, not to exceed the cost of the single premium;
- (e) Notwithstanding paragraphs (a) to (d) of this subsection, a retired member who qualifies as a volunteer for an employer participating in one (1) of the systems administered by Kentucky Retirement Systems or County Employees Retirement System and who is receiving reimbursement of actual expenses, a nominal fee for his or her volunteer services, or both, shall not be considered an employee of the participating employer and shall not be subject to paragraphs (a) to (d) of this subsection if:
1. Prior to the retired member's most recent retirement date, he or she did not receive creditable compensation from the participating employer in which the retired member is performing volunteer services;
 2. Any reimbursement or nominal fee received prior to the retired member's most recent retirement date has not been credited as creditable compensation to the member's account or utilized in the calculation of the retired member's benefits;
 3. The retired member has not purchased or received service credit under any of the provisions of KRS 61.510 to 61.705 or 78.510 to 78.852 for service with the participating employer for which the retired member is performing volunteer services; and
 4. Other than the status of volunteer, the retired member does not become an employee, leased employee, or independent contractor of the employer for which he or she is performing volunteer services for a period of at least twelve (12) months following the retired member's most recent retirement date.

If a retired member, who provided volunteer services with a participating employer under this paragraph violates any provision of this paragraph, then he or she shall be deemed an employee of the participating employer as of the date he or she began providing volunteer services and both the retired member and the participating employer shall be subject to paragraphs (a) to (d) of this subsection for the period of volunteer service;

- (f) Notwithstanding any provision of this section, any mayor or member of a city legislative body shall not be required to resign from his or her position as mayor or as a member of the city legislative body in order to begin drawing benefits from the systems administered by Kentucky Retirement Systems or subject to any provision of this section as it relates solely to his or her service as a mayor or member of the city legislative body if the mayor or member of a city legislative body:

1. Has not participated in the County Employees Retirement System prior to retirement, but is otherwise eligible to retire from the Kentucky Employees Retirement System or the State Police Retirement System; or
 2. Has been or is participating in the County Employees Retirement System and is at least sixty-two (62) years of age. If a mayor or member of a city legislative body who is at least sixty-two (62) years of age retires from the systems administered by Kentucky Retirement Systems but remains in office after his or her effective retirement date, the mayor or member of the city legislative body shall not accrue any further service credit or benefits in the systems administered by Kentucky Retirement Systems for any employment occurring on or after the effective retirement date;
- (g) If a member is receiving a retirement allowance from any of the retirement systems administered by the Kentucky Retirement Systems or County Employees Retirement System and enters into a contract or becomes a leased employee of an employer under contract with an employer participating in one (1) of the systems administered by the Kentucky Retirement Systems or County Employees Retirement System:
1. At any time following retirement, if the Authority determines the employment arrangement does qualify as an independent contractor or leased employee, the member may continue to receive his or her retirement allowance during the period of the contract;
 2. Within three (3) months following the member's initial retirement date, if the Authority determines the employment arrangement does not qualify as an independent contractor or leased employee, the member's retirement shall be voided in accordance with paragraph (a) of this subsection;
 3. After three (3) months but within twelve (12) months following the member's initial retirement, if the Authority determines the employment arrangement does not qualify as an independent contractor or leased employee and that a prearranged agreement existed between the member and the agency for the member to return to work with the agency, the member's retirement shall be voided in accordance with paragraph (a) of this subsection; and
 4. After a twelve (12) month period following the member's initial retirement, the member may continue to receive his or her retirement allowance during the period of the contract and the member shall not be required to notify the system or submit any documentation for purposes of this section to the system.

The initiation of a contract or the initial date of the leased employment of a retired member by a participating agency that occurs after twelve (12) months or more following the retired member's retirement date shall not constitute a prearranged agreement under this subsection; and

- (h) The Authority shall issue a final determination regarding a certification of the absence of a prearranged agreement or the retired member's qualification as an independent contractor or leased employee as required under this section no later than thirty (30) days after the retired member and participating employer provide all required forms and additional information required by the Authority.
- (18) The Authority shall promulgate administrative regulations to implement the requirements of this section, including incorporating by reference board-prescribed forms that a retired member and participating agency shall provide the systems under subsections (8), (9), and (17) of this section.

➔Section 12. KRS 61.645 is amended to read as follows:

- (1) The Kentucky Employees Retirement System and State Police Retirement System shall be administered by the board of trustees of the Kentucky Retirement Systems composed of nine (9) members, who shall be selected as follows:
- (a) One (1) trustee, who shall be a member or retired from the State Police Retirement System, elected by the members and retired members of the State Police Retirement System;
 - (b) Two (2) trustees, who shall be members or retired from the Kentucky Employees Retirement System, elected by the members and retired members of the Kentucky Employees Retirement System;
 - (c) Six (6) trustees, appointed by the Governor of the Commonwealth, subject to Senate confirmation in accordance with KRS 11.160 for each appointment or reappointment. Of the six (6) trustees appointed

by the Governor, three (3) trustees shall have investment experience and three (3) trustees shall have retirement experience;

- (d) For purposes of paragraph (c) of this subsection, a trustee with "investment experience" means an individual who does not have a conflict of interest, as provided by KRS 61.655, and who has at least ten (10) years of experience in one (1) of the following areas of expertise:
 - 1. A portfolio manager acting in a fiduciary capacity;
 - 2. A professional securities analyst or investment consultant;
 - 3. A current or retired employee or principal of a trust institution, investment or finance organization, or endowment fund acting in an investment-related capacity;
 - 4. A chartered financial analyst in good standing as determined by the CFA Institute; or
 - 5. A university professor, teaching investment-related studies; and
 - (e) For purposes of paragraph (c) of this subsection, a trustee with "retirement experience" means an individual who does not have a conflict of interest, as provided by KRS 61.655, and who has at least ten (10) years of experience in one (1) of the following areas of expertise:
 - 1. Experience in retirement or pension plan management;
 - 2. A certified public accountant with relevant experience in retirement or pension plan accounting;
 - 3. An actuary with relevant experience in retirement or pension plan consulting;
 - 4. An attorney licensed to practice law in the Commonwealth of Kentucky with relevant experience in retirement or pension plans; or
 - 5. A current or former university professor whose primary area of emphasis is economics or finance.
- (2) The board is hereby granted the powers and privileges of a corporation, including but not limited to the following powers:
- (a) To sue and be sued in its corporate name;
 - (b) To make bylaws not inconsistent with the law;
 - (c) To conduct the business and promote the purposes for which it was formed;
 - (d) Except as provided in KRS 61.650(6), to contract for investment counseling, auditing, medical, and other professional or technical services as required to carry out the obligations of the board subject to KRS Chapters 45, 45A, 56, and 57. Actuarial consulting services shall be provided by a firm hired by the Kentucky Public Pensions Authority;
 - (e) To purchase fiduciary liability insurance;
 - (f) Except as provided in KRS 61.650(6), to acquire, hold, sell, dispose of, pledge, lease, or mortgage, the goods or property necessary to exercise the board's powers and perform the board's duties subject to KRS Chapters 45, 45A, and 56; and
 - (g) The board shall reimburse any trustee, officer, or employee for any legal expense resulting from a civil action arising out of the performance of his or her official duties. The hourly rate of reimbursement for any contract for legal services under this paragraph shall not exceed the maximum hourly rate provided in the Legal Services Duties and Maximum Rate Schedule promulgated by the Government Contract Review Committee established pursuant to KRS 45A.705, unless a higher rate is specifically approved by the secretary of the Finance and Administration Cabinet or his or her designee.
- (3) (a) Notwithstanding the provisions of subsection (1) of this section, each trustee shall serve a term of four (4) years or until his or her successor is duly qualified except as otherwise provided in this section. An elected trustee or a trustee appointed by the Governor under subsection (1)(c) of this section, shall not serve more than three (3) consecutive four (4) year terms. An elected trustee or a trustee appointed by the Governor under subsection (1)(c) of this section, who has served three (3) consecutive terms may be elected or appointed again after an absence of four (4) years from the board.

- (b) The term limits established by paragraph (a) of this subsection shall apply to trustees serving on or after July 1, 2012, and all terms of office served prior to July 1, 2012, shall be used to determine if the trustee has exceeded the term limits provided by paragraph (a) of this subsection.
- (4) (a) The trustees selected by the membership of each of the various retirement systems shall be elected by ballot. For each trustee to be elected, the board may nominate, not less than six (6) months before a term of office of a trustee is due to expire, three (3) constitutionally eligible individuals.
- (b) Individuals may be nominated by the retirement system members which are to elect the trustee by presenting to the executive director, not less than four (4) months before a term of office of a trustee is due to expire, a petition, bearing the name, last four (4) digits of the Social Security number, and signature of no less than one-tenth (1/10) of the number voting in the last election by the retirement system members.
- (c) Within four (4) months of the nominations made in accordance with paragraphs (a) and (b) of this subsection, the executive director shall cause to be prepared an official ballot. The ballot shall include the name, address, and position title of each individual nominated by the board and by petition. Provisions shall also be made for write-in votes.
- (d) Except as provided by paragraph (j) of this subsection, the ballots shall be distributed to the eligible voters by mail to their last known residence address *on file with the Kentucky Public Pensions Authority. Ballots shall not be distributed by mail to member addresses reported as invalid to the Kentucky Public Pensions Authority.*
- (e) The ballots shall be addressed to the Kentucky Retirement Systems in care of a predetermined box number at a United States Post Office or submitted electronically as provided by paragraph (j) of this subsection. Access to this post office box shall be limited to the board's contracted firm. The individual receiving a plurality of votes shall be declared elected.
- (f) The eligible voter shall cast his or her ballot by selecting the candidate of his or her choice. He or she shall sign and mail the ballot or submit the electronic ballot at least thirty (30) days prior to the date the term to be filled is due to expire. The latest mailing date, or date of submission in the case of electronic ballots, shall be provided on the ballot.
- (g) The board's contracted firm shall report in writing the outcome to the chair of the board of trustees. Cost of an election shall be payable from the funds of the system for which the trustee is elected.
- (h) For purposes of this subsection, an eligible voter shall be a person who was a member of the retirement system on December 31 of the year preceding the election year.
- (i) Each individual who submits a request to be nominated by the board under paragraph (a) of this subsection and each individual who is nominated by the membership under paragraph (b) of this subsection shall:
 1. Complete an application developed by the retirement systems which shall include but not be limited to a disclosure of any prior felonies and any conflicts of interest that would hinder the individual's ability to serve on the board;
 2. Submit a resume detailing the individual's education and employment history and a cover letter detailing the member's qualifications for serving as trustee to the board; and
 3. Authorize the systems to have a criminal background check performed. The criminal background check shall be performed by the Department of Kentucky State Police.
- (j) In lieu of the ballots mailed to members and retired members as provided by this subsection, the systems may by promulgation of administrative regulation pursuant to KRS Chapter 13A conduct trustee elections using electronic ballots, except that the systems shall mail a paper ballot upon request of any eligible voter.
- (5) (a) Any vacancy which may occur in an appointed position during a term of office shall be filled in the same manner which provides for the selection of the particular trustee, and any vacancy which may occur in an elected position during a term of office shall be filled by appointment by a majority vote of the remaining elected trustees with a person selected from the system in which the vacancy occurs; however, any vacancy shall be filled only for the duration of the unexpired term. In the event of a vacancy of an elected trustee during a term of office, Kentucky Retirement Systems shall notify members of the system in which the vacancy occurs of the vacancy and the opportunity to be

- considered for the vacant position. Any vacancy during a term of office shall be filled within ninety (90) days of the position becoming vacant.
- (b) Any appointments or reappointments to an appointed position on the board shall be made no later than thirty (30) days prior to an appointed member's term of office ending.
- (6) (a) Membership on the board of trustees shall not be incompatible with any other office unless a constitutional incompatibility exists. No trustee shall serve in more than one (1) position as trustee on the board; and if a trustee holds more than one (1) position as trustee on the board, he or she shall resign a position.
- (b) A trustee shall be removed from office upon conviction of a felony or for a finding of a violation of any provision of KRS 11A.020 or 11A.040 by a court of competent jurisdiction.
 - (c) A current or former employee of Kentucky Retirement Systems, County Employees Retirement System, or the Kentucky Public Pensions Authority shall not be eligible to serve as a member of the board.
- (7) Trustees who do not otherwise receive a salary from the State Treasury shall receive a per diem of eighty dollars (\$80) for each day they are in session or on official duty, and they shall be reimbursed for their actual and necessary expenses in accordance with state administrative regulations and standards.
- (8) (a) The board shall meet at least once in each quarter of the year and may meet in special session upon the call of the chair or the chief executive officer.
- (b) The board shall elect a chair and a vice chair. The chair shall not serve more than four (4) consecutive years as chair or vice-chair of the board. The vice-chair shall not serve more than four (4) consecutive years as chair or vice-chair of the board. A trustee who has served four (4) consecutive years as chair or vice-chair of the board may be elected chair or vice-chair of the board after an absence of two (2) years from the positions.
 - (c) A majority of the trustees shall constitute a quorum and all actions taken by the board shall be by affirmative vote of a majority of the trustees present.
- (9) (a) The board of trustees shall appoint or contract for the services of a chief executive officer and general counsel and fix the compensation and other terms of employment for these positions without limitation of the provisions of KRS Chapters 18A and 45A and KRS 64.640. The chief executive officer shall serve as the legislative and executive adviser to the board. The general counsel shall serve as legal adviser to the board. The chief executive officer and general counsel shall work with the executive director of the Kentucky Public Pensions Authority to carry out the provisions of KRS 16.505 to 16.652 and 61.510 to 61.705. The executive director of the Kentucky Public Pensions Authority shall be the chief administrative officer of the board.
- (b) Prior to April 1, 2021, the board of trustees shall authorize the executive director to appoint the employees deemed necessary to transact the business of the system. Effective April 1, 2021, the responsibility of appointing employees and managing personnel needs shall be transferred to the Kentucky Public Pensions Authority established by KRS 61.505.
 - (c) The board shall require the chief executive officer and may require the general counsel to execute bonds for the faithful performance of his or her duties notwithstanding the limitations of KRS Chapter 62.
 - (d) The board shall have a system of accounting established by the Kentucky Public Pensions Authority.
 - (e) The board shall do all things, take all actions, and promulgate all administrative regulations, not inconsistent with the provisions of KRS 16.505 to 16.652 and 61.510 to 61.705, necessary or proper in order to carry out the provisions of KRS 16.505 to 16.652 and 61.510 to 61.705. Notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that the provisions of KRS 16.505 to 16.652 and 61.510 to 61.705 conform with federal statute or regulation and meet the qualification requirements under 26 U.S.C. sec. 401(a), applicable federal regulations, and other published guidance. Provisions of KRS 16.505 to 16.652 and 61.510 to 61.705 which conflict with federal statute or regulation or qualification under 26 U.S.C. sec. 401(a), applicable federal regulations, and other published guidance shall not be available. The board shall have the authority to promulgate administrative regulations to conform with federal statute and regulation and to meet the qualification requirements under 26 U.S.C. sec. 401(a), including an administrative regulation to comply with 26 U.S.C. sec. 401(a)(9).

- (f) Notwithstanding any other provision of statute to the contrary, including but not limited to any provision of KRS Chapter 12, the Governor shall have no authority to change any provision of KRS 16.505 to 16.652 and 61.510 to 61.705 by executive order or action, including but not limited to reorganizing, replacing, amending, or abolishing the membership of the Kentucky Retirement Systems board of trustees.
- (10) Notwithstanding any statute to the contrary, employees shall not be considered legislative agents under KRS 6.611.
- (11) The Attorney General, or an assistant designated by him or her, may attend each meeting of the board and may receive the agenda, board minutes, and other information distributed to trustees of the board upon request. The Attorney General may act as legal adviser and attorney for the board, and the board may contract for legal services, notwithstanding the limitations of KRS Chapter 12 or 13B.
- (12) (a) The ***Kentucky Public Pensions Authority***~~[system]~~ shall publish an annual financial report showing all receipts, disbursements, assets, and liabilities ***for the systems***. The annual report shall include a copy of an audit conducted in accordance with generally accepted auditing standards. Except as provided by paragraph (b) of this subsection, the board may select ~~the~~ independent certified public accountant ***hired by the Kentucky Public Pensions Authority*** or the Auditor of Public Accounts to perform the audit. If the audit is performed by an independent certified public accountant, the Auditor of Public Accounts shall not be required to perform an audit pursuant to KRS 43.050(2)(a), but may perform an audit at his or her discretion. All proceedings and records of the board shall be open for inspection by the public. The ***Kentucky Public Pensions Authority***~~[system]~~ shall make copies of the audit required by this subsection available for examination by any member, retiree, or beneficiary in the offices of the Kentucky Public Pensions Authority and in other places as necessary to make the audit available to all members, retirees, and beneficiaries. A copy of the annual audit shall be sent to the Legislative Research Commission no later than ten (10) days after receipt by the board.
- (b) At least once every five (5) years, the Auditor of Public Accounts shall perform the audit described by this subsection, and the system shall reimburse the Auditor of Public Accounts for all costs of the audit. The Auditor of Public Accounts shall determine which fiscal year during the five (5) year period the audit prescribed by this paragraph will be completed.
- (13) All expenses incurred by or on behalf of the system and the board in the administration of the system during a fiscal year shall be paid from the retirement allowance account, including any administrative expenses for the Kentucky Public Pensions Authority that are assigned to the Kentucky Retirement Systems by KRS 61.505. The board shall submit any administrative expenses that are specific to the Kentucky Retirement Systems that are not otherwise covered by KRS 61.505(11)(a).
- (14) Any person adversely affected by a decision of the board, except as provided under subsection (16) of this section or KRS 61.665, involving KRS 16.505 to 16.652 and 61.510 to 61.705, may appeal the decision of the board to the Franklin Circuit Court within sixty (60) days of the board action.
- (15) (a) A trustee shall discharge his or her duties as a trustee, including his or her duties as a member of a committee:
1. In good faith;
 2. On an informed basis; and
 3. In a manner he or she honestly believes to be in the best interest of the Kentucky Retirement Systems.
- (b) A trustee discharges his or her duties on an informed basis if, when he or she makes an inquiry into the business and affairs of the Kentucky Retirement Systems or into a particular action to be taken or decision to be made, he or she exercises the care an ordinary prudent person in a like position would exercise under similar circumstances.
- (c) In discharging his or her duties, a trustee may rely on information, opinions, reports, or statements, including financial statements and other financial data, if prepared or presented by:
1. One (1) or more officers or employees of the Kentucky Retirement Systems whom the trustee honestly believes to be reliable and competent in the matters presented;
 2. Legal counsel, public accountants, actuaries, or other persons as to matters the trustee honestly believes are within the person's professional or expert competence; or

3. A committee of the board of trustees of which he or she is not a member if the trustee honestly believes the committee merits confidence.
 - (d) A trustee shall not be considered as acting in good faith if he or she has knowledge concerning the matter in question that makes reliance otherwise permitted by paragraph (c) of this subsection unwarranted.
 - (e) Any action taken as a trustee, or any failure to take any action as a trustee, shall not be the basis for monetary damages or injunctive relief unless:
 1. The trustee has breached or failed to perform the duties of the trustee's office in compliance with this section; and
 2. In the case of an action for monetary damages, the breach or failure to perform constitutes willful misconduct or wanton or reckless disregard for human rights, safety, or property.
 - (f) A person bringing an action for monetary damages under this section shall have the burden of proving by clear and convincing evidence the provisions of paragraph (e)1. and 2. of this subsection, and the burden of proving that the breach or failure to perform was the legal cause of damages suffered by the Kentucky Retirement Systems.
 - (g) Nothing in this section shall eliminate or limit the liability of any trustee for any act or omission occurring prior to July 15, 1988.
 - (h) In discharging his or her administrative duties under this section, a trustee shall strive to administer the retirement system in an efficient and cost-effective manner for the taxpayers of the Commonwealth of Kentucky and shall take all actions available under the law to contain costs for the trusts, including costs for participating employers, members, and retirees.
- (16) When an order by the system substantially impairs the benefits or rights of a member, retired member, or recipient, except action which relates to entitlement to disability benefits, or when an employer disagrees with an order of the system as provided by KRS 61.598, the affected member, retired member, recipient, or employer may request a hearing to be held in accordance with KRS Chapter 13B. The board may establish an appeals committee whose members shall be appointed by the chair and who shall have authority to act upon the recommendations and reports of the hearing officer on behalf of the board. The member, retired member, recipient, or employer aggrieved by a final order of the board following the hearing may appeal the decision to the Franklin Circuit Court, in accordance with KRS Chapter 13B. The board may establish a joint administrative appeals committee with the County Employees Retirement System and may also establish a joint disability appeals committee with the County Employees Retirement System.
- (17) The board shall give the Kentucky Education Support Personnel Association twenty-four (24) hours notice of the board meetings, to the extent possible.
- (18) The board shall establish a formal trustee education program for all trustees of the board. The program shall include but not be limited to the following:
- (a) A required orientation program for all new trustees elected or appointed to the board. The orientation program shall include training on:
 1. Benefits and benefits administration;
 2. Investment concepts, policies, and current composition and administration of retirement systems investments;
 3. Laws, bylaws, and administrative regulations pertaining to the retirement systems and to fiduciaries; and
 4. Actuarial and financial concepts pertaining to the retirement systems.

If a trustee fails to complete the orientation program within one (1) year from the beginning of his or her first term on the board, the retirement systems shall withhold payment of the per diem and travel expenses due to the board member under this section and KRS 16.640 until the trustee has completed the orientation program;
 - (b) Annual required training for board members on the administration, benefits, financing, and investing of the retirement systems. If a trustee fails to complete the annual required training during the calendar or fiscal year, the retirement systems shall withhold payment of the per diem and travel expenses due to

the board member under this section and KRS 16.640 until the board member has met the annual training requirements; and

- (c) The retirement systems shall incorporate by reference in an administrative regulation, pursuant to KRS 13A.2251, the trustee education program.
- (19) In order to improve public transparency regarding the administration of the systems, the board of trustees shall adopt a best practices model by posting the following information to the Kentucky Public Pensions Authority's Web site and shall make available to the public:
- (a) Meeting notices and agendas for all meetings of the board. Notices and agendas shall be posted to the Kentucky Public Pensions Authority's Web site at least seventy-two (72) hours in advance of the board or committee meetings, except in the case of special or emergency meetings as provided by KRS 61.823;
 - (b) The Comprehensive Annual Financial Report with the information as follows:
 - 1. A general overview and update on the retirement systems by the executive director;
 - 2. A listing of the board of trustees;
 - 3. A listing of key staff;
 - 4. An organizational chart;
 - 5. Financial information, including a statement of plan net assets, a statement of changes in plan net assets, an actuarial value of assets, a schedule of investments, a statement of funded status and funding progress, and other supporting data;
 - 6. Investment information, including a general overview, a list of the retirement system's professional consultants, a total net of fees return on retirement systems investments over a historical period, an investment summary, contracted investment management expenses, transaction commissions, and a schedule of investments;
 - 7. The annual actuarial valuation report on the pension benefit and the medical insurance benefit; and
 - 8. A general statistical section, including information on contributions, benefit payouts, and retirement systems' demographic data;
 - (c) All external audits;
 - (d) All board minutes or other materials that require adoption or ratification by the board of trustees. The items listed in this paragraph shall be posted within seventy-two (72) hours of adoption or ratification of the board;
 - (e) All bylaws, policies, or procedures adopted or ratified by the board of trustees;
 - (f) The retirement systems' summary plan description;
 - (g) A document containing an unofficial copy of the statutes governing the systems administered by Kentucky Retirement Systems;
 - (h) A listing of the members of the board of trustees and membership on each committee established by the board, including any investment committees;
 - (i) All investment holdings in aggregate, fees, and commissions for each fund administered by the board, which shall be updated on a quarterly basis for fiscal years beginning on or after July 1, 2017. The systems shall request from all managers, partnerships, and any other available sources all information regarding fees and commissions and shall, based on the requested information received:
 - 1. Disclose the dollar value of fees and commissions paid to each individual manager or partnership;
 - 2. Disclose the dollar value of any profit sharing, carried interest, or any other partnership incentive arrangements, partnership agreements, or any other partnership expenses received by or paid to each manager or partnership; and
 - 3. As applicable, report each fee or commission by manager or partnership consistent with standards established by the Institutional Limited Partners Association (ILPA).

In addition to the requirements of this paragraph, the systems shall also disclose the name and address of all individual underlying managers or partners in any fund of funds in which system assets are invested;

- (j) An update of net of fees investment returns, asset allocations, and the performance of the funds against benchmarks adopted by the board for each fund, for each asset class administered by the board, and for each manager. The update shall be posted on a quarterly basis for fiscal years beginning on or after July 1, 2017;
 - (k) A searchable database of the systems' expenditures and a listing of each individual employed by the systems along with the employee's salary or wages. In lieu of posting the information required by this paragraph to the Kentucky Public Pensions Authority's Web site, the systems may provide the information through a Web site established by the executive branch to inform the public about executive branch agency expenditures and public employee salaries and wages;
 - (l) All contracts or offering documents for services, goods, or property purchased or utilized by the systems; and
 - (m) Information regarding the systems' financial and actuarial condition that is easily understood by the members, retired members, and the public.
- (20) Notwithstanding the requirements of subsection (19) of this section, the retirement systems shall not be required to furnish information that is protected under KRS 61.661, exempt under KRS 61.878, or that, if disclosed, would compromise the retirement systems' ability to competitively invest in real estate or other asset classes, except that no provision of this section or KRS 61.878 shall exclude disclosure and review of all contracts, including investment contracts, by the board, the Auditor of Public Accounts, and the Government Contract Review Committee established pursuant to KRS 45A.705 or the disclosure of investment fees and commissions as provided by this section. If any public record contains material which is not excepted under this section, the systems shall separate the excepted material by removal, segregation, or redaction, and make the nonexcepted material available for examination.
- (21) Notwithstanding any other provision of KRS 16.505 to 16.652 and 61.510 to 61.705 to the contrary, no funds of the systems administered by Kentucky Retirement Systems, including fees and commissions paid to an investment manager, private fund, or company issuing securities, who manages systems assets, shall be used to pay fees and commissions to placement agents. For purposes of this subsection, "placement agent" means a third-party individual, who is not an employee, or firm, wholly or partially owned by the entity being hired, who solicits investments on behalf of an investment manager, private fund, or company issuing securities.

➔Section 13. KRS 61.661 is amended to read as follows:

- (1) (a) Each current, former, or retired member's account shall be administered in a confidential manner, and specific data regarding a current, former, or retired member shall not be released for publication, except that:
 - 1. The member or recipient may authorize the release of his or her account information;
 - 2. **The Kentucky Public Pensions Authority**~~[Kentucky Retirement Systems]~~ may release account information to the employer or to other state and federal agencies as it deems necessary or in response to a lawful subpoena or order issued by a court of law; or
 - 3. a. Upon request by any person, the systems shall release the following information from the accounts of any member or retired member of the Kentucky Employees Retirement System, the County Employees Retirement System, or the State Police Retirement System, if the member or retired member is a current or former officeholder in the Kentucky General Assembly:
 - i. The first and last name of the member or retired member;
 - ii. The system or systems in which the member has an account or from which the retired member is receiving a monthly retirement allowance;
 - iii. The status of the member or retired member, including but not limited to whether he or she is a contributing member, a member who is not currently contributing to the systems but has not retired, a retired member, or a retired member who has returned to work following retirement with an agency participating in the systems;

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- iv. If the individual is a retired member, the monthly retirement allowance that he or she was receiving at the end of the most recently completed fiscal year;
 - v. If the individual is a member who has not yet retired, the estimated monthly retirement allowance that he or she is eligible to receive at his or her normal retirement date based upon his or her service credit, final compensation, and accumulated account balance at the end of the most recently completed fiscal year; and
 - vi. The current employer or last participating employer of the member or retired member, if applicable.
- b. No information shall be disclosed under this subparagraph from an account that is paying benefits to a beneficiary due to the death of a member or retired member.
- (b) A current, former, or retired member's account shall be exempt from the provisions of KRS 171.410 to 171.990.
- (c) The release of information under paragraph (a)3. of this subsection shall not constitute a violation of the Open Records Act, KRS 61.870 to 61.884.
- (2) (a) When a subpoena is served upon any employee of the Kentucky Retirement Systems, ***the County Employees Retirement System, or the Kentucky Public Pensions Authority***, requiring production of any specific data regarding a current, former, or retired member, it is sufficient if the employee of the Kentucky ***Public Pensions Authority***~~Retirement Systems~~ charged with the responsibility of being custodian of the original delivers within five (5) working days, by certified mail or by personal delivery, legible and durable copies of records, certified by the employee, or an affidavit stating the information required by the subpoena to the person specified in the subpoena. The production of documents or an affidavit shall be in lieu of any personal testimony of any employee of the Kentucky Retirement Systems, ***the County Employees Retirement System, or the Kentucky Public Pensions Authority***, unless, after the production of documents or affidavit, a separate subpoena is served upon the systems ***or the Authority*** specifically directing the testimony of an employee of the systems ***or of the Authority***. When a subpoena is served on any employee of the systems ***or of the Authority*** requiring the employee to give deposition for any purpose, in the absence of a court order requiring the deposition of a specific employee, the systems ***or the Authority*** may designate an employee to be deposed upon the matter referred to in the subpoena.
- (b) The certification required by this subsection shall be signed before a notary public by the employee and shall include the full name of the member or recipient, the member's or recipient's Social Security number, and a legend substantially to the following effect: "The records are true and complete reproductions of the original or microfiched records which are housed in the retirement systems office. This certification is given in lieu of his or her personal appearance."
- (c) When an affidavit or copies of records are personally delivered, a receipt shall be presented to the person receiving the records for his ***or her*** signature and shall be immediately signed and returned to the person delivering the records. When an affidavit or copies of records are sent via certified mail, the receipt used by the postal authorities shall be sufficient to prove delivery and receipt of the affidavit or copies of records.
- (d) When the affidavit or copies of records are delivered to a party for use in deposition, they shall, after termination of the deposition, be delivered personally or by certified mail to the clerk of the court or other body before which the action or proceeding is pending. It shall be the responsibility of the party or attorney to transmit the receipt obtained to the employee of the Kentucky ***Public Pensions Authority***~~Retirement Systems~~ charged with responsibility of being custodian of the original. Upon issuance of a final order terminating the case and after the normal retention period for court records expires, the affidavit or copies of records shall be permanently disposed of by the clerk in a manner that protects the confidentiality of the information contained therein.
- (e) Records of the Kentucky ***Public Pensions Authority***~~Retirement Systems~~ that are susceptible to photostatic reproduction may be proved as to foundation, identity, and authenticity without any preliminary testimony, by use of legible and durable copies, certified in accordance with the provisions of this subsection.

➔Section 14. KRS 61.665 is amended to read as follows:

- (1) The Authority shall employ *or contract for the services of* at least three (3) physicians, licensed in the state and not members of the system, upon terms and conditions it prescribes to serve as medical examiners, whose duty it shall be to pass upon all medical examinations required under KRS 61.510 to 61.705, 16.505 to 16.652, and 78.510 to 78.852, to investigate all health or medical statements and certificates made by or in behalf of any person in connection with the payment of money to the person under KRS 61.510 to 61.705, 16.505 to 16.652, and 78.510 to 78.852, and who shall report in writing to the system the conclusions and recommendations upon all matters referred to them. The Authority may employ *or contract for the services of* one (1) or more licensed mental health professionals in making recommendations regarding mental impairments.
- (2)
 - (a) Each person requesting disability retirement shall file at the retirement office an application for disability retirement and supporting medical information to report the person's physical and mental condition. The person shall also file at the retirement office a complete description of the job and duties from which he or she received his or her last pay as well as *information regarding whether*~~evidence that~~ the person has made a request for reasonable accommodation as provided for in 42 U.S.C. sec. 12111(9) and 29 C.F.R. Part 1630 *or reasonable accommodation as provided for in 42 U.S.C. sec. 12111(9) and 29 C.F.R. Part 1630 has been offered to the person.* The person shall certify to the retirement office that the application for disability retirement and supporting medical information are ready to be evaluated by the medical examiners in accordance with paragraph (d) of this subsection. If, after good faith efforts, the person informs the Authority that he or she has been unable to obtain the employment or medical information, the Authority shall assist the person in obtaining the records and may use the authority granted pursuant to KRS 61.685(1) to obtain the records. If the person fails to file, at the retirement office within one hundred eighty (180) days of the date the person filed his or her notification of retirement, any of the forms, certifications, or information required by this subsection, the person's application for disability retirement shall be void. Any subsequent filing of an application for disability retirement or supporting medical information shall not be evaluated, except as provided in paragraph (f) of this subsection or KRS 61.600(2), 78.5522, or 78.5524.
 - (b) The employer shall file at the retirement office a complete description of the job and duties for which the person was last paid and shall submit a detailed description of *any* reasonable accommodations attempted.
 - (c) The cost of medical examinations and the filing of the medical information, reports, or data with the retirement office shall be paid by the person applying for disability retirement.
 - (d) The Authority shall select three (3) medical examiners to evaluate the medical evidence submitted by the person. The medical examiners shall recommend that disability retirement be approved, or that disability retirement be denied. If there is evidence of a mental impairment, the medical examiners may request the Authority's licensed mental health professional to assist in determining the level of the mental impairment.
 - (e) If two (2) or more of the three (3) medical examiners recommend that the person be approved for disability retirement, the system shall make retirement payments in accordance with the retirement plan selected by the person.
 - (f) If two (2) or more of the three (3) medical examiners recommend that the person be denied disability retirement, the Authority shall send notice of this recommendation by United States first-class mail to the person's last address on file in the retirement office, *by electronic mail to the person's last electronic mail address on file in the retirement office, or by other electronic means.* The person shall have one hundred eighty (180) days from the day that the Authority ~~sent~~~~mailed~~ the notice to file at the retirement office additional supporting medical information and certify to the retirement office that the application for disability retirement and supporting medical information are ready to be evaluated by the medical examiners or to appeal his or her denial of disability retirement by filing at the retirement office a request for a formal hearing. Any subsequent filing of an application for disability retirement or supporting medical information shall not be evaluated, except as provided in KRS 61.600(2), 78.5522, or 78.5524.
 - (g) If two (2) or more of the three (3) medical examiners recommend that the person be approved for disability retirement based upon the evaluation of additional supporting medical information in accordance with paragraph (f) of this subsection, the system shall make retirement payments in accordance with the retirement plan selected by the person.

- (h) If two (2) or more of the three (3) medical examiners recommend that the person be denied disability retirement based upon the evaluation of additional supporting medical information in accordance with paragraph (f) of this subsection, the Authority shall send notice of this recommendation by United States first-class mail to the person's last address on file in the retirement office, **by electronic mail to the person's last electronic mail address on file in the retirement office, or by other electronic means.** The person shall have one hundred eighty (180) days from the day that the Authority ~~sent~~~~mailed~~ the notice to appeal his or her denial of disability retirement by filing at the retirement office a request for a formal hearing.
- (i) The medical examiners shall be paid a reasonable amount by the retirement system for each case evaluated.
- (j) Notwithstanding the foregoing provisions of this section, the Authority may pay for one (1) or more medical examinations of the person requested by the medical examiners for the purpose of providing medical information deemed necessary by the medical examiners. The system may require the person to submit to one (1) or more medical examinations.
- (3) (a) Any person whose disability benefits have been reduced, discontinued, or denied pursuant to subsection (2)(f) or (2)(h) of this section may file at the retirement office a request for a formal hearing to be conducted in accordance with KRS Chapter 13B. The right to demand a formal hearing shall be limited to a period of one hundred eighty (180) days after the person had notice of the system's determination, as described in subsection (2)(f) or (2)(h) of this section. The request for a formal hearing shall be filed with the executive director, at the retirement office in Frankfort. The request for a formal hearing shall include a short and plain statement of the reasons the denial of disability retirement is being contested.
- (b) Failure of the person to request a formal hearing within the period of time specified shall preclude the person from proceeding any further with the application for disability retirement, except as provided in KRS 61.600(2), 78.5522, or 78.5524. This paragraph shall not limit the person's right to appeal to a court.
- (c) The system may require the person requesting the formal hearing to submit to one (1) or more medical or psychological examinations. Notice of the time and place of the examination shall be **provided**~~mailed~~ to the person or his or her legal representative. The system shall be responsible for the cost of the examination.
- (d) A final order of the board shall be based on substantial evidence appearing in the record as a whole and shall set forth the decision of the board and the facts and law upon which the decision is based.
- (e) All requests for a hearing pursuant to this section shall be made in writing.
- (4) The~~board~~ **boards of the Kentucky Retirement Systems and the County Employees Retirement Systems** may **each** establish an appeals committee whose members shall be appointed by the chair and ~~that~~~~who~~ shall have the authority to act upon the recommendations and reports of the hearing officer pursuant to this section on behalf of **each respective**~~the~~ board. The **boards**~~Authority may, upon the joint approval of the board~~ of the Kentucky Retirement Systems and the County Employees Retirement System ~~may~~~~establish a joint~~~~an~~ appeals committee **that shall be authorized to select a chair from among its committee members and**~~whose members shall be appointed by the chair of the Authority and who have the authorization~~ to act upon the recommendations and reports of the hearing officer pursuant to this section on behalf of both boards.
- (5) Any person aggrieved by a final order of the board may seek judicial review after all administrative appeals have been exhausted by filing a petition for judicial review in the Franklin Circuit Court in accordance with KRS Chapter 13B.
- ~~((6) The system, pursuant to regulations, may refer an employee determined by it to be disabled to the Kentucky Office of Vocational Rehabilitation for evaluation and, if appropriate, retraining.~~
- ~~(a) The cost of the evaluation and retraining shall be paid by the system in accordance with the regulations established by the board.~~
- ~~(b) The member shall perform all acts that are necessary to enroll in and satisfy the requirements of Vocational Rehabilitation as prescribed by the board. This shall include the exchange of confidential information between Kentucky Retirement Systems and the Kentucky Office of Vocational Rehabilitation as necessary to conduct the rehabilitation process. Failure of the member to cooperate with the system or Vocational Rehabilitation may result in his or her disability allowance being~~

~~discontinued, reduced, or denied until the member complies with the agency requests. If the refusal continues for one (1) year, all his or her rights to any further disability allowance shall cease.]~~

➔Section 15. KRS 61.701 is amended to read as follows:

- (1) (a) There is hereby maintained a trust fund known as "Kentucky Retirement Systems insurance trust fund."
- (b) Insurance trust fund assets shall be deemed trust funds to be held and applied solely as provided in this section. Assets shall not be used for any other purpose and shall not be used to pay the claims of creditors or any individual, person, or employer participating in the Kentucky Employees Retirement System, County Employees Retirement System, or State Police Retirement System.
- (c) The trust fund has been established as a trust exempt from taxation under 26 U.S.C. sec. 115.
- (2) The insurance trust fund has been created for the purpose of providing a trust separate from the retirement funds. Trust fund assets are ***and shall be:***
 - (a) Dedicated for use for health benefits as provided in KRS 61.702 and 78.5536 and as permitted under 26 U.S.C. secs. 105 and 106, to retired recipients and employees of employers participating in the Kentucky Employees Retirement System, County Employees Retirement System, and State Police Retirement System, and to certain of their dependents or beneficiaries, including but not limited to qualified beneficiaries as described in 42 U.S.C. secs. 300bb-1 et seq.;
 - (b) ***For recordkeeping purposes, segregated from the retirement trust funds established under KRS 16.510 and Sections 4 and 19 of this Act and attributable to members of the State Police Retirement System, the Kentucky Employees Retirement System, and the County Employees Retirement System, respectively, and when payment is made from the insurance trust fund:***
 1. ***The assets attributable to members of the Kentucky Employees Retirement System shall not be used to pay health benefits for members of the County Employees Retirement System or the State Police Retirement System;***
 2. ***The assets attributable to members of the County Employees Retirement System shall not be used to pay health benefits for members of the Kentucky Employees Retirement System or the State Police Retirement System; and***
 3. ***The assets attributable to members of the State Police Retirement System shall not be used to pay health benefits for members of the Kentucky Employees Retirement System or the County Employees Retirement System; and***
 - (c) ***For recordkeeping purposes for the assets attributable to the members of the Kentucky Employees Retirement System and the County Employees Retirement System, further segregated between members in hazardous positions as defined in KRS 61.592 and Section 18 of this Act and members in nonhazardous positions as defined in Sections 3 and 18 of this Act, and when payment is made from the insurance trust fund:***
 1. ***The assets attributable to members in hazardous positions shall not be used to pay health benefits to members in nonhazardous positions; and***
 2. ***The assets attributable to members in nonhazardous positions shall not be used to pay health benefits to members in hazardous positions.***
- (3) The boards shall manage the assets of the insurance fund in the same manner in which the respective board administers its retirement funds, except that separate accounting and financial reporting shall be maintained for the insurance trust fund.
- (4) In addition to the requirements of subsection (2) of this section, the employers participating in the trust funds are limited to the Commonwealth, political subdivisions of the Commonwealth, and entities whose income is exempt from taxation under 26 U.S.C. sec. 115. No other entity may participate in the insurance trust funds.
- (5) If the insurance trust fund is terminated, the assets in the insurance trust fund may revert, after the payment of all liabilities, to the participating employers as determined by the board of trustees.
- (6) The respective board of trustees may adopt regulations and procedures and take all action necessary and appropriate to provide that the income of the insurance trust fund the board administers is exempt from taxation under Title 26 of United States Code.

- (7) The establishment of the Kentucky Retirement Systems insurance trust fund shall not diminish or expand the rights of any recipients, employees, or dependents to health benefits.

➔Section 16. KRS 61.702 is amended to read as follows:

- (1) For purposes of this section:

- (a) "Hospital and medical insurance plan" may include, at the board's discretion, any one (1) or more of the following:

1. Any hospital and medical expense policy or certificate, provider-sponsored integrated health delivery network, self-insured medical plan, health maintenance organization contract, or other health benefit plan;
2. Any health savings account as permitted by 26 U.S.C. sec. 223 or health reimbursement arrangement or a similar account as may be permitted by 26 U.S.C. sec. 105 or 106. Such arrangement or account, at the board's discretion, may reimburse any medical expense permissible under 26 U.S.C. sec. 213; or
3. A medical insurance reimbursement program established by the board through the promulgation of administrative regulation under which members purchase individual health insurance coverage through a health insurance exchange established under 42 U.S.C. sec. 18031 or 18041;

- (b) "Monthly contribution rate" is the amount determined by the board based upon the requirements of subsection (4)(a) to ~~(d)(e)~~ of this section, except that for members who began participating in the system on or after July 1, 2003, the term shall mean the amount determined in subsection ~~(4)(e)~~~~(4)(d)~~ of this section; and

- (c) "Months of service" means the total months of combined service used to determine benefits under the system, except service added to determine disability benefits or service otherwise prohibited from being used to determine retiree health benefits under KRS 16.505 to 16.652 or 61.510 to 61.705 shall not be counted as "months of service." For current and former employees of the Council on Postsecondary Education who were employed prior to January 1, 1993, and who earn at least fifteen (15) years of service credit in the Kentucky Employees Retirement System, "months of service" shall also include vested service in another retirement system other than the Kentucky Teachers' Retirement System sponsored by the Council on Postsecondary Education.

- (2) (a) 1. The board of trustees of the system shall arrange by appropriate contract or on a self-insured basis to provide a group hospital and medical insurance plan coverage for:

- a. Present and future recipients of a retirement allowance from the Kentucky Employees Retirement System and the State Police Retirement System; and
- b. The spouse and each qualified dependent of a recipient who is a former member or the beneficiary, provided the spouse and dependent meet the requirements to participate in the hospital and medical insurance plans established, contracted, or authorized by the system.

2. Any recipient who chooses coverage under a hospital and medical insurance plan shall pay, by payroll deduction from the retirement allowance, electronic funds transfer, or by another method, the difference between the premium cost of the hospital and medical insurance plan coverage selected and the monthly contribution rate to which he or she would be entitled under this section.

- (b) 1. For present and future recipients of a retirement allowance from the system who are not eligible for Medicare *and for those recipients described in subparagraph 3.b. of this paragraph*, the board may authorize these participants to be included in the Kentucky Employees Health Plan as provided by KRS 18A.225 to 18A.2287 and shall provide benefits for recipients in the plan equal to those provided to state employees having the same Medicare hospital and medical insurance eligibility status. Notwithstanding the provisions of any other statute *except subparagraph 3.b. of this paragraph*, system recipients shall be included in the same class as current state employees for purposes of determining medical insurance policies and premiums in the Kentucky Employees Health Plan as provided by KRS 18A.225 to 18A.2287.

2. Regardless of age, if a recipient or the spouse or dependent child of a recipient who elects coverage becomes eligible for Medicare, he or she shall participate in the plans offered by the systems for Medicare eligible recipients. Individuals participating in the Medicare eligible plans

may be required to obtain and pay for Medicare Part A and Part B coverage, in order to participate in the Medicare eligible plans offered by the system.

3. The system shall continue to provide the same hospital and medical insurance plan coverage for recipients and qualifying dependents after the age of sixty-five (65) as before the age of sixty-five (65), if:
 - a. The recipient is not eligible for Medicare coverage; *or*
 - b. ***The recipient would otherwise be eligible for Medicare coverage but is subject to the Medicare Secondary Payer Act under 42 U.S.C. sec. 1395y(b) and has been reemployed by a participating agency which offers the recipient a hospital and medical insurance benefit or by a participating agency which is prevented from offering a hospital and medical benefit to the recipient as a condition of reemployment under KRS 70.293, 95.022, or 164.952. Individuals who are eligible, pursuant to this subdivision, to be included in the Kentucky Employees Health Plan as provided by KRS 18A.225 to 18A.2287 may be rated as a separate class from other eligible employees and retirees for the purpose of determining medical insurance premiums.***
 - (c) For recipients of a retirement allowance who are not eligible for the same level of hospital and medical benefits as recipients living in Kentucky having the same Medicare hospital and medical insurance eligibility status, the board shall provide a medical insurance reimbursement plan as described in subsection (6) of this section.
 - (d) Notwithstanding anything in KRS Chapter 16 or 61 to the contrary, the board of trustees, in its discretion, may take necessary steps to ensure compliance with 42 U.S.C. secs. 300bb-1 et seq.
- (3) (a) Each employer participating in the Kentucky Employees Retirement System or the State Police Retirement System as provided in KRS 16.505 to 16.652 or 61.510 to 61.705 shall contribute to the insurance trust fund established under KRS 61.701 the amount necessary to provide the monthly contribution rate as provided for under this section. Such employer contribution rate shall be developed by appropriate actuarial method as a part of the determination of each respective employer contribution rate determined under KRS 61.565.
- (b) 1. Each employer described in paragraph (a) of this subsection shall deduct from the creditable compensation of each member whose membership date begins on or after September 1, 2008, an amount equal to one percent (1%) of the member's creditable compensation. The deducted amounts shall, at the discretion of the board, be credited to accounts established pursuant to 26 U.S.C. sec. 401(h), within the funds established in KRS 16.510 and 61.515, or the insurance trust fund established under KRS 61.701. Notwithstanding the provisions of this paragraph, a transfer of assets between the accounts established pursuant to 26 U.S.C. sec. 401(h), within the funds established in KRS 16.510 and 61.515, and the insurance trust fund established under KRS 61.701 shall not be allowed.
 2. The employer shall file the contributions as provided by subparagraph 1. of this paragraph at the retirement office in accordance with KRS 61.675. Any interest or penalties paid on any delinquent contributions shall be credited to accounts established pursuant to 26 U.S.C. sec. 401(h), within the funds established in KRS 16.510 and 61.515, or the insurance trust fund established under KRS 61.701. Notwithstanding any minimum compensation requirements provided by law, the deductions provided by this paragraph shall be made, and the compensation of the member shall be reduced accordingly.
 3. Each employer shall submit payroll reports, contributions lists, and other data as may be required by administrative regulation promulgated by the board of trustees pursuant to KRS Chapter 13A.
 4. Every member shall be deemed to consent and agree to the deductions made pursuant to this paragraph, and the payment of salary or compensation less the deductions shall be a full and complete discharge of all claims for services rendered by the person during the period covered by the payment, except as to any benefits provided by KRS 16.505 to 16.652 or 61.510 to 61.705. No member may elect whether to participate in, or choose the contribution amount to accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS 16.510 and 61.515, or the insurance trust fund established under KRS 61.701. The member shall have no option to receive the contribution required by this paragraph directly instead of having the contribution paid to accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds

established in KRS 16.510 and 61.515, or the insurance trust fund established under KRS 61.701. No member may receive a rebate or refund of contributions. If a member establishes a membership date prior to September 1, 2008, pursuant to KRS 61.552(2) or (3), then this paragraph shall not apply to the member and all contributions previously deducted in accordance with this paragraph shall be refunded to the member without interest. The contribution made pursuant to this paragraph shall not act as a reduction or offset to any other contribution required of a member or recipient under KRS 16.505 to 16.652 or 61.510 to 61.705.

5. The board of trustees, at its discretion, may direct that the contributions required by this paragraph be accounted for within accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS 16.510 and 61.515, or the insurance trust fund established under KRS 61.701, through the use of separate accounts.
- (4) (a) The premium required to provide hospital and medical insurance plan coverage under this section shall be paid wholly or partly from funds contributed by:
1. The recipient of a retirement allowance, by payroll deduction from his or her retirement allowance, or by other method;
 2. The insurance trust fund established under KRS 61.701 or accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS 16.510 and 61.515;
 3. Another state-administered retirement system, *including the County Employees Retirement System*, under a reciprocal arrangement, except that any portion of the premium paid from the funds specified by subparagraph 2. of this paragraph under a reciprocal agreement shall not exceed the amount that would be payable under this section if all the member's service were in the systems administered by the Kentucky Retirement Systems. *If the board provides for cross-referencing of insurance premiums, the employer's contribution for the working member or spouse shall be applied toward the premium, and the insurance trust fund established under Section 15 of this Act or accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds established in Section 4 of this Act and KRS 16.510 shall pay the balance;* or
 4. A combination of the fund sources described by subparagraphs 1. to 3. of this paragraph.

Group rates under the hospital and medical insurance plan shall be made available to the spouse, each dependent child, and each disabled child, regardless of the disabled child's age, of a recipient who is a former member or the beneficiary, if the premium for the hospital and medical insurance for the spouse, each dependent child, and each disabled child, or beneficiary is paid by payroll deduction from the retirement allowance, electronic funds transfer, or by another method. For purposes of this subsection only, a child shall be considered disabled if he or she has been determined to be eligible for federal Social Security disability benefits or meets the dependent disability standard established by the Department of Employee Insurance in the Personnel Cabinet.

- (b) For a member who began participating in the system prior to July 1, 2003, the monthly contribution rate shall be paid by the system from the funds specified under paragraph (a)2. of this subsection and shall be equal to a percentage of the single premium to cover the retired member as follows:
1. One hundred percent (100%) of the monthly premium for single coverage shall be paid for a retired member who had two hundred forty (240) months of service or more upon retirement or for a retired member who when he or she was an employee became disabled as a direct result of an act in line of duty as defined in KRS 16.505 or as a result of a duty-related injury as defined in KRS 61.621;
 2. Seventy-five percent (75%) of the monthly premium for single coverage shall be paid for a retired member who had less than two hundred forty (240) months of service but at least one hundred eighty (180) months of service upon retirement, provided such retired member agrees to pay the remaining twenty-five percent (25%) by payroll deduction from his or her retirement allowance, electronic funds transfer, or by another method;
 3. Fifty percent (50%) of the monthly premium for single coverage shall be paid for a retired member who had less than one hundred eighty (180) months of service but had at least one hundred twenty (120) months of service upon retirement, provided such retired member agrees to pay the remaining fifty percent (50%) by payroll deduction from his or her retirement allowance, electronic funds transfer, or by another method; or

4. Twenty-five percent (25%) of the monthly premium for single coverage shall be paid for a retired member who had less than one hundred twenty (120) months of service but had at least forty-eight (48) months of service upon retirement, provided such retired member agrees to pay the remaining seventy-five percent (75%) by payroll deduction from his or her retirement allowance, electronic funds transfer, or by another method.
- (c) Notwithstanding ~~the foregoing provisions of this~~ paragraph **(b) of this subsection, for a member**~~an employee~~ participating in the system prior to July 1, 2003, who:
1. ***Dies***~~is killed~~ as a direct result of an act in line of duty as defined in KRS 16.505 or ***dies*** as a result of a duty-related injury as defined in KRS 61.621, ***the monthly premium shall be paid for his or her spouse so long as the spouse remains eligible for a monthly retirement benefit;***
 2. ***Becomes totally and permanently disabled as defined in Section 1 of this Act as a direct result of an act in line of duty as defined in KRS 16.505 or becomes disabled as a result of a duty-related injury as defined in KRS 61.621 and is eligible for the benefits provided by KRS 61.621(5)(a),*** ~~shall have~~ the monthly premium ***shall be*** paid for ***his or her spouse so long as the member and the spouse individually remain eligible for a monthly retirement benefit; and***
 3. ***Dies as a direct result of an act in line of duty as defined in KRS 16.505, dies as a result of a duty-related injury as defined in KRS 61.621, becomes totally and permanently disabled as defined in Section 1 of this Act as a direct result of an act in line of duty as defined in KRS 16.505, or becomes disabled as a result of a duty-related injury as defined in KRS 61.621 and is eligible for the benefits provided by KRS 61.621(5)(a), the monthly premium shall be paid for each dependent child as defined in KRS 16.505, so long as the member remains eligible for a monthly retirement benefit, unless deceased, and each dependent child individually remains eligible under KRS 16.505***~~the beneficiary, if the beneficiary is the member's spouse, and for each dependent child as defined by KRS 16.505, so long as they individually remain eligible for a monthly retirement benefit~~.
- ~~(d)~~~~(e)~~ 1. For a member who began participating in the system prior to July 1, 2003, who was determined to be in a hazardous position in the Kentucky Employees Retirement System or in a position in the State Police Retirement System, the funds specified under paragraph (a)2. of this subsection shall also pay a percentage of the monthly contribution rate sufficient to fund the premium costs for hospital and medical insurance coverage for the spouse and for each dependent child of a recipient.
2. The percentage of the monthly contribution rate paid for the spouse and each dependent child of a recipient who was in a hazardous position in accordance with subparagraph 1. of this paragraph shall be based solely on the member's service in a hazardous position using the formula in paragraph (b) of this subsection.
- ~~(e)~~~~(d)~~ For members who begin participating in the system on or after July 1, 2003:
1. Participation in the insurance benefits provided under this section shall not be allowed until the member has earned at least one hundred twenty (120) months of service in the state-administered retirement systems, except that for members who begin participating in the system on or after September 1, 2008, participation in the insurance benefits provided under this section shall not be allowed until the member has earned at least one hundred eighty (180) months of service credited under KRS 16.543(1) or 61.543(1), or another state-administered retirement system.
 2. A member who meets the minimum service requirements as provided by subparagraph 1. of this paragraph shall upon retirement be eligible for the following monthly contribution rate to be paid on his or her behalf from the funds specified under paragraph (a)2. of this subsection:
 - a. For members with service in a nonhazardous position, a monthly insurance contribution of ten dollars (\$10) for each year of service as a participating employee in a nonhazardous position; and
 - b. For members with service in a hazardous position or who participate in the State Police Retirement System, a monthly insurance contribution of fifteen dollars (\$15) for each year of service as a participating employee in a hazardous position or the State Police Retirement System. Upon the death of the retired member, the beneficiary, if the beneficiary is the member's spouse, shall be entitled to a monthly insurance contribution

of ten dollars (\$10) for each year of service the member attained as a participating employee in a hazardous position.

3. The minimum service requirement to participate in benefits as provided by subparagraph 1. of this paragraph shall be waived for a member who **receives a satisfactory determination of a hazardous disability that is**~~becomes disabled as~~ a direct result of an act in line of duty as defined in KRS 16.505 ~~or who dies as a result of a duty-related injury as defined in KRS 61.621~~, and the member shall be entitled to the benefits payable under this subsection as though the member had twenty (20) years of service in ~~a~~**the** hazardous position. ~~for which the disabling condition occurred~~
 4. **The minimum service required to participate in benefits as provided by subparagraph 1. of this paragraph shall be waived for a member who is disabled as a result of a duty-related injury as defined in KRS 61.621 and is eligible for the benefits provided by KRS 61.621(5)(b), and the member shall be entitled to the benefits payable under this subsection as though the member had twenty (20) years of service in a nonhazardous position.**
 - 5~~4~~. Notwithstanding the provisions of this paragraph, the minimum service requirement to participate in benefits as provided by subparagraph 1. of this paragraph shall be waived for a for a member who dies as a direct result of an act in line of duty as defined in KRS 16.505, **who becomes totally and permanently disabled as defined in Section 1 of this Act as a direct result of an act in line of duty as defined in KRS 16.505,** ~~or~~ who dies as a result of a duty-related injury as defined in KRS 61.621, **or who becomes disabled as a result of a duty-related injury as defined in KRS 61.621 and is eligible for the benefits provided by KRS 61.621(5)(a),** and the premium for **the member,** the member's spouse, and for each dependent child as defined in KRS 16.505 shall be paid in full by the systems so long as **the member, member's spouse, or dependent child**~~they~~ individually **remains**~~remain~~ eligible for a monthly retirement benefit.
 - 6~~5~~. Except as provided by subparagraph 5~~4~~. of this paragraph, the monthly insurance contribution amount shall be increased July 1 of each year by one and one-half percent (1.5%). The increase shall be cumulative and shall continue to accrue after the member's retirement for as long as a monthly insurance contribution is payable to the retired member or beneficiary.
 - 7~~6~~. The benefits of this paragraph provided to a member whose participation begins on or after July 1, 2003, shall not be considered as benefits protected by the inviolable contract provisions of KRS 16.652 or 61.692. The General Assembly reserves the right to suspend or reduce the benefits conferred in this paragraph if in its judgment the welfare of the Commonwealth so demands.
 - 8~~7~~. An employee whose membership date is on or after September 1, 2008, who retires and is reemployed in a regular full-time position required to participate in the system or the County Employees Retirement System shall not be eligible for health insurance coverage or benefits provided by this section and shall take coverage with his or her employing agency during the period of reemployment in a regular full-time position.
- ~~(f)~~~~(e)~~ For members with service in another state-administered retirement system who select hospital and medical insurance plan coverage through the system:
1. The system shall compute the member's combined service, including service credit in another state-administered retirement system, and calculate the portion of the member's premium monthly contribution rate to be paid by the funds specified under paragraph (a)2. of this subsection according to the criteria established in paragraphs (a) to ~~(e)~~~~(d)~~ of this subsection. Each state-administered retirement system shall pay annually to the insurance trust fund established under KRS 61.701 the portion of the system's cost of the retiree's monthly contribution for single coverage for hospital and medical insurance plan which shall be equal to the percentage of the member's number of months of service in the other state-administered retirement plan divided by his or her total combined service and in conjunction with the reciprocal agreement established between the system and the other state-administered retirement systems. The amounts paid by the other state-administered retirement plans and by the Kentucky Retirement Systems from funds specified under paragraph (a)2. of this subsection shall not be more than one hundred percent (100%) of the monthly contribution adopted by the respective boards of trustees;

2. A member may not elect coverage for hospital and medical benefits through more than one (1) of the state-administered retirement systems; and
 3. A state-administered retirement system shall not pay any portion of a member's monthly contribution for medical insurance unless the member is a recipient or annuitant of the plan.
- (5) Premiums paid for hospital and medical insurance coverage procured under authority of this section shall be exempt from any premium tax which might otherwise be required under KRS Chapter 136. The payment of premiums by the funds described by subsection (4)(a)2. of this section shall not constitute taxable income to an insured recipient. No commission shall be paid for hospital and medical insurance procured under authority of this section.
- (6) The board shall promulgate an administrative regulation to establish a medical insurance reimbursement plan to provide reimbursement for hospital and medical insurance plan premiums of recipients of a retirement allowance who are not eligible for the same level of hospital and medical benefits as recipients living in Kentucky and having the same Medicare hospital and medical insurance eligibility status. An eligible recipient shall file proof of payment for hospital and medical insurance plan coverage with the retirement office. Reimbursement to eligible recipients shall be made on a quarterly basis. The recipient shall be eligible for reimbursement of substantiated medical insurance premiums for an amount not to exceed the total monthly contribution rate determined under subsection (4) of this section. The plan shall not be made available if all recipients are eligible for the same coverage as recipients living in Kentucky.

➔Section 17. KRS 61.703 is amended to read as follows:

- (1) Upon the death of a member, retiree, or recipient who has an existing account or other benefit in a retirement system administered by the Kentucky Retirement Systems that totals no more than one thousand dollars (\$1,000), the surviving spouse, or if none, a surviving child, or if none, a surviving parent, or if none, a surviving brother or sister, may without formal administration of the estate collect the account subject to the provisions of this section.
- (2) The surviving spouse, child, parent, or brother or sister who makes demand for the deceased member, retiree, or recipient account shall file with the retirement office an affidavit stating that he or she is entitled to payment of the account. The affidavit shall conform to the requirements of the administrative regulation promulgated by the board.
- (3) After having paid the account to the surviving spouse, child, parent, or brother or sister, the retirement system shall be discharged and held harmless to the same extent as if conducting business with a personal representative. The retirement system shall not be required to inquire into the truth or veracity of any statement made in the affidavit. In the event any person or entity establishes a superior right to the account, the surviving spouse, child, parent, or brother or sister, and not the *retirement system or the Kentucky Public Pensions Authority* [~~Kentucky Retirement Systems~~], shall be answerable and accountable to any appointed personal representative for the estate.

➔Section 18. KRS 78.510 is amended to read as follows:

As used in KRS 78.510 to 78.852, unless the context otherwise requires:

- (1) "System" means the County Employees Retirement System;
- (2) "Board" means the board of trustees of the system as provided in KRS 78.782;
- (3) "County" means any county, or nonprofit organization created and governed by a county, counties, or elected county officers, sheriff and his or her employees, county clerk and his or her employees, circuit clerk and his or her deputies, former circuit clerks or former circuit clerk deputies, or political subdivision or instrumentality, including school boards, cities, charter county governments, urban-county governments, consolidated local governments, or unified local governments participating in the system by order appropriate to its governmental structure, as provided in KRS 78.530, and if the board is willing to accept the agency, organization, or corporation, the board being hereby granted the authority to determine the eligibility of the agency to participate;
- (4) "School board" means any board of education participating in the system by order appropriate to its governmental structure, as provided in KRS 78.530, and if the board is willing to accept the agency or corporation, the board being hereby granted the authority to determine the eligibility of the agency to participate;
- (5) "Examiner" means the medical examiners as provided in KRS 61.665;

- (6) "Employee" means every regular full-time appointed or elective officer or employee of a participating county and the coroner of a participating county, whether or not he or she qualifies as a regular full-time officer. The term shall not include persons engaged as independent contractors, seasonal, emergency, temporary, and part-time workers. In case of any doubt, the board shall determine if a person is an employee within the meaning of KRS 78.510 to 78.852;
- (7) "Employer" means a county, as defined in subsection (3) of this section, the elected officials of a county, or any authority of the county having the power to appoint or elect an employee to office or employment in the county;
- (8) "Member" means any employee who is included in the membership of the system or any former employee whose membership has not ceased under KRS 78.535;
- (9) "Service" means the total of current service and prior service as defined in this section;
- (10) "Current service" means the number of years and months of employment as an employee, on and after July 1, 1958, for which creditable compensation is paid and employee contributions deducted, except as otherwise provided;
- (11) "Prior service" means the number of years and completed months, expressed as a fraction of a year, of employment as an employee, prior to July 1, 1958, for which creditable compensation was paid. An employee shall be credited with one (1) month of prior service only in those months he received compensation for at least one hundred (100) hours of work. Twelve (12) months of current service in the system shall be required to validate prior service;
- (12) "Accumulated contributions" means the sum of all amounts deducted from the compensation of a member and credited to his individual account in the members' account, including employee contributions picked up after August 1, 1982, pursuant to KRS 78.610(4), together with interest credited, on the amounts, and any other amounts the member shall have contributed thereto, including interest credited thereon. "Accumulated contributions" shall not include employee contributions that are deposited into accounts established pursuant to 26 U.S.C. sec. 401(h) within the fund established in KRS 78.520, as prescribed by KRS 78.5536(3)(b);
- (13) "Creditable compensation":
- (a) Except as limited by paragraph (c) of this subsection, means all salary, wages, and fees, including payments for compensatory time, paid to the employee as a result of services performed for the employer or for time during which the member is on paid leave, which are includable on the member's federal form W-2 wage and tax statement under the heading "wages, tips, other compensation", including employee contributions picked up after August 1, 1982, pursuant to KRS 78.610(4). The creditable compensation of fee officers who receive salary, fees, maintenance, or other perquisites as a result of their official duties is the gross amount received decreased by the cost of salary paid deputies and clerks and the cost of office supplies and other official expenses;
 - (b) Includes:
 1. Lump-sum bonuses, severance pay, or employer-provided payments for purchase of service credit, which shall be averaged over the employee's service with the system in which it is recorded if it is equal to or greater than one thousand dollars (\$1,000);
 2. Cases where compensation includes maintenance and other perquisites, but the board shall fix the value of that part of the compensation not paid in money;
 3. Lump-sum payments for creditable compensation paid as a result of an order of a court of competent jurisdiction, the Personnel Board, or the Commission on Human Rights, or for any creditable compensation paid in anticipation of settlement of an action before a court of competent jurisdiction, the Personnel Board, or the Commission on Human Rights, including notices of violations of state or federal wage and hour statutes or violations of state or federal discrimination statutes, which shall be credited to the fiscal year during which the wages were earned or should have been paid by the employer. This subparagraph shall also include lump-sum payments for reinstated wages pursuant to KRS 61.569, which shall be credited to the period during which the wages were earned or should have been paid by the employer;
 4. Amounts which are not includable in the member's gross income by virtue of the member having taken a voluntary salary reduction provided for under applicable provisions of the Internal Revenue Code; and

5. Elective amounts for qualified transportation fringes paid or made available on or after January 1, 2001, for calendar years on or after January 1, 2001, that are not includable in the gross income of the employee by reason of 26 U.S.C. sec. 132(f)(4); and
- (c) Excludes:
1. Living allowances, expense reimbursements, lump-sum payments for accrued vacation leave, sick leave except as provided in KRS 78.616(5), and other items determined by the board;
 2. For employees who begin participating on or after September 1, 2008, lump-sum payments for compensatory time;
 3. Training incentive payments for city officers paid as set out in KRS 64.5277 to 64.5279;
 4. For employees who begin participating on or after August 1, 2016, nominal fees paid for services as a volunteer; and
 5. Any salary or wages paid to an employee for services as a Kentucky State Police school resource officer as defined by KRS 158.441;
- (14) "Final compensation" means:
- (a) For a member who begins participating before September 1, 2008, who is employed in a nonhazardous position, the creditable compensation of the member during the five (5) fiscal years he or she was paid at the highest average monthly rate divided by the number of months of service credit during that five (5) year period multiplied by twelve (12). The five (5) years may be fractional and need not be consecutive. If the number of months of service credit during the five (5) year period is less than forty-eight (48), one (1) or more additional fiscal years shall be used;
 - (b) For a member who is employed in a nonhazardous position, whose effective retirement date is between August 1, 2001, and January 1, 2009, and whose total service credit is at least twenty-seven (27) years and whose age and years of service total at least seventy-five (75), final compensation means the creditable compensation of the member during the three (3) fiscal years the member was paid at the highest average monthly rate divided by the number of months of service credit during that three (3) year period multiplied by twelve (12). The three (3) years may be fractional and need not be consecutive. If the number of months of service credit during the three (3) year period is less than twenty-four (24), one (1) or more additional fiscal years shall be used;
 - (c) For a member who begins participating before September 1, 2008, who is employed in a hazardous position, as provided in KRS 61.592, the creditable compensation of the member during the three (3) fiscal years he or she was paid at the highest average monthly rate divided by the number of months of service credit during that three (3) year period multiplied by twelve (12). The three (3) years may be fractional and need not be consecutive. If the number of months of service credit during the three (3) year period is less than twenty-four (24), one (1) or more additional fiscal years, which may contain less than twelve (12) months of service credit, shall be used;
 - (d) For a member who begins participating on or after September 1, 2008, but prior to January 1, 2014, who is employed in a nonhazardous position, the creditable compensation of the member during the five (5) complete fiscal years immediately preceding retirement divided by five (5). Each fiscal year used to determine final compensation must contain twelve (12) months of service credit. If the member does not have five (5) complete fiscal years that each contain twelve (12) months of service credit, then one (1) or more additional fiscal years, which may contain less than twelve (12) months of service credit, shall be added until the number of months in the final compensation calculation is at least sixty (60) months; or
 - (e) For a member who begins participating on or after September 1, 2008, but prior to January 1, 2014, who is employed in a hazardous position as provided in KRS 61.592, the creditable compensation of the member during the three (3) complete fiscal years he or she was paid at the highest average monthly rate divided by three (3). Each fiscal year used to determine final compensation must contain twelve (12) months of service credit. If the member does not have three (3) complete fiscal years that each contain twelve (12) months of service credit, then one (1) or more additional fiscal years, which may contain less than twelve (12) months of service credit, shall be added until the number of months in the final compensation calculation is at least thirty-six (36) months;

- (15) "Final rate of pay" means the actual rate upon which earnings of an employee were calculated during the twelve (12) month period immediately preceding the member's effective retirement date, and shall include employee contributions picked up after August 1, 1982, pursuant to KRS 78.610(4). The rate shall be certified to the system by the employer and the following equivalents shall be used to convert the rate to an annual rate: two thousand eighty (2,080) hours for eight (8) hour workdays, one thousand nine hundred fifty (1,950) hours for seven and one-half (7.5) hour workdays, two hundred sixty (260) days, fifty-two (52) weeks, twelve (12) months, one (1) year;
- (16) "Retirement allowance" means the retirement payments to which a member is entitled;
- (17) "Actuarial equivalent" means a benefit of equal value when computed upon the basis of the actuarial tables adopted by the board. In cases of disability retirement, the options authorized by KRS 61.635 shall be computed by adding ten (10) years to the age of the member, unless the member has chosen the Social Security adjustment option as provided for in KRS 61.635(8), in which case the member's actual age shall be used. For members who begin participating in the system prior to January 1, 2014, no disability retirement option shall be less than the same option computed under early retirement;
- (18) "Normal retirement date", unless otherwise provided in KRS 78.510 to 78.852, means:
- (a) For a member with service in a nonhazardous position, the sixty-fifth birthday of a member;
 - (b) For a member with service in a hazardous position who begins participating before September 1, 2008, the first day of the month following a member's fifty-fifth birthday; or
 - (c) For a member with service in a hazardous position who begins participating on or after September 1, 2008, the first day of the month following a member's sixtieth birthday;
- (19) "Fiscal year" of the system means the twelve (12) months from July 1 through the following June 30, which shall also be the plan year. The "fiscal year" shall be the limitation year used to determine contribution and benefits limits as set out in 26 U.S.C. sec. 415;
- (20) "Agency reporting official" means the person designated by the participating employer who shall be responsible for forwarding all employer and employee contributions and a record of the contributions to the system and for performing other administrative duties pursuant to the provisions of KRS 78.510 to 78.852;
- (21) "Regular full-time positions," as used in subsection (6) of this section, shall mean all positions that average one hundred (100) or more hours per month, determined by using the number of hours actually worked in a calendar or fiscal year, or eighty (80) or more hours per month in the case of noncertified employees of school boards, determined by using the number of hours actually worked in a calendar or school year, unless otherwise specified, except:
- (a) Seasonal positions, which although temporary in duration, are positions which coincide in duration with a particular season or seasons of the year and that may recur regularly from year to year, in which case the period of time shall not exceed nine (9) months, except for employees of school boards, in which case the period of time shall not exceed six (6) months;
 - (b) Emergency positions ~~which that~~ are positions *utilized by the employer during:*
 1. *An emergency as determined by the employer for a period that do not exceeding exceed} thirty (30) working days and are nonrenewable; or*
 2. *A state of emergency declared by the President of the United States or the Governor of the Commonwealth of Kentucky that are created or filled specifically for addressing the employer's needs during and as a result of the declared emergency;*
 - (c) Temporary positions that are positions of employment with a participating agency for a period of time not to exceed twelve (12) months and not renewable;
 - (d) Probationary positions which are positions of employment with a participating employer that do not exceed twelve (12) months and that are used uniformly by the participating agency on new employees who would otherwise be eligible for participation in the system. Probationary positions shall not be renewable by the participating employer for the same employee, unless the employee has not been employed with the participating employer for a period of at least twelve (12) months; or
 - (e) Part-time positions that are positions that may be permanent in duration, but that require less than a calendar or fiscal year average of one hundred (100) hours of work per month, determined by using the number of months actually worked within a calendar or fiscal year, in the performance of duty, except

in case of noncertified employees of school boards, the school term average shall be eighty (80) hours of work per month, determined by using the number of months actually worked in a calendar or school year, in the performance of duty;

- (22) "Alternate participation plan" means a method of participation in the system as provided for by KRS 78.530(3);
- (23) "Retired member" means any former member receiving a retirement allowance or any former member who has on file at the retirement office the necessary documents for retirement benefits and is no longer contributing to the system;
- (24) "Current rate of pay" means the member's actual hourly, daily, weekly, biweekly, monthly, or yearly rate of pay converted to an annual rate as defined in final rate of pay. The rate shall be certified by the employer;
- (25) "Beneficiary" means the person, persons, estate, trust, or trustee designated by the member in accordance with KRS 61.542 or 61.705 to receive any available benefits in the event of the member's death. As used in KRS 78.5536, beneficiary shall not mean an estate, trust, or trustee;
- (26) "Recipient" means the retired member, the person or persons designated as beneficiary by the member and drawing a retirement allowance as a result of the member's death, or a dependent child drawing a retirement allowance. An alternate payee of a qualified domestic relations order shall not be considered a recipient, except for purposes of KRS 61.623;
- (27) "Person" means a natural person;
- (28) "School term or year" means the twelve (12) months from July 1 through the following June 30;
- (29) "Retirement office" means the Kentucky Public Pensions Authority office building in Frankfort, unless otherwise designated by the Kentucky Public Pensions Authority;
- (30) "Vested" for purposes of determining eligibility for purchasing service credit under KRS 61.552 means the employee has at least forty-eight (48) months of service if age sixty-five (65) or older or at least sixty (60) months of service if under the age of sixty-five (65). For purposes of this subsection, "service" means service in the systems administered by the Kentucky Retirement Systems and County Employees Retirement System;
- (31) "Participating" means an employee is currently earning service credit in the system as provided in KRS 78.615;
- (32) "Month" means a calendar month;
- (33) "Membership date" means the date upon which the member began participating in the system as provided in KRS 78.615;
- (34) "Participant" means a member, as defined by subsection (8) of this section, or a retired member, as defined by subsection (23) of this section;
- (35) "Qualified domestic relations order" means any judgment, decree, or order, including approval of a property settlement agreement, that:
 - (a) Is issued by a court or administrative agency; and
 - (b) Relates to the provision of child support, alimony payments, or marital property rights to an alternate payee;
- (36) "Alternate payee" means a spouse, former spouse, child, or other dependent of a participant, who is designated to be paid retirement benefits in a qualified domestic relations order;
- (37) "Accumulated employer credit" means the employer pay credit deposited to the member's account and interest credited on such amounts as provided by KRS 78.5512 and 78.5516;
- (38) "Accumulated account balance" means:
 - (a) For members who began participating in the system prior to January 1, 2014, the member's accumulated contributions; or
 - (b) For members who began participating in the system on or after January 1, 2014, in the hybrid cash balance plan as provided by KRS 78.5512 and 78.5516, the combined sum of the member's accumulated contributions and the member's accumulated employer credit;
- (39) "Volunteer" means an individual who:

- (a) Freely and without pressure or coercion performs hours of service for an employer participating in one (1) of the systems administered by Kentucky Retirement Systems or the County Employees Retirement System without receipt of compensation for services rendered, except for reimbursement of actual expenses, payment of a nominal fee to offset the costs of performing the voluntary services, or both; and
 - (b) If a retired member, does not become an employee, leased employee, or independent contractor of the employer for which he or she is performing volunteer services for a period of at least twelve (12) months following the retired member's most recent retirement date;
- (40) "Nominal fee" means compensation earned for services as a volunteer that does not exceed five hundred dollars (\$500) per month **with each participating employer**. Compensation earned for services as a volunteer from more than one (1) participating employer during a month shall **not** be aggregated to determine whether the compensation exceeds the five hundred dollars (\$500) per month maximum provided by this subsection;
- (41) "Nonhazardous position" means a position that does not meet the requirements of KRS 78.5520 or has not been approved by the board as a hazardous position;
- (42) "Hazardous position" means a position that meets the requirements of KRS 78.5520 and has been approved by the board as hazardous;
- (43) "Level-percentage-of-payroll amortization method" means a method of determining the annual amortization payment on the unfunded actuarial accrued liability as expressed as a percentage of payroll over a set period of years. Under this method, the percentage of payroll shall be projected to remain constant for all years remaining in the set period and the unfunded actuarially accrued liability shall be projected to be fully amortized at the conclusion of the set period;
- (44) "Increment" means twelve (12) months of service credit which are purchased. The twelve (12) months need not be consecutive. The final increment may be less than twelve (12) months;
- (45) "Last day of paid employment" means the last date employer and employee contributions are required to be reported in accordance with KRS 16.543, 61.543, or 78.615 to the retirement office in order for the employee to receive current service credit for the month. Last day of paid employment does not mean a date the employee receives payment for accrued leave, whether by lump sum or otherwise, if that date occurs twenty-four (24) or more months after previous contributions;
- (46) "Objective medical evidence" means reports of examinations or treatments; medical signs which are anatomical, physiological, or psychological abnormalities that can be observed; psychiatric signs which are medically demonstrable phenomena indicating specific abnormalities of behavior, affect, thought, memory, orientation, or contact with reality; or laboratory findings which are anatomical, physiological, or psychological phenomena that can be shown by medically acceptable laboratory diagnostic techniques, including but not limited to chemical tests, electrocardiograms, electroencephalograms, X-rays, and psychological tests;
- (47) "Hazardous disability" as used in KRS 78.510 to 78.852 means a disability which results in an employee's total incapacity to continue as an employee in a hazardous position, but the employee is not necessarily deemed to be totally and permanently disabled to engage in other occupations for remuneration or profit;
- (48) "Act in line of duty" means, **for employees in hazardous positions under KRS 78.5520:** ~~for purposes of members serving in a hazardous position,~~
- (a) **A single~~an~~** act occurring which was required in the performance of the principal duties of the hazardous position as defined by the job description; **or**
 - (b) **A single act of violence committed against the employee that is found to be related to his or her job duties, whether or not it occurs at his or her job site;**
- (49) "Dependent child" means a child in the womb and a natural or legally adopted child of the member who has neither attained age eighteen (18) nor married or who is an unmarried full-time student who has not attained age twenty-two (22). Solely in the case of a member who dies as a direct result of an act in line of duty as defined in this section, ~~or who~~ dies as a result of a duty-related injury as defined in KRS 61.621, **becomes totally and permanently disabled as a direct result of an act in the line of duty as defined in this section, or becomes disabled as a result of a duty-related injury as defined in KRS 61.621 and is eligible for the benefits provided by KRS 61.621(5)(a)**, "dependent child" also means a naturally or legally adopted disabled child of the member, regardless of the child's age, if the child has been determined to be eligible for federal

Social Security disability benefits or is being claimed as a qualifying child for tax purposes due to the child's total and permanent disability;

- (50) "Normal retirement age" means the age at which the member meets the requirements for his or her normal retirement date as provided by subsection (18) of this section;
- (51) "Disability retirement date" means the first day of the month following the last day of paid employment;
- (52) "Monthly average pay" means:
- (a) In the case of a member who dies as a direct result of an act in line of duty as defined in KRS 16.505 or who dies as a result of a duty-related injury as defined in KRS 61.621, the higher of the member's monthly final rate of pay or the average monthly creditable compensation earned by the deceased member during his or her last twelve (12) months of employment; or
 - (b) In the case where a member becomes totally and permanently disabled as a direct result of an act in line of duty as defined in KRS 16.505 or becomes disabled as a result of a duty-related injury as defined in KRS 61.621 and is eligible for the benefits provided by KRS 61.621(5)(a), the higher of the member's monthly final rate of pay or the average monthly creditable compensation earned by the disabled member during his or her last twelve (12) months of employment prior to the date the act in line of duty or duty-related injury occurred;
- (53) "Authority" means the Kentucky Public Pensions Authority as provided by KRS 61.505; and
- (54) "Executive director" means the executive director of the Kentucky Public Pensions Authority.

➔Section 19. KRS 78.520 is amended to read as follows:

There is hereby created and established:

- (1) A retirement system for employees to be known as the "County Employees Retirement System" by and in which name it shall, pursuant to the provisions of KRS 78.510 to 78.852, transact all of its business and shall have the powers and privileges of a corporation; and
- (2)
 - (a) A fund, called the "County Employees Retirement Fund," which shall consist of all the assets of the system as set forth in KRS 78.510 to 78.852.
 - (b) All assets received in the fund shall be deemed trust funds to be held and applied solely as provided in KRS 78.510 to KRS 78.852.
 - (c) *The assets in the fund shall be attributable to members participating in the County Employees Retirement System in both hazardous positions as defined in Section 18 of this Act and nonhazardous positions as defined in Section 18 of this Act, and when payment is made from the fund:*
 1. *No assets attributable to members in hazardous positions shall be used to pay benefits to members in nonhazardous positions; and*
 2. *No assets attributable to members in nonhazardous positions shall be used to pay benefits to members in hazardous positions.*

➔Section 20. KRS 78.5524 is amended to read as follows:

The disability retirement provisions contained in this section shall apply to a person whose last date of paid employment was in a hazardous position.

- (1)
 - (a) For purposes of this section:
 1. "Total and permanent disability" means a disability which results in the member's incapacity to engage in any occupation for remuneration or profit. Loss by severance of both hands at or above the wrists, or both feet at or above the ankles, or one (1) hand above the wrist and one (1) foot above the ankle, or the complete, irrevocable loss of the sight of both eyes shall be considered as total and permanent; and
 2. "Hazardous disability" means a disability which results in an employee's total incapacity to continue as an employee in a hazardous position, but the employee is not necessarily deemed to be totally and permanently disabled to engage in other occupations for remuneration or profit.

- (b) In determining whether the disability meets the requirement of this section, any reasonable accommodation provided by the employer as provided in 42 U.S.C. sec. 12111(9) and 29 C.F.R. pt. 1630 shall be considered.
 - (c) If the board determines that the total and permanent disability of a member receiving a retirement allowance under this section has ceased, then the board shall determine if the member has a hazardous disability as defined by KRS 78.510.
- (2) Any person may qualify to retire on disability, subject to the following:
- (a) The person shall have sixty (60) months of service, twelve (12) of which shall be current service credited under KRS 16.543(1), 61.543(1), or 78.615(1). The service requirement shall be waived if the disability is a total and permanent disability or a hazardous disability and is a direct result of an act in line of duty;
 - (b) For a person whose membership date is prior to August 1, 2004, the person shall not be eligible for an unreduced retirement allowance;
 - (c) The person's application shall be on file in the retirement office no later than twenty-four (24) months after the person's last day of paid employment, as defined in KRS 78.510, in a regular full-time position that has been approved as a hazardous position in accordance with KRS 78.5520;
 - (d) The person shall receive a satisfactory determination pursuant to KRS 61.665; and
 - (e) A person's disability application based on the same claim of incapacity shall be accepted and reconsidered for disability if accompanied by new objective medical evidence. The application shall be on file in the retirement office no later than twenty-four (24) months after the person's last day of paid employment in a regular full-time hazardous position.
- (3) Upon the examination of the objective medical evidence by licensed physicians pursuant to KRS 61.665, it shall be determined that:
- (a) The incapacity results from bodily injury, mental illness, or disease. For purposes of this section, "injury" means any physical harm or damage to the human organism other than disease or mental illness;
 - (b) The incapacity is deemed to be permanent; and
 - (c) The incapacity does not result directly or indirectly from:
 1. Injury intentionally self-inflicted while sane or insane; or
 2. Bodily injury, mental illness, disease, or condition which pre-existed membership in the system or reemployment, whichever is most recent, unless:
 - a. The disability results from bodily injury, mental illness, disease, or a condition which has been substantially aggravated by an injury or accident arising out of or in the course of employment; or
 - b. The person has at least sixteen (16) years' current or prior service for employment with employers participating in the County Employees Retirement System or the Kentucky Retirement Systems.

For purposes of this subparagraph, "reemployment" shall not mean a change of employment between employers participating in the County Employees Retirement System or the Kentucky Retirement Systems with no loss of service credit.
- (4) (a) 1. An incapacity shall be deemed to be permanent *for the purpose of hazardous disability* if it is expected to result in death or can be expected to last for a continuous period of not less than twelve (12) months from the person's last day of paid employment in a hazardous position.
2. The determination of a permanent incapacity *for the purpose of hazardous disability* shall be based on the medical evidence contained in the member's file and the member's residual functional capacity and physical exertion requirements.
3. *The determination of a total and permanent incapacity shall be based on the medical evidence contained in the member's file and the member's residual functional capacity.*

- (b) The person's residual functional capacity shall be the person's capacity for work activity on a regular and continuing basis. The person's physical ability shall be assessed in light of the severity of the person's physical, mental, and other impairments. The person's ability to walk, stand, carry, push, pull, reach, handle, and other physical functions shall be considered with regard to physical impairments. The person's ability to understand, remember, and carry out instructions and respond appropriately to supervision, coworkers, and work pressures in a work setting shall be considered with regard to mental impairments. Other impairments, including skin impairments, epilepsy, visual sensory impairments, postural and manipulative limitations, and environmental restrictions, shall be considered in conjunction with the person's physical and mental impairments to determine residual functional capacity.
- (c) The person's physical exertion requirements shall be determined based on the following standards:
1. Sedentary work shall be work that involves lifting no more than ten (10) pounds at a time and occasionally lifting or carrying articles such as large files, ledgers, and small tools. Although a sedentary job primarily involves sitting, occasional walking and standing may also be required in the performance of duties.
 2. Light work shall be work that involves lifting no more than twenty (20) pounds at a time with frequent lifting or carrying of objects weighing up to ten (10) pounds. A job shall be in this category if lifting is infrequently required but walking and standing are frequently required, or if the job primarily requires sitting with pushing and pulling of arm or leg controls. If the person has the ability to perform substantially all of these activities, the person shall be deemed capable of light work. A person deemed capable of light work shall be deemed capable of sedentary work unless the person has additional limitations such as the loss of fine dexterity or inability to sit for long periods.
 3. Medium work shall be work that involves lifting no more than fifty (50) pounds at a time with frequent lifting or carrying of objects weighing up to twenty-five (25) pounds. If the person is deemed capable of medium work, the person shall be deemed capable of light and sedentary work.
 4. Heavy work shall be work that involves lifting no more than one hundred (100) pounds at a time with frequent lifting or carrying of objects weighing up to fifty (50) pounds. If the person is deemed capable of heavy work, the person shall also be deemed capable of medium, light, and sedentary work.
 5. Very heavy work shall be work that involves lifting objects weighing more than one hundred (100) pounds at a time with frequent lifting or carrying of objects weighing fifty (50) or more pounds. If the person is deemed capable of very heavy work, the person shall be deemed capable of heavy, medium, light, and sedentary work.
- (5) Upon disability retirement, an employee may receive a disability retirement allowance payable during his or her lifetime which shall be:
- (a) For a member who began participating in the system prior to August 1, 2004, an annual retirement allowance payable monthly and determined in the same manner as for retirement at his or her normal retirement date with years of service and final compensation being determined as of the date of his or her disability, except that service shall be added beginning with his or her last date of paid employment and continuing to his or her fifty-fifth birthday. The maximum service credit added shall not exceed the total service the member had on his or her last day of paid employment, and the maximum service credit for calculating his or her retirement allowance, including his or her total service and service added under this section, shall not exceed twenty (20) years;
 - (b) For a member who begins participating on or after August 1, 2004, but prior to January 1, 2014, the higher of twenty-five percent (25%) of the member's monthly final rate of pay or the retirement allowance determined in the same manner as for retirement at his or her normal retirement date with years of service and final compensation being determined as of the date of his or her disability; or
 - (c) For a member who begins participating on or after January 1, 2014, in the hybrid cash balance plan as provided by KRS 78.5516, the disability retirement allowance shall be the higher of twenty-five percent (25%) of the member's monthly final rate of pay or the retirement allowance determined in the same manner as for retirement at his or her normal retirement date under KRS 78.5516.

- (6) If the member receives a satisfactory determination of ~~total and permanent disability or~~ hazardous disability pursuant to KRS 61.665 and the disability is the direct result of an act in line of duty *as defined in Section 18 of this Act*, the member's retirement allowance shall be calculated as follows:
- (a) For the disabled member, benefits as provided in subsection (5) of this section except that the monthly retirement allowance payable shall not be less than twenty-five percent (25%) of the member's monthly final rate of pay; and
 - (b) For each dependent child of the member on his or her disability retirement date, who is alive at the time any particular payment is due, a monthly payment equal to ten percent (10%) of the disabled member's monthly final rate of pay; however, total maximum dependent children's benefit shall not exceed forty percent (40%) of the member's monthly final rate of pay. The payments shall be payable to each dependent child, or to a legally appointed guardian or as directed by the system.
- (7) *If the member receives a satisfactory determination of total and permanent disability pursuant to Section 14 of this Act and the disability is the direct result of an act in line of duty as defined in Section 18 of this Act, the member's retirement allowance shall be calculated as follows:*
- (a) *For the disabled member, the benefits as provided in subsection (5) of this section, except that the monthly retirement allowance payable shall not be less than seventy-five percent (75%) of the member's monthly average pay; and*
 - (b) *For each dependent child of the member on his or her disability retirement date, who is alive at the time any particular payment is due, a monthly payment equal to ten percent (10%) of the disabled member's monthly average pay, except that:*
 1. *Member and dependent children payments under this subsection shall not exceed one hundred percent (100%) of the member's monthly average pay; and*
 2. *Total maximum dependent children's benefits shall not exceed twenty-five percent (25%) of the member's monthly average pay while the member is living and forty percent (40%) of the member's monthly average pay after the member's death. The payments shall be payable to each dependent child, or to a legally appointed guardian or as directed by the system, and shall be divided equally among all dependent children.*
- (8) No benefit provided in this section shall be reduced as a result of any change in the extent of disability of any retired member who is normal retirement age or older.
- ~~(9)~~~~(8)~~ If a regular full-time member in a hazardous position has been approved for benefits under a hazardous disability, the board shall, upon request of the member, permit the member to receive the hazardous disability allowance while accruing benefits in a nonhazardous position, subject to proper medical review of the nonhazardous position's job description by the Authority's medical examiner.

➔Section 21. KRS 78.5526 is amended to read as follows:

- (1) Once each year following the retirement of a person on a disability retirement allowance, *except for persons who become totally and permanently disabled as a direct result of an act in line of duty as defined in Section 18 of this Act or become disabled as a result of a duty-related injury as defined in KRS 61.621 in which case shall be once every three (3) years following retirement*, or less frequently as determined by the Authority's medical examiner but not less than once every five (5) years, the system may require the person, prior to his or her normal retirement date, to undergo an employment and medical staff review and, if necessary, be required to file at the retirement office on the review form prescribed by the Authority current employment information and current medical information for the bodily injury, mental illness, or disease for which he or she receives a disability retirement allowance. The person shall have one hundred eighty (180) days from the day the Authority ~~sent~~~~mailed~~ the review form *by United States first-class mail to the person's last address on file in the retirement office, by electronic mail to the person's last electronic mail address on file in the retirement office, or by other electronic means* to file at the retirement office the review form and the current employment and medical information. The person shall certify to the Authority that the review form, including current employment and medical information, is ready to be evaluated by the medical examiner in accordance with KRS 78.5528.
- (2) If, after good faith efforts, the person informs the Authority that he or she has been unable to obtain the employment or medical information, the Authority shall assist the person in obtaining the records and may use the powers granted pursuant to KRS 61.685(1) to obtain the records.

- (3) If the person fails or refuses to file at the retirement office the review form, including the current employment and medical information, his or her retirement allowance shall be discontinued or reduced on the first day of the month following the expiration of the one hundred eighty (180) days from the day the Authority ~~sent (mailed)~~ the review form **by United States first-class mail** to the person's last address on file in the retirement office, **by electronic mail to the person's last electronic mail address on file in the retirement office, or by other electronic means**. The Authority shall send notice of the discontinuance or reduction of the disability retirement allowance by United States first-class mail to the person's last address on file in the retirement office, **by electronic mail to the person's last electronic mail address on file in the retirement office, or by other electronic means**. If the person's benefits are discontinued or reduced under this section, his or her rights to further disability retirement allowances shall cease, except as provided by KRS 78.5528.
- (4) ***The Kentucky Public Pensions Authority shall hire or contract for the services of one (1) or more investigators to investigate potential fraud involving disability benefits with the system. The investigators shall evaluate potential cases of disability fraud and conduct spot audits for potential fraud as determined by the system in cases involving members who become totally and permanently disabled as a direct result of an act in line of duty as defined in Section 18 of this Act or become disabled as a result of a duty-related injury as defined in KRS 61.621.***

➔Section 22. KRS 78.5530 is amended to read as follows:

Notwithstanding any other provisions of KRS 78.510 to 78.852, a maximum disability benefit is hereby established which shall apply, upon disability retirement, to any disabled employee's account to which service credit is added to determine disability benefits or in any case where disability benefits are determined by computing a percentage of the disabled employee's final monthly rate of pay **or monthly average pay**. The maximum disability benefit shall be determined by the following formula:

- (1) Add the monthly benefit payable to the disabled employee from the County Employees Retirement System and the Kentucky Retirement Systems, using the monthly disability retirement allowance without any reduction due to the selection of an optional payment plan under KRS 61.635 but excluding dependent children's allowances, if any, to his or her monthly benefit, if any, from Social Security, even though these payments may not begin for a period of time as required for qualification under the federal Social Security law, excluding spouse or dependent benefits, and his or her monthly benefit, if any, from workers' compensation, even though these payments may not have begun as of the date the disabled member applies for disability retirement benefits, excluding spouse or dependent children's allowances, from workers' compensation, to arrive at a projected combined monthly benefit.
- (2) If the projected combined monthly benefit exceeds one hundred percent (100%) of the disabled employee's final rate of pay or his or her final compensation, whichever is greater, his or her disability retirement allowance from the County Employees Retirement System and the Kentucky Retirement Systems shall be reduced to an amount which would cause his or her projected combined monthly benefit to equal one hundred percent (100%) of his or her final rate of pay or his or her final compensation, whichever is greater; however, the disability retirement allowance shall not be reduced below an amount which would result from a computation of his or her disability retirement allowance from the County Employees Retirement System and the Kentucky Retirement Systems using the disabled employee's actual total service.
- (3) The system may pay estimated benefits to a disabled employee, upon qualification for disability retirement, based on an estimate of his or her Social Security and workers' compensation benefits until the amounts are actually determined, at which time a final calculation of the member's actual benefits shall be determined and his or her account corrected retroactive to his or her effective retirement date.
- (4) Any increase in Social Security benefits or workers' compensation benefits which becomes law, regardless of their effective date, subsequent to the disabled employee's effective retirement date, shall not be considered in determination of the maximum benefit payable, as the maximum benefit payable is based on the amount of combined benefits under these programs as of the disabled employee's effective retirement date.
- (5) Any disabled recipient whose potential payments from the system were reduced as provided for in this section shall advise the Authority if his or her payments under the federal Social Security Act or Workers' Compensation Act cease at any time subsequent to his or her effective retirement date. Upon investigation, if the system determines that the disabled recipient continues to be eligible for disability benefits, the system may increase his or her retirement allowance by adding to his or her payment an amount equal to the reduction applied upon the effective retirement date in accordance with subsection (2) of this section.

- (6) The amount of combined disability benefit payments made to an individual on or after April 1 2021, from the Kentucky Retirement Systems and the County Employees Retirement System shall not be increased as a result of the passage of 2021 Ky. Acts ch. 102.
- (7) *Subsequent to his or her effective retirement date, each disability recipient who is still eligible to receive disability payments based upon a total and permanent disability that occurred as a direct result of an act in line of duty as defined in Section 18 of this Act or a disablement that occurred as a result of a duty-related injury as defined in KRS 61.621 shall annually file, on a form or via an electronic method established by the Authority, information on whether payments to the recipient have ceased or begun under the federal Social Security Act or Workers' Compensation Act, and the Authority shall make any necessary adjustments as provided by this section.*

➔Section 23. KRS 78.5536 is amended to read as follows:

- (1) For purposes of this section:
- (a) "Hospital and medical insurance plan" may include, at the board's discretion, any one (1) or more of the following:
1. Any hospital and medical expense policy or certificate, provider-sponsored integrated health delivery network, self-insured medical plan, health maintenance organization contract, or other health benefit plan;
 2. Any health savings account as permitted by 26 U.S.C. sec. 223 or health reimbursement arrangement or a similar account as may be permitted by 26 U.S.C. sec. 105 or 106. Such arrangement or account, at the board's discretion, may reimburse any medical expense permissible under 26 U.S.C. sec. 213; or
 3. A medical insurance reimbursement program established by the board through the promulgation of administrative regulation under which members purchase individual health insurance coverage through a health insurance exchange established under 42 U.S.C. sec. 18031 or 18041;
- (b) "Monthly contribution rate" shall be the amount determined by the board based upon the requirements of subsection (4)(a) to ~~(d)(e)~~ of this section, except that for members who began participating in the system on or after July 1, 2003, the term shall mean the amount determined in subsection ~~(4)(e)~~~~(4)(d)~~ of this section; and
- (c) "Months of service" shall mean the total months of combined service used to determine benefits under the system, except service added to determine disability benefits or service otherwise prohibited from being used to determine retiree health benefits under KRS 78.510 to 78.852 shall not be counted as "months of service."
- (2) (a) 1. The board of trustees of the system shall arrange by appropriate contract or on a self-insured basis to provide a group hospital and medical insurance plan coverage for:
- a. Present and future recipients of a retirement allowance from the County Employees Retirement System; and
 - b. The spouse and each qualified dependent of a recipient who is a former member or the beneficiary, provided the spouse and dependent meet the requirements to participate in the hospital and medical insurance plans established, contracted, or authorized by the system.
2. Any recipient who chooses coverage under a hospital and medical insurance plan shall pay, by payroll deduction from the retirement allowance, electronic funds transfer, or by another method, the difference between the premium cost of the hospital and medical insurance plan coverage selected and the monthly contribution rate to which he or she would be entitled under this section.
- (b) 1. For present and future recipients of a retirement allowance from the system who are not eligible for Medicare *and for those recipients described in subparagraph 3.b. of this paragraph*, the board may authorize these participants to be included in the Kentucky Employees Health Plan as provided by KRS 18A.225 to 18A.2287 and shall provide benefits for recipients in the plan equal to those provided to state employees having the same Medicare hospital and medical insurance eligibility status. Notwithstanding the provisions of any other statute *except subparagraph 3.b. of this paragraph*, system recipients shall be included in the same class as current state

employees for purposes of determining medical insurance policies and premiums in the Kentucky Employees Health Plan as provided by KRS 18A.225 to 18A.2287.

2. Regardless of age, if a recipient or the spouse or dependent child of a recipient who elects coverage becomes eligible for Medicare, he or she shall participate in the plans offered by the systems for Medicare eligible recipients. Individuals participating in the Medicare eligible plans may be required to obtain and pay for Medicare Part A and Part B coverage in order to participate in the Medicare eligible plans offered by the system.
 3. The system shall continue to provide the same hospital and medical insurance plan coverage for recipients and qualifying dependents after the age of sixty-five (65) as before the age of sixty-five (65), if:
 - a. The recipient is not eligible for Medicare coverage; *or*
 - b. *The recipient would otherwise be eligible for Medicare coverage but is subject to the Medicare Secondary Payer Act under 42 U.S.C. sec. 1395y(b) and has been reemployed by a participating agency which offers the recipient a hospital and medical insurance benefit or by a participating agency which is prevented from offering a hospital and medical benefit to the recipient as a condition of reemployment under KRS 70.293, 95.022, or 164.952. Individuals who are eligible, pursuant to this subdivision, to be included in the Kentucky Employees Health Plan as provided by KRS 18A.225 to 18A.2287 may be rated as a separate class from other eligible employees and retirees for the purpose of determining medical insurance premiums.*
 - (c) For recipients of a retirement allowance who are not eligible for the same level of hospital and medical benefits as recipients living in Kentucky having the same Medicare hospital and medical insurance eligibility status, the board shall provide a medical insurance reimbursement plan as described in subsection (6) of this section.
 - (d) Notwithstanding anything in KRS Chapter 78 to the contrary, the board of trustees, in its discretion, may take necessary steps to ensure compliance with 42 U.S.C. secs. 300bb-1 et seq.
- (3) (a) Each employer participating in the County Employees Retirement System as provided in KRS 78.510 to 78.852 shall contribute to the insurance trust fund established by KRS 61.701 the amount necessary to provide the monthly contribution rate as provided for under this section. Such employer contribution rate shall be developed by appropriate actuarial method as a part of the determination of each respective employer contribution rate determined under KRS 78.635.
- (b) 1. Each employer described in paragraph (a) of this subsection shall deduct from the creditable compensation of each member whose membership date begins on or after September 1, 2008, an amount equal to one percent (1%) of the member's creditable compensation. The deducted amounts shall, at the discretion of the board, be credited to accounts established pursuant to 26 U.S.C. sec. 401(h), within the funds established in KRS 78.520, or the insurance trust fund established under KRS 61.701. Notwithstanding the provisions of this paragraph, a transfer of assets between the accounts established pursuant to 26 U.S.C. sec. 401(h), within the funds established in KRS 78.520, and the insurance trust fund established under KRS 61.701 shall not be allowed.
 2. The employer shall file the contributions as provided by subparagraph 1. of this paragraph at the retirement office in accordance with KRS 78.625. Any interest or penalties paid on any delinquent contributions shall be credited to accounts established pursuant to 26 U.S.C. sec. 401(h), within the funds established in KRS 78.520, or the insurance trust fund established under KRS 61.701. Notwithstanding any minimum compensation requirements provided by law, the deductions provided by this paragraph shall be made, and the compensation of the member shall be reduced accordingly.
 3. Each employer shall submit payroll reports, contributions lists, and other data as may be required by administrative regulation promulgated by the board of trustees pursuant to KRS Chapter 13A.
 4. Every member shall be deemed to consent and agree to the deductions made pursuant to this paragraph, and the payment of salary or compensation less the deductions shall be a full and complete discharge of all claims for services rendered by the person during the period covered by the payment, except as to any benefits provided by KRS 78.510 to 78.852. No member may elect

whether to participate in, or choose the contribution amount to accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS 78.520, or the insurance trust fund established under KRS 61.701. The member shall have no option to receive the contribution required by this paragraph directly instead of having the contribution paid to accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS 78.520, or the insurance trust fund established under KRS 61.701. No member may receive a rebate or refund of contributions. If a member establishes a membership date prior to September 1, 2008, pursuant to KRS 61.552(2) or (3), then this paragraph shall not apply to the member and all contributions previously deducted in accordance with this paragraph shall be refunded to the member without interest. The contribution made pursuant to this paragraph shall not act as a reduction or offset to any other contribution required of a member or recipient under KRS 78.510 to 78.852.

5. The board of trustees, at its discretion, may direct that the contributions required by this paragraph be accounted for within accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS 78.520, or the insurance trust fund established under KRS 61.701, through the use of separate accounts.
- (4) (a) The premium required to provide hospital and medical insurance plan coverage under this section shall be paid wholly or partly from funds contributed by:
1. The recipient of a retirement allowance, by payroll deduction from his or her retirement allowance, electronic funds transfer, or by other method;
 2. The insurance trust fund established by KRS 61.701 or accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS 78.520;
 3. Another state-administered retirement system, including the systems administered by Kentucky Retirement Systems, under a reciprocal arrangement, except that any portion of the premium paid from the funds specified by subparagraph 2. of this paragraph under a reciprocal agreement shall not exceed the amount that would be payable under this section if all the member's service were in the County Employees Retirement System. If the board provides for cross-referencing of insurance premiums, the employer's contribution for the working member or spouse shall be applied toward the premium, and the insurance trust fund established under KRS 61.701 or accounts established pursuant to 26 U.S.C. sec. 401(h) within the funds established in KRS 78.520, shall pay the balance; or
 4. A combination of the fund sources described by subparagraph 1. to 3. of this paragraph.
- Group rates under the hospital and medical insurance plan shall be made available to the spouse, each dependent child, and each disabled child, regardless of the disabled child's age, of a recipient who is a former member or the beneficiary, if the premium for the hospital and medical insurance for the spouse, each dependent child, and each disabled child, or beneficiary is paid by payroll deduction from the retirement allowance, electronic funds transfer, or by another method. For purposes of this subsection only, a child shall be considered disabled if he or she has been determined to be eligible for federal Social Security disability benefits or meets the dependent disability standard established by the Department of Employee Insurance in the Personnel Cabinet.
- (b) For a member who began participating in the system prior to July 1, 2003, the monthly contribution rate shall be paid by the system from the funds specified under paragraph (a)2. of this subsection and shall be equal to a percentage of the single premium to cover the retired member as follows:
1. One hundred percent (100%) of the monthly premium for single coverage shall be paid for a retired member who had two hundred forty (240) months of service or more upon retirement or for a retired member who when he or she was an employee was disabled as a direct result of an act in line of duty as defined in KRS 78.510(48) or as a result of a duty-related injury as defined in KRS 61.621;
 2. Seventy-five percent (75%) of the monthly premium for single coverage shall be paid for a retired member who had less than two hundred forty (240) months of service but at least one hundred eighty (180) months of service upon retirement, provided such retired member agrees to pay the remaining twenty-five percent (25%) by payroll deduction from his or her retirement allowance, electronic funds transfer, or by another method;

3. Fifty percent (50%) of the monthly premium for single coverage shall be paid for a retired member who had less than one hundred eighty (180) months of service but had at least one hundred twenty (120) months of service upon retirement, provided such retired member agrees to pay the remaining fifty percent (50%) by payroll deduction from his or her retirement allowance, electronic funds transfer, or by another method; or
 4. Twenty-five percent (25%) of the monthly premium for single coverage shall be paid for a retired member who had less than one hundred twenty (120) months of service but had at least forty-eight (48) months of service upon retirement, provided such retired member agrees to pay the remaining seventy-five percent (75%) by payroll deduction from his or her retirement allowance, electronic funds transfer, or by another method.
- (c) Notwithstanding ~~the foregoing provisions of this~~ paragraph **(b) of this subsection, for a member~~an employee~~** participating in the system prior to July 1, 2003, who:
1. ***Dies~~is killed~~*** as a direct result of an act in line of duty as defined in KRS 78.510~~(48)~~ or ***dies*** as a result of a duty-related injury as defined in KRS 61.621, ***the monthly premium shall be paid for his or her spouse so long as the spouse remains eligible for a monthly retirement benefit;***
 2. ***Becomes totally and permanently disabled as defined in Section 20 of this Act as a direct result of an act in line of duty as defined in Section 18 of this Act or becomes disabled as a result of a duty-related injury as defined in KRS 61.621 and is eligible for the benefits provided by KRS 61.621(5)(a), ~~shall have~~ the monthly premium shall be paid for his or her spouse so long as the member and the spouse individually remain eligible for a monthly retirement benefit; and***
 3. ***Dies as a direct result of an act in line of duty as defined in Section 18 of this Act, dies as a result of a duty-related injury as defined in KRS 61.621, becomes totally and permanently disabled as defined in Section 20 of this Act as a direct result of an act in line of duty as defined in Section 18 of this Act, or becomes disabled as a result of a duty-related injury as defined in KRS 61.621 and is eligible for the benefits provided by KRS 61.621(5)(a), the monthly premium shall be paid for each dependent child as defined in Section 18 of this Act, so long as the member remains eligible for a monthly retirement benefit, unless deceased, and each dependent child individually remains eligible under Section 18 of this Act~~the beneficiary, if the beneficiary is the member's spouse, and for each dependent child, so long as they individually remain eligible for a monthly retirement benefit.~~***
- (d)~~(e)~~
1. For a member who began participating in the system prior to July 1, 2003, who was determined to be in a hazardous position in the County Employees Retirement System, the funds specified under paragraph (a)2. of this subsection shall also pay a percentage of the monthly contribution rate sufficient to fund the premium costs for hospital and medical insurance coverage for the spouse and for each dependent child of a recipient.
 2. The percentage of the monthly contribution rate paid for the spouse and each dependent child of a recipient who was in a hazardous position in accordance with subparagraph 1. of this paragraph shall be based solely on the member's service in a hazardous position using the formula in paragraph (b) of this subsection, except that for any recipient of a retirement allowance from the County Employees Retirement System who was contributing to the system on January 1, 1998, for service in a hazardous position, the percentage of the monthly contribution shall be based on the total of hazardous service and any nonhazardous service as a police or firefighter with the same agency, if that agency was participating in the County Employees Retirement System but did not offer hazardous duty coverage for its police and firefighters at the time of initial participation.
- (e)~~(d)~~
- For members who begin participating in the system on or after July 1, 2003:
1. Participation in the insurance benefits provided under this section shall not be allowed until the member has earned at least one hundred twenty (120) months of service in the state-administered retirement systems, except that for members who begin participating in the system on or after September 1, 2008, participation in the insurance benefits provided under this section shall not be allowed until the member has earned at least one hundred eighty (180) months of service credited under KRS 78.615(1) or another state-administered retirement system.

2. A member who meets the minimum service requirements as provided by subparagraph 1. of this paragraph shall upon retirement be eligible for the following monthly contribution rate to be paid on his or her behalf from the funds specified under paragraph (a)2. of this subsection:
 - a. For members with service in a nonhazardous position, a monthly insurance contribution of ten dollars (\$10) for each year of service as a participating employee in a nonhazardous position; and
 - b. For members with service in a hazardous position, a monthly insurance contribution of fifteen dollars (\$15) for each year of service as a participating employee in a hazardous position. Upon the death of the retired member, the beneficiary, if the beneficiary is the member's spouse, shall be entitled to a monthly insurance contribution of ten dollars (\$10) for each year of service the member attained as a participating employee in a hazardous position.
3. The minimum service requirement to participate in benefits as provided by subparagraph 1. of this paragraph shall be waived for a member who **receives a satisfactory determination of a hazardous disability that is** ~~is disabled as~~ a **direct** result of an act in line of duty as defined in KRS 78.510(48) ~~or as a result of a duty-related injury as defined by KRS 61.621~~ and the member shall be entitled to the benefits payable under this subsection as though the member had twenty (20) years of service in ~~at the~~ **hazardous** position ~~for which the disabling condition occurred~~.
4. ***The minimum service required to participate in benefits as provided by subparagraph 1. of this paragraph shall be waived for a member who is disabled as a result of a duty-related injury as defined in KRS 61.621 and is eligible for the benefits provided by KRS 61.621(5)(b), and the member shall be entitled to the benefits payable under this subsection as though the member had twenty (20) years of service in a nonhazardous position.***
- 5~~4~~. Notwithstanding the provisions of this paragraph, the minimum service requirement to participate in benefits as provided by subparagraph 1. of this paragraph shall be waived ~~for a~~ ~~for a member who dies~~ ~~as a~~ **direct** result of an act in line of duty as defined in KRS 78.510(48), **who becomes totally and permanently disabled as defined in Section 20 of this Act as a direct result of an act in line of duty as defined in Section 18 of this Act, who dies as a result of a duty-related injury as defined in KRS 61.621, or who becomes disabled as a result of a duty-related injury as defined in KRS 61.621 and is eligible for the benefits provided by KRS 61.621(5)(a)**, and the premium for **the member**, the member's spouse, and for each dependent child as defined in KRS 78.510 shall be paid in full by the systems so long as **the member, member's spouse, or dependent child** ~~they~~ individually **remains** ~~remain~~ eligible for a monthly retirement benefit.
- 6~~5~~. Except as provided by subparagraph 5~~4~~. of this paragraph, the monthly insurance contribution amount shall be increased July 1 of each year by one and one-half percent (1.5%). The increase shall be cumulative and shall continue to accrue after the member's retirement for as long as a monthly insurance contribution is payable to the retired member or beneficiary.
- 7~~6~~. The benefits of this paragraph provided to a member whose participation begins on or after July 1, 2003, shall not be considered as benefits protected by the inviolable contract provisions of KRS 78.852. The General Assembly reserves the right to suspend or reduce the benefits conferred in this paragraph if in its judgment the welfare of the Commonwealth so demands.
- 8~~7~~. An employee whose membership date is on or after September 1, 2008, who retires and is reemployed in a regular full-time position required to participate in the system or the Kentucky Retirement Systems shall not be eligible for health insurance coverage or benefits provided by this section and shall take coverage with his or her employing agency during the period of reemployment in a regular full-time position.
- ~~(f)(e)~~ For members with service in another state-administered retirement system who select hospital and medical insurance plan coverage through the system:
 1. The system shall compute the member's combined service, including service credit in another state-administered retirement system, and calculate the portion of the member's premium monthly contribution rate to be paid by the funds specified under paragraph (a)2. of this subsection according to the criteria established in paragraphs (a) to ~~(e)(d)~~ of this subsection.

Each state-administered retirement system shall pay annually to the insurance trust fund established under KRS 61.701 the portion of the system's cost of the retiree's monthly contribution for single coverage for hospital and medical insurance plan which shall be equal to the percentage of the member's number of months of service in the other state-administered retirement plan divided by his or her total combined service and in conjunction with the reciprocal agreement established between the system and the other state-administered retirement systems. The amounts paid by the other state-administered retirement plans and by the County Employees Retirement System from funds specified under paragraph (a)2. of this subsection shall not be more than one hundred percent (100%) of the monthly contribution adopted by the respective boards of trustees;

2. A member may not elect coverage for hospital and medical benefits through more than one (1) of the state-administered retirement systems; and
 3. A state-administered retirement system shall not pay any portion of a member's monthly contribution for medical insurance unless the member is a recipient or annuitant of the plan.
- (5) Premiums paid for hospital and medical insurance coverage procured under authority of this section shall be exempt from any premium tax which might otherwise be required under KRS Chapter 136. The payment of premiums by the funds described by subsection (4)(a)2. of this section shall not constitute taxable income to an insured recipient. No commission shall be paid for hospital and medical insurance procured under authority of this section.
- (6) The board shall promulgate an administrative regulation to establish a medical insurance reimbursement plan to provide reimbursement for hospital and medical insurance plan premiums of recipients of a retirement allowance who are not eligible for the same level of hospital and medical benefits as recipients living in Kentucky and having the same Medicare hospital and medical insurance eligibility status. An eligible recipient shall file proof of payment for hospital and medical insurance plan coverage with the retirement office. Reimbursement to eligible recipients shall be made on a quarterly basis. The recipient shall be eligible for reimbursement of substantiated medical insurance premiums for an amount not to exceed the total monthly contribution rate determined under subsection (4) of this section. The plan shall not be made available if all recipients are eligible for the same coverage as recipients living in Kentucky.

➔Section 24. KRS 78.5540 is amended to read as follows:

- (1) A retired member whose disability retirement was discontinued pursuant to KRS 78.5528 and who is reemployed by an employer participating in the system or the Kentucky Retirement Systems prior to his or her normal retirement date shall have his or her accounts combined upon termination for determining eligibility for benefits. If the member is eligible for retirement, the member's service and creditable compensation earned as a result of his or her reemployment shall be used in the calculation of benefits, except that the member's final compensation shall not be less than the final compensation last used in determining his or her retirement allowance. The member shall not change beneficiary or payment option designations.
- (2)
 - (a) If a retired member accepts employment or begins serving as a volunteer with an employer participating in the systems administered by Kentucky Retirement Systems or the County Employees Retirement System within twelve (12) months of his or her retirement date, the retired member shall notify the Authority and the participating employer shall submit the information required or requested by the Authority to confirm the individual's employment or volunteer status. The retired member shall not be required to notify the Authority regarding any employment or volunteer service with a participating agency that is accepted after twelve (12) months following his or her retirement date.
 - (b) If the retired member is under a contract to provide services as an independent contractor or leased employee to an employer participating in the systems administered by Kentucky Retirement Systems or the County Employees Retirement System within twelve (12) months of his or her retirement date, the member shall submit a copy of that contract to the Authority, and the Authority shall determine if the member is an independent contractor or leased employee for purposes of retirement benefits. The retired member and the participating employer shall submit the information required or requested by the Authority to confirm the individual's status as an independent contractor or leased employee. The retired member shall not be required to notify the Authority regarding any services entered into as an independent contractor or leased employee with a participating agency that the employee enters into after twelve (12) months following his or her retirement date.

- (3) Retired members of the County Employees Retirement System who returned to work with an employer that participates in the County Employees Retirement System or Kentucky Retirement Systems prior to September 1, 2008, shall be governed by the provisions of KRS 61.637(1) to (16).
- (4) The following shall apply to retired members of the County Employees Retirement System who are reemployed on or after September 1, 2008, by an agency participating in the systems administered by the County Employees Retirement System or the Kentucky Retirement Systems:
 - (a) Except as provided by paragraphs (c) and (d) of this subsection, if a retired member is receiving a retirement allowance from the County Employees Retirement System, or has filed the forms required to receive a retirement allowance from the County Employees Retirement System, and is employed in a regular full-time position required to participate in the County Employees Retirement System or the Kentucky Retirement Systems or is employed in a position that is not considered regular full-time with an employer participating in the County Employees Retirement System or the Kentucky Retirement Systems within three (3) months following the member's initial retirement date, the member's retirement shall be voided, and the member shall repay to the system all benefits received, including any health insurance benefits. If the retired member is returning to work in a regular full-time position required to participate in the County Employees Retirement System:
 1. The member shall contribute to a member account established for him or her in the County Employees Retirement System or the Kentucky Retirement Systems, and employer contributions shall be paid on behalf of the member by the participating employer to the system; and
 2. Upon subsequent retirement, the member shall be eligible for a retirement allowance based upon total service and creditable compensation, including any additional service or creditable compensation earned after his or her initial retirement was voided;
 - (b) Except as provided by paragraphs (c) and (d) of this subsection, if a retired member is receiving a retirement allowance from the County Employees Retirement System and is employed in a regular full-time position required to participate in the County Employees Retirement System or the Kentucky Retirement Systems after a three (3) month period following the member's initial retirement date, the member may continue to receive his or her retirement allowance during the period of reemployment subject to the following provisions:
 1. If a member is reemployed by a participating employer within twelve (12) months of the member's retirement date, the participating employer shall certify in writing on a form prescribed by the Authority that no prearranged agreement existed between the employee and employer prior to the employee's retirement for the employee to return to work with the participating employer. If the participating employer fails to complete the certification or the Authority determines a prearranged agreement exists, the member's retirement shall be voided and the provisions of paragraph (a) of this subsection shall apply to the member and the employer. For purposes of this paragraph:
 - a. If an elected official is reelected to a new term of office in the same position *as the elected official held prior to retirement and takes office*~~[and has retired from the elected office]~~ within twelve (12) months *of his or her retirement date*~~[prior to taking the new term of office]~~, he or she shall be deemed by the Authority as having a prearranged agreement; and
 - b. Employment that is accepted by the retired member after twelve (12) months following the member's retirement date shall not constitute a prearranged agreement under this paragraph;
 2. Notwithstanding any other provision of KRS Chapter 78 to the contrary, the member shall not contribute to the system and shall not earn any additional benefits for any work performed during the period of reemployment;
 3. Except as provided by KRS 70.291 to 70.293, 95.022, and 164.952 and except for any retiree employed as a school resource officer as defined by KRS 158.441, the employer shall pay employer contributions as specified by KRS 78.5536 and 78.635 on all creditable compensation earned by the employee during the period of reemployment. The additional contributions paid shall be used to reduce the unfunded actuarial liability of the system; and

4. Except as provided by KRS 70.291 to 70.293, 95.022, and 164.952 and except for any retiree employed as a school resource officer as defined by KRS 158.441, the employer shall be required to reimburse the system for the cost of the health insurance premium paid by the system to provide coverage for the retiree, not to exceed the cost of the single premium. Effective July 1, 2015, local school boards shall not be required to pay the reimbursement required by this subparagraph for retirees employed by the board for eighty (80) days or less during the fiscal year;
- (c) If a member is receiving a retirement allowance from hazardous position coverage with the County Employees Retirement System, or has filed the forms required to receive a retirement allowance from the County Employees Retirement System for service in a hazardous position, and is employed in a regular full-time hazardous position required to participate in the County Employees Retirement System or the Kentucky Retirement Systems within one (1) month following the member's initial retirement date, the member's retirement shall be voided, and the member shall repay to the system all benefits received, including any health insurance benefits. If the member is returning to work in a regular full-time position required to participate in the County Employees Retirement System or the Kentucky Retirement Systems:
1. The member shall contribute to a member account established for him or her in the County Employees Retirement System or the Kentucky Retirement Systems, and employer contributions shall be paid on behalf of the member by the participating employer; and
 2. Upon subsequent retirement, the member shall be eligible for a retirement allowance based upon total service and creditable compensation, including any additional service or creditable compensation earned after his or her initial retirement was voided;
- (d) If a member is receiving a retirement allowance from the hazardous position coverage with the County Employees Retirement System and is employed in a regular full-time hazardous position required to participate in the County Employees Retirement System or the Kentucky Retirement Systems after a one (1) month period following the member's initial retirement date, the member may continue to receive his or her retirement allowance during the period of reemployment subject to the following provisions:
1. If a member is reemployed by a participating employer within twelve (12) months of the member's retirement date, the participating employer shall certify in writing on a form prescribed by the Authority that no prearranged agreement existed between the employee and employer prior to the employee's retirement for the employee to return to work with the participating employer. If the participating employer fails to complete the certification or the Authority determines a prearranged agreement exists, the member's retirement shall be voided and the provisions of paragraph (c) of this subsection shall apply to the member and the employer. For purposes of this paragraph:
 - a. If an elected official is reelected to a new term of office in the same position *as the elected official held prior to retirement and takes office* ~~and has retired from the elected office~~ within twelve (12) months *of his or her retirement date* ~~prior to taking the new term of office~~, he or she shall be deemed by the *Authority* ~~system~~ as having a prearranged agreement; and
 - b. Employment that is accepted by the retired member after twelve (12) months following the member's retirement date shall not constitute a prearranged agreement under this paragraph;
 2. Notwithstanding any other provision of KRS Chapter 78 to the contrary, the member shall not contribute to the system or the Kentucky Retirement Systems and shall not earn any additional benefits for any work performed during the period of reemployment;
 3. Except as provided by KRS 70.291 to 70.293, 95.022, and 164.952 and except for any retiree employed as a school resource officer as defined by KRS 158.441, the employer shall pay employer contributions as specified by KRS 78.5536 and 78.635 on all creditable compensation earned by the employee during the period of reemployment. The additional contributions paid shall be used to reduce the unfunded actuarial liability of the system; and
 4. Except as provided by KRS 70.291 to 70.293, 95.022, and 164.952 and except for any retiree employed as a school resource officer as defined by KRS 158.441, the employer shall be

required to reimburse the system for the cost of the health insurance premium paid by the system to provide coverage for the retiree, not to exceed the cost of the single premium;

- (e) Notwithstanding paragraphs (a) to (d) of this subsection, a retired member who qualifies as a volunteer for an employer participating in the County Employees Retirement System or the Kentucky Retirement Systems and who is receiving reimbursement of actual expenses, a nominal fee for his or her volunteer services, or both, shall not be considered an employee of the participating employer and shall not be subject to paragraphs (a) to (d) of this subsection if:
1. Prior to the retired member's most recent retirement date, he or she did not receive creditable compensation from the participating employer in which the retired member is performing volunteer services;
 2. Any reimbursement or nominal fee received prior to the retired member's most recent retirement date has not been credited as creditable compensation to the member's account or utilized in the calculation of the retired member's benefits;
 3. The retired member has not purchased or received service credit under any of the provisions of KRS 78.510 to 78.852 for service with the participating employer for which the retired member is performing volunteer services; and
 4. Other than the status of volunteer, the retired member does not become an employee, leased employee, or independent contractor of the employer for which he or she is performing volunteer services for a period of at least twelve (12) months following the retired member's most recent retirement date.

If a retired member, who provided volunteer services with a participating employer under this paragraph violates any provision of this paragraph, then he or she shall be deemed an employee of the participating employer as of the date he or she began providing volunteer services and both the retired member and the participating employer shall be subject to paragraphs (a) to (d) of this subsection for the period of volunteer service;

- (f) Notwithstanding any provision of this section, any mayor or member of a city legislative body shall not be required to resign from his or her position as mayor or as a member of the city legislative body in order to begin drawing benefits from the systems administered by the Kentucky Retirement Systems or the County Employees Retirement System or subject to any provision of this section as it relates solely to his or her service as a mayor or member of the city legislative body, if the mayor or member of a city legislative body:
1. Has not participated in the County Employees Retirement System prior to retirement, but is otherwise eligible to retire from the Kentucky Employees Retirement System or the State Police Retirement System; or
 2. Has been or is participating in the County Employees Retirement System and is at least sixty-two (62) years of age. If a mayor or member of a city legislative body who is at least sixty-two (62) years of age retires from the systems administered by Kentucky Retirement Systems or the County Employees Retirement System but remains in office after his or her effective retirement date, the mayor or member of the city legislative body shall not accrue any further service credit or benefits in the systems administered by Kentucky Retirement Systems or the County Employees Retirement System for any employment occurring on or after the effective retirement date;
- (g) If a member is receiving a retirement allowance from the County Employees Retirement System and enters into a contract or becomes a leased employee of an employer under contract with an employer participating in the County Employees Retirement System or the Kentucky Retirement Systems:
1. At any time following retirement, if the Authority determines the employment arrangement does qualify as an independent contractor or leased employee, the member may continue to receive his or her retirement allowance during the period of the contract;
 2. Within three (3) months following the member's initial retirement date, if the Authority determines the employment arrangement does not qualify as an independent contractor or leased employee, the member's retirement shall be voided in accordance with paragraph (a) of this subsection;

3. After three (3) months but within twelve (12) months following the member's initial retirement, if the Authority determines the employment arrangement does not qualify as an independent contractor or leased employee and that a prearranged agreement existed between the member and the agency for the member to return to work with the agency, the member's retirement shall be voided in accordance with paragraph (a) of this subsection; and
4. After a twelve (12) month period following the member's initial retirement, the member may continue to receive his or her retirement allowance during the period of the contract and the member shall not be required to notify the Authority or submit any documentation for purposes of this section to the Authority. The initiation of a contract or the initial date of the leased employment of a retired member by a participating agency that occurs after twelve (12) months or more following the retired member's retirement date shall not constitute a prearranged agreement under this subsection;
 - (h) The Authority shall issue a final determination regarding a certification of the absence of a prearranged agreement or the retired member's qualification as an independent contractor or leased employee as required under this section no later than thirty (30) days after the retired member and participating employer provide all required forms and additional information required by the Authority; and
 - (i) Retired members of one (1) of the systems administered by Kentucky Retirement Systems who are reemployed by an employer in the County Employees Retirement System on or after September 1, 2008, shall not be eligible to earn a second retirement account in the County Employees Retirement System for his or her service to the employer.
- (5) The Authority shall promulgate administrative regulations to implement the requirements of this section, including incorporating by reference Authority-prescribed forms that a retired member and participating agency shall provide the systems under subsections (1) and (4) of this section.
- (6) "Reemployment" or "reinstatement" as used in this section shall not include a retired member who has been ordered reinstated by the Personnel Board under authority of KRS 18A.095. A retired member who has been ordered reinstated by the Personnel Board under authority of KRS 18A.095 or by court order or by order of the Human Rights Commission and accepts employment by an agency participating in the Kentucky Employees Retirement System or County Employees Retirement System shall void his or her retirement by reimbursing the system in the full amount of his or her retirement allowance payments received.

➔Section 25. KRS 78.782 is amended to read as follows:

- (1) The County Employees Retirement System shall be administered by the board of trustees composed of nine (9) members, who shall be selected as follows:
 - (a) Three (3) trustees, who shall be members or retired from the County Employees Retirement System, elected by the members and retired members of the County Employees Retirement System, of which:
 1. Two (2) shall have a majority of his or her service credit earned in the County Employees Retirement System in a nonhazardous position; and
 2. One (1) shall have a majority of his or her service credit earned in the County Employees Retirement System in a hazardous position;
 - (b) Six (6) trustees appointed by the Governor, subject to Senate confirmation in accordance with KRS 11.160 for each appointment or reappointment. Of the six (6) trustees appointed by the Governor:
 1. One (1) trustee with retirement experience shall be appointed from a list of three (3) applicants submitted by the Kentucky League of Cities;
 2. One (1) trustee with investment experience shall be appointed from a list of three (3) applicants submitted by the Kentucky League of Cities;
 3. One (1) trustee with retirement experience shall be appointed from a list of three (3) applicants submitted by the Kentucky Association of Counties;
 4. One (1) trustee with investment experience shall be appointed from a list of three (3) applicants submitted by the Kentucky Association of Counties;
 5. One (1) trustee with retirement experience shall be appointed from a list of three (3) applicants submitted by the Kentucky School Boards Association; and

6. One (1) trustee with investment experience shall be appointed from a list of three (3) applicants submitted by the Kentucky School Boards Association.

Notwithstanding the provisions of KRS 12.070(3), the Governor shall appoint each individual trustee described by subparagraphs 1. to 6. of this paragraph solely from each corresponding individual list required to be submitted by the Kentucky League of Cities, the Kentucky Association of Counties, or the Kentucky School Boards Association as provided by subparagraphs 1. to 6. of this paragraph, and the Governor shall not be able to reject the list of applicants submitted, request that another list be provided, or use a list different from the one (1) individual list required to be submitted for each specific appointment or reappointment;

- (c) For purposes of paragraph (b) of this subsection, a trustee with "investment experience" means an individual who does not have a conflict of interest, as provided by KRS 61.655, and who has at least ten (10) years of experience in one (1) of the following areas of expertise:
1. A portfolio manager acting in a fiduciary capacity;
 2. A professional securities analyst or investment consultant;
 3. A current or retired employee or principal of a trust institution, investment or finance organization, or endowment fund acting in an investment-related capacity;
 4. A chartered financial analyst in good standing as determined by the CFA Institute; or
 5. A university professor, teaching investment-related studies; and
- (d) For purposes of paragraph (b) of this subsection, a trustee with "retirement experience" means an individual who does not have a conflict of interest, as provided by KRS 61.655, and who has at least ten (10) years of experience in one (1) of the following areas of expertise:
1. Experience in retirement or pension plan management;
 2. A certified public accountant with relevant experience in retirement or pension plan accounting;
 3. An actuary with relevant experience in retirement or pension plan consulting;
 4. An attorney licensed to practice law in the Commonwealth of Kentucky with relevant experience in retirement or pension plans; or
 5. A current or former university professor whose primary area of emphasis is economics or finance.
- (2) The board is hereby granted the powers and privileges of a corporation, including but not limited to the following powers:
- (a) To sue and be sued in its corporate name;
 - (b) To make bylaws not inconsistent with the law;
 - (c) To conduct the business and promote the purposes for which it was formed;
 - (d) Except as provided in KRS 78.790(6), to contract for investment counseling, auditing, medical, and other professional or technical services as required to carry out the obligations of the board subject to the provisions of KRS Chapters 45, 45A, 56, and 57. Actuarial consulting services shall be provided by a firm hired by the Kentucky Public Pensions Authority;
 - (e) To purchase fiduciary liability insurance;
 - (f) Except as provided in KRS 78.790(6), to acquire, hold, sell, dispose of, pledge, lease, or mortgage, the goods or property necessary to exercise the board's powers and perform the board's duties subject to KRS Chapters 45, 45A, and 56; and
 - (g) The board shall reimburse any trustee, officer, or employee for any legal expense resulting from a civil action arising out of the performance of his or her official duties. The hourly rate of reimbursement for any contract for legal services under this paragraph shall not exceed the maximum hourly rate provided in the Legal Services Duties and Maximum Rate Schedule promulgated by the Government Contract Review Committee established pursuant to KRS 45A.705, unless a higher rate is specifically approved by the secretary of the Finance and Administration Cabinet or his or her designee.

- (3) Notwithstanding the provisions of subsection (1) of this section, each trustee shall serve a term of four (4) years or until his or her successor is duly qualified except as otherwise provided in this section. An elected or appointed trustee shall not serve more than three (3) consecutive four (4) year terms. An elected or appointed trustee who has served three (3) consecutive terms may be elected or appointed again after an absence of four (4) years from the board.
- (4) (a) The trustees selected by the membership of the system shall be elected by ballot. For each trustee to be elected, the board may nominate, not less than six (6) months before a term of office of a trustee is due to expire, three (3) constitutionally eligible individuals.
- (b) Individuals may be nominated by the system members by presenting to the executive director, not less than four (4) months before a term of office of a trustee is due to expire, a petition, bearing the name, last four (4) digits of the Social Security number, and signature of no less than one-tenth (1/10) of the number voting in the last election by the system members.
- (c) Within four (4) months of the nominations made in accordance with paragraphs (a) and (b) of this subsection, the executive director shall cause to be prepared an official ballot. The ballot shall carry the name, address, and position title of each individual nominated by the board and by petition. Provision shall also be made for write-in votes.
- (d) Except as provided by paragraph (j) of this subsection, the ballots shall be distributed to the eligible voters by mail to their last known residence address *on file with the Kentucky Public Pensions Authority. Ballots shall not be distributed by mail to member addresses reported as invalid to the Kentucky Public Pensions Authority.*
- (e) The ballots shall be addressed to the County Employees Retirement System in care of a predetermined box number at a United States Post Office or submitted electronically as provided by paragraph (j) of this subsection. Access to this post office box shall be limited to the board's contracted firm. The individual receiving a plurality of votes shall be declared elected.
- (f) The eligible voter shall cast his or her ballot by selecting the candidate of his or her choice. He or she shall sign and mail the ballot or submit the electronic ballot at least thirty (30) days prior to the date the term to be filled is due to expire. The latest mailing date, or date of submission in the case of electronic ballots, shall be provided on the ballot.
- (g) The board's contracted firm shall report in writing the outcome to the chair of the board of trustees. Costs of an election shall be payable from the funds of the system.
- (h) For purposes of this subsection, an eligible voter shall be a person who was a member of the system on December 31 of the year preceding the election year.
- (i) Each individual who submits a request to be nominated by the board under paragraph (a) of this subsection and each individual who is nominated by the membership under paragraph (b) of this subsection shall:
1. Complete an application developed by the system which shall include but not be limited to a disclosure of any prior felonies and any conflicts of interest that would hinder the individual's ability to serve on the board;
 2. Submit a resume detailing the individual's education and employment history and a cover letter detailing the member's qualifications for serving as trustee to the board; and
 3. Authorize the system to have a criminal background check performed. The criminal background check shall be performed by the Department of Kentucky State Police.
- (j) In lieu of the ballots mailed to members and retired members as provided by this subsection, the systems may by promulgation of administrative regulation pursuant to KRS Chapter 13A conduct trustee elections using electronic ballots, except that the systems shall mail a paper ballot upon request of any eligible voter.
- (5) (a) Any vacancy which may occur in an appointed position during a term of office shall be filled in the same manner which provides for the selection of the particular trustee, and any vacancy which may occur in an elected position during a term of office shall be filled by appointment by a majority vote of the remaining elected trustees; however, any vacancy shall be filled only for the duration of the unexpired term. In the event of a vacancy of an elected trustee during a term of office, the system shall

notify members of the vacancy and the opportunity to be considered for the vacant position. Any vacancy shall be filled within ninety (90) days of the position becoming vacant.

- (b) Any appointments or reappointments to an appointed position on the board shall be made at least thirty (30) days prior to an appointed member's term of office ending. The Governor's Office shall, with each appointment or reappointment, request lists to be submitted and base selections on those lists solely under the procedures and requirements provided by subsection (1)(b) of this section.
- (6) (a) Membership on the board of trustees shall not be incompatible with any other office unless a constitutional incompatibility exists. No trustee shall serve in more than one (1) position as trustee on the board and, if a trustee holds more than one (1) position as trustee on the board, he or she shall resign a position.
- (b) A trustee shall be removed from office upon conviction of a felony or for a finding of a violation of any provision of KRS 11A.020 or 11A.040 by a court of competent jurisdiction.
- (c) A current or former employee of the County Employees Retirement System, Kentucky Retirement Systems, or the Kentucky Public Pensions Authority shall not be eligible to serve as a member of the board.
- (7) Trustees who do not otherwise receive a salary from the State Treasury shall receive a per diem of eighty dollars (\$80) for each day they are in session or on official duty, and they shall be reimbursed for their actual and necessary expenses in accordance with state administrative regulations and standards.
- (8) (a) The board shall meet at least once in each quarter of the year and may meet in special session upon the call of the chair or the chief executive officer.
- (b) The board shall elect a chair and a vice chair. The chair shall not serve more than four (4) consecutive years as chair or vice chair of the board. The vice chair shall not serve more than four (4) consecutive years as chair or vice chair of the board. A trustee who has served four (4) consecutive years as chair or vice chair of the board may be elected chair or vice chair of the board after an absence of two (2) years from the positions.
- (c) A majority of the trustees shall constitute a quorum, and all actions taken by the board shall be by affirmative vote of a majority of the trustees present.
- (9) (a) The board of trustees shall appoint or contract for the services of a chief executive officer and general counsel and fix the compensation and other terms of employment for these positions without limitation of the provisions of KRS Chapters 18A and 45A and KRS 64.640. The chief executive officer shall serve as the legislative and executive adviser to the board. The general counsel shall serve as legal adviser to the board. The chief executive officer and general counsel shall work with the executive director of the Kentucky Public Pensions Authority to carry out the provisions of KRS 78.510 to 78.852. The executive director of the Kentucky Public Pensions Authority shall be the chief administrative officer of the board.
- (b) The board shall require the chief executive officer and may require the general counsel to execute bonds for the faithful performance of his or her duties notwithstanding the limitations of KRS Chapter 62.
- (c) The board shall have a system of accounting established by the Kentucky Public Pensions Authority.
- (d) The board shall do all things, take all actions, and promulgate all administrative regulations, not inconsistent with the provisions of KRS 78.510 to 78.852, necessary or proper in order to carry out the provisions of KRS 78.510 to 78.852. Notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that the provisions of KRS 78.510 to 78.852 conform with federal statute or regulation and meet the qualification requirements under 26 U.S.C. sec. 401(a), applicable federal regulations, and other published guidance. Provisions of KRS 78.510 to 78.852 which conflict with federal statute or regulation or qualification under 26 U.S.C. sec. 401(a), applicable federal regulations, and other published guidance shall not be available. The board shall have the authority to promulgate administrative regulations to conform with federal statute and regulation and to meet the qualification requirements under 26 U.S.C. sec. 401(a), including an administrative regulation to comply with 26 U.S.C. sec. 401(a)(9).
- (e) Notwithstanding any other provision of statute to the contrary, including but not limited to any provision of KRS Chapter 12, the Governor shall have no authority to change any provision of KRS 78.510 to 78.852 by executive order or action, including but not limited to reorganizing, replacing,

- amending, or abolishing the membership of the County Employees Retirement System board of trustees.
- (10) The chief executive officer and general counsel of the board shall serve during its will and pleasure. Notwithstanding any statute to the contrary, the chief executive officer shall not be considered a legislative agent under KRS 6.611.
- (11) The Attorney General, or an assistant designated by him or her, may attend each meeting of the board and may receive the agenda, board minutes, and other information distributed to trustees of the board upon request. The Attorney General may act as legal adviser and attorney for the board, and the board may contract for legal services, notwithstanding the limitations of KRS Chapter 12 or 13B.
- (12) (a) The *Kentucky Public Pensions Authority*~~[system]~~ shall publish an annual financial report showing all receipts, disbursements, assets, and liabilities *for the systems*. The annual report shall include a copy of an audit conducted in accordance with generally accepted auditing standards. Except as provided by paragraph (b) of this subsection, the board may select ~~the~~~~an~~ independent certified public accountant *hired by the Kentucky Public Pensions Authority* or the Auditor of Public Accounts to perform the audit. If the audit is performed by an independent certified public accountant, the Auditor of Public Accounts shall not be required to perform an audit pursuant to KRS 43.050(2)(a), but may perform an audit at his or her discretion. All proceedings and records of the board shall be open for inspection by the public. The *Kentucky Public Pensions Authority*~~[system]~~ shall make copies of the audit required by this subsection available for examination by any member, retiree, or beneficiary in the offices of the County Employees Retirement System and in other places as necessary to make the audit available to all members, retirees, and beneficiaries. A copy of the annual audit shall be sent electronically to the Legislative Research Commission no later than ten (10) days after receipt by the board.
- (b) At least once every five (5) years, the Auditor of Public Accounts shall perform the audit described by this subsection, and the system shall reimburse the Auditor of Public Accounts for all costs of the audit. The Auditor of Public Accounts shall determine which fiscal year during the five (5) year period the audit prescribed by this paragraph will be completed.
- (13) All expenses incurred by or on behalf of the system and the board in the administration of the system during a fiscal year shall be paid from the retirement allowance account, including any administrative expenses for the Kentucky Public Pensions Authority that are assigned to the County Employees Retirement System by KRS 61.505. The board shall submit any administrative expenses that are specific to the County Employees Retirement System that are not otherwise covered by KRS 61.505(11)(a).
- (14) Except as provided under subsection (16) of this section or KRS 61.665, any person adversely affected by a decision of the board involving KRS 78.510 to 78.852 may appeal the decision of the board to the Franklin Circuit Court within sixty (60) days of the board action.
- (15) (a) A trustee shall discharge his or her duties as a trustee, including his or her duties as a member of a committee:
1. In good faith;
 2. On an informed basis; and
 3. In a manner he or she honestly believes to be in the best interest of the County Employees Retirement System.
- (b) A trustee discharges his or her duties on an informed basis if, when he or she makes an inquiry into the business and affairs of the system or into a particular action to be taken or decision to be made, he or she exercises the care an ordinary prudent person in a like position would exercise under similar circumstances.
- (c) In discharging his or her duties, a trustee may rely on information, opinions, reports, or statements, including financial statements and other financial data, if prepared or presented by:
1. One (1) or more officers or employees of the system or Authority whom the trustee honestly believes to be reliable and competent in the matters presented;
 2. Legal counsel, public accountants, actuaries, or other persons as to matters the trustee honestly believes are within the person's professional or expert competence; or

3. A committee of the board of trustees of which he or she is not a member if the trustee honestly believes the committee merits confidence.
 - (d) A trustee shall not be considered as acting in good faith if he or she has knowledge concerning the matter in question that makes reliance otherwise permitted by paragraph (c) of this subsection unwarranted.
 - (e) Any action taken as a trustee, or any failure to take any action as a trustee, shall not be the basis for monetary damages or injunctive relief unless:
 1. The trustee has breached or failed to perform the duties of the trustee's office in compliance with this section; and
 2. In the case of an action for monetary damages, the breach or failure to perform constitutes willful misconduct or wanton or reckless disregard for human rights, safety, or property.
 - (f) A person bringing an action for monetary damages under this section shall have the burden of proving by clear and convincing evidence the provisions of paragraph (e)1. and 2. of this subsection, and the burden of proving that the breach or failure to perform was the legal cause of damages suffered by the system.
 - (g) In discharging his or her administrative duties under this section, a trustee shall strive to administer the system in an efficient and cost-effective manner for the taxpayers of the Commonwealth of Kentucky and shall take all actions available under the law to contain costs for the trusts, including costs for participating employers, members, and retirees.
- (16) When an order by the system substantially impairs the benefits or rights of a member, retired member, or recipient, except action which relates to entitlement to disability benefits, ***or when an employer disagrees with an order of the system as provided by KRS 61.598***, the affected member, retired member, ~~or~~ recipient, ***or employer*** may request a hearing to be held in accordance with KRS Chapter 13B. The board may establish an appeals committee whose members shall be appointed by the chair and who shall have authority to act upon the recommendations and reports of the hearing officer on behalf of the board. The member, retired member, recipient, or employer aggrieved by a final order of the board following the hearing may appeal the decision to the Franklin Circuit Court, in accordance with KRS Chapter 13B. The board may establish a joint administrative appeals committee with the Kentucky Retirement Systems and may also establish a joint disability appeals committee with the Kentucky Retirement Systems.
- (17) The board shall establish a formal trustee education program for all trustees of the board. The program shall include but not be limited to the following:
- (a) A required orientation program for all new trustees elected or appointed to the board. The orientation program shall include training on:
 1. Benefits and benefits administration;
 2. Investment concepts, policies, and current composition and administration of system investments;
 3. Laws, bylaws, and administrative regulations pertaining to the system and to fiduciaries; and
 4. Actuarial and financial concepts pertaining to the system.

If a trustee fails to complete the orientation program within one (1) year from the beginning of his or her first term on the board, the system shall withhold payment of the per diem and travel expenses due to the board member under this section until the trustee has completed the orientation program;
 - (b) Annual required training for board members on the administration, benefits, financing, and investing of the system. If a trustee fails to complete the annual required training during the calendar or fiscal year, the retirement system shall withhold payment of the per diem and travel expenses due to the board member under this section until the board member has met the annual training requirements; and
 - (c) The system shall incorporate by reference in an administrative regulation, pursuant to KRS 13A.2251, the trustee education program.
- (18) In order to improve public transparency regarding the administration of the system, the board of trustees shall adopt a best practices model by posting the following information to the Kentucky Public Pensions Authority's Web site and shall make available to the public:

- (a) Meeting notices and agendas for all meetings of the board. Notices and agendas shall be posted to the Kentucky Public Pensions Authority's Web site at least seventy-two (72) hours in advance of the board or committee meetings, except in the case of special or emergency meetings as provided by KRS 61.823;
 - (b) The Comprehensive Annual Financial Report with the information as follows:
 - 1. A general overview and update on the system by the executive director;
 - 2. A listing of the board of trustees;
 - 3. A listing of key staff;
 - 4. An organizational chart;
 - 5. Financial information, including a statement of plan net assets, a statement of changes in plan net assets, an actuarial value of assets, a schedule of investments, a statement of funded status and funding progress, and other supporting data;
 - 6. Investment information, including a general overview, a list of the system's professional consultants, a total net of fees return on system investments over a historical period, an investment summary, contracted investment management expenses, transaction commissions, and a schedule of investments;
 - 7. The annual actuarial valuation report on the pension benefit and the medical insurance benefit; and
 - 8. A general statistical section, including information on contributions, benefit payouts, and retirement system demographic data;
 - (c) All external audits;
 - (d) All board minutes or other materials that require adoption or ratification by the board of trustees. The items listed in this paragraph shall be posted within seventy-two (72) hours of adoption or ratification of the board;
 - (e) All bylaws, policies, or procedures adopted or ratified by the board of trustees;
 - (f) The system's summary plan description;
 - (g) A document containing an unofficial copy of the statutes governing the system;
 - (h) A listing of the members of the board of trustees and membership on each committee established by the board, including any investment committees;
 - (i) All investment holdings in aggregate, fees, and commissions for each fund administered by the board, which shall be updated on a quarterly basis for fiscal years beginning on or after July 1, 2021. The system shall request from all managers, partnerships, and any other available sources all information regarding fees and commissions and shall, based on the requested information received:
 - 1. Disclose the dollar value of fees and commissions paid to each individual manager or partnership;
 - 2. Disclose the dollar value of any profit sharing, carried interest, or any other partnership incentive arrangements, partnership agreements, or any other partnership expenses received by or paid to each manager or partnership; and
 - 3. As applicable, report each fee or commission by manager or partnership consistent with standards established by the Institutional Limited Partners Association (ILPA).
- In addition to the requirements of this paragraph, the system shall also disclose the name and address of all individual underlying managers or partners in any fund of funds in which system assets are invested;
- (j) An update of net of fees investment returns, asset allocations, and the performance of the funds against benchmarks adopted by the board for each fund, for each asset class administered by the board, and for each manager. The update shall be posted on a quarterly basis for fiscal years beginning on or after July 1, 2021;
 - (k) A searchable database of the system's expenditures and a listing of each individual employed by the system along with the employee's salary or wages. In lieu of posting the information required by this

paragraph to the Kentucky Public Pensions Authority's Web site, the system may provide the information through a Web site established by the executive branch to inform the public about public employee salaries and wages;

- (l) All contracts or offering documents for services, goods, or property purchased or utilized by the system for contracts or offering documents entered into on or after July 1, 2021; and
 - (m) Information regarding the system's financial and actuarial condition that is easily understood by the members, retired members, and the public.
- (19) Notwithstanding the requirements of subsection (18) of this section, the system shall not be required to furnish information that is protected under KRS 61.661, exempt under KRS 61.878, or that, if disclosed, would compromise the system's ability to competitively invest in real estate or other asset classes, except that no provision of this section or KRS 61.878 shall exclude disclosure and review of all contracts, including investment contracts, by the board, the Auditor of Public Accounts, and the Government Contract Review Committee established pursuant to KRS 45A.705 or the disclosure of investment fees and commissions as provided by this section. If any public record contains material which is not excepted under this section, the system shall separate the excepted material by removal, segregation, or redaction, and make the nonexcepted material available for examination.
- (20) Notwithstanding any other provision of KRS 78.510 to 78.852 to the contrary, no funds of the County Employees Retirement System, including fees and commissions paid to an investment manager, private fund, or company issuing securities, who manages systems assets, shall be used to pay fees and commissions to placement agents. For purposes of this subsection, "placement agent" means a third-party individual, who is not an employee, or firm, wholly or partially owned by the entity being hired, who solicits investments on behalf of an investment manager, private fund, or company issuing securities.

➔Section 26. KRS 18A.225 is amended to read as follows:

- (1) (a) The term "employee" for purposes of this section means:
 1. Any person, including an elected public official, who is regularly employed by any department, office, board, agency, or branch of state government; or by a public postsecondary educational institution; or by any city, urban-county, charter county, county, or consolidated local government, whose legislative body has opted to participate in the state-sponsored health insurance program pursuant to KRS 79.080; and who is either a contributing member to any one (1) of the retirement systems administered by the state, including but not limited to the Kentucky Retirement Systems, County Employees Retirement System, Kentucky Teachers' Retirement System, the Legislators' Retirement Plan, or the Judicial Retirement Plan; or is receiving a contractual contribution from the state toward a retirement plan; or, in the case of a public postsecondary education institution, is an individual participating in an optional retirement plan authorized by KRS 161.567; or is eligible to participate in a retirement plan established by an employer who ceases participating in the Kentucky Employees Retirement System pursuant to KRS 61.522 whose employees participated in the health insurance plans administered by the Personnel Cabinet prior to the employer's effective cessation date in the Kentucky Employees Retirement System;
 2. Any certified or classified employee of a local board of education;
 3. Any elected member of a local board of education;
 4. Any person who is a present or future recipient of a retirement allowance from the Kentucky Retirement Systems, County Employees Retirement System, Kentucky Teachers' Retirement System, the Legislators' Retirement Plan, the Judicial Retirement Plan, or the Kentucky Community and Technical College System's optional retirement plan authorized by KRS 161.567, except that a person who is receiving a retirement allowance and who is age sixty-five (65) or older shall not be included, with the exception of persons covered under **subsection (2)(b)3. of Section 16 of this Act and subsection (2)(b)3. of Section 23 of this Act** ~~KRS 61.702(4)(c)~~, unless he or she is actively employed pursuant to subparagraph 1. of this paragraph; and
 5. Any eligible dependents and beneficiaries of participating employees and retirees who are entitled to participate in the state-sponsored health insurance program;

- (b) The term "health benefit plan" for the purposes of this section means a health benefit plan as defined in KRS 304.17A-005;
 - (c) The term "insurer" for the purposes of this section means an insurer as defined in KRS 304.17A-005; and
 - (d) The term "managed care plan" for the purposes of this section means a managed care plan as defined in KRS 304.17A-500.
- (2) (a) The secretary of the Finance and Administration Cabinet, upon the recommendation of the secretary of the Personnel Cabinet, shall procure, in compliance with the provisions of KRS 45A.080, 45A.085, and 45A.090, from one (1) or more insurers authorized to do business in this state, a group health benefit plan that may include but not be limited to health maintenance organization (HMO), preferred provider organization (PPO), point of service (POS), and exclusive provider organization (EPO) benefit plans encompassing all or any class or classes of employees. With the exception of employers governed by the provisions of KRS Chapters 16, 18A, and 151B, all employers of any class of employees or former employees shall enter into a contract with the Personnel Cabinet prior to including that group in the state health insurance group. The contracts shall include but not be limited to designating the entity responsible for filing any federal forms, adoption of policies required for proper plan administration, acceptance of the contractual provisions with health insurance carriers or third-party administrators, and adoption of the payment and reimbursement methods necessary for efficient administration of the health insurance program. Health insurance coverage provided to state employees under this section shall, at a minimum, contain the same benefits as provided under Kentucky Kare Standard as of January 1, 1994, and shall include a mail-order drug option as provided in subsection (13) of this section. All employees and other persons for whom the health care coverage is provided or made available shall annually be given an option to elect health care coverage through a self-funded plan offered by the Commonwealth or, if a self-funded plan is not available, from a list of coverage options determined by the competitive bid process under the provisions of KRS 45A.080, 45A.085, and 45A.090 and made available during annual open enrollment.
- (b) The policy or policies shall be approved by the commissioner of insurance and may contain the provisions the commissioner of insurance approves, whether or not otherwise permitted by the insurance laws.
 - (c) Any carrier bidding to offer health care coverage to employees shall agree to provide coverage to all members of the state group, including active employees and retirees and their eligible covered dependents and beneficiaries, within the county or counties specified in its bid. Except as provided in subsection (20) of this section, any carrier bidding to offer health care coverage to employees shall also agree to rate all employees as a single entity, except for those retirees whose former employers insure their active employees outside the state-sponsored health insurance program **and as otherwise provided in subsection (2)(b)3.b. of Section 16 of this Act and subsection (2)(b)3.b. of Section 23 of this Act.**
 - (d) Any carrier bidding to offer health care coverage to employees shall agree to provide enrollment, claims, and utilization data to the Commonwealth in a format specified by the Personnel Cabinet with the understanding that the data shall be owned by the Commonwealth; to provide data in an electronic form and within a time frame specified by the Personnel Cabinet; and to be subject to penalties for noncompliance with data reporting requirements as specified by the Personnel Cabinet. The Personnel Cabinet shall take strict precautions to protect the confidentiality of each individual employee; however, confidentiality assertions shall not relieve a carrier from the requirement of providing stipulated data to the Commonwealth.
 - (e) The Personnel Cabinet shall develop the necessary techniques and capabilities for timely analysis of data received from carriers and, to the extent possible, provide in the request-for-proposal specifics relating to data requirements, electronic reporting, and penalties for noncompliance. The Commonwealth shall own the enrollment, claims, and utilization data provided by each carrier and shall develop methods to protect the confidentiality of the individual. The Personnel Cabinet shall include in the October annual report submitted pursuant to the provisions of KRS 18A.226 to the Governor, the General Assembly, and the Chief Justice of the Supreme Court, an analysis of the financial stability of the program, which shall include but not be limited to loss ratios, methods of risk adjustment, measurements of carrier quality of service, prescription coverage and cost management, and statutorily required mandates. If state self-insurance was available as a carrier option, the report also shall provide a detailed financial analysis of the self-insurance fund including but not limited to loss ratios, reserves, and reinsurance agreements.

- (f) If any agency participating in the state-sponsored employee health insurance program for its active employees terminates participation and there is a state appropriation for the employer's contribution for active employees' health insurance coverage, then neither the agency nor the employees shall receive the state-funded contribution after termination from the state-sponsored employee health insurance program.
 - (g) Any funds in flexible spending accounts that remain after all reimbursements have been processed shall be transferred to the credit of the state-sponsored health insurance plan's appropriation account.
 - (h) Each entity participating in the state-sponsored health insurance program shall provide an amount at least equal to the state contribution rate for the employer portion of the health insurance premium. For any participating entity that used the state payroll system, the employer contribution amount shall be equal to but not greater than the state contribution rate.
- (3) The premiums may be paid by the policyholder:
- (a) Wholly from funds contributed by the employee, by payroll deduction or otherwise;
 - (b) Wholly from funds contributed by any department, board, agency, public postsecondary education institution, or branch of state, city, urban-county, charter county, county, or consolidated local government; or
 - (c) Partly from each, except that any premium due for health care coverage or dental coverage, if any, in excess of the premium amount contributed by any department, board, agency, postsecondary education institution, or branch of state, city, urban-county, charter county, county, or consolidated local government for any other health care coverage shall be paid by the employee.
- (4) If an employee moves his or her place of residence or employment out of the service area of an insurer offering a managed health care plan, under which he or she has elected coverage, into either the service area of another managed health care plan or into an area of the Commonwealth not within a managed health care plan service area, the employee shall be given an option, at the time of the move or transfer, to change his or her coverage to another health benefit plan.
- (5) No payment of premium by any department, board, agency, public postsecondary educational institution, or branch of state, city, urban-county, charter county, county, or consolidated local government shall constitute compensation to an insured employee for the purposes of any statute fixing or limiting the compensation of such an employee. Any premium or other expense incurred by any department, board, agency, public postsecondary educational institution, or branch of state, city, urban-county, charter county, county, or consolidated local government shall be considered a proper cost of administration.
- (6) The policy or policies may contain the provisions with respect to the class or classes of employees covered, amounts of insurance or coverage for designated classes or groups of employees, policy options, terms of eligibility, and continuation of insurance or coverage after retirement.
- (7) Group rates under this section shall be made available to the disabled child of an employee regardless of the child's age if the entire premium for the disabled child's coverage is paid by the state employee. A child shall be considered disabled if he or she has been determined to be eligible for federal Social Security disability benefits.
- (8) The health care contract or contracts for employees shall be entered into for a period of not less than one (1) year.
- (9) The secretary shall appoint thirty-two (32) persons to an Advisory Committee of State Health Insurance Subscribers to advise the secretary or the secretary's designee regarding the state-sponsored health insurance program for employees. The secretary shall appoint, from a list of names submitted by appointing authorities, members representing school districts from each of the seven (7) Supreme Court districts, members representing state government from each of the seven (7) Supreme Court districts, two (2) members representing retirees under age sixty-five (65), one (1) member representing local health departments, two (2) members representing the Kentucky Teachers' Retirement System, and three (3) members at large. The secretary shall also appoint two (2) members from a list of five (5) names submitted by the Kentucky Education Association, two (2) members from a list of five (5) names submitted by the largest state employee organization of nonschool state employees, two (2) members from a list of five (5) names submitted by the Kentucky Association of Counties, two (2) members from a list of five (5) names submitted by the Kentucky League of Cities, and two (2) members from a list of names consisting of five (5) names submitted by each

state employee organization that has two thousand (2,000) or more members on state payroll deduction. The advisory committee shall be appointed in January of each year and shall meet quarterly.

- (10) Notwithstanding any other provision of law to the contrary, the policy or policies provided to employees pursuant to this section shall not provide coverage for obtaining or performing an abortion, nor shall any state funds be used for the purpose of obtaining or performing an abortion on behalf of employees or their dependents.
- (11) Interruption of an established treatment regime with maintenance drugs shall be grounds for an insured to appeal a formulary change through the established appeal procedures approved by the Department of Insurance, if the physician supervising the treatment certifies that the change is not in the best interests of the patient.
- (12) Any employee who is eligible for and elects to participate in the state health insurance program as a retiree, or the spouse or beneficiary of a retiree, under any one (1) of the state-sponsored retirement systems shall not be eligible to receive the state health insurance contribution toward health care coverage as a result of any other employment for which there is a public employer contribution. This does not preclude a retiree and an active employee spouse from using both contributions to the extent needed for purchase of one (1) state sponsored health insurance policy for that plan year.
- (13)
 - (a) The policies of health insurance coverage procured under subsection (2) of this section shall include a mail-order drug option for maintenance drugs for state employees. Maintenance drugs may be dispensed by mail order in accordance with Kentucky law.
 - (b) A health insurer shall not discriminate against any retail pharmacy located within the geographic coverage area of the health benefit plan and that meets the terms and conditions for participation established by the insurer, including price, dispensing fee, and copay requirements of a mail-order option. The retail pharmacy shall not be required to dispense by mail.
 - (c) The mail-order option shall not permit the dispensing of a controlled substance classified in Schedule II.
- (14) The policy or policies provided to state employees or their dependents pursuant to this section shall provide coverage for obtaining a hearing aid and acquiring hearing aid-related services for insured individuals under eighteen (18) years of age, subject to a cap of one thousand four hundred dollars (\$1,400) every thirty-six (36) months pursuant to KRS 304.17A-132.
- (15) Any policy provided to state employees or their dependents pursuant to this section shall provide coverage for the diagnosis and treatment of autism spectrum disorders consistent with KRS 304.17A-142.
- (16) Any policy provided to state employees or their dependents pursuant to this section shall provide coverage for obtaining amino acid-based elemental formula pursuant to KRS 304.17A-258.
- (17) If a state employee's residence and place of employment are in the same county, and if the hospital located within that county does not offer surgical services, intensive care services, obstetrical services, level II neonatal services, diagnostic cardiac catheterization services, and magnetic resonance imaging services, the employee may select a plan available in a contiguous county that does provide those services, and the state contribution for the plan shall be the amount available in the county where the plan selected is located.
- (18) If a state employee's residence and place of employment are each located in counties in which the hospitals do not offer surgical services, intensive care services, obstetrical services, level II neonatal services, diagnostic cardiac catheterization services, and magnetic resonance imaging services, the employee may select a plan available in a county contiguous to the county of residence that does provide those services, and the state contribution for the plan shall be the amount available in the county where the plan selected is located.
- (19) The Personnel Cabinet is encouraged to study whether it is fair and reasonable and in the best interests of the state group to allow any carrier bidding to offer health care coverage under this section to submit bids that may vary county by county or by larger geographic areas.
- (20) Notwithstanding any other provision of this section, the bid for proposals for health insurance coverage for calendar year 2004 shall include a bid scenario that reflects the statewide rating structure provided in calendar year 2003 and a bid scenario that allows for a regional rating structure that allows carriers to submit bids that may vary by region for a given product offering as described in this subsection:
 - (a) The regional rating bid scenario shall not include a request for bid on a statewide option;

- (b) The Personnel Cabinet shall divide the state into geographical regions which shall be the same as the partnership regions designated by the Department for Medicaid Services for purposes of the Kentucky Health Care Partnership Program established pursuant to 907 KAR 1:705;
 - (c) The request for proposal shall require a carrier's bid to include every county within the region or regions for which the bid is submitted and include but not be restricted to a preferred provider organization (PPO) option;
 - (d) If the Personnel Cabinet accepts a carrier's bid, the cabinet shall award the carrier all of the counties included in its bid within the region. If the Personnel Cabinet deems the bids submitted in accordance with this subsection to be in the best interests of state employees in a region, the cabinet may award the contract for that region to no more than two (2) carriers; and
 - (e) Nothing in this subsection shall prohibit the Personnel Cabinet from including other requirements or criteria in the request for proposal.
- (21) Any fully insured health benefit plan or self-insured plan issued or renewed on or after July 12, 2006, to public employees pursuant to this section which provides coverage for services rendered by a physician or osteopath duly licensed under KRS Chapter 311 that are within the scope of practice of an optometrist duly licensed under the provisions of KRS Chapter 320 shall provide the same payment of coverage to optometrists as allowed for those services rendered by physicians or osteopaths.
- (22) Any fully insured health benefit plan or self-insured plan issued or renewed on or after June 29, 2021, to public employees pursuant to this section shall comply with:
- (a) KRS 304.12-237;
 - (b) KRS 304.17A-270 and 304.17A-525;
 - (c) KRS 304.17A-600 to 304.17A-633;
 - (d) KRS 205.593;
 - (e) KRS 304.17A-700 to 304.17A-730;
 - (f) KRS 304.14-135;
 - (g) KRS 304.17A-580 and 304.17A-641;
 - (h) KRS 304.99-123;
 - (i) KRS 304.17A-138; and
 - (j) Administrative regulations promulgated pursuant to statutes listed in this subsection.
- (23) Any fully insured health benefit plan or self-insured plan issued or renewed on or after January 1, 2022, to public employees pursuant to this section shall comply with KRS 304.17A-148.

➔Section 27. KRS 7A.220 is amended to read as follows:

- (1) The Public Pension Oversight Board shall be composed of the following *twenty-three (23)*~~nineteen (19)~~ members:
- (a) *1.* Four (4) members of the General Assembly appointed by the Speaker of the House of Representatives, each of whom shall serve while a member of the House for the term for which he or she has been elected, one (1) of whom shall be the chair or a vice chair of the House Standing Committee on Appropriations and Revenue;~~{,}~~ and
 - 2. Two (2) members of the General Assembly appointed by the Speaker of the House of Representatives, each of whom shall serve while a member of the House for the term for which he or she has been elected, and who each shall be selected to ensure representation on the board by House members of the General Assembly is in closer proportion to the representation of each political party in the House of Representatives.*
- Of the members appointed pursuant to this paragraph, the Speaker shall designate one (1)* ~~{of whom the Speaker shall designate}~~ as co-chair of the board;
- (b) *1.* Four (4) members of the General Assembly appointed by the President of the Senate, each of whom shall serve while a member of the Senate for the term for which he or she has been

elected, one (1) of whom shall be the chair or a vice chair of the Senate Standing Committee on Appropriations and Revenue; ~~and~~ and

2. ***Two (2) members of the General Assembly appointed by the President of the Senate, each of whom shall serve while a member of the Senate for the term for which he or she has been elected, and who each shall be selected to ensure representation on the board by Senate members of the General Assembly is in closer proportion to the representation of each political party in the Senate.***

Of the members appointed pursuant to this paragraph, the President shall designate one (1) ~~of whom the President shall designate~~ as co-chair of the board;

- (c) Two (2) members of the General Assembly appointed by the Minority Floor Leader of the Senate, who shall serve while a member of the Senate for the term for which he or she has been elected;
 - (d) Two (2) members of the General Assembly appointed by the Minority Floor Leader of the House of Representatives, who shall serve while a member of the House for the term for which he or she has been elected;
 - (e) One (1) individual appointed by the Speaker of the House of Representatives, who shall be certified as a chartered financial analyst (CFA) with at least ten (10) years of investment experience or who shall possess at least ten (10) years of retirement experience as defined by subsection (2) of this section;
 - (f) One (1) individual appointed by the President of the Senate, who shall be certified as a chartered financial analyst (CFA) with at least ten (10) years of investment experience or who shall possess at least ten (10) years of retirement experience as defined by subsection (2) of this section;
 - (g) The state budget director or his or her designee;
 - (h) The Auditor of Public Accounts or his or her designee;
 - (i) The Attorney General or his or her designee; and
 - (j) Two (2) individuals appointed by the Governor, one (1) of whom shall be certified as a chartered financial analyst (CFA) with at least ten (10) years of investment experience and one (1) of whom shall possess at least ten (10) years of retirement experience as defined by subsection (2) of this section.
- (2) For purposes of this section, "retirement experience" means:
- (a) Experience in retirement or pension plan management;
 - (b) A certified public accountant with relevant experience in retirement or pension plan accounting;
 - (c) An actuary with relevant experience in retirement or pension plan consulting;
 - (d) An attorney licensed to practice law in the Commonwealth of Kentucky with relevant experience in retirement or pension plans; or
 - (e) A current or former university professor whose primary area of emphasis is economics or finance.
- (3) Individuals appointed under subsection (1)(e), (f), and (j) of this section shall not:
- (a) Be a member of the General Assembly;
 - (b) Be employed by a state agency of the Commonwealth of Kentucky or receiving a contractual payment for services rendered to a state agency of the Commonwealth of Kentucky that would conflict with his or her service to the board; or
 - (c) Serve more than three (3) consecutive four (4) year terms on the board.
- (4) Any vacancy which may occur in the membership of the board shall be filled by the appointing authority who made the original appointment.
- (5) Individuals appointed under subsection (1)(e), (f), and (j) of this section shall serve a term of four (4) years.

➔Section 28. KRS 61.675 is amended to read as follows:

- (1) ***Except as provided by subsection (5) of this section,*** the employer shall prepare the records and, from time to time, shall furnish the information the system may require in the discharge of its duties. Upon employment of an employee, the employer shall inform him of his duties and obligations in connection with the system as a condition of employment.

- (2) The system may at any time conduct an audit of the employer in order to determine if the employer is complying with the provisions of KRS 16.505 to 16.652, 61.610 to 61.705, or 78.510 to 78.852. The system shall have access to and may examine all books, accounts, reports, correspondence files, and records of any employer. Every employer, employee, or agency reporting official of a department or county, as defined in KRS 78.510(3), having records in his possession or under his control, shall permit access to and examination of the records upon the request of the system.
- (3) (a) Any agency participating in the Kentucky Employees Retirement System which is not an integral part of the executive branch of state government shall file the following at the retirement office on or before the tenth day of the month following the period being reported:
1. The employer and employee contributions required under KRS 61.560, 61.565, and 61.702;
 2. The employer contributions and reimbursements for retiree health insurance premiums required under KRS 61.637; and
 3. A record of all contributions to the system on the forms prescribed by the board.
- (b) If the agency fails to file all contributions and reports on or before the tenth day of the month following the period being reported, interest on the delinquent contributions at the actuarial rate adopted by the board compounded annually, but not less than one thousand dollars (\$1,000), may be added to the amount due the system.
- (4) If a nonhazardous employer in the Kentucky Employees Retirement System is delinquent in paying the employer contributions required by KRS 61.565 for a period of ninety (90) days or more for those contributions payable on or after July 1, 2021, or if an employer who voluntarily ceases participation in the Kentucky Employees Retirement System as provided by KRS 61.522(8) elects to pay off the costs of ceasing participation by installment payments as provided by KRS 61.522(8)(g) and subsequently is delinquent in making installment payments for a period of ninety (90) days or more:
- (a) Employees of the employer who are participating in the system or who are continuing to participate in the system after the employer's effective cessation date as provided by KRS 61.522(8)(d)2. shall not accrue any additional service credit or benefits in the system through the employer or ceasing employer until such time as the employer has satisfied the required employer contributions or installment payments to the system;
 - (b) The board may file an action in the Franklin Circuit Court to collect any delinquent employer contributions or installment payments owed by the employer and to attach so much of the general fund appropriations of the delinquent employer as is necessary to achieve full compliance with the provisions of KRS 61.522(8) or 61.565; and
 - (c) The systems shall notify the Finance and Administration Cabinet, and the Finance and Administration Cabinet may withhold or intercept from the employer or ceasing employer a sufficient portion of any appropriated state funds not yet disbursed to the employer or ceasing employer to satisfy the required employer contributions or installment payments to the system.
- (5) ***Employers shall not be required to report any information or pay employer contributions on any individual serving as a volunteer who is receiving compensation from the employer equal to or less than a nominal fee as defined by Sections 3 and 18 of this Act if the compensation paid to the volunteer is excluded from the definition of creditable compensation as provided by subsection (13) of Section 3 of this Act or subsection (13) of Section 18 of this Act.***

➔Section 29. KRS 61.680 is amended to read as follows:

- (1) Prior to August 1, 1982, every employee shall be deemed to consent and agree to any deduction from his or her compensation required by KRS 6.500 to 6.535, 16.505 to 16.652, 61.510 to 61.692, 78.510 to 78.852, and to all other provisions thereof. Thereafter, employee contributions shall be picked up by the employer pursuant to KRS 61.560(4).
- (2) (a) Notwithstanding any other provisions of KRS 6.500 to 6.535, 16.505 to 16.652, 61.510 to 61.692, 78.510 to 78.852 and 161.220 to 161.714:
1. Upon death, disability, or service retirement, a member's accounts under the Legislators' Retirement Plan, State Police Retirement System, Kentucky Employees Retirement System, County Employees Retirement System, and Teachers' Retirement System, except for service prohibited by KRS 161.623(2), shall be consolidated for the purpose of determining eligibility

and amount of benefits, including those members who participate in the hybrid cash balance plan within the Kentucky Employees Retirement System, the County Employees Retirement System, and the State Police Retirement System, on or after January 1, 2014, and regardless of the transition of administration of the County Employees Retirement System to the County Employees Retirement System board of trustees;

2. Vested service credit in a retirement system, other than the Teachers' Retirement System, sponsored by a Kentucky institution of higher education and accepted by the Kentucky Employees Retirement System or the County Employees Retirement System, may be used to determine eligibility for twenty-seven (27) year retirement for an employee who begins participating before September 1, 2008, but not the amount of benefits;
 3. The computation of benefits shall be based on the applicable formula in each system and service credit in each system, but the final compensation, excluding compensation earned under KRS 161.155(10), shall be determined as if all service were in one (1) system;
 4. If the member has prior service in more than one (1) system administered by Kentucky Retirement Systems, he or she shall obtain at least twelve (12) months' current service in each system in which he or she has prior service in order to validate the prior service in each system for purposes of determining consolidated benefits under this subsection; and
 5. Upon the determination of benefits, each system shall pay the applicable amount of benefits due the member.
- (b) The provisions of paragraph (a) of this subsection shall be waived if the member:
1. Notifies the system of his or her desire to maintain separate retirement accounts in the State Police Retirement System, Kentucky Employees Retirement System, or County Employees Retirement System; or
 2. Fails to simultaneously retire from all state-administered retirement systems in which the member has an account or fails to retire from any other systems not administered by Kentucky Retirement Systems within one (1) month of the member's effective retirement date in the systems administered by Kentucky Retirement Systems.
- (c) If the member has not contributed at least one (1) year in a system in which he or she has prior service, his or her current service in the system shall be valid for purposes of determining eligibility and in computation of benefits on a consolidated basis.
- (3) (a) A member with service credit in the Kentucky Employees Retirement System, State Police Retirement System, or the County Employees Retirement System who becomes the holder of an office entitling him or her to membership in the Judicial Retirement Plan or the Legislators' Retirement Plan, but who does not elect within thirty (30) days after taking office in such service to participate in the plan, in accordance with KRS 6.505 or 21.360, shall be deemed to have elected to retain membership in the system in which he or she is a member, either the Kentucky Employees Retirement System, State Police Retirement System, or the County Employees Retirement System. In that event, the agency employing the member shall withhold employee contributions, or picked-up employee contributions after August 2, 1982, make employer contributions and remit these contributions to the system in which the member retained his or her membership.
- (b) Any person entitled to membership in the Judicial Retirement Plan or the Legislators' Retirement Plan, who does not elect within thirty (30) days after taking office to participate in the plan, in accordance with KRS 6.505 or 21.360, and who at the time of taking office is not a contributing member of, or does not have service credit in, any of the retirement systems mentioned in this section, or the Teachers' Retirement System, shall participate in the Kentucky Employees Retirement System.
- (c) A member of one (1) of the state-administered retirement plans who ceases to contribute to the plan as provided in KRS 21.360 and who is employed in a nonelected position by an agency participating in the Kentucky Retirement Systems or Kentucky Teachers' Retirement System shall be deemed to have elected membership in the system in which the employer of the nonelected position participates. A member of one (1) of the state-administered retirement plans who ceases to contribute to the plan as provided in KRS 21.360 and who is not employed in a nonelected position by an agency participating in the Kentucky Retirement Systems shall be deemed to have elected membership in the Kentucky Employees Retirement System.

- (4) (a) Prior to July 1, 1976, a person entering the service of an employer participating in the Kentucky Employees Retirement System or the County Employees Retirement System with service credit in the Teachers' Retirement System and who desires to retain membership in the Teachers' Retirement System, and who is permitted by that system to continue, shall be exempt from participating in the Kentucky Employees Retirement System or the County Employees Retirement System.
- (b) Any person who has elected to retain membership in the Teachers' Retirement System as provided in paragraph (a) of this subsection may cancel his or her election and participate in the system under which his or her position would normally participate, if he or she elects to cancel his or her option prior to January 1, 1977.
- (c) Any member of the General Assembly who upon election is a contributing member of the Teachers' Retirement System and who does not elect within thirty (30) days after taking office to participate in the Legislators' Retirement Plan, in accordance with KRS 6.505, shall during his or her term of office participate in the Kentucky Employees Retirement System unless an election to retain membership in the Teachers' Retirement System is filed in writing within ninety (90) days after his or her term of office begins. No contributions may be made to the Teachers' Retirement System for the same period of service under the Legislators' Retirement Plan or the Kentucky Employees Retirement System as a member of the General Assembly, but contributions made to the Teachers' Retirement System while a member of the General Assembly shall be transferred to the Legislators' Retirement Plan, as provided for in KRS 6.535, when the member elects to join the Legislators' Retirement Plan, and service credit in the Legislators' Retirement Plan shall be granted as provided for in KRS 6.505(5).
- (5) Any member of the Kentucky Employees Retirement System or County Employees Retirement System who is working in a position covered by one (1) of these retirement systems and his or her employee contributions, service credit and employer contributions made on his or her behalf are being transferred to the other retirement system shall contribute to the system in which his or her employer participates, or after August 1, 1982, the employer shall pick up the employee contributions, and no further contributions or service credit shall be transferred to the system in which he or she elected to retain membership, as subsection (2) of this section eliminates the necessity of the transfers.
- (6) (a) Except as provided by KRS 61.545(3)(b)2., any member of the Kentucky Employees Retirement System or County Employees Retirement System who is working in more than one (1) position covered by the same retirement system, shall have his or her wages and contributions consolidated and his or her retirement account administered as a single account. If part-time positions are involved, an accumulation of all hours worked within the same retirement system shall be used to determine eligibility under KRS 61.510(21).
- (b) *The provisions of this subsection shall not apply to an individual serving as a volunteer who is receiving compensation from the employer equal to or less than a nominal fee as defined by Sections 3 and 18 of this Act if the compensation paid to the volunteer is excluded from the definition of creditable compensation as provided by subsection (13) of Section 3 of this Act or subsection (13) of Section 18 of this Act.*
- (7) (a) Notwithstanding the provisions of subsection (2) of this section, a person who does not have the amount of service required for service retirement in the State Police Retirement System, Kentucky Employees Retirement System, County Employees Retirement System, Legislators' Retirement Plan, or Teachers' Retirement System, but who is a member of one (1) of the systems or is a former member of one (1) or more of the systems with valid service credit therein, shall become eligible for service retirement benefits attributable to the amount of his or her actual service credit in each system in which he or she has service credit when his or her combined service credit in all the systems, plus any service credit he or she has in the Judicial Retirement Plan, is equal to that required for service retirement in each respective system. The computation of benefits shall be based on the applicable formula in each system and service credit in each system, except that total service in all systems, unless prohibited by KRS 161.623(2), shall be used to determine the reduction for early retirement, if any. Except as provided in KRS 21.360, the final compensation shall be determined by using the creditable compensation reported to the State Police Retirement System, Kentucky Employees Retirement System, County Employees Retirement System, Legislators' Retirement Plan, or Teachers' Retirement System and only as much of the compensation earned in the Judicial Retirement Plan as is needed to satisfy the final compensation requirement applicable in the respective retirement systems.
- (b) Paragraph (a) of this subsection shall be waived if the member fails to simultaneously retire from all state-administered retirement systems in which the member has an account or fails to retire from any

other systems not administered by Kentucky Retirement Systems within one (1) month of the member's effective retirement date in the systems administered by the Kentucky Retirement Systems.

- (8) Each retirement system from which the member retires shall pay a retirement allowance upon receipt of required forms and documents, except that no retirement system shall pay a retirement allowance or annuity until all forms and documents are filed at all retirement systems in compliance with each system's requirements.

➔Section 30. KRS 78.625 is amended to read as follows:

- (1) ***Except as provided by subsection (6) of this section***, the employer shall prepare the reporting records necessary for the system to administer the provisions of KRS 78.510 to 78.852 and, from time to time, shall furnish the information the system may require in the discharge of its duties. Upon employment of an employee, the employer shall inform him or her of his or her duties and obligations in connection with the system as a condition of employment.
- (2) The agency reporting official of the county shall file the following at the retirement office on or before the tenth day of the month following the period being reported:
- (a) The employee and employer contributions required under KRS 78.610 and 78.635;
 - (b) The employer contributions and reimbursements for retiree health insurance premiums required under KRS 78.5540; and
 - (c) A record of all contributions to the system on the forms prescribed by the systems.
- (3) (a) If the agency reporting official fails to file at the retirement office all contributions and reports on or before the tenth day of the month following the period being reported, interest on the delinquent contributions at the actuarial rate adopted by the board compounded annually, but not less than one thousand dollars (\$1,000), may be added to the amount due the system.
- (b) Delinquent contributions, with interest at the rate adopted by the board compounded annually, or penalties may be recovered by action in the Franklin Circuit Court against the county liable or may, at the request of the board, be deducted from any other moneys payable to the county by any department or agency of the state.
- (4) If an agency is delinquent in the payment of contributions due in accordance with any of the provisions of KRS 78.510 to 78.852, refunds and retirement allowance payments to members of this agency may be suspended until the delinquent contributions, with interest at the rate adopted by the board compounded annually, or penalties have been paid to the system.
- (5) The system may at any time conduct an audit of the employer in order to determine if the employer is complying with the provisions of KRS 78.510 to 78.852. The system shall have access to and may examine all books, accounts, reports, correspondence files, and records of any employer. Every employer, employee, or agency reporting official of a county, as defined in KRS 78.510(3), having records in its possession or under its control, shall permit access to and examination of the records upon the request of the system.
- (6) ***Employers shall not be required to report any information or pay employer contributions on any individual serving as a volunteer who is receiving compensation from the employer equal to or less than a nominal fee as defined by Sections 3 and 18 of this Act if the compensation paid to the volunteer is excluded from the definition of creditable compensation as provided by subsection (13) of Section 3 of this Act or subsection (13) of Section 18 of this Act.***

➔Section 31. The amendments to subsection (21)(b) of Section 3 of this Act and subsection (21)(b) of Section 18 of this Act shall be retroactive to March 1, 2020, and shall for purposes of anyone employed or contracted by health departments during and as a result of the state of emergency declared by the Governor of Kentucky during the COVID-19 pandemic apply to any such employment or contracts through December 31, 2022, as determined by the health department and regardless of whether or not the state of emergency has expired or been lifted.

➔Section 32. Whereas the prompt administration of retirement benefits by the Kentucky Public Pensions Authority is a matter of the utmost importance to state and local employees and retirees and the Commonwealth, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming law.

Veto Overridden and Signed by Secretary of State April 14, 2022.

CHAPTER 217**(SB 65)**

AN ACT relating to deficient administrative regulations and declaring an emergency.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 13A IS CREATED TO READ AS FOLLOWS:

- (1) *The General Assembly finds that a proposed amendment of 803 KAR 25:190, relating to utilization review and medical bill audits, filed with the Commission on February 18, 2021, by the Labor Cabinet, Department of Workers' Claims, was found deficient on or after March 30, 2021, and before January 4, 2022, but determined to become effective notwithstanding the finding of deficiency pursuant to KRS 13A.330, as evidenced by records of the Legislative Research Commission.*
- (2) *Contrary provisions of any section of the Kentucky Revised Statutes notwithstanding:*
 - (a) *If the proposed amendment of 803 KAR 25:190 referenced in subsection (1) of this section has not been adopted on or before the effective date of this Act, the proposed amendment shall expire as of the effective date of this Act; or*
 - (b) *If the proposed amendment of 803 KAR 25:190 referenced in subsection (1) of this section has been adopted on or before the effective date of this Act, 803 KAR 25:190 shall be null, void, and unenforceable as of the effective date of this Act.*
- (3) *Contrary provisions of any section of the Kentucky Revised Statutes notwithstanding, the administrative body shall be prohibited from promulgating an administrative regulation that is identical to, or substantially the same as, the proposed amendment of 803 KAR 25:190 referenced in subsection (1) of this section for a period beginning on January 4, 2022, and concluding on June 1, 2023.*
- (4) *The proposed amendment referenced in subsection (1) of this section shall be available to the public, in the office of the Legislative Research Commission's regulations compiler.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 13A IS CREATED TO READ AS FOLLOWS:

- (1) *The General Assembly finds that 702 KAR 1:192E, District Employee Quarantine Leave, was found deficient pursuant to KRS 13A.330, on or after March 30, 2021, and before the effective date of this Act, as evidenced by the records of the Legislative Research Commission.*
- (2) *Contrary provisions of any section of the Kentucky Revised Statutes notwithstanding, the administrative regulation referenced in subsection (1) of this section shall be null, void, and unenforceable as of the effective date of this Act.*
- (3) *Contrary provisions of any section of the Kentucky Revised Statutes notwithstanding, the administrative body shall be prohibited from promulgating an administrative regulation that is identical to, or substantially the same as, the administrative regulation referenced in subsection (1) of this section for a period beginning on January 4, 2022, and concluding on June 1, 2023.*
- (4) *The administrative regulation referenced in subsection (1) of this section shall be available to the public, in the office of the Legislative Research Commission's regulations compiler.*

➔Section 3. Whereas it is crucial that the Commonwealth's regulatory policy reflect the statutory intent of the General Assembly, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Veto Overridden and Signed by Secretary of State April 14, 2022.

CHAPTER 218**(SB 119)**

AN ACT relating to transportation.

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

➔Section 1. KRS 177.074 is amended to read as follows:

- (1) Every road which is part of the state primary system shall be identified by a specific route number ~~{or name which shall be designated on the official state road map}~~. In addition to a route number, the secretary ~~{~~
 - (a) ~~shall *direct the placement of signage denoting the honorary naming of a bridge,* {name} a road, or a road segment to comply with the provisions of subsections (2), (3), and (5){(3)}~~ of this section ~~{; and~~
 - (b) ~~May, at the secretary's discretion, or subject to the provisions of subsection (4) of this section, name a road or bridge on the state highway system after an individual, historic event, or any other name which may be of significance to the history of this Commonwealth or any of its counties or communities}~~.
- (2) The secretary shall, within thirty (30) days of receipt of a written request by the commissioner of the Department of Kentucky State Police, name a state road or segment of a state road in memory and honor of ~~one (1) or more~~ Kentucky state troopers killed in the line of duty. The written request shall ~~{comply with the provisions of subsection (4) of this section and shall}~~ include *the*:
 - (a) ~~{The}~~ Trooper's name;
 - (b) ~~{The name and address of any living relatives of the trooper, if known;~~
 - (c) ~~{Date and circumstances of the trooper's death; and~~
 - (c) ~~{(d) The route number and current name of the state road where the trooper was killed, if applicable, or the route number and current name of the state road closest to the deceased trooper's home.~~
 - (3) ~~The written request required under subsection (2) of this section shall identify the route number, current name of the state road, or milepoints of the}~~ specific segment of state road the Department of Kentucky State Police ~~is {are}~~ requesting be named in honor and memory of *the* ~~{a}~~ state trooper killed in the line of duty. ~~{}~~
- (3) The road or road segment identified in the request shall be either the state road where the trooper was killed, or the state road closest to the deceased trooper's home. The cabinet shall consult with the commissioner of the Department of Kentucky State Police on the design *and installation* of the road signs naming the state road or road segment in honor and memory of each trooper, and the cabinet shall erect the appropriate highway signs within thirty (30) days of receipt of the written request required under subsection (2) of this section.
- (4) If the road segment identified in the request under subsection (2) of this section has already been named for another individual or organization, ~~{either by action of the General Assembly or by order of the secretary,}~~ the Department of Kentucky State Police and the cabinet shall consult on and determine an alternate location that is acceptable to both agencies.
- (5) ~~{The secretary shall be petitioned by a unit of local government, civic organization, or other interested party before naming a road or bridge on the state primary road system. In addition, the secretary shall be convinced by the petitioner that the person or event that the road or bridge is being named for is of civic or historical significance.}~~
- (6) ~~Except as provided in subsections (9) and (10) of this section,}~~ The secretary shall *direct the placement of signage denoting the honorary naming of* ~~{name}~~ a road, *a road segment*, or a bridge upon direction by joint resolution of the General Assembly ~~{. Upon introduction of a resolution, the secretary shall inform the chairman of the committee to which the resolution is assigned as to whether he or she has been petitioned to name a road or bridge presented in the resolution and if so petitioned, his or her reasons for not taking action on the request}~~.
- (6) ~~{(7)}~~ ~~{If the secretary grants the request to name a road or bridge through petition, the signs to be placed on the roads shall become the responsibility of the petitioner with the design and placement of the signs approved by the department.}~~ *The placement of* ~~{If}~~ the signs *installed* ~~{are to be placed}~~ as a result of a resolution passed by the General Assembly *shall be* ~~{}~~ the responsibility ~~{for placement}~~ ~~{of}~~ ~~{the signs shall be upon}~~ the Department of Highways.
- (7) (a) *A school board or the governing body of a city or county may petition the secretary for the installation of temporary signage honoring an individual, a group of individuals, or a team.*

- (b) *The secretary shall, within thirty (30) days of receipt of a written request under this subsection, approve or deny the petition.*
 - (c) *Within thirty (30) days of the approval of a petition, the secretary shall direct the placement of honorary signage under this subsection. The Transportation Cabinet shall be the final arbiter of the location of signage placement under this subsection. Signage installed under this subsection shall remain in place for a minimum of one (1) year from the date of its placement.*
 - (d) *The petitioning body shall bear all costs of signage and installation under this subsection.*
- (8) The Transportation Cabinet may adopt administrative regulations to implement the *provisions of subsection (7) of this section, including but not limited to* ~~road and bridge naming program. The administrative regulations shall at a minimum establish~~ basic standards for design and placement of signs *and establishing a process to* ~~or~~ allow the *petitioning body* ~~local entity~~ to reimburse the Transportation Cabinet for the cost of manufacturing and installing the signs for which a petition has been granted.
 - (9) The new proposed truck bypass around Mayfield, Kentucky, shall be named the "Dick Castleman Bypass," after former State Representative Dick Castleman.
 - (10) The bridge on United States Highway 27 over the Kentucky River near Camp Nelson, between Jessamine and Garrard Counties, shall be named the "Lloyd Murphy Memorial Bridge."

➔Section 2. KRS 183.8621 is amended to read as follows:

- (1) *The cabinet shall assign an employee to serve as* ~~Upon recommendation of an individual by the secretary, the commission shall appoint an~~ administrator of the commission. *The administrator shall be an employee of the Department of Aviation.*
- (2) *In addition to commission administration responsibilities, the administrator* ~~who~~ shall ~~have immediate supervision of the employees of the commission and~~ perform such duties as are assigned ~~him~~ *by the Department of Aviation.*
- (3) The administrator shall be an individual familiar with aeronautics and the commission policy, *and* ~~He~~ shall keep and be custodian of the records and airport zoning maps adopted by the commission, ~~and shall devote his full time to the duties of his office.~~

➔Section 3. KRS 174.020 is amended to read as follows:

- (1) The Transportation Cabinet shall consist of the following major organizational units:
 - (a) The Office of the Secretary, which shall include, but not be limited to:
 - 1. The secretary to be appointed by the Governor under KRS 12.255; and
 - 2. The deputy secretary appointed under KRS 12.040;
 - (b) The Department of Highways, headed by a commissioner, appointed by the Governor under KRS 12.040;
 - (c) The Department of Vehicle Regulation, headed by a commissioner, appointed by the Governor under KRS 12.040. The Motor Vehicle Commission established in KRS 190.058 shall be attached to the Department of Vehicle Regulation for administrative purposes;
 - (d) The Department of Rural and Municipal Aid, headed by a commissioner appointed by the Governor under KRS 12.040;
 - (e) The Department of Aviation, headed by a commissioner appointed by the Governor under KRS 12.040. The Kentucky Airport Zoning Commission established by KRS 183.861 shall be attached to the Department of Aviation ~~for administrative purposes~~;
 - (f) The Office of Support Services, headed by an executive director appointed under KRS 12.040;
 - (g) The Office of Transportation Delivery, headed by an executive director appointed under KRS 12.040;
 - (h) The Office of Audits, headed by an executive director appointed under KRS 12.040;
 - (i) The Office of Human Resource Management, headed by an executive director appointed under KRS 12.040;
 - (j) The Office of Information Technology, headed by an executive director appointed under KRS 12.040;

- (k) The Office of Legal Services, headed by an executive director appointed under KRS 12.040;
- (l) The following offices, which shall be attached to the Office of the Secretary:
 1. The Office of Public Affairs, headed by an executive director appointed under KRS 12.040;
 2. The Office of Budget and Fiscal Management, headed by an executive director appointed under KRS 12.040;
 3. The Office for Civil Rights and Small Business Development, headed by an executive director appointed under KRS 12.040;
 4. The Office of Inspector General, headed by an executive director appointed under KRS 12.040; and
 5. The Secretary's Office of Safety, headed by an executive director appointed under KRS 12.040;
- (m) The following offices, which shall be attached to the Department of Highways:
 1. The Office of Project Development, headed by an executive director appointed under KRS 12.040, who shall be a registered professional engineer under KRS Chapter 322, and who shall be known as the deputy state highway engineer for project development;
 2. The Office of Project Delivery and Preservation, headed by an executive director appointed under KRS 12.040, who shall be a registered professional engineer under KRS Chapter 322, and who shall be known as the deputy state highway engineer for project delivery and preservation;
 3. The Office of Highway Safety, headed by an executive director appointed under KRS 12.040; and
 4. Highway District Offices One through Twelve, each district office to be headed by an executive director, also known as the chief district engineer, appointed under KRS 12.040, who shall be a registered professional engineer under KRS Chapter 322; and
- (n) The following offices, which shall be attached to the Department of Rural and Municipal Aid:
 1. Office of Local Programs, headed by an executive director appointed under KRS 12.040; and
 2. Office of Rural and Secondary Roads, headed by an executive director appointed under KRS 12.040.

- (2) The position of director in the Division of Environmental Analysis is a policy-making position under KRS 18A.175.

➔Section 4. KRS 183.140 is amended to read as follows:

- ~~(1) The Transportation Cabinet is authorized to establish in cooperation with airport boards, established pursuant to KRS 183.132 through 183.138, a pilot demonstration air service project for the purpose of developing air services on a regularly scheduled basis for the movement of passengers, mail and cargo by a commuter air carrier between five (5) or more airport termini in the Commonwealth of Kentucky at least one of which does not receive service from a carrier certificated by the civil aeronautics board, in the public interest of convenience and necessity for air transportation.~~

- ~~(2) The Transportation Cabinet may reimburse any airport board for direct financial aid, or benefits and services in lieu thereof, which the airport board has expended for the development of commuter air carrier services that provide regularly scheduled passenger, mail and cargo service or any combination thereof to the airport terminus operated by the airport board.~~

- ~~(2)(3) Any airport board established pursuant to KRS 183.132 through 183.138 is authorized to provide direct financial aid, or benefits and services in lieu thereof, to commuter air carriers that provide regularly scheduled passenger, mail, and cargo service or any combination thereof to their community.~~

➔Section 5. KRS 183.475 is amended to read as follows:

All counties in this state located on the boundary line between this state and any other state, or which are contiguous to such counties, as well as all governmental units which are located in such boundary counties, or contiguous counties, are ~~hereby~~ authorized, separately, jointly with each other, or jointly with any other municipality or political subdivision of any ~~such~~ boundary state, to acquire, equip, construct, expand, lease, improve, police and operate airports within this state or either within or without the geographical limits of any county, municipality or

political subdivision of any ~~such~~ boundary state; and for those purposes to exercise any other powers or functions and be subject to any provisions provided by KRS Chapter 183 as to aviation, without regard to any express or implied limitations ~~thereof~~ to or within this state, ~~including but not limited to those provided by KRS 183.010 through 183.012, "Definitions," KRS 183.132 through 183.138, "Local Air Boards," KRS 183.475 through 183.490, "Acquisition of Airport Facilities," KRS 183.630 through 183.740, "Bonds," KRS 183.762 through 183.772, "Airport Development," and any amendments or supplements thereto which may be provided therein subsequent to this amendment~~.

➔Section 6. The following KRS sections are repealed:

- 183.032 Adjudicatory powers and proceedings.
- 183.050 Federal licensing and registration requirement for pilots and aircraft.
- 183.070 State licensing and registration requirement.
- 183.203 Applications for assistance -- Airport loan committee, functions.
- 183.207 Eligibility for loan.
- 183.210 Loan terms -- Security.
- 183.213 Regulations.
- 183.490 Condemnation for privately owned airports.

Veto Overridden and Signed by Secretary of State April 14, 2022.

CHAPTER 219

(SB 216)

AN ACT relating to elections and declaring an emergency.

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

➔Section 1. KRS 15.243 is amended to read as follows:

- (1) In addition to the other duties and powers of the Attorney General, he *or she* shall enforce all of the state's election laws by civil or criminal processes.
- (2) The Attorney General shall:
 - (a) Devise and administer programs to observe the conduct of elections;
 - (b) Hold public hearings;
 - (c) Establish a toll-free telephone service for the purpose of receiving reports of election law violations. The service shall be operated during regular business hours throughout the year and during the hours which any poll in the state is open on the day of any primary, special election, or regular election;
 - (d) Initiate investigations or investigate alleged violations of election laws at the request of a registered voter or on his *or her* own motion;
 - (e) Issue subpoenas for the production of any books, papers, correspondence, memoranda or other records, and compel the attendance of witnesses that he *or she* deems relevant to the purposes of any investigation;
 - (f) Present evidence of alleged violations to a grand jury; and
 - (g) File appropriate complaints in any court of competent jurisdiction.
- (3) (a) The Attorney General shall be required to begin an independent inquiry for any potential irregularities that may have occurred in each election in not fewer than *twelve (12)* ~~five percent (5%)~~ of Kentucky's counties, to be selected at random in a public process, within twenty (20) days following each primary or regular election. No county shall be subject to inquiry under this subsection in two (2) consecutive elections.

- (b) The Attorney General shall report his *or her* findings to the grand jury of each county involved and to the chief circuit judge for the circuit in which the county is located.
- (4) When the Registry of Election Finance concludes there is probable cause to believe a violation of election laws has occurred, it shall forward the matter to the Attorney General for prosecution. In the event the Attorney General or local prosecutor fails to prosecute the matter in a timely fashion, the registry's attorney may petition the Circuit Court to be appointed as a special prosecutor. Upon such motion timely filed, for good cause shown, the court shall enter an order to that effect.
- (5) When requested by the Attorney General, all state and local agencies and officials, including the Auditor of Public Accounts, Commonwealth's attorneys, county attorneys, Registry of Election Finance, Department of Kentucky State Police, sheriffs' departments and local police shall give all possible assistance to the Attorney General in the performance of his *or her* duties.

➔Section 2. KRS 117.125 is amended to read as follows:

~~[Except for voting equipment that has been certified and in use on or before June 29, 2021,]~~ No voting system *or voting equipment* shall be approved for use after **January 1, 2024**~~[June 29, 2021]~~, by the State Board of Elections, either upon initial examination or reexamination, ***and no voting equipment or voting system shall be purchased after the effective date of this Act***, unless the system ***and equipment*** has been certified under KRS 117.379 and is so constructed that it shall:

- (1) Ensure secrecy to the voter in the act of voting so that no person can see or know for whom any other voter has voted or is voting, except for those voters requiring assistance under KRS 117.255;
- (2) Permit votes to be cast for any candidate entitled to have his or her name printed upon the ballots at any primary, regular election, or special election, and for or against any public question entitled to be placed upon the ballots;
- (3) Except at a primary, permit a voter to vote for all the candidates of one (1) party or for one (1) or more candidates of every party having candidates entitled to be voted for, or for one (1) or more independent, political organization, or political group candidates;
- (4) Permit a voter to vote for as many persons for an office as the voter is lawfully entitled to vote for, and no more;
- (5) Prevent a voter from voting for more persons for any office than the voter is entitled to vote for, and from voting for the same person, or for or against the same question, more than once;
- (6) Permit a voter to vote for or against any question the voter may have the right to vote on, but no other;
- (7) Provide for a nonpartisan ballot;
- (8) Be capable of being adjusted for use in a primary so that a voter may not vote for any person except those seeking nomination as candidates of the voter's party, as candidates for a nonpartisan office, or as candidates for an office of the Court of Justice;
- (9) Permit each voter to vote for all the candidates for presidential electors of any party by one (1) operation;
- (10) Permit each voter to vote, in any regular or special election, for any person for whom the voter desires to vote whose name does not appear upon the ballot by providing a method of write-in voting;
- (11) Be safe, efficient, and accurate in the conduct of elections, and correctly register and accurately count all votes cast for each person, and for or against each public question;
- (12)
 - (a) Provide each voter an opportunity to verify votes recorded on the permanent paper ballot, either visually or using assistive voting technology, by producing a voter-verified paper audit trail;
 - (b) Provide each voter an opportunity to change votes or correct any error before the voter's ballot is cast and counted; and
 - (c) Provide a voter who spoils his or her ballot another ballot as provided under this chapter;
- (13) Use an individual, discrete, permanent, paper ballot cast by the voter for tabulating purposes;
- (14) Preserve the paper ballot as an official record available for use in any audit or recount;
- (15) Be suitably designed for the purpose used, constructed of a durable material, and safely transportable;

- (16) Be capable of determining whether the voting equipment has been unlocked and operated or adjusted in any manner after once being locked;
- (17) Have a public counter with a register which is visible from the outside of the counter or device that will show at all times during an election how many persons have voted;
- (18) Have a protective cumulative counter indicating the number of votes cast for each person, and the votes cast for or against each public question which cannot be seen, reset, or tampered with without unlocking a covering device by a key or other security apparatus that cannot unlock any other part of the equipment, and which prevents changes to the cumulative counter once the system has been put into operation on the day of any election;
- (19) Provide for the tabulating of votes at the precinct as required under KRS 117.275;
- (20) Provide locks or other security apparatus by which the operation of the voting equipment may be locked before the time for opening the polls and after the time for closing the polls;
- (21) Permit a voter to readily learn the method of operating it, to expeditiously cast a vote for all candidates and on all questions of the voter's choice, and when operated properly, register and record correctly and accurately every vote cast;
- (22) Bear a number or other unique designation that will distinguish it from any other voting equipment or voting system;
- (23) Produce a real-time audit log record for the voting system, and produce a paper record with a manual audit capacity which shall be available as an official record for any recount conducted related to any primary or election in which the system is used;
- (24) Be accessible for individuals with impairments, including nonvisual accessibility for the blind or visually impaired, in a manner that provides the same opportunity for access and participation, including privacy and independence, as for other voters;
- (25) ***Prohibit voting equipment that tabulates or aggregates votes used in official results from connecting to any network, including the Internet, or communicating with any device external to the voting system;***
- (26) Meet or exceed the standards for a voting system established by the Election Assistance Commission, as amended from time to time, and those approved under KRS 117.379; and
- (27)~~(26)~~ Meet such other requirements as may be established by the State Board of Elections in administrative regulations promulgated under KRS Chapter 13A to reflect changes in technology to ensure the integrity and security of voting systems.

➔Section 3. KRS 117.135 is amended to read as follows:

When voting equipment is acquired by any county, the voting equipment shall:

- (1) Be immediately placed in the custody of the county clerk;
- (2) ~~[, and shall]~~Remain in ***the county clerk's***~~[his or her]~~ custody at all times except when in use ***during in-person absentee voting,***~~[at]~~ an election, or when in the custody of a court or court officer during contest proceedings;
- (3) ~~[. The clerk shall see that the voting equipment is]~~***Be*** properly protected and preserved ***by the county clerk*** from damage or unnecessary deterioration;
- (4) ***Be protected by the county clerk from***~~[, and shall not permit]~~ any unauthorized ***tampering***~~[person to tamper]~~ with the voting equipment; ***and***
- (5) ***Be secured and locked by the county clerk.***

➔Section 4. KRS 117.295 is amended to read as follows:

- (1) For a period of~~[ten (10) days following any primary, and for a period of]~~ thirty (30) days following any~~[regular or special]~~ election, the voting equipment shall remain locked against voting,~~[and]~~ the ballot boxes containing all paper ballots shall remain locked, ***and the voting equipment and ballot boxes shall be under video surveillance. The system used to conduct the video surveillance shall have enough storage capacity to retain sixty (60) consecutive days of continuous recording data.***~~[except that]~~ The voting equipment and the ballot boxes may be opened and all the data and figures therein examined:
 - (a) Upon the order of any court of competent jurisdiction, or judge thereof;

- (b) By direction of any legislative committee or board authorized and empowered to investigate and report upon contested elections;
- (c) By a county board of elections under the direction of the State Board of Elections pursuant to a risk-limiting audit; or
- (d) As required to conduct a recount under KRS 120.157.

All the data and figures shall be examined by the court, judge, county board of elections, State Board of Elections, or committee in the presence of the officer having the custody of the voting equipment, ballots, and ballot boxes. In the event of a contest of election, the court in which the contest is pending or the committee before which the contest is being heard may, upon motion of any party to the contest, issue an order requiring that the voting equipment, ballots, and ballot boxes shall remain continuously locked for further time as may be reasonable or necessary, with due regard for the preparation of the voting equipment for a succeeding primary, regular election, or special election, but in no event shall the order compel that the voting equipment remain locked to a time within thirty (30) days next preceding any approaching primary, regular election, or special election.

- (2) During the period when the voting equipment and the ballot boxes are required to be kept locked, the keys thereto shall remain in the possession of the county board of elections. After that period, it shall be the duty of the county board of elections to return the keys to the custody of the county clerk.

➔Section 5. KRS 121.180 is amended to read as follows:

- (1) (a) Any candidate, slate of candidates, or political issues committee shall be exempt from filing any campaign finance reports required by subsections (3) and (4) of this section if the candidate, slate of candidates, or political issues committee chair files a form prescribed and furnished by the registry stating that currently no contributions have been received and that contributions will not be accepted or expended in excess of three thousand dollars (\$3,000) in any one (1) election. A separate form shall be required for each primary, regular, or special election in which the candidate or slate of candidates participates or in which the public question appears on the ballot, ~~unless the candidate, slate of candidates, or political issues committee chair indicates on a request for exemption that the request will be applicable to more than one (1) election. The form shall be filed with the same office with which a candidate or slate of candidates files nomination papers or, in the case of a political issues committee, with the registry.~~ **The form shall be submitted by means of electronic filing with the registry.**
- (b) For a primary, a candidate or slate of candidates shall file a request for exemption not later than the deadline for filing nomination papers and, except as provided in subparagraph 2. of paragraph (c) of this subsection, shall be bound by its terms unless it is rescinded in writing not later than thirty (30) days preceding the primary. For a regular election, a candidate or slate of candidates shall file or rescind in writing a request for exemption not later than sixty (60) days preceding the regular election, except as provided in subparagraph 2. of paragraph (c) of this subsection. For a special election, a candidate or slate of candidates shall file a request for exemption not later than ten (10) days after the candidate or slate of candidates is nominated for a special election and shall be bound by its terms unless it is rescinded in writing not later than thirty (30) days preceding the special election. A political issues committee chair shall file a request for exemption when the committee registers with the registry and shall be bound by its terms unless it is rescinded in writing not later than thirty (30) days preceding the date the issue appears on the ballot.
- (c) 1. A candidate or slate of candidates that revokes a request for exemption in a timely manner shall file all reports required of a candidate intending to raise or spend in excess of three thousand dollars (\$3,000) in an election. To revoke the request for an exemption, the candidate or slate of candidates shall file the appropriate form with the registry not later than the deadline for filing a revocation.
- 2. A candidate or slate of candidates that is exempted from campaign finance reporting requirements pursuant to paragraph (a) of this subsection but who accepts contributions or makes expenditures in excess of the exempted amount in an election, shall file all applicable reports required for the remainder of that election, based upon the amount of contributions or expenditures the candidate or slate of candidates accepts or receives in that election. The filing of applicable required reports by a candidate or slate of candidates after the exempted amount is exceeded shall serve as notice to the registry that the initial exemption has been rescinded. No further notice to the registry shall be required and no penalty for exceeding the initial exempted

amount shall be imposed against the candidate or slate of candidates, except for failure to file applicable reports required after the exempted amount is exceeded.

- (d) Any candidate or slate of candidates that is subject to a June or August filing deadline and that intends to execute a request for exemption shall file the appropriate request for exemption not later than the filing deadline and, except as provided in subparagraph 2. of paragraph (c) of this subsection, shall be bound by its terms unless it is rescinded in writing not later than sixty (60) days preceding the regular election. A candidate or slate of candidates that is covered by this paragraph shall have the same reversion rights as those provided in subparagraph 1. of paragraph (c) of this subsection.
- (e) Any candidate or slate of candidates that will appear on the ballot in a regular election that has signed a request for exemption for that election may exercise the reversion rights provided in subparagraph 1. of paragraph (c) of this subsection if a candidate or slate of candidates that is subject to a June or August filing deadline subsequently files in opposition to the candidate or slate of candidates. Except as provided in subparagraph 2. of paragraph (c) of this subsection, a candidate or slate of candidates covered by this paragraph shall comply with the deadline for rescission provided in subparagraph 1. of paragraph (c) of this subsection.
- (f) Except as provided in subparagraph 2. of paragraph (c) of this subsection, any candidate or slate of candidates that has filed a request for exemption for a regular election that later is opposed by a person who has filed a declaration of intent to receive write-in votes may rescind the request for exemption and exercise the reversion rights provided in subparagraph 1. of paragraph (c) of this subsection.
- (g) Any candidate or slate of candidates that has filed a request for exemption may petition the registry to determine whether another person is campaigning as a write-in candidate prior to having filed a declaration of intent to receive write-in votes, and, if the registry determines upon a preponderance of the evidence that a person who may later be a write-in candidate is conducting a campaign, the candidate or slate of candidates, except as provided in subparagraph 2. of paragraph (c) of this subsection, may petition the registry to permit the candidate or slate of candidates to exercise the reversion rights provided in subparagraph 1. of paragraph (c) of this subsection.
- (h) If the opponent of a candidate or slate of candidates is replaced due to his or her withdrawal because of death, disability, or disqualification, the candidate or slate of candidates, except as provided in subparagraph 2. of paragraph (c) of this subsection, may exercise the reversion rights provided in subparagraph 1. of paragraph (c) of this subsection not later than fifteen (15) days after the party executive committee nominates a replacement for the withdrawn candidate or slate of candidates.
- (i) A person intending to be a write-in candidate for any office in a regular or special election may execute a request for exemption under paragraph (a) of this subsection and shall be bound by its terms unless it is rescinded in writing not later than fifteen (15) days preceding the regular or special election. A person intending to be a write-in candidate who revokes a request for exemption in a timely manner shall file all reports required of a candidate intending to raise or spend in excess of three thousand dollars (\$3,000) in an election. Except as provided in subparagraph 2. of paragraph (c) of this subsection, a person intending to be a write-in candidate who revokes a request for exemption shall file the appropriate form with the registry.
- (j) Except as provided in subparagraph 2. of paragraph (c) of this subsection, the campaign committee of any candidate or slate of candidates that has filed a request for exemption or a political issues committee whose chair has filed a request for exemption shall be bound by its terms unless it is rescinded in a timely manner.
- (k)
 1. Except as provided in subparagraph 2. of paragraph (c) of this subsection, any candidate, slate of candidates, or political issues committee that is exempt from filing campaign finance reports pursuant to paragraph (a), (d), or (i) of this subsection that accepts contributions or makes expenditures, or whose campaign treasurer accepts contributions or makes expenditures, in excess of the applicable limit in any one (1) election without rescinding the request for exemption in a timely manner shall comply with all applicable reporting requirements and, in lieu of other penalties prescribed by law, pay a fine of not less than five hundred dollars (\$500).
 2. Except as provided in subparagraph 2. of paragraph (c) of this subsection, a candidate, slate of candidates, campaign committee, or political issues committee that is exempt from filing campaign finance reports pursuant to paragraph (a), (d), or (i) of this subsection that knowingly accepts contributions or makes expenditures in excess of the applicable spending limit in any one

- (1) election without rescinding the request for exemption in a timely manner shall comply with all applicable reporting requirements and shall be guilty of a Class D felony.
- (2) (a) State and county executive committees, and caucus campaign committees shall make a full report, upon a prescribed form, to the registry, of all money, loans, or other things of value, received from any source, and expenditures authorized, incurred, or made, since the date of the last report, including:
1. For each contribution of any amount made by a permanent committee, the name and business address of the permanent committee, the date of the contribution, the amount contributed, and a description of the major business, social, or political interest represented by the permanent committee;
 2. For other contributions in excess of one hundred dollars (\$100), the full name, address, age if less than the legal voting age, the date of the contribution, the amount of the contribution, and the employer and occupation of each contributor. If the contributor is self-employed, the name under which he or she is doing business shall be listed;
 3. The total amount of cash contributions received during the reporting period; and
 4. A complete statement of expenditures authorized, incurred, or made. The complete statement of expenditures shall include the name and address of each person to whom an expenditure is made in excess of twenty-five dollars (\$25), and the amount, date, and purpose of each expenditure.
- (b) In addition to the reporting requirements in paragraph (a) of this subsection, the state executive committee of a political party that has established a building fund account under KRS 121.172 shall make a full report, upon a prescribed form, to the registry, of all contributions received from any source, and expenditures authorized, incurred, or made, since the date of the last report for the separate building fund account, including:
1. For each contribution of any amount made by a corporation, the name and business address of the corporation, the date of the contribution, the amount contributed, and a description of the major business conducted by the corporation;
 2. For other contributions in excess of one hundred dollars (\$100), the full name and address of the contributor, the date of the contribution, the amount of the contribution, and the employer and occupation of each contributor. If the contributor is self-employed, the name under which he or she is doing business shall be listed;
 3. The total amount of cash contributions received during the reporting period; and
 4. A complete statement of expenditures authorized, incurred, or made. The complete statement of expenditures shall include the name and address of each person to whom an expenditure is made in excess of twenty-five dollars (\$25), and the amount, date, and purpose of each expenditure.
- (c) The report required by paragraph (a) of this subsection shall be made on a semiannual basis and shall be received by the registry by January 31 and by July 31. The January report shall cover the period from July 1 to December 31. The July report shall cover the period from January 1 to June 30. If an individual gives a reportable contribution to a caucus campaign committee or to a state or county executive committee with the intention that the contribution or a portion of the contribution go to a candidate or slate of candidates, the name of the contributor and the sum shall be indicated on the committee report. The report required by paragraph (b) of this subsection relating to a state executive committee's building fund account shall be received by the registry within two (2) business days after the close of each calendar quarter. The receipts and expenditures of funds remitted to each political party under KRS 141.071 to 141.073 shall be separately accounted for and reported to the registry in the manner required by KRS 121.230. The separate report may be made a separate section within the report required by this subsection to be received by the registry by January 31.
- (3) (a) Except for candidates or slates of candidates, campaign committees, or political issues committees exempted from reporting requirements pursuant to subsection (1) of this section, each campaign treasurer of a candidate, slate of candidates, campaign committee, or political issues committee who accepts contributions or expends, expects to accept contributions or expend, or contracts to expend more than three thousand dollars (\$3,000) in any one (1) election, and each fundraiser who secures contributions in excess of three thousand dollars (\$3,000) in any one (1) election, shall make a full report to the registry, on a form provided or using a format approved by the registry, of all money,

loans, or other things of value, received from any source, and expenditures authorized, incurred, and made, since the date of the last report, including:

1. For each contribution of any amount made by a permanent committee, the name and business address of the permanent committee, the date of the contribution, the amount contributed, and a description of the major business, social, or political interest represented by the permanent committee;
 2. For each contribution in excess of one hundred dollars (\$100) made to a candidate or slate of candidates for a statewide-elected state office, or to a campaign committee for a candidate or slate of candidates for a statewide-elected state office, the date, name, address, occupation, and employer of each contributor and the spouse of the contributor or, if the contributor or spouse of the contributor is self-employed, the name under which he or she is doing business, and the amount contributed by each contributor;
 3. For each contribution in excess of one hundred dollars (\$100) made to any candidate or campaign committee other than those specified in subparagraph 2. of this paragraph or a political issues committee, the full name, address, age if less than the legal voting age, the date of the contribution, the amount of the contribution, and the employer and occupation of each other contributor. If the contributor is self-employed, the name under which he or she is doing business shall be listed;
 4. The total amount of cash contributions received during the reporting period; and
 5. A complete statement of all expenditures authorized, incurred, or made. The complete statement of expenditures shall include the name, address, and occupation of each person to whom an expenditure is made in excess of twenty-five dollars (\$25), and the amount, date, and purpose of each expenditure.
- (b) Reports of all candidates, slates of candidates, campaign committees, political issues committees, and registered fundraisers shall be made as follows:
1. *a.* Candidates ***seeking statewide office*** ~~[as defined in KRS 121.015(8)]~~, slates of candidates, ***authorized campaign committees for candidates seeking statewide office and for slates of candidates***, ~~[candidate authorized and]~~ unauthorized campaign committees, political issues committees, and fundraisers which register ~~[in the year]~~ before the year *of* an election in which the candidate, a slate of candidates, or public question shall appear on the ballot, shall file financial reports with the registry at the end of the first calendar quarter after persons become *statewide* candidates or slates of candidates, or following registration of the committee or fundraiser, and each calendar quarter thereafter, ending with the last calendar quarter of that year. ***The provisions of this subparagraph shall be retroactive to January 1, 2021.*** ~~Candidates, slates of candidates, committees, and registered fundraisers shall make all reports required by this section during the year in which the election takes place;~~
 - b.* ***All other candidates and candidate campaign committees shall file annual financial reports to be received by the registry on or before December 1 for each year that a candidate is not yet on the ballot but has filed a statement of spending intent and appointment of campaign treasurer with the registry for a future year election; and***
 - c.* ***Candidates, slate of candidates, or committees shall make all reports required by subparagraphs 2. to 5. of this paragraph during the year in which the election takes place;***
 2. All candidates, slates of candidates, candidate-authorized and unauthorized campaign committees, political issues committees, and registered fundraisers shall make reports on the sixtieth day preceding a regular election, including all previous contributions and expenditures;
 3. All candidates, slates of candidates, candidate-authorized and unauthorized campaign committees, political issues committees, and registered fundraisers shall make reports on the thirtieth day preceding an election, including all previous contributions and expenditures;
 4. All candidates, slates of candidates, candidate-authorized and unauthorized campaign committees, political issues committees, and registered fundraisers shall make reports on the fifteenth day preceding the date of the election; and

5. All reports to the registry shall cover campaign activity during the entire reporting period and must be received by the registry within two (2) business days after the date the reporting period ends to be deemed timely filed.
- (4) Except for candidates, slates of candidates, and political issues committees, exempted pursuant to subsection (1)(a) of this section, all candidates, regardless of funds received or expended, candidate-authorized and unauthorized campaign committees, political issues committees, and registered fundraisers shall make post-election reports within thirty (30) days after the election. All post-election reports to the registry shall cover campaign activity during the entire reporting period and must be received by the registry within two (2) business days after the date the reporting period ends to be deemed timely filed.
- (5) In making the preceding reports, the total gross receipts from each of the following categories shall be listed: proceeds from the sale of tickets for events such as testimonial affairs, dinners, luncheons, rallies, and similar fundraising events, mass collections made at the events, and sales of items such as campaign pins, buttons, hats, ties, literature, and similar materials. When any individual purchase or the aggregate purchases of any item enumerated above from a candidate or slate of candidates for a statewide-elected state office or a campaign committee for a candidate or slate of candidates for a statewide-elected state office exceeds one hundred dollars (\$100), the purchaser shall be identified by name, address, age, if less than the legal voting age, occupation, and employer and the employer of the spouse of the purchaser or, if the purchaser or the spouse of the purchaser is self-employed, the name under which he or she is doing business, and the amount of the purchase. When any individual purchase or the aggregate purchases of any item enumerated above from any candidate or campaign committee other than a candidate or slate of candidates for a statewide-elected state office or campaign committee for a candidate or slate of candidates for a statewide-elected state office exceeds one hundred dollars (\$100), the purchaser shall be identified by name, address, age if less than the legal voting age, occupation, and employer, or if the purchaser is self-employed, the name under which he or she is doing business, and the amount of the purchase. The lists shall be maintained by the campaign treasurer, political issues committee treasurer, registered fundraiser, or other sponsor for inspection by the registry for six (6) years following the date of the election.
- (6) Each permanent committee, except a federally registered permanent committee, inaugural committee, or contributing organization shall make a full report to the registry, on a form provided or using a format approved by the registry, of all money, loans, or other things of value, received by it from any source, and all expenditures authorized, incurred, or made, since the date of the last report, including:
 - (a) For each contribution of any amount made by a permanent committee, the name and business address of the permanent committee, the date of the contribution, the amount contributed, and a description of the major business, social, or political interest represented by the permanent committee;
 - (b) For other contributions in excess of one hundred dollars (\$100), the full name, address, age if under the legal voting age, the date of the contribution, the amount of the contribution, and the employer and occupation of each contributor. If the contributor is self-employed, the name under which he or she is doing business shall be listed;
 - (c) An aggregate amount of cash contributions, the amount contributed by each contributor, and the date of each contribution; and
 - (d) A complete statement of all expenditures authorized, incurred, or made, including independent expenditures. This report shall be made by a permanent committee, inaugural committee, or contributing organization to the registry on the last day of the first calendar quarter following the registration of the committee with the registry and on the last day of each succeeding calendar quarter until such time as the committee terminates. A contributing organization shall file a report of contributions received and expenditures on a form provided or using a format approved by the registry not later than the last day of each calendar quarter in which contributions are received or expenditures are made. All reports to the registry shall be received on or before each filing deadline, and any report received by the registry within two (2) business days after each filing deadline shall be deemed timely filed.
- (7) If the final statement of a candidate, campaign committee, or political issues committee shows an unexpended balance of contributions, continuing debts and obligations, or an expenditure deficit, the campaign treasurer shall file with the registry a supplemental statement of contributions and expenditures not more than thirty (30) days after the deadline for filing the final statement. Subsequent supplemental statements shall be filed annually, to be received by the registry by December 1 of each year, until the account shows no unexpended balance, continuing debts and obligations, expenditures, or deficit, ~~or until the year before the candidate or a~~

~~slate of candidates seeks to appear on the ballot for the same office for which the funds in the campaign account were originally contributed, in which case the candidate or a slate of candidates shall file the supplemental annual report by December 1 of that year or at the end of the first calendar quarter of that year after the candidate or slate of candidates files nomination papers for the next year's primary or regular election]. All post-election reports to the registry shall cover campaign activity during the entire reporting period and must be received by the registry within two (2) business days after the date the reporting period ends to be deemed timely filed. All contributions shall be subject to KRS 121.150 as of the date of the election in which the candidate appeared on the ballot.~~

- (8) All reports filed under the provisions of this chapter shall be a matter of public record open to inspection by any member of the public immediately upon receipt of the report by the registry.
- (9) A candidate or slate of candidates is relieved of the duty personally to file reports and keep records of receipts and expenditures if the candidate or slate states in writing or on forms provided by the registry that:
- (a) Within five (5) business days after personally receiving any contributions, the candidate or slate of candidates shall surrender possession of the contributions to the treasurer of their principal campaign committee without expending any of the proceeds thereof. No contributions shall be commingled with the candidate's or slated candidates' personal funds or accounts. Contributions received by check, money order, or other written instrument shall be endorsed directly to the campaign committee and shall not be cashed or redeemed by the candidate;
 - (b) The candidate or slate of candidates shall not make any unreimbursed expenditure for the campaign, except that this paragraph does not preclude a candidate or slate from making an expenditure from personal funds to the designated principal campaign committee, which shall be reported by the committee as a contribution received; and
 - (c) The waiver shall continue in effect as long as the candidate or slate of candidates complies with the conditions under which it was granted.
- (10) (a) No candidate, slate of candidates, campaign committee, political issues committee, or contributing organization shall use or permit the use of contributions or funds solicited or received for the person or in support of or opposition to a public issue which will appear on the ballot to:
1. Further the candidacy of the person for a different public office;~~[- to -]~~
 2. Support or oppose a different public issue;~~[-] or [- to -]~~
 3. Further the candidacy of any other person for public office.~~[- except that]~~
- (b) Nothing in this subsection shall be deemed to prohibit a candidate or slate of candidates from using funds in ~~a~~~~the~~ campaign account to purchase admission tickets for any fundraising event or testimonial affair for another candidate or slate of candidates if the amount of the purchase does not exceed two hundred dollars (\$200) per event or affair.
- (c) Any funds or contributions solicited or received by or on behalf of a candidate, slate of candidates, or any committee, which has been organized in whole or in part to further any candidacy for the same person or to support or oppose the same public issue, shall be deemed to have been solicited or received for the current candidacy or for the election on the public issue if the funds or contributions are solicited or received at any time prior to the regular election for which the candidate, slate of candidates, or public issue is on the ballot.
- (d) Any unexpended balance of funds not otherwise obligated for the payment of expenses incurred to further a political issue or the candidacy of a person shall, in whole or in part, at the election of the candidate or committee:~~[-]~~
1. Escheat to the State Treasury;~~[-]~~
 2. Be returned pro rata to all contributors;~~[- or -]~~
 3. In the case of a partisan candidate, be transferred to:
 - a. A caucus campaign committee;~~[-] or [- to -]~~
 - b. The state or county executive committee of the political party of which the candidate is a member;~~[- except that a candidate, committee, or an official may retain the funds -]~~
 4. **Be retained** to further the same public issue or to seek election to the same office; or

5. *Be donated*~~[may donate the funds]~~ to any charitable, nonprofit, or educational institution recognized under Section 501(c)(3) of the United States Internal Revenue Code of 1986, as amended, and any successor thereto.
- (11) If adequate and appropriate agency funds are available to implement this subsection, electronic reporting shall be made available by the registry to all candidates, slates of candidates, committees, contributing organizations, registered fundraisers, and persons making independent expenditures. The electronic report submitted to the registry shall be the official campaign finance report for audit and other legal purposes, whether mandated or filed by choice.
- (12) ~~[Filers not required to file reports electronically, as set forth in this section, are strongly encouraged to do so voluntarily.]~~
- ~~(13)~~ The date that an electronic or on-line report shall be deemed to have been filed with the registry shall be the date on which it is received by the registry.
- ~~(13)~~~~(14)~~ All electronic or online filers shall affirm, under penalty of perjury, that the report filed with the registry is complete and accurate.
- ~~(14)~~~~(15)~~ Filers who submit electronic campaign finance reports which are not readable, or cannot be copied~~[, or are not accompanied by any requisite paper copy]~~ shall be deemed to not be in compliance with the requirements set forth in this section.
- ~~(15)~~~~(16)~~ Beginning with the primary scheduled in calendar year 2020, and for each subsequent election scheduled thereafter, reports required to be submitted to the registry involving candidates, slates of candidates, committees, contributing organizations, and independent expenditures shall be reported electronically.
- ~~(16)~~~~(17)~~ (a) On each~~[paper and]~~ electronic form that the registry supplies for the reports required under subsections (2), (3), and (6) of this section, the registry shall include an entry reading, "No change since last report."
- (b) If a person or entity that is required to report under subsection (2), (3), or (6) of this section has received no money, loans, or other things of value from any source since the date of its last report and has not authorized, incurred, or made any expenditures since that date, the person or entity may check or otherwise designate the entry that reads, "No change since last report." A person or entity designating this entry in a report shall state the balance carried forward from the last report but need not specify receipts or expenditures in further detail.

➔Section 6. KRS 117.015 is amended to read as follows:

- (1) There shall be a State Board of Elections that is an independent agency of state government, which shall administer the election laws of the state and supervise registration and purgation of voters within the state. The board:
- (a) May promulgate administrative regulations necessary to properly carry out its duties; and
- (b) Shall promulgate administrative regulations establishing a procedure for elections officials to follow when an election has been suspended or delayed as described in KRS 39A.100.
- (2) The *State Board of Elections*~~[board]~~ shall consist of the following:
- (a) The Secretary of State, who shall be:
1. A~~[an ex-officio,]~~ nonvoting member, *except in cases of casting a determinative vote, if a vote taken by the board would otherwise result in a tie;*~~[, and who shall also serve as]~~
 2. The chief election official for the Commonwealth; *and*
 3. *The chair of the board who shall preside at the meetings of the board;*
- (b) Two (2) *voting* members appointed by the Governor as provided in subsection ~~(5)~~~~(6)~~ of this section;
- (c) Six (6) voting members appointed by the Governor as provided in subsection ~~(4)~~~~(5)~~ of this section; and
- (d) An executive director appointed in accordance with KRS 117.025~~[,]~~ who *is a nonvoting member*~~[may vote only to break a tie regarding selection of the chair of the board].~~

- (3) ~~[A chair of the board, who is a then-current voting member of the board, shall be elected as chair of the board by a majority of the voting members who serve on the board. The chair shall preside at the meetings of the board and vote on matters before the board.]~~
- (4) ~~—~~The *appointed* members shall serve for a term of four (4) years or until their successors are appointed. Members shall be at least twenty-five (25) years of age and qualified voters of this state. No appointed member shall be a candidate for public office or have been a candidate for public office for two (2) years prior to his or her appointment, except as provided in subsection (2)(b) of this section. No member of the board shall have been convicted of any election law offense.
- (4)~~(5)~~ Two (2) members shall be appointed by the Governor from a separate list of at least five (5) names submitted by the state central executive committee of each of the two (2) political parties that polled the largest vote in the last preceding election for state officials. The list shall be submitted to the Governor by February 15 of 1992, and the appointments of the Governor shall be made by April 1 of the same year. Two (2) separate lists shall be submitted to the Governor by August 15 of 1990 and every four (4) years thereafter, and two (2) appointments shall be made from these lists by September 15 of each year in which the lists are received.
- (5)~~(6)~~ Two (2) members shall be appointed by the Governor from a separate list of at least four (4) names submitted by the Kentucky County Clerk's Association of each of the two (2) political parties that polled the largest vote in the last preceding regular election for state officials. Each of the two (2) members appointed under this subsection shall be former county clerks~~[and shall be voting members]~~. The lists required under this subsection shall be submitted to the Governor by July 15, 2019, and every four (4) years thereafter. The appointments made by the Governor under this subsection shall be made by August 15, 2019, and every four (4) years thereafter.
- (6)~~(7)~~ Vacancies shall be filled in the same manner as provided for original appointments, and the person appointed to fill the vacancy shall be of the same political party as his or her predecessor.
- (7)~~(8)~~ The board shall meet as often as necessary to carry out its duties and shall keep a record of its acts, orders, findings, and proceedings. A majority of the board shall constitute a quorum.
- (8)~~(9)~~ The members of the board shall be paid a reasonable sum to be fixed by the secretary of the Personnel Cabinet, with the approval of the secretary of the Finance and Administration Cabinet, and in addition, their expenses in attending board meetings. The compensation shall be paid out of the State Treasury upon requisition signed by the chair of the board and approved by the secretary of the Finance and Administration Cabinet.

➔Section 7. KRS 121.160 is amended to read as follows:

- (1) ~~[As part of the filing papers.]~~Each candidate or slate of candidates shall, on~~[a duplicate]~~ form prescribed and furnished by the registry, designate a campaign treasurer to act as their agent at the time~~[and at the office with which]~~ they file as a candidate or slate of candidates, and until this requirement is met, the candidate or slate of candidates shall be listed as their own treasurer and accountable as such. The candidate or slate of candidates may appoint themselves or any registered voter in Kentucky as the campaign treasurer. The office with which the candidate or slate of candidates is required to file shall immediately forward to the registry ~~a~~~~[the duplicate]~~ copy of the~~[completed form designating the candidate's or slate's campaign treasurer and shall attach the original to the]~~ candidate's or slate's filing papers. The office with which the candidate or slate of candidates files shall promptly notify the registry when a candidate withdraws.
- (2) The duties of a campaign treasurer shall be to:
- (a) Designate a depository bank in which the primary campaign account shall be maintained and deposit all contributions in that account;
 - (b) Keep detailed and exact accounts of:
 1. Contributions of any amount made by a permanent committee, by name and business address of the permanent committee, the date of the contribution, the amount contributed, and a description of the major business, social, or political interest represented by the permanent committee;
 2. Contributions in excess of one hundred dollars (\$100) made to a candidate or slate of candidates for a statewide-elected state office, by the date, name, address, occupation, and employer of each contributor and the spouse of the contributor or, if the contributor or spouse of the contributor is self-employed, the name under which he is doing business, and the amount contributed by each contributor; and

3. Contributions in excess of one hundred dollars (\$100) made to any candidate other than those specified in subparagraph 2., by name, address, age if under legal voting age, date of the contribution, amount of the contribution, and the employer and occupation of each other contributor. If the contributor is self-employed, the name under which he is doing business shall be listed. The occupation listed for the contributor shall be specific. A general classification, such as "businessman", shall be insufficient;
 - (c) Make or authorize all expenditures on behalf of a candidate or slate of candidates. Any expenditure in excess of twenty-five dollars (\$25) shall be by check and the treasurer's records shall disclose the name, address, and occupation of every person or firm to whom made, and shall list the date and amount of the expenditure and the treasurer shall keep a receipted bill for each;
 - (d) Maintain all receipted bills and accounts required by this section for a period of six (6) years from the date he files his last report under KRS 121.180(3)(b)1.; and
 - (e) Make no payment to any person not directly providing goods or services with the intent to conceal payment to another.
- (3) A candidate or slate of candidates may remove a campaign treasurer at any time.
- (4) In case of the death, resignation, or removal of a campaign treasurer, the candidate or slate of candidates shall within three (3) days after receiving notice thereof by certified mail, appoint a successor and shall file his name and address with the registry. The candidate, or slate shall be accountable as their own campaign treasurer if they fail to meet this filing requirement.
- (5) A person may serve as campaign treasurer for more than one (1) candidate or slate of candidates, but all reports shall be made separately for each individual candidate or slate.
- (6) The candidate or slate of candidates may pay a campaign treasurer a salary for his services which shall be considered a campaign expense and shall comply with the reporting provisions of KRS 121.180 and administrative regulations promulgated by the registry.

➔Section 8. KRS 118.205 is amended to read as follows:

- (1) The Secretary of State and the county ***clerk of each county within this state***~~clerk~~ shall each keep a book ***titled***~~entitled~~ "Register of Candidates for Nomination in the Primary,~~Election,~~" ***The Secretary of State and each county clerk***~~and~~ shall enter on different pages of the book for the different political parties, the title of office sought, ~~the~~~~and~~ name and residence of each candidate for nomination in the primary~~election~~, the name of his ***or her*** political party, and the date of receiving his ***or her*** nomination papers. The book shall be so kept that the names of all candidates of the same political party shall be on the same or successive pages and the names of candidates of no two (2) political parties shall appear on the same page. The books shall be public records.
- (2) ***The county clerk of each county, within five (5) business days following the date of receiving a candidate's nomination papers, shall:***
 - (a) ***Transmit a candidate's information derived from subsection (1) of this section to the Secretary of State; and***
 - (b) ***Prominently display a candidate's information derived from subsection (1) of this section on the clerk's official Web site.***
- (3) ***The Secretary of State shall prominently display a candidate's information, derived from subsection (1) of this section, on the Secretary of State's official Web site within five (5) business days following the date of receiving a candidate's nomination papers or within five (5) days following the receipt of a candidate's information supplied by the county clerk, whichever is applicable. The information displayed shall be derived from the Secretary's book and from each book held by the county clerk of each county within this state.***

➔Section 9. KRS 118.327 is amended to read as follows:

- (1) Each county clerk and the Secretary of State shall keep a book in which he ***or she*** shall enter certain information concerning candidates to be chosen by convention. Such book shall include the name, place of residence, office for which the person is a candidate, party designation, and the date of the receipt of the form required to be filed by KRS 118.325(3). Such book shall be a public record.

- (2) *The county clerk of each county, within five (5) business days following the date of receiving the form required by KRS 118.325(3), shall:*
- (a) *Transmit a candidate's information derived from subsection (1) of this section to the Secretary of State; and*
 - (b) *Prominently display a candidate's information derived from subsection (1) of this section on the clerk's official Web site.*
- (3) *The Secretary of State shall prominently display a candidate's information, derived from subsection (1) of this section, on the Secretary of State's official Web site within five (5) business days following the date of receiving the form required by KRS 118.325(3) or within five (5) days following the receipt of the candidates information supplied by the county clerk, whichever is applicable. The information displayed shall be derived from the Secretary's book and from each book held by the county clerk of each county within this state.*

➔Section 10. KRS 118A.140 is amended to read as follows:

- (1) The Secretary of State shall keep a book entitled "Register of Candidates for Nomination to Offices of the Court of Justice. ~~and~~" *The Secretary of State* ~~and~~ shall enter in that book the name and place of residence of each candidate for nomination to the office of justice or judge in the primary, ~~election and~~ the date of receipt of his *or her* nomination papers, *and petitions for candidacy filed pursuant to KRS 118A.100*. The book shall be a public record.
- (2) *The Secretary of State shall prominently display a candidate's information derived from subsection (1) of this section on the Secretary of State's official Web site within five (5) business days following the date of receiving a candidate's nomination papers and petitions for candidacy of each candidate* ~~Petitions for candidacy filed pursuant to KRS 118A.100 shall also be entered in this book~~.

➔SECTION 11. A NEW SECTION OF KRS CHAPTER 118 IS CREATED TO READ AS FOLLOWS:

The county clerk of each county and the Secretary of State shall prominently display on his or her official Web site, the candidates, place of residence of each candidate, and the political affiliation of each candidate, who is on the ballot for any regular election. The posting required of this section shall occur at least fifty (50) days before a regularly scheduled election and forty-five (45) days before a special election.

➔Section 12. KRS 121.175 is amended to read as follows:

- (1) No candidate, committee, or contributing organization shall permit funds in a campaign account to be expended for any purpose other than for allowable campaign expenditures. "Allowable campaign expenditures" means expenditures including reimbursement for actual expenses, made directly and primarily in support of or opposition to a candidate, constitutional amendment, or public question which will appear on the ballot and includes, but is not limited to, expenditures for staff salaries, gifts and meals for volunteer campaign workers, food and beverages provided at a campaign rally, advertising, office space, necessary travel, campaign paraphernalia, purchases of advertisements in athletic and scholastic publications, communications with constituents or prospective voters, polling and consulting, printing, graphic arts, or advertising services, postage, office supplies, stationery, newsletters, and equipment which is used primarily for the administration of the campaign. "Allowable campaign expenditures" does not include expenditures of funds in a campaign account for any purpose made unlawful by other provisions of the Kentucky Revised Statutes or which would bestow a private pecuniary benefit, except for payment of the reasonable value of goods and services provided upon a candidate, member of the candidate's family, committee, or contributing organization, or any of their employees, paid or unpaid, including: tickets to an event which is unrelated to a political campaign or candidacy; items of personal property for distribution to prospective voters except items bearing the name, likeness, or logo of a candidate or a campaign-related communication; expenditures to promote or oppose a candidacy for a leadership position in a governmental, professional, or political organization, or other entity; and equipment or appliances the primary use of which is for purposes outside of the campaign. The provisions of KRS 121.190 notwithstanding, a candidate shall not be required to include a disclaimer on campaign stationery purchased with funds from his campaign account. A member of the General Assembly may utilize funds in his *or her* campaign account to *contribute up to five thousand dollars (\$5,000) per year to* ~~purchase admission tickets for political party functions and caucus campaign committee functions, to purchase items with a value of not in excess of one hundred dollars (\$100) for donation to a political party or caucus campaign committee for auctions and fundraisers, and to participate in or support other events sponsored by~~ a political party or caucus campaign committee. A member of the General Assembly may make allowable campaign expenditures in both election years and nonelection years.

- (2) By December 31, 1993, the registry shall promulgate administrative regulations to implement and enforce the provisions of subsection (1).
- (3) In lieu of the penalties provided in KRS 121.140 and 121.990 for a violation of this section, the registry may, after hearing:
 - (a) For a violation which was not committed knowingly, order the violator to repay the amount of campaign funds which were expended for other than allowable campaign expenditures, and if not repaid within thirty (30) days, may impose a fine of up to one hundred dollars (\$100) for each day the amount is not repaid, up to a maximum fine of one thousand dollars (\$1,000); and
 - (b) For a violation which was committed knowingly, in addition to referring the matter for criminal prosecution, order the violator to repay the amount of campaign funds which were expended for other than allowable campaign expenditures, and if not repaid within thirty (30) days, may impose a fine of up to one hundred dollars (\$100) for each day the amount is not repaid, up to a maximum fine of one thousand dollars (\$1,000).

➔Section 13. Whereas, it is critically important to protect the integrity and reliability of campaign finance reporting, and it is a reasonable legislative task to seek improvement and modernization of election procedures without undue delay in notice to the people of the Commonwealth and its election officials tasked with administering the election laws within this state, an emergency is declared to exist, and Section 5 of this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming law.

Veto Overridden and Signed by Secretary of State April 14, 2022.

CHAPTER 220

(SB 207)

AN ACT relating to workforce development.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 151B IS CREATED TO READ AS FOLLOWS:

- (1) *The Kentucky Education and Workforce Collaborative is hereby created for the purpose of ensuring the continued implementation of the Kentucky Workforce Innovation Board's strategic plan.*
- (2) *The Kentucky Education and Workforce Collaborative shall consist of the following twenty-one (21) members:*
 - (a) *The Governor or his or her designee, who shall serve as chair;*
 - (b) *The secretary of the Education and Workforce Development Cabinet or his or her designee;*
 - (c) *The secretary of the Cabinet for Health and Family Services or his or her designee;*
 - (d) *The president of the Kentucky Community and Technical College System or his or her designee;*
 - (e) *The president for the Council on Postsecondary Education or his or her designee;*
 - (f) *The commissioner of the Kentucky Department of Education or his or her designee;*
 - (g) *The president of the Kentucky Chamber of Commerce or his or her designee;*
 - (h) *The secretary of the Kentucky Labor Cabinet or his or her designee;*
 - (i) *A representative of the board of directors from each of the Commonwealth's ten (10) local workforce development areas as selected by the board of directors;*
 - (j) *A representative selected by the Kentucky Association of Counties;*
 - (k) *A representative selected by the Kentucky Farm Bureau; and*
 - (l) *The chair of the Kentucky Workforce Innovation Board or his or her designee.*
- (3) *Meetings shall be held at least quarterly or at the call of the chair.*

- (4) *The Kentucky Education and Workforce Collaborative shall submit quarterly reports to the Legislative Research Commission summarizing its progress.*
- (5) *The Kentucky Education and Workforce Collaborative shall designate one (1) member as its legislative liaison to communicate with the General Assembly about the collaborative's progress and ensure that the work of the collaborative is separate and distinct from the work of the Kentucky Workforce Innovation Board. The liaison shall not be a member who is also a representative of a local workforce development area.*
- (6) *The Kentucky Education and Workforce Collaborative shall reach the following milestones and report findings, determinations, and procedures to the Kentucky Workforce Innovation Board:*
 - (a) *Identification of all federal and state-funded workforce programs in the Commonwealth by September 30, 2023;*
 - (b) *Development of a complete framework for implementation and transition by September 30, 2023; and*
 - (c) *Evaluation and preparation of a determination of viability concerning the transfer of child-care services to local workforce development boards.*
- (7) *The Commonwealth shall reach the following milestones:*
 - (a) *Procurement of a replacement for the UI and Case Management/Reporting System by December 31, 2023; and*
 - (b) *Transition and consolidation of all federal and state workforce training, employment, and employment-related programs into one (1) entity that shall have primary responsibility for the operation of and management of funding for the newly created consolidated entity by December 31, 2023.*
- (8) *The local workforce development boards shall each reach the following milestones:*
 - (a) *By July 1, 2024, assumption of fiscal and administrative responsibilities for planning, oversight, and evaluation of all public workforce programs in the board's local workforce development area in the state. Each plan shall include:*
 1. *Governor-certified local workforce development boards to provide local control;*
 2. *Designated Kentucky Career Centers (KCCs) throughout the local workforce development area to provide the entire array of program services at each identified location;*
 3. *Integrated cross-program, functional service delivery systems to provide ease of access to local businesses and job seekers, with individual programs that are not apparent, but are defined by service requested by customer; and*
 4. *An emphasis on core competencies such that:*
 - a. *Local workforce development boards are focused on fiscal and program administration;*
 - b. *KCCs are focused on service delivery; and*
 - c. *Educational entities are focused on providing data-driven, workforce preparation services and competencies; and*
 5. *Functional services that include but are not limited to business services, job search, group training and assessment services, intensive job search preparation, and training with case management;*
 - (b) *By July 1, 2024, development of comprehensive system-wide budgets, strategic plans, implementation plans, supervision agreements with different programmatic employers, memoranda of understanding for the KCCs, and any infrastructure funding agreements required by the Workforce Innovation and Opportunity Act; and*
 - (c) *By July 1, 2025, and annually thereafter, preparation and transmission of a report to the Kentucky Education and Workforce Collaborative and Kentucky Workforce Innovation Board, detailing its attainment of the policies and goals contained in the Governor's current executive order issued pursuant to the Workforce Innovation and Opportunity Act.*

Veto Overridden and Signed by Secretary of State April 14, 2022.

CHAPTER 221

(SB 167)

AN ACT relating to library district boards.

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

➔Section 1. KRS 173.480 is amended to read as follows:

- (1) Upon the creation of a district, the fiscal court of each county in the district shall at once notify the Department for Libraries and Archives of the establishment of the district and shall forward to the department a copy of the petition required pursuant to KRS 173.470. The Department for Libraries and Archives shall then recommend to the county judge/executive of each county in the district the names of suitable persons from among the signers of the petition to be appointed to the board. The Department for Libraries and Archives in recommending persons to the county judge/executive for appointment to the board shall recommend twice as many persons for each county as the county is entitled to have members appointed, and the county judge/executive shall immediately, with the approval of the fiscal court, make the selection from those recommended ***unless the fiscal court has adopted an alternative appointment process through the passage of a resolution. For fiscal courts that adopt an alternative appointment process, the county judge/executive:***
- (a) 1. ***May immediately, with the approval of the fiscal court, make the selection from those recommended by the Department for Libraries and Archives; and***
2. ***For any appointments the county judge/executive decides not to fill from the first recommendations, shall request the Department for Libraries and Archives to submit within (30) days two (2) additional recommended persons for each unfilled appointment, and, with the approval of the fiscal court, may make the selection from those recommendations; and***
- (b) ***For any remaining unfilled appointments after the provisions of paragraph (a) of this subsection have been followed, shall appoint, with the approval of the fiscal court, individuals of his or her choosing, whether or not the individuals signed the petition, no later than thirty (30) days after the day the county judge/executive received the recommendations under paragraph (a)2. of this subsection and made no appointment therefrom. The county judge/executive shall notify the Department for Libraries and Archives of the name of any individual appointed in the manner set out in this paragraph.***
- (2) Where the district consists of one (1) county, the county judge/executive shall appoint five (5) persons from that county as members.
- (3) ***Where the district consists of more than one (1) county,*** the Department for Libraries and Archives shall prescribe by regulation the number of board members ~~when the district consists of more than one (1) county,~~ provided that the board shall consist of:
- (a) Not less than one (1) nor more than four (4) members from each county, each county having such number of members as the proportion of its population bears to the total population in the district;~~;~~ and
- (b) ~~that the total membership of the board consists of~~ Not less than five (5) members.
- (4) Where a county joins an already established district:
- (a) ~~;~~The Department for Libraries and Archives shall, from among the signers of the petition, recommend to the county judge/executive of each county included in the new district for the first time twice as many persons for appointment to the board as the county is entitled to have appointed, and the county judge/executive shall select the members for the county from this list ***unless the fiscal court has adopted an alternative appointment process through the passage of a resolution. For fiscal courts that adopt an alternative appointment process, the county judge/executive:***

1.
 - a. *May select the members for the county from those recommended by the Department for Libraries and Archives; and*
 - b. *For any appointments the county judge/executive decides not to fill from the first recommendations, shall request the Department for Libraries and Archives to submit within (30) days two (2) additional recommended persons for each unfilled appointment, and, with the approval of the fiscal court, may make the selection from those recommendations; and*
 2. *For any remaining unfilled appointments after the provisions of subparagraph 1. of this paragraph have been followed, shall appoint, with the approval of the fiscal court, individuals of his or her choosing, whether or not the individuals signed the petition, no later than thirty (30) days after the day the county judge/executive received the recommendations under subparagraph 1.b. of this paragraph and made no appointment therefrom. The county judge/executive shall notify the Department for Libraries and Archives of the name of any individual appointed in the manner set out in this subparagraph; and*~~[-]~~
- (b) The terms of the members of the counties composing the previously existing district shall expire immediately upon the organization of the new board and such vacancies shall be filled as provided in KRS 173.490.

➔Section 2. KRS 173.490 is amended to read as follows:

- (1) (a) One-third (1/3) of the persons first appointed to the board shall serve for a term of two (2) years, one-third (1/3) for a term of three (3) years and one-third (1/3) for a term of four (4) years. Where the board consists of a number of members not divisible by three (3), one-third (1/3) of the next higher number divisible by three (3), shall serve for a term of two (2) years, one-third (1/3) for a term of three (3) years and the remaining number shall serve for a term of four (4) years. Thereafter, as their terms expire, *the board shall make recommendations on* their successors, *who shall be appointed as set out in paragraph (b) of this subsection*~~[-recommended by the board]~~.
- (b) The board shall recommend two (2) persons committed to the provision of library services to the Department for Libraries and Archives, for each vacancy. The names shall be forwarded to the Department for Libraries and Archives and the state librarian and commissioner shall recommend those names to the county judge/executive. The county judge/executive shall immediately, with the approval of the fiscal court, make ~~the~~^{his} selection from those recommended *unless the fiscal court has adopted an alternative appointment process through the passage of a resolution. For fiscal courts that adopt an alternative appointment process, the county judge/executive:*
 1.
 - a. *May immediately, with the approval of the fiscal court, make the selection from those recommended by the state librarian and commissioner; and*
 - b. *For any appointments the county judge/executive decides not to fill from the first recommendations, shall request the Department for Libraries and Archives to submit within (30) days two (2) additional recommended persons for each unfilled appointment, and, with the approval of the fiscal court, may make the selection from those recommendations; and*
 2. *For any remaining unfilled appointments after the provisions of subparagraph 1. of this paragraph have been followed, shall appoint, with the approval of the fiscal court, individuals of his or her choosing no later than thirty (30) days after the day the county judge/executive received the recommendations under subparagraph 1.b. of this paragraph and made no appointment therefrom. The county judge/executive shall notify the Department for Libraries and Archives of the name of any individual appointed in the manner set out in this subparagraph.*
- (c) Board members thus appointed shall serve a term of four (4) years each. Trustees may serve for two (2) consecutive terms after which they shall not succeed themselves. They may be reappointed no earlier than twelve (12) months following the end of their last service. The members shall hold office until their respective successors are appointed and qualified. After absence of a trustee from four (4) regular monthly meetings of the board during any one (1) year of the trustee's term, the trustee shall be considered to have automatically resigned from the board. An advisory board may be appointed and serve as specified in the bylaws of the board of trustees.

- (2) Any vacancy occurring in the terms of office of members shall be filled for the unexpired term by the county judge/executive, with the approval of the fiscal court, by appointment on recommendation of the state librarian and commissioner of two (2) names of persons committed to the provision of library services and living in the county in which the vacancy occurred ***unless the fiscal court has adopted an alternative appointment process through the passage of a resolution. For fiscal courts that adopt an alternative appointment process, the county judge/executive:***
- (a) 1. ***May immediately, with the approval of the fiscal court, make the appointment on the recommendation of the state librarian and commissioner of two (2) names of persons committed to the provision of library services and living in the county in which the vacancy occurred; and***
2. ***If the county judge/executive decides not to make the appointment from the first recommendations, shall request the Department for Libraries and Archives to submit within (30) days two (2) additional recommended persons for the unfilled appointment, and, with the approval of the fiscal court, may make the selection from those recommendations; and***
- (b) ***For any remaining unfilled appointment after the provisions of paragraph (a) of this subsection have been followed, shall appoint, with the approval of the fiscal court, an individual of his or her choosing no later than thirty (30) days after the day the county judge/executive received the recommendations under paragraph (a)2. of this subsection and made no appointment therefrom. Any person appointed in accordance with this paragraph shall be committed to the provision of library services and living in the county in which the vacancy occurred. The county judge/executive shall notify the Department for Libraries and Archives of the name of any individual appointed in the manner set out in this paragraph.***

- (3) A member of the board may be removed from office as provided by KRS 65.007.

➔Section 3. KRS 173.520 is amended to read as follows:

- (1) The board shall establish, equip and maintain libraries or contract with existing libraries for the furnishing of library service for the district and do all things necessary to provide efficient library service. The board may also enter an agreement pursuant to KRS 65.210 to 65.300 for the provision of additional library service. No district shall establish a library unless the plans for the establishment, equipment, and maintenance have been approved by the Department for Libraries and Archives. No contract shall be made unless the libraries contracting to furnish service are libraries approved by the Department for Libraries and Archives for this purpose.
- (2) The district, as a body corporate, by and through the board may:
- (a) Sue and be sued, complain and defend, purchase, or lease grounds, purchase, lease, occupy or erect appropriate buildings for the use of the district libraries and their branches, ***lease or build to lease appropriate buildings for use by educational institutions***, sell and convey real and personal property for and on behalf of the district, receive gifts of real and personal property for the use and benefit of the district, the same when accepted to be held and controlled by the board according to the terms of the deed, gift, devise or bequest of such property;
- (b) Borrow money on the credit of the board in anticipation of the revenue to be derived from taxes levied by the district for the fiscal year in which the money is borrowed, and to pledge the taxes levied for the district for the payment of the principal and interest of the loan. The principal shall not exceed fifty percent (50%) of the anticipated revenue for the fiscal year in which the money is borrowed;
- (c) Establish bylaws it deems necessary and expedient to define the duties of officers or employees and make all necessary policies governing libraries, library service and personnel within the district.
- (3) (a) ***The following requires the majority vote of the board members and approval of the fiscal court:***
1. ***Leasing appropriate buildings for use by educational institutions;***
2. ***Constructing appropriate buildings for use by educational institutions; and***
3. ***The approval of expenditures for capital projects with a total cost that is equal to or greater than one million dollars (\$1,000,000). This subparagraph does not apply to awards made from the public library facilities construction fund under KRS 171.027 that were made before the effective date of this Act.***

- (b) *Buildings for use by educational institutions shall be deemed appropriate buildings for purposes of this subsection and subsection (2) of this section when the building meets the school building requirements established by the Kentucky Board of Education.*
- (4) The board in exercise of its powers shall be guided by the regulations and requirements of the Department for Libraries and Archives.
- (5)~~(4)~~ The powers set forth in this section shall not be construed to limit, restrict or modify any powers or authority granted by any other part of KRS 173.450 to 173.650 or any other law not in conflict with the provisions of this section.
- ➔Section 4. KRS 173.725 is amended to read as follows:
- (1) Upon the creation of a district, the fiscal court of each county in the district shall at once notify the Department for Libraries and Archives of the establishment of the district and shall forward to the department a copy of the petition required pursuant to KRS 173.720. The Department for Libraries and Archives shall then recommend to the county judge/executive of each county in the district the names of suitable persons from among the signers of the petition to be appointed to the board. The Department for Libraries and Archives in recommending persons to the county judge/executive for appointment to the board shall recommend twice as many persons for each county as the county is entitled to have members appointed, and the county judge/executive shall, with the approval of the fiscal court, immediately make the selection from those recommended *unless the fiscal court has adopted an alternative appointment process through the passage of a resolution. For fiscal courts that adopt an alternative appointment process, the county judge/executive:*
- (a) 1. *May immediately, with the approval of the fiscal court, make the selection from those recommended by the Department for Libraries and Archives; and*
2. *For any appointments the county judge/executive decides not to fill from the first recommendations, shall request the Department for Libraries and Archives to submit within (30) days two (2) additional recommended persons for each unfilled appointment, and, with the approval of the fiscal court, may make the selection from those recommendations; and*
- (b) *For any remaining unfilled appointments after the provisions of paragraph (a) of this subsection have been followed, shall appoint, with the approval of the fiscal court, individuals of his or her choosing, whether or not the individuals signed the petition, no later than thirty (30) days after the day the county judge/executive received the recommendations under paragraph (a)2. of this subsection and made no appointment therefrom. The county judge/executive shall notify the Department for Libraries and Archives of the name of any individual appointed in the manner set out in this paragraph.*
- (2) Where the district consists of one (1) county, the county judge/executive shall appoint five (5) persons from that county as members.
- (3) *Where the district consists of more than one (1) county*, the Department for Libraries and Archives shall prescribe by regulation the number of board members~~[when the district consists of more than one (1) county]~~, provided that the board shall consist of:
- (a) Not less than one (1) nor more than four (4) members from each county, each county having such number of members as the proportion of its population bears to the total population in the district;~~[,]~~ and
- (b) ~~[that the total membership of the board consists of]~~Not less than five (5) members.
- (4) Where a county joins an already established district:
- (a) ~~[,]~~The Department for Libraries and Archives shall, from among the signers of the petition, recommend to the county judge/executive of each county included in the new district for the first time twice as many persons for appointment to the board as the county is entitled to have appointed, and the county judge/executive shall select the members for the county from this list *unless the fiscal court has adopted an alternative appointment process through the passage of a resolution. For fiscal courts that adopt an alternative appointment process, the county judge/executive:*
1. a. *May select the members for the county from those recommended by the Department for Libraries and Archives; and*

- b. For any appointments the county judge/executive decides not to fill from the first recommendations, shall request the Department for Libraries and Archives to submit within (30) days two (2) additional recommended persons for each unfilled appointment, and, with the approval of the fiscal court, may make the selection from those recommendations; and*
- 2. For any remaining unfilled appointments after the provisions of subparagraph 1. of this paragraph have been followed, shall appoint, with the approval of the fiscal court, individuals of his or her choosing, whether or not the individuals signed the petition, no later than thirty (30) days after the day the county judge/executive received the recommendations under subparagraph 1.b. of this paragraph and made no appointment therefrom. The county judge/executive shall notify the Department for Libraries and Archives of the name of any individual appointed in the manner set out in this subparagraph; and*~~[-]~~
- (b) The terms of the members of the counties composing the previously existing district shall expire immediately upon the organization of the new board and such vacancies shall be filled as provided in KRS 173.730.*

~~[(2) In making recommendations and appointments under subsection (1) of this section and KRS 173.730, the Department for Libraries and Archives and the county judge/executive shall attempt to assure, to the extent permitted by the county's entitlement to board members, that the board includes members from different geographical areas, and from both cities and unincorporated areas, of the county.]~~

➔Section 5. KRS 173.730 is amended to read as follows:

- (1) *(a) One-third (1/3) of the persons first appointed to the board shall serve for a term of two (2) years, one-third (1/3) for a term of three (3) years and one-third (1/3) for a term of four (4) years. Where the board consists of a number of members not divisible by three (3), one-third (1/3) of the next higher number divisible by three (3), shall serve for a term of two (2) years, one-third (1/3) for a term of three (3) years and the remaining number shall serve for a term of four (4) years. Thereafter, as their terms expire, **the board shall make recommendations on** their successors, **who** shall be **appointed as set out in paragraph (b) of this subsection**~~[-recommended by the board].~~*
- (b) The board shall recommend two (2) persons committed to the provision of library services to the Department for Libraries and Archives, for each vacancy. The state librarian and commissioner shall recommend those names to the county judge/executive. The county judge/executive shall immediately, with the approval of the fiscal court, make the selection from those recommended **unless the fiscal court has adopted an alternative appointment process through the passage of a resolution. For fiscal courts that adopt an alternative appointment process, the county judge/executive:***
- 1. a. May immediately, with the approval of the fiscal court, make the selection from those recommended by the state librarian and commissioner; and*
- b. For any appointments the county judge/executive decides not to fill from the first recommendations, shall request the Department for Libraries and Archives to submit within (30) days two (2) additional recommended persons for each unfilled appointment, and, with the approval of the fiscal court, may make the selection from those recommendations; and*
- 2. For any remaining unfilled appointments after the provisions of subparagraph 1. of this paragraph have been followed, shall appoint, with the approval of the fiscal court, individuals of his or her choosing no later than thirty (30) days after the day the county judge/executive received the recommendations under of subparagraph 1.b. of this paragraph and made no appointment therefrom. The county judge/executive shall notify the Department for Libraries and Archives of the name of any individual appointed in the manner set out in this subparagraph.*
- (c) Board members thus appointed shall serve a term of four (4) years each. Trustees may serve for two (2) consecutive terms after which they shall not succeed themselves. They may be reappointed no earlier than twelve (12) months following the end of their last service. The members shall hold office until their respective successors are appointed and qualified. After absence of a trustee from four (4) regular monthly meetings of the board during any one (1) year of the trustee's term, the trustee shall be considered to have automatically resigned from the board. An advisory board may be appointed and serve as specified in bylaws of the board of trustees.*

- (2) Any vacancy occurring in the terms of office of members shall be filled for the unexpired term by the county judge/executive, with the approval of the fiscal court, by appointment on recommendation of the state librarian and commissioner of two (2) persons interested in the provision of library services and living in the county in which the vacancy occurred ***unless the fiscal court has adopted an alternative appointment process through the passage of a resolution. For fiscal courts that adopt an alternative appointment process, the county judge/executive:***
- (a) 1. ***May immediately, with the approval of the fiscal court, make the appointment on the recommendation of the state librarian and commissioner of two (2) persons interested in the provision of library services and living in the county in which the vacancy occurred; and***
2. ***If the county judge/executive decides not to make the appointment from the first recommendations, shall request the Department for Libraries and Archives to submit within (30) days two (2) additional recommended persons for the unfilled appointment, and, with the approval of the fiscal court, may make the selection from those recommendations; and***
- (b) ***For any remaining unfilled appointment after the provisions of paragraph (a) of this subsection have been followed, appoint, with the approval of the fiscal court, an individual of his or her choosing no later than thirty (30) days after the day the county judge/executive received the recommendations under paragraph (a)2. of this subsection and made no appointment therefrom. Any person appointed in accordance with this paragraph shall be committed to the provision of library services and living in the county in which the vacancy occurred. The county judge/executive shall notify the Department for Libraries and Archives of the name of any individual appointed in the manner set out in this paragraph.***
- (3) A member of the board may be removed from office as provided by KRS 65.007.

➔Section 6. KRS 173.745 is amended to read as follows:

- (1) The board shall establish, equip and maintain libraries or contract with existing libraries for the furnishing of library service for the district and do all things necessary to provide efficient library service. The board may also enter an agreement pursuant to KRS 65.210 to 65.300 for the provision of additional library services. No district shall establish a library unless the plans for the establishment, equipment and maintenance have been approved by the Department for Libraries and Archives. No contract shall be made unless the libraries contracting to furnish service are libraries approved by the Department for Libraries and Archives for this purpose.
- (2) The district, as a body corporate, by and through the board may:
- (a) Sue and be sued, complain and defend, purchase, or lease grounds, purchase, lease, occupy or erect appropriate buildings for the use of the district libraries and their branches, ***lease or build to lease appropriate buildings for use by educational institutions***, sell and convey real and personal property for and on behalf of the district, receive gifts of real and personal property for the use and benefit of the district, the same when accepted to be held and controlled by the board according to the terms of the deed, gift, devise or bequest of such property;
- (b) Borrow money on the credit of the board in anticipation of the revenue to be derived from taxes levied by the district for the fiscal year in which the money is borrowed, and to pledge the taxes levied for the district for the payment of the principal and interest of the loan. The principal to be repaid annually shall not exceed fifty percent (50%) of the anticipated revenue for the fiscal year in which the money is borrowed.
- (c) Establish bylaws it deems necessary and expedient to define the duties of officers or employees and make all necessary policies governing libraries, library service and personnel within the district.
- (3) (a) ***The following requires the majority vote of the board members and approval of the fiscal court:***
1. ***Leasing appropriate buildings for use by educational institutions;***
2. ***Constructing appropriate buildings for use by educational institutions; and***
3. ***The approval of expenditures for capital projects with a total cost that is equal to or greater than one million dollars (\$1,000,000). This subparagraph does not apply to awards made from the public library facilities construction fund under KRS 171.027 that were made before the effective date of this Act.***

- (b) *Buildings for use by educational institutions shall be deemed appropriate buildings for purposes of this subsection and subsection (2) of this section when the building meets the school building requirements established by the Kentucky Board of Education.*
- (4) The board in exercise of its powers shall be guided by the regulations and requirements of the Department for Libraries and Archives.
- (5)~~(4)~~ The powers set forth in this section shall not be construed to limit, restrict or modify any powers or authority granted by KRS 173.710 to 173.800 or any other law not in conflict with the provisions of this section.
- ➔Section 7. This Act takes effect on January 1, 2023.

Veto Overridden and Signed by Secretary of State April 14, 2022.

CHAPTER 222

(SB 150)

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

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

- ➔Section 1. 2022 RS HB 5/GA, Section 4, 2022 Ky. Acts ch. 2, sec. 4, is amended to read as follows:
- (1) The West Kentucky State Aid Funding for Emergencies (SAFE) fund is established and shall be:
- (a) Administered by the Department of Military Affairs, Division of Emergency Management, in accordance with this section;
 - (b) A separate fund to provide financial assistance for those impacted by the December 2021 storms and tornadoes that occurred in the west Kentucky region; and
 - (c) Used to provide financial support to the west Kentucky region to recover from the devastation caused by the storms and tornadoes.
- (2) The Department of Military Affairs or the Division of Emergency Management shall not publicly advertise or solicit contributions from the general public that could potentially impact fundraising efforts of not-for-profit disaster relief agencies.
- (3) The fund may receive state appropriations, gifts, grants, federal funds, and any other funds both public and private.
- (4) Moneys in the fund as of June 30, 2022, and June 30, 2023, shall not lapse and shall carry forward until June 30, 2024.
- (5) Any interest earnings of the fund shall become a part of the fund and shall not lapse.
- (6) (a) Eligibility to receive financial support from the fund shall be limited to a:
1. City, county, urban-county government, consolidated local government, unified local government, or charter county government;
 2. Nonprofit or public utility service provider;
 3. State agency;~~[-or]~~
 4. School district; *or*
 5. ***Qualified lender as defined in Section 2 of this Act;***
- that has disaster-related needs as a result of the devastation experienced from the December 2021 storms and tornadoes.
- (b) An eligible recipient may receive moneys for expenses to provide disaster and recovery relief if the recipient:

1. Is located in the areas named in a Presidential Declaration of Emergency relating to the storms and tornadoes that occurred in December 2021; and
 2. Has disaster-related needs in response to the storms and tornadoes that occurred in December 2021.
- (c) Eligible expenses shall be those used to support disaster and recovery relief, including but not limited to:
1. Replacement or renovation of public buildings damaged by the storms and tornadoes, **but only to the extent of damage directly caused by the storms**;
 2. Reimbursement for services, personnel, and equipment provided during the response and recovery to communities impacted by the storms and tornadoes;
 3. Funding to cities, counties, and publicly owned utilities for the costs of replacement or repair of publicly owned buildings and their contents due to the damage from the storms and tornadoes, **but only to the extent of damage directly caused by the storms**;
 4. Assistance to cities and counties for expenses related to planning efforts for rebuilding and recovering from the damage, **but only to the extent of damage directly caused by the storms**;
 5. ~~Assistance to utilities serving Graves, Caldwell, Muhlenberg, and Hopkins Counties for resilient response and future risk reduction through the burying of utility wires that will enhance power reliability, reduce power loss, and lessen risk to human life; and~~
 6. ~~Assistance to support disaster recovery and relief needs of local school districts, including but not limited to:

 - a. Financial support for school districts that will experience a default in bond payments; and
 - b. Financial support to assist school districts with building **and tangible property replacement** needs; and~~
 6. **Contracted employees to administer and report on the funds.**
- (7) Each recipient of moneys from the fund, including any agency of Kentucky state government, shall:
- (a) Timely apply for federal emergency disaster grant assistance, other financial disaster assistance, and insurance proceeds; and
 - (b) Adhere to the terms of the fund regarding reimbursement to the Commonwealth if funds from other sources are subsequently received after the receipt of financial assistance from the state.
- (8) (a) Moneys in the fund may be used for the advancement of moneys to cities, ~~and~~ counties, **and nonprofit or public utility service providers** experiencing strained fiscal liquidity while awaiting reimbursement from federal emergency management assistance or insurance claims **and shall not be used for capital improvements**.
- (b) Reimbursement of the advancement under paragraph (a) of this subsection shall:
1. Be determined by the Department for Local Government's state-local finance officer; and
 2. Include a quarterly accounting of the advancement released and the outstanding balance through June 30, 2024.
- (9) (a) If a recipient of moneys from the fund subsequently receives moneys from any other source, the recipient shall reimburse the Commonwealth for the amount of the moneys received from the fund.
- (b) **Before July 1, 2024**, all moneys reimbursed to the Commonwealth under paragraph (a) of this subsection shall be deposited in the **West Kentucky State Aid Funding for Emergencies (SAFE) fund** ~~general fund~~ within thirty (30) days, **and shall be continuously appropriated**.
- (c) **After June 30, 2024**, all moneys reimbursed to the Commonwealth under paragraph (a) of this subsection shall be deposited into the **general fund** within thirty (30) days.
- (10) The Division of Emergency Management shall promulgate administrative regulations to carry out this section.
- (11) The following reports shall be submitted to the **Senate Standing Committee on Appropriations and Revenue and the House Standing Committee on Appropriations and Revenue or the** Interim Joint Committee on

Appropriations and Revenue by the tenth day of each month, beginning ~~May~~^{February} 10, 2022, and ending July 10, 2024:

- (a) A report from the Office of State Budget Director that includes:
1. The name of each recipient of moneys from the fund;
 2. The dollar amount of moneys received; ~~and~~
 3. A description of how the moneys were used; and
 4. *A list of all requests:*
 - a. *Submitted, including the amount requested;*
 - b. *Denied, including a description of the reason for the denial; and*
 - c. *Where the amount awarded was greater than or less than the amount requested, including a description of the reason for the increase or decrease; and*
- (b) A report from the Department of Education that includes:
1. The name of each school district receiving moneys from the fund;
 2. The dollar amount of moneys received; ~~and~~
 3. A description of how the moneys were used; *and*
 4. *A list of all requests:*
 - a. *Submitted, including the amount requested;*
 - b. *Denied, including a description of the reason for the denial; and*
 - c. *Where the amount awarded was greater than or less than the amount requested, including a description of the reason for the increase or decrease.*
- (12) *A report shall be submitted to the Senate Standing Committee on Appropriations and Revenue and the House Standing Committee on Appropriations and Revenue or the Interim Joint Committee on Appropriations and Revenue by the tenth day following the end of each calendar quarter by the Cabinet for Economic Development, beginning July 10, 2024, and ending when no further applications for a loss payment may be submitted under subsection (7) of Section 5 of this Act, including:*
- (a) *The name of each qualified lender receiving a loss payment;*
 - (b) *The dollar amount of the payment received;*
 - (c) *A description of the loan terms; and*
 - (d) *An explanation regarding why the loss payment was needed.*

➔SECTION 2. A NEW SECTION OF SUBCHAPTER 20 OF KRS CHAPTER 154 IS CREATED TO READ AS FOLLOWS:

As used in Sections 2 to 5 of this Act:

- (1) *"Approved costs" may include, as approved by the qualified lender:*
- (a) *Obligations incurred for labor and materials in connection with the acquisition, construction, equipping, rehabilitation, and installation of an eligible company;*
 - (b) *The cost of contract bonds and any insurance that may be required or necessary during the course of acquisition, construction, equipping, rehabilitation, and installation of an eligible company which is not paid by a vendor, supplier, deliveryman, contractor, or otherwise provided;*
 - (c) *All costs of architectural and engineering services, including estimates, plans and specifications, preliminary investigations, and supervision of construction, rehabilitation, and installation, including the performance of all the duties required by or consequent upon the acquisition, construction, equipping, rehabilitation, and installation of an eligible company;*
 - (d) *All costs required to be paid under the terms of any contract for the acquisition, construction, equipping, rehabilitation, or installation of an eligible company;*

- (e) *All costs required for the installation of utilities, including water, sewer, sewer treatment, gas, electricity, communications, railroads, and any off-site construction of the facilities to be paid by the eligible company;*
- (f) *All costs required for the operating of the eligible company, including inventory, furniture, equipment, labor, and other incidental costs for startup or enhancement of the eligible company, if the location has been completed;*
- (g) *Ongoing and future operating expenses; and*
- (h) *Any other necessary and reasonable costs;*
- (2) *"Commercial loan" means an agreement between an eligible company and one (1) or more qualified lenders for approved costs;*
- (3) *"Cooperative lender" means a not-for-profit consortium of qualified lenders;*
- (4) *"Eligible company" means:*
 - (a) *Any corporation, limited liability company, partnership, limited partnership, sole proprietorship, business trust, or any other entity that experienced direct or indirect loss from the December 2021 storms and tornadoes that occurred in the west Kentucky region and have or had an existing or proposed business located in the counties which were declared disaster relief areas by any state or federal agency; or*
 - (b) *The successor of the entity under paragraph (a) of this subsection in interest or business activity;*
- (5) *"Final approval" means the approval of the commercial loan after underwriting by the qualified lender, in accordance with internal underwriting standards, and subject to the qualified lender's terms and conditions;*
- (6) *"Inducement" means payments from the western Kentucky risk assistance fund created in Section 5 of this Act; and*
- (7) *"Qualified lender" means a cooperative lender or a depository institution as defined in 12 U.S.C. sec. 1813(c), which has a physical presence in the Commonwealth and is currently in good standing as reported by the Department of Financial Institutions.*

➔SECTION 3. A NEW SECTION OF SUBCHAPTER 20 OF KRS CHAPTER 154 IS CREATED TO READ AS FOLLOWS:

- (1) *A qualified lender of a commercial loan to an eligible company shall not be eligible to apply for inducements until final approval has been made by the qualified lender and funding has been completed in accordance with the commercial loan.*
- (2) *Commercial loan proceeds shall be spent by the eligible company on approved costs within three (3) years of final approval, unless an extension is required by the qualified lender or necessitated by circumstances beyond the control of the eligible company or the qualified lender.*
- (3) *The eligible company shall submit all documentation, including documentation evidencing expenditures, as required by the qualified lender.*
- (4) *Qualified lenders may provide applications to an eligible company and then decide, regardless of further processing or underwriting results, to not provide final approval so long as the decision is not prohibited by state or federal law. If the qualified lender decides not to proceed, the qualified lender shall provide the application to a cooperative lender for further review and assignment to one (1) or more other qualified lenders.*
- (5) *A qualified lender that is unable to fund the entire amount requested in an application shall submit all or any portion of the requested amount to a cooperative lender for further review and assignment of the unfunded portion to one (1) or more qualified lenders.*

➔SECTION 4. A NEW SECTION OF SUBCHAPTER 20 OF KRS CHAPTER 154 IS CREATED TO READ AS FOLLOWS:

- (1) *The eligible company shall:*
 - (a) *Apply for all other available assistance that is not a commercial loan, including disaster relief assistance and insurance proceeds;*

- (b) *Notify the qualified lenders immediately upon application of other assistance; and*
- (c) *Provide an update on the status of that assistance when requested by the qualified lenders.*
- (2) *The eligible company may assign any other available assistance to the qualified lender.*
- (3) *The qualified lender shall use the other available assistance to first pay any fees or other amounts outstanding to reduce the principal balance of the commercial loan.*

➔SECTION 5. A NEW SECTION OF SUBCHAPTER 20 OF KRS CHAPTER 154 IS CREATED TO READ AS FOLLOWS:

- (1) (a) *There is hereby established in the State Treasury a trust and agency account to be known as the western Kentucky risk assistance fund.*
- (b) *The fund shall be maintained by the Cabinet for Economic Development.*
- (c) *Amounts deposited in the fund shall be used as required under subsection (2) of this section.*
- (d) *Notwithstanding KRS 45.229, moneys not expended at the close of a fiscal year shall not lapse but shall be carried forward into the next fiscal year.*
- (e) *Any interest earnings of the fund shall become a part of the fund and shall not lapse.*
- (f) *Moneys deposited in the fund are hereby appropriated for the purposes set forth in this section.*
- (2) *The fund shall be used to pay a qualified lender on the unpaid principal balance of a commercial loan in an amount up to the lesser of the first twenty-five percent (25%) of the loss suffered on the unpaid principal balance on a commercial loan or one million dollars (\$1,000,000), as evidenced by the loss being determined by the following method:*
 - (a) *The amount of loan loss reserve the lending institution establishes based on the current expected credit losses methodology for estimating allowances for credit losses, as reflected in an official, filed call report which reflects the changes in the allowance for credit loss relating to the loan originated under this section; or*
 - (b) *The amount of the estimated loss as documented by an updated appraisal of the underlying collateral, or a change in economic value of the loan based on expected cash flows.*
- (3) *The western Kentucky risk assistance fund shall be used to provide inducement on the first two hundred million dollars (\$200,000,000) of commercial loans made and applications submitted under subsection (4) of this section.*
- (4) *The cabinet shall accept applications for inducements on a form created by the cabinet, which shall include the following:*
 - (a) *The name of the qualified lender;*
 - (b) *The qualified lender's status of good standing by the Department of Financial Institutions;*
 - (c) *The Kentucky address of the physical location of the qualified lender;*
 - (d) *The name, e-mail address, and phone number of an employee of the qualified lender who can be contacted regarding questions about the application; and*
 - (e) *The amount of the commercial loan.*
- (5) (a) *The cabinet shall accept applications for access to the western Kentucky risk assistance fund only for a commercial loan that originated before December 31, 2027.*
- (b) *Applications from qualified lenders shall be approved in the order in which the applications are received, with each qualified lender being limited to a maximum of applications totaling ten million dollars (\$10,000,000) in commercial loans.*
- (6) *Once a loss has been suffered by a qualified lender, the cabinet shall accept requests for loss payments from the western Kentucky risk assistance fund on a form created by the cabinet that provides the following:*
 - (a) *The name of the qualified lender;*
 - (b) *The qualified lender's status of good standing by the Department of Financial Institutions;*
 - (c) *The Kentucky address of the physical location of the qualified lender;*

- (d) *The name, e-mail address, and phone number of an employee of the qualified lender, who can be contacted regarding questions about the application;*
- (e) *The amount of the commercial loan.*
- (f) *The requested loss payment amount calculated in accordance with subsection (2) of this section; and*
- (g) *Documentation of the suffered loss.*
- (7) (a) *An application for a loss payment may only be submitted for losses suffered within five (5) years from the origination of the loan.*
- (b) *Once the loss application has been submitted to the cabinet, a decision to approve or deny the application shall be made within thirty (30) days of submission.*
- (c) *Within sixty (60) days of submission:*
 - 1. *If approved, the amount due shall be issued to the qualified lender; or*
 - 2. *If denied, an explanation shall be sent to the qualified lender for the denial.*
- (8) *Should the qualified lender, at any time after the receipt of a loss payment from the western Kentucky risk assistance fund, collect more than seventy-five percent (75%) of the previously considered uncollectable balance, any portion over seventy-five percent (75%) shall be repaid to the cabinet for deposit into western Kentucky risk assistance fund, however, no more than one million dollars (\$1,000,000) shall be recovered.*
- (9) *Inducements shall be paid as long as moneys are available in the fund from the initial funding or subsequent loss collection by qualified lenders on commercial loans originating before December 31, 2027.*

➔Section 6. There is hereby appropriated Restricted Fund moneys in the amount of \$25,000,000 in fiscal year 2021-2022 from the West Kentucky State Aid Funding for Emergencies (SAFE) Fund to the Western Kentucky Risk Assistance Fund created in Section 5 of this Act.

➔Section 7. Notwithstanding KRS Chapter 45A or 424, any public agency as defined in KRS 61.870(1) that is located within the areas named in a Presidential Declaration of Emergency relating to the storms and tornadoes that occurred in December 2021 may use their general funds, donations, aid, and grant funds received from other governmental units, and insurance proceeds for the design, construction, reconstruction, and repair or renovation of public buildings damaged by the storm and tornadoes without complying with the public procurement procedures required by state law if the public agency makes any decision related to the selection of vendors within an open meeting and any contract entered into is made part of the public record and is subject to disclosure in compliance with the provisions of KRS 61.870 to 61.884

➔Section 8. There is hereby appropriated Restricted Fund moneys from the West Kentucky State Aid Funding for Emergencies (SAFE) Fund in the amount of \$120,890,000 in fiscal year 2021-2022 to the Department of Military Affairs budget unit, to be used by the Division of Emergency Management in providing financial assistance for those impacted by the December 2021 storms and tornadoes that occurred in the west Kentucky region, according to the criteria established in Section 4 of House Bill 5/GA, as enacted in the 2022 Regular Session of the General Assembly, 2022 Ky. Acts ch. 2, sec. 4, as amended in Section 1 of this Act. Recipients shall be those that:

- (1) Are eligible under the SAFE Fund;
- (2) Have applied or requested state assistance from the SAFE Fund; and
- (3) Have submitted a request from a local official that includes a description and cost estimate of immediate needs.

➔Section 9. There is hereby appropriated General Fund moneys in the amount of \$100,000 in fiscal year 2022-2023 to the Department for Local Government to be distributed to the Paducah City Commission for use on the Rockport Bridge over the Green River at Railroad Milepost 117.86.

➔Section 10. There is hereby appropriated Restricted Funds in the amount of \$110,000 in fiscal year 2021-2022 from the West Kentucky State Aid Funding for Emergencies (SAFE) Fund to Murray State University for housing, facilities, and staffing costs for storm related purposes.

➔Section 11. Whereas support and relief efforts are imperative for the Commonwealth to recover from the considerable damage caused by the deadly storms and tornadoes, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 15, 2022.

CHAPTER 223

(SB 178)

AN ACT relating to health and welfare and declaring an emergency.

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

➔Section 1. KRS 205.592 is amended to read as follows:

~~{Beginning October 1, 1990, }~~Pregnant women, ***new mothers up to twelve (12) months postpartum***, and children up to age one (1) shall be eligible for participation in the Kentucky Medical Assistance Program if:

- (1) They have family income up to but not exceeding one hundred and eighty-five percent (185%) of the nonfarm income official poverty guidelines as promulgated by the Department of Health and Human Services of the United States as revised annually; and
- (2) They are otherwise eligible for the program.

➔Section 2. If the Cabinet for Health and Family Services or the Department for Medicaid Services determines that a waiver or any other authorization from a federal agency is necessary prior to the implementation of Section 1 of this Act, the cabinet or department shall, within 90 days after the effective date of this Act, request the waiver or authorization and shall only delay full implementation of Section 1 of this Act until the waiver or authorization is granted.

➔Section 3. KRS 625.090 is amended to read as follows:

- (1) The Circuit Court may involuntarily terminate all parental rights of a parent of a named child, if the Circuit Court finds from the pleadings and by clear and convincing evidence that:
 - (a)
 1. The child has been adjudged to be an abused or neglected child, as defined in KRS 600.020(1), by a court of competent jurisdiction;
 2. The child is found to be an abused or neglected child, as defined in KRS 600.020(1), by the Circuit Court in this proceeding;
 3. The child is found to have been diagnosed with neonatal abstinence syndrome at the time of birth, unless his or her birth mother:
 - a. Was prescribed and properly using medication for a legitimate medical condition as directed by a health care practitioner that may have led to the neonatal abstinence syndrome;~~{ or }~~
 - b. Is currently, or within ninety (90) days after the birth, enrolled in and maintaining substantial compliance with both a substance abuse treatment or recovery program and a regimen of prenatal care or postnatal care as recommended by her health care practitioner throughout the remaining term of her pregnancy or the appropriate time after her pregnancy; or
 - c. ***In the absence of a prescription for the treatment of a legitimate medical condition, agrees, prior to discharge from the hospital, to participate in a court-ordered assessment by a drug treatment provider and the assigning of a certified peer support specialist for referral to appropriate treatment, and agrees to participate in treatment which shall commence within ninety (90) days after the birth; or***
 4. The parent has been convicted of a criminal charge relating to the physical or sexual abuse or neglect of any child and that physical or sexual abuse, neglect, or emotional injury to the child named in the present termination action is likely to occur if the parental rights are not terminated;
 - (b) The Cabinet for Health and Family Services has filed a petition with the court pursuant to KRS 620.180; and
 - (c) Termination would be in the best interest of the child.

- (2) No termination of parental rights shall be ordered unless the Circuit Court also finds by clear and convincing evidence the existence of one (1) or more of the following grounds:
- (a) That the parent has abandoned the child for a period of not less than ninety (90) days;
 - (b) That the parent has inflicted or allowed to be inflicted upon the child, by other than accidental means, serious physical injury;
 - (c) That the parent has continuously or repeatedly inflicted or allowed to be inflicted upon the child, by other than accidental means, physical injury or emotional harm;
 - (d) That the parent has been convicted of a felony that involved the infliction of serious physical injury to any child;
 - (e) That the parent, for a period of not less than six (6) months, has continuously or repeatedly failed or refused to provide or has been substantially incapable of providing essential parental care and protection for the child and that there is no reasonable expectation of improvement in parental care and protection, considering the age of the child;
 - (f) That the parent has caused or allowed the child to be sexually abused or exploited;
 - (g) That the parent, for reasons other than poverty alone, has continuously or repeatedly failed to provide or is incapable of providing essential food, clothing, shelter, medical care, or education reasonably necessary and available for the child's well-being and that there is no reasonable expectation of significant improvement in the parent's conduct in the immediately foreseeable future, considering the age of the child;
 - (h) That:
 - 1. The parent's parental rights to another child have been involuntarily terminated;
 - 2. The child named in the present termination action was born subsequent to or during the pendency of the previous termination; and
 - 3. The conditions or factors which were the basis for the previous termination finding have not been corrected;
 - (i) That the parent has been convicted in a criminal proceeding of having caused or contributed to the death of another child as a result of physical or sexual abuse or neglect;
 - (j) That the child has been in foster care under the responsibility of the cabinet for fifteen (15) cumulative months out of forty-eight (48) months preceding the filing of the petition to terminate parental rights; or
 - (k) That the child has been removed from the biological or legal parents more than two (2) times in a twenty-four (24) month period by the cabinet or a court.
- (3) In determining the best interest of the child and the existence of a ground for termination, the Circuit Court shall consider the following factors:
- (a) Mental illness as defined by KRS 202A.011(9), or an intellectual disability as defined by KRS 202B.010(9) of the parent as certified by a qualified mental health professional, which renders the parent consistently unable to care for the immediate and ongoing physical or psychological needs of the child for extended periods of time;
 - (b) Acts of abuse or neglect as defined in KRS 600.020(1) toward any child in the family;
 - (c) If the child has been placed with the cabinet, whether the cabinet has, prior to the filing of the petition made reasonable efforts as defined in KRS 620.020 to reunite the child with the parents unless one or more of the circumstances enumerated in KRS 610.127 for not requiring reasonable efforts have been substantiated in a written finding by the District Court;
 - (d) The efforts and adjustments the parent has made in his circumstances, conduct, or conditions to make it in the child's best interest to return him to his home within a reasonable period of time, considering the age of the child;
 - (e) The physical, emotional, and mental health of the child and the prospects for the improvement of the child's welfare if termination is ordered; and

- (f) The payment or the failure to pay a reasonable portion of substitute physical care and maintenance if financially able to do so.
- (4) If the child has been placed with the cabinet, the parent may present testimony concerning the reunification services offered by the cabinet and whether additional services would be likely to bring about lasting parental adjustment enabling a return of the child to the parent.
- (5) If the parent proves by a preponderance of the evidence that the child will not continue to be an abused or neglected child as defined in KRS 600.020(1) if returned to the parent the court in its discretion may determine not to terminate parental rights.
- (6) Upon the conclusion of proof and argument of counsel, the Circuit Court shall enter findings of fact, conclusions of law, and a decision as to each parent-respondent within thirty (30) days either:
 - (a) Terminating the right of the parent; or
 - (b) Dismissing the petition and stating whether the child shall be returned to the parent or shall remain in the custody of the state.

➔Section 4. KRS 21A.190 is amended to read as follows:

- (1) The General Assembly respectfully requests that the Supreme Court of Kentucky institute a pilot project to study the feasibility and desirability of the opening or limited opening of court proceedings, except for proceedings related to sexual abuse, to the public which are related to:
 - (a) Dependency, neglect, and abuse proceedings under KRS Chapter 620; and
 - (b) Termination of parental rights proceedings under KRS Chapter 625.
- (2) (a) The pilot project may be established in a minimum of three (3) diverse judicial districts or judicial circuits or a division or divisions thereof chosen by the Chief Justice.
- (b) A pilot project authorized by this subsection shall not be established in a judicial district or judicial circuit or a division thereof when objected to by the applicable judge or county attorney.
- (3) The pilot project shall:
 - (a) Require participating courts to be presumptively open;
 - (b) Last for four (4) years, unless extended or limited by the General Assembly; and
 - (c) Be monitored and evaluated by the Administrative Office of the Courts to determine:
 - 1. Whether there are adverse effects resulting from the opening of certain proceedings or release of records;
 - 2. Whether the pilot project demonstrates a benefit to the litigants;
 - 3. Whether the pilot project demonstrates a benefit to the public;
 - 4. Whether the pilot project supports a determination that such proceedings should be presumptively open;
 - 5. Whether the pilot project supports a determination that such proceedings should be closed;
 - 6. How open proceedings under the pilot project impact the child;
 - 7. The parameters and limits of the program;
 - 8. Suggestions for the operation and improvement of the program;
 - 9. Rules changes which may be needed if the program is to be made permanent and expanded to all courts; and
 - 10. Recommendations for statutory changes which may be needed if the program is to be made permanent and expanded to all courts.
- (4) The Administrative Office of the Courts:
 - (a) Shall provide an annual report to the Legislative Research Commission, ~~the Child Welfare Oversight and Advisory Committee established in KRS 6.943,~~ and the Interim Joint Committee on Judiciary by

September 1 of each year the program is in operation with statistics, findings, and recommendations; and

- (b) May make periodic progress reports and statistical reports and provide suggestions to the Interim Joint Committee on Health and Welfare and to the Interim Joint Committee on Judiciary when determined necessary by the Chief Justice.

➔Section 5. KRS 157.065 is amended to read as follows:

- (1) Any school that does not offer a school breakfast program shall submit an annual report no later than September 15 to the Kentucky Board of Education indicating the reasons for not offering the program. The report shall include the number of children enrolled at the school and the number of children who are eligible for free or reduced priced meals under the federal program.
- (2) The state board shall inform the school of the value of the school breakfast program, its favorable effects on student attendance and performance, and the availability of funds to implement the program.
- (3) The commissioner of education shall submit an annual report no later than December 1 to the Interim Joint Committee on Education ~~and the Child Welfare Oversight and Advisory Committee established in KRS 6.943~~ regarding the status of the school breakfast program including, but not limited to, information describing the schools that do not offer the program, the reasons given by the schools for not offering the program, the number of children enrolled in each school, the number of children in each school who are eligible for free or reduced priced meals under the federal program, and the action taken by the state board to encourage schools to implement the program.

➔Section 6. KRS 194A.030 is amended to read as follows:

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

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

8. Include oversight of administrative hearings; and
 9. Provide information to the Office of the Attorney General, when requested, related to substantiated violations of state law against an employee, a contractor of the cabinet, or a foster or adoptive parent;
- (b) The Office of Legal Services shall provide legal advice and assistance to all units of the cabinet in any legal action in which it may be involved. The Office of Legal Services shall employ all attorneys of the cabinet who serve the cabinet in the capacity of attorney, giving legal advice and opinions concerning the operation of all programs in the cabinet. The Office of Legal Services shall be headed by a general counsel who shall be appointed by the secretary with the approval of the Governor under KRS 12.050 and 12.210. The general counsel shall be the chief legal advisor to the secretary and shall be directly responsible to the secretary. The Attorney General, on the request of the secretary, may designate the general counsel as an assistant attorney general under the provisions of KRS 15.105;
- (c) The Office of Inspector General shall be headed by an inspector general who shall be appointed by the secretary with the approval of the Governor. The inspector general shall be directly responsible to the secretary. The Office of Inspector General shall be responsible for:
1. The conduct of audits and investigations for detecting the perpetration of fraud or abuse of any program by any client, or by any vendor of services with whom the cabinet has contracted; and the conduct of special investigations requested by the secretary, commissioners, or office heads of the cabinet into matters related to the cabinet or its programs;
 2. Licensing and regulatory functions as the secretary may delegate;
 3. Review of health facilities participating in transplant programs, as determined by the secretary, for the purpose of determining any violations of KRS 311.1911 to 311.1959, 311.1961, and 311.1963;
 4. The duties, responsibilities, and authority pertaining to the certificate of need functions and the licensure appeals functions, pursuant to KRS Chapter 216B; and
 5. The notification and forwarding of any information relevant to possible criminal violations to the appropriate prosecuting authority;
- (d) The Office of Public Affairs shall be headed by an executive director appointed by the secretary with the approval of the Governor in accordance with KRS 12.050. The office shall provide information to the public and news media about the programs, services, and initiatives of the cabinet;
- (e) The Office of Human Resource Management shall be headed by an executive director appointed by the secretary with the approval of the Governor in accordance with KRS 12.050. The office shall coordinate, oversee, and execute all personnel, training, and management functions of the cabinet. The office shall focus on the oversight, development, and implementation of quality improvement services; curriculum development and delivery of instruction to staff; the administration, management, and oversight of training operations; health, safety, and compliance training; and equal employment opportunity compliance functions;
- (f) The Office of Finance and Budget shall be headed by an executive director appointed by the secretary with the approval of the Governor in accordance with KRS 12.050. The office shall provide central review and oversight of budget, contract, and cabinet finances. The office shall provide coordination, assistance, and support to program departments and independent review and analysis on behalf of the secretary;
- (g) The Office of Legislative and Regulatory Affairs shall be headed by an executive director appointed by the secretary with the approval of the Governor in accordance with KRS 12.050. The office shall provide central review and oversight of legislation, policy, and administrative regulations. The office shall provide coordination, assistance, and support to program departments and independent review and analysis on behalf of the secretary;
- (h) The Office of Administrative Services shall be headed by an executive director appointed by the secretary with the approval of the Governor in accordance with KRS 12.050. The office shall provide central review and oversight of procurement, general accounting including grant monitoring, and facility management. The office shall provide coordination, assistance, and support to program departments and independent review and analysis on behalf of the secretary; and

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

- (7) The Office of Health Data and Analytics shall identify and innovate strategic initiatives to inform public policy initiatives and provide opportunities for improved health outcomes for all Kentuckians through data analytics. The office shall provide leadership in the redesign of the health care delivery system using electronic information technology as a means to improve patient care and reduce medical errors and duplicative services. The office shall facilitate the purchase of individual and small business health insurance coverage for Kentuckians. The office shall be headed by an executive director appointed by the secretary with the approval of the Governor under KRS 12.050;
- (8) Department for Community Based Services. The Department for Community Based Services shall administer and be responsible for child and adult protection, violence prevention resources, foster care and adoption, permanency, and services to enhance family self-sufficiency, including child care, social services, public assistance, and family support. The department shall be headed by a commissioner appointed by the secretary with the approval of the Governor in accordance with KRS 12.050;
- (9) Department for Income Support. The Department for Income Support shall be responsible for child support enforcement and disability determination. The department shall serve as the state unit as required by Title II and Title XVI of the Social Security Act, and shall have responsibility for determining eligibility for disability for those citizens of the Commonwealth who file applications for disability with the Social Security Administration. The department shall be headed by a commissioner appointed by the secretary with the approval of the Governor in accordance with KRS 12.050; and
- (10) Department for Aging and Independent Living. The Department for Aging and Independent Living shall serve as the state unit as designated by the Administration on Aging Services under the Older Americans Act and shall have responsibility for administration of the federal community support services, in-home services, meals, family and caregiver support services, elder rights and legal assistance, senior community services employment program, the state health insurance assistance program, state home and community based services including home care, Alzheimer's respite services and the personal care attendant program, certifications of assisted living facilities, the state Council on Alzheimer's Disease and other related disorders, and guardianship services. The department shall also administer the Long-Term Care Ombudsman Program and the Medicaid Home and Community Based Waivers Participant Directed Services Option (PDS) Program. The department shall serve as the information and assistance center for aging and disability services and administer multiple federal grants and other state initiatives. The department shall be headed by a commissioner appointed by the secretary with the approval of the Governor in accordance with KRS 12.050.

➔Section 7. KRS 194A.365 is amended to read as follows:

The cabinet shall make an annual report to the Governor, *the Legislative Research Commission*, ~~the Child Welfare Oversight and Advisory Committee established in KRS 6.943,~~ and the Chief Justice. The report shall be tendered not later than December 1 of each year and shall include information for the previous fiscal year. The report shall include, but not be limited to, the following information:

- (1) The number of children under an order of dependent, status, public, or voluntary commitment to the cabinet, according to: permanency planning goals, current placement, average number of placements, type of commitment, and the average length of time children remain committed to the cabinet;
- (2) The number of children in the custody of the cabinet in the following types of residential placements, the average length of stay in these placements, and the average number of placements experienced by these children: family foster homes, private child care facilities, and placement with biological parent or person exercising custodial control or supervision;
- (3) The number of children in the custody of the cabinet eligible for adoption, the number placed in an adoptive home, and the number ineligible for adoption and the reasons therefor;
- (4) The cost in federal and state general funds to care for the children defined in subsections (1) and (2) of this section, including the average cost per child for each type of placement, direct social worker services, operating expenses, training, and administrative costs; and
- (5) Any other matters relating to the care of foster children that the cabinet deems appropriate and that may promote further understanding of the impediments to providing permanent homes for foster children.

➔Section 8. KRS 199.665 is amended to read as follows:

- (1) As used in this section, unless the context otherwise requires;
 - (a) "Cabinet" means the Cabinet for Health and Family Services;

- (b) "Performance-based contracting" means an approach that stresses permanency outcomes for children and utilizes a payment structure that reinforces provider agencies' efforts to offer services that improve the outcomes for children; and
 - (c) "Secretary" means the secretary of the Cabinet for Health and Family Services.
- (2) The secretary shall designate a study group to make recommendations regarding the creation and implementation of performance-based contracting for licensed child-caring facilities and child-placing agencies in the Commonwealth.
 - (3) The study group shall be composed of the following members:
 - (a) The secretary;
 - (b) The commissioner for the Department for Community Based Services;
 - (c) The director of the Administrative Office of the Courts, or designee;
 - (d) The executive director of the Governor's Office of Early Childhood, or designee;
 - (e) One (1) adult who was a former foster child in the Commonwealth;
 - (f) One (1) adult who is a current or former foster parent in the Commonwealth;
 - (g) Two (2) employees of a licensed child-placing agency;
 - (h) Two (2) employees of a licensed child-caring facility; and
 - (i) Any personnel within the Department for Community Based Services that the secretary deems necessary.
 - (4) In its deliberations, the study group shall include but not be limited to analysis of improved timeliness and likelihood of permanency such as reunification, adoption, or guardianship; fewer moves for children in foster care; and reduced instances of reentry into care.
 - (5) The study group shall report its recommendations by December 1, 2018, to the Governor ~~and~~ the Interim Joint Committees on Appropriations and Revenue and Health and Welfare and Family Services ~~and the Child Welfare Oversight and Advisory Committee established in KRS 6.943~~. The study group shall cease to operate after the delivery of the recommendations required by this subsection.
 - (6) By July 1, 2019, the cabinet shall:
 - (a) Establish and implement performance-based contracting for licensed child-caring facilities and child-placing agencies that contract with the department for services; and
 - (b) Apply and implement all standards, processes, and procedures established for performance-based contracting for licensed child-caring facilities and child-placing agencies in accordance with paragraph (a) of this subsection to all other cabinet-operated programs that are like those operated by child-caring facilities and child-placing agencies.
 - (7) The cabinet shall promulgate administrative regulations to implement this section.

➔Section 9. KRS 199.8943 is amended to read as follows:

 - (1) As used in this section:
 - (a) "Federally funded time-limited employee" has the same meaning as in KRS 18A.005;
 - (b) "Primary school program" has the same meaning as in KRS 158.031(1); and
 - (c) "Public-funded" means a program which receives local, state, or federal funding.
 - (2) The Early Childhood Advisory Council shall, in consultation with early care and education providers, the Cabinet for Health and Family Services, and others, including but not limited to child-care resource and referral agencies and family resource centers, Head Start agencies, and the Kentucky Department of Education, develop a quality-based graduated early care and education program rating system for public-funded licensed child-care and certified family child-care homes, public-funded preschool, and Head Start, based on but not limited to:
 - (a) Classroom and instructional quality;
 - (b) Administrative and leadership practices;

- (c) Staff qualifications and professional development; and
 - (d) Family and community engagement.
- (3) (a) The Cabinet for Health and Family Services shall, in consultation with the Early Childhood Advisory Council, promulgate administrative regulations in accordance with KRS Chapter 13A to implement the quality-based graduated early childhood rating system for public-funded child-care and certified family child-care homes developed under subsection (2) of this section.
- (b) The Kentucky Department of Education shall, in consultation with the Early Childhood Advisory Council, promulgate administrative regulations in accordance with KRS Chapter 13A to implement the quality-based graduated early childhood rating system, developed under subsection (2) of this section, for public-funded preschool.
- (c) The administrative regulations promulgated in accordance with paragraphs (a) and (b) of this subsection shall include:
- 1. Agency time frames of reviews for rating;
 - 2. An appellate process under KRS Chapter 13B; and
 - 3. The ability of providers to request reevaluation for rating.
- (4) The quality-based early childhood rating system shall not be used for enforcement of compliance or in any punitive manner.
- (5) The Early Childhood Advisory Council, in consultation with the Kentucky Center for Education and Workforce Statistics, the Kentucky Department of Education, and the Cabinet for Health and Family Services, shall report by October 1 of each year to the Interim Joint Committee on Education ~~and the Child Welfare Oversight and Advisory Committee established in KRS 6.943~~ on the implementation of the quality-based graduated early childhood rating system. The report shall include the following quantitative performance measures as data becomes available:
- (a) Program participation in the rating system;
 - (b) Ratings of programs by program type;
 - (c) Changes in student school-readiness measures;
 - (d) Longitudinal student cohort performance data tracked through student completion of the primary school program; and
 - (e) Long-term viability recommendations for sustainability at the end of the Race to the Top-Early Learning Challenge grant.
- (6) By November 1, 2017, the Early Childhood Advisory Council and the Cabinet for Health and Family Services shall report to the Interim Joint Committee on Education and the Interim Joint Committee on Health and Welfare on recommendations and plans for sustaining program quality after the depletion of federal Race to the Top-Early Learning Challenge grant funds.
- (7) Any federally funded time-limited employee personnel positions created as a result of the federal Race to the Top-Early Learning Challenge grant shall be eliminated upon depletion of the grant funds.

➔Section 10. KRS 199.8983 is amended to read as follows:

- (1) There is hereby created the Kentucky Child Care Advisory Council to be composed of eighteen (18) members. The members appointed by the Governor shall serve a term of three (3) years. The appointed members of the council shall be geographically and culturally representative of the population of the Commonwealth. For administrative purposes, the council shall be attached to the department. The members shall be as follows:
- (a) The commissioner of the department, or designee;
 - (b) Four (4) members appointed by the Governor representing child-care center providers licensed pursuant to this chapter;
 - (c) Two (2) members appointed by the Governor representing family child-care home providers licensed pursuant to this chapter;

- (d) Three (3) members appointed by the Governor who are parents, de facto custodians, guardians, or legal custodians of children receiving services from child-care centers or family child-care homes licensed pursuant to this chapter;
 - (e) Three (3) members appointed by the Governor from the private sector who are knowledgeable about education, health, and development of children;
 - (f) The director of the Division of Child Care within the department, or designee, as a nonvoting ex officio member;
 - (g) The commissioner of education, Education and Workforce Development Cabinet, or designee, as a nonvoting ex officio member;
 - (h) The executive director of the Governor's Office of Early Childhood, or designee, as a nonvoting ex officio member;
 - (i) The commissioner of the Department for Public Health within the cabinet, or designee, as a nonvoting ex officio member; and
 - (j) The state fire marshal, Public Protection Cabinet, or designee, as a nonvoting ex officio member;
- (2) The council shall have two (2) co-chairpersons. One (1) co-chairperson shall be the commissioner of the department, or designee, and one (1) co-chairperson shall be elected by the voting members of the council.
 - (3) Members shall serve until a successor has been appointed. If a vacancy on the council occurs, the Governor shall appoint a replacement for the remainder of the unexpired term.
 - (4) Members shall serve without compensation but shall be reimbursed for reasonable and necessary expenses in accordance with state travel expenses and reimbursement administrative regulations.
 - (5) The council shall meet at least quarterly and at other times upon call of the co-chairpersons.
 - (6) The council shall advise the cabinet on matters affecting the operations, funding, and licensing of child-care centers and family child-care homes. The council shall provide input and recommendations for ways to improve quality, access, and outcomes.
 - (7) The council shall make an annual report by December 1 that provides summaries and recommendations to address the availability, affordability, accessibility, and quality of child care in the Commonwealth. A copy of the annual report shall be provided to the secretary, the Governor, *and* the Legislative Research Commission, ~~and the Child Welfare Oversight and Advisory Committee established in KRS 6.943~~.

➔Section 11. KRS 200.575 is amended to read as follows:

- (1) As used in this section, unless the context otherwise requires:
 - (a) "Department" means the Department for Community Based Services; and
 - (b) "Family preservation services" means programs that:
 - 1. Follow intensive, home-based service models with demonstrated effectiveness in reducing or avoiding the need for out-of-home placement;
 - 2. Provide such services that result in lower costs than would out-of-home placement; and
 - 3. Employ specially trained caseworkers who shall:
 - a. Provide at least half of their services in the family's home or other natural community setting;
 - b. Provide direct therapeutic services available twenty-four (24) hours per day for a family;
 - c. Aid in the solution of practical problems that contribute to family stress so as to effect improved parental performance and enhanced functioning of the family unit;
 - d. Arrange for additional assistance, including but not limited to housing, child care, education, and job training, emergency cash grants, state and federally funded public assistance, and other basic support needs; and
 - e. Supervise any paraprofessionals or "family aides" made available to provide specialized services or skills to manage everyday problems and better provide and care for children.

- (2) The department shall be the lead administrative agency for family preservation services and may receive funding for the implementation of these services. The department shall:
 - (a) Provide the coordination of and planning for the implementation of family preservation services;
 - (b) Provide standards for family preservation services programs;
 - (c) Monitor these services to ensure they meet measurable standards of performance as set forth in state law and as developed by the department; and
 - (d) Provide the initial training and approve any ongoing training required by providers of family preservation services.
- (3) The department may provide family preservation services directly or may contract to provide these services. In the event the department provides family preservation services with state caseworkers, those caseworkers and cases shall be excluded for the overall caseworker or case averages provided on a quarterly basis to the Legislative Research Commission and the Governor's office under KRS 199.461. Family preservation services caseworkers and cases shall be included in the report as a separate category.
- (4) If the department contracts to provide family preservation services, the contract shall include:
 - (a) Requirements for acceptance of any client referred by the department for family preservation services;
 - (b) Caseload standards per caseworker;
 - (c) Provision of twenty-four (24) hour crisis intervention services to families served by the program;
 - (d) Minimum initial and ongoing training standards for family preservation services staff; and
 - (e) Internal programmatic evaluation and cooperation with external evaluation as directed by the department.
- (5) Family preservation services shall be provided only to those children who are at actual, imminent risk of out-of-home placement:
 - (a) Who are at risk of commitment as dependent, abused, or neglected;
 - (b) Who are emotionally disturbed; and
 - (c) Whose families are in conflict such that they are unable to exercise reasonable control of the child.
- (6) Families in which children are at risk of recurring sexual abuse perpetrated by a member of their immediate household who remains in close physical proximity to the victim or whose continued safety from recurring abuse cannot be reasonably ensured, shall not be eligible for family preservation services.
- (7) The implementation of family preservation services shall be limited to those situations where protection can be ensured for children, families, and the community.
- (8) The provision of family preservation services to a family shall constitute a reasonable effort by the Cabinet for Health and Family Services to prevent the removal of a child from the child's home under KRS 620.140, provided that the family has received timely access to other services from the Cabinet for Health and Family Services for which the family is eligible.
- (9) Acceptance of family preservation services shall not be considered an admission to any allegation that initiated the investigation of the family, nor shall refusal of family preservation services be considered as evidence in any proceeding except where the issue is whether the Cabinet for Health and Family Services has made reasonable efforts to prevent removal of a child.
- (10) No family preservation services program shall compel any family member to engage in any activity or refrain from any activity, which is not reasonably related to remedying any condition that gave rise, or which could reasonably give rise, to any finding of child abuse, neglect, or dependency.
- (11) The commissioner of the department shall conduct and submit to the **Legislative Research Commission** ~~Child Welfare Oversight and Advisory Committee established in KRS 6.943,~~ an annual evaluation of the family preservation services, which shall include the following:
 - (a) The number of families receiving family preservation services, the number of children in those families, and the number of children in those families who would have been placed in out-of-home care if the family preservation services had not be available;

- (b) Among those families receiving family preservation services, the number of children placed outside the home;
 - (c) The average cost per family of providing family preservation services;
 - (d) The number of children who remain reunified with their families six (6) months and one (1) year after completion of the family preservation services; and
 - (e) An overall evaluation of the progress of family preservation services programs during the preceding year, recommendations for improvements in the delivery of this service, and a plan for the continued development of family preservation services to ensure progress towards statewide availability.
- (12) Nothing in this section shall prohibit the department from developing other in-home services in accordance with its statutory authority to promulgate administrative regulations in accordance with KRS Chapter 13A or to enter into contractual arrangements in accordance with KRS Chapter 45.

➔Section 12. KRS 211.684 is amended to read as follows:

- (1) For the purposes of KRS Chapter 211:
 - (a) "Child fatality" means the death of a person under the age of eighteen (18) years;
 - (b) "Local child and maternal fatality response team" and "local team" means a community team composed of representatives of agencies, offices, and institutions that investigate child and maternal deaths, including but not limited to, coroners, social service workers, medical professionals, law enforcement officials, and Commonwealth's and county attorneys; and
 - (c) "Maternal fatality" means the death of a woman within one (1) year of giving birth.
- (2) The Department for Public Health may establish a state child and maternal fatality review team. The state team may include representatives of public health, social services, law enforcement, prosecution, coroners, health-care providers, and other agencies or professions deemed appropriate by the commissioner of the department.
- (3) If a state team is created, the duties of the state team may include the following:
 - (a) Develop and distribute a model protocol for local child and maternal fatality response teams for the investigation of child and maternal fatalities;
 - (b) Facilitate the development of local child and maternal fatality response teams which may include, but is not limited to, providing joint training opportunities and, upon request, providing technical assistance;
 - (c) Review and approve local protocols prepared and submitted by local teams;
 - (d) Receive data and information on child and maternal fatalities and analyze the information to identify trends, patterns, and risk factors;
 - (e) Evaluate the effectiveness of prevention and intervention strategies adopted; and
 - (f) Recommend changes in state programs, legislation, administrative regulations, policies, budgets, and treatment and service standards which may facilitate strategies for prevention and reduce the number of child and maternal fatalities.
- (4) The department shall prepare an annual report to be submitted no later than November 1 of each year to the Governor, ~~the Child Welfare Oversight and Advisory Committee established in KRS 6.943~~, the Interim Joint Committee on Health, Welfare, and Family Services, the Chief Justice of the Kentucky Supreme Court, and to be made available to the citizens of the Commonwealth. The report shall include a statistical analysis, that include the demographics of race, income, and geography, of the incidence and causes of child and maternal fatalities in the Commonwealth during the past fiscal year and recommendations for action. The report shall not include any information which would identify specific child and maternal fatality cases.

➔Section 13. KRS 605.120 is amended to read as follows:

- (1) The cabinet is authorized to expend available funds to provide for the board, lodging, and care of children who would otherwise be placed in foster care or who are placed by the cabinet in a foster home or boarding home, or may arrange for payments or contributions by any local governmental unit, or public or private agency or organization, willing to make payments or contributions for such purpose. The cabinet may accept any gift, devise, or bequest made to it for its purposes.

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

➔Section 14. KRS 620.055 is amended to read as follows:

- (1) An external child fatality and near fatality review panel is hereby created and established for the purpose of conducting comprehensive reviews of child fatalities and near fatalities, reported to the Cabinet for Health and Family Services, suspected to be a result of abuse or neglect. The panel shall be attached to the Justice and Public Safety Cabinet for staff and administrative purposes.
- (2) The external child fatality and near fatality review panel shall be composed of the following five (5) ex officio nonvoting members and fifteen (15) voting members:
 - (a) The chairperson of the House Health and Welfare Committee of the Kentucky General Assembly, who shall be an ex officio nonvoting member;
 - (b) The chairperson of the Senate Health and Welfare Committee of the Kentucky General Assembly, who shall be an ex officio nonvoting member;
 - (c) The commissioner of the Department for Community Based Services, who shall be an ex officio nonvoting member;
 - (d) The commissioner of the Department for Public Health, who shall be an ex officio nonvoting member;
 - (e) A family court judge selected by the Chief Justice of the Kentucky Supreme Court, who shall be an ex officio nonvoting member;
 - (f) A pediatrician from the University of Kentucky's Department of Pediatrics who is licensed and experienced in forensic medicine relating to child abuse and neglect to be selected by the Attorney General from a list of three (3) names provided by the dean of the University of Kentucky School of Medicine;
 - (g) A pediatrician from the University of Louisville's Department of Pediatrics who is licensed and experienced in forensic medicine relating to child abuse and neglect to be selected by the Attorney

- General from a list of three (3) names provided by the dean of the University of Louisville School of Medicine;
- (h) The state medical examiner or designee;
 - (i) A court-appointed special advocate (CASA) program director to be selected by the Attorney General from a list of three (3) names provided by the Kentucky CASA Association;
 - (j) A peace officer with experience investigating child abuse and neglect fatalities and near fatalities to be selected by the Attorney General from a list of three (3) names provided by the commissioner of the Kentucky State Police;
 - (k) A representative from Prevent Child Abuse Kentucky, Inc. to be selected by the Attorney General from a list of three (3) names provided by the president of the Prevent Child Abuse Kentucky, Inc. board of directors;
 - (l) A practicing local prosecutor to be selected by the Attorney General;
 - (m) The executive director of the Kentucky Domestic Violence Association or the executive director's designee;
 - (n) The chairperson of the State Child Fatality Review Team established in accordance with KRS 211.684 or the chairperson's designee;
 - (o) A practicing social work clinician to be selected by the Attorney General from a list of three (3) names provided by the Board of Social Work;
 - (p) A practicing addiction counselor to be selected by the Attorney General from a list of three (3) names provided by the Kentucky Association of Addiction Professionals;
 - (q) A representative from the family resource and youth service centers to be selected by the Attorney General from a list of three (3) names submitted by the Cabinet for Health and Family Services;
 - (r) A representative of a community mental health center to be selected by the Attorney General from a list of three (3) names provided by the Kentucky Association of Regional Mental Health and Mental Retardation Programs, Inc.;
 - (s) A member of a citizen foster care review board selected by the Chief Justice of the Kentucky Supreme Court; and
 - (t) An at-large representative who shall serve as chairperson to be selected by the Secretary of State.
- (3) (a) By August 1, 2013, the appointing authority or the appointing authorities, as the case may be, shall have appointed panel members. Initial terms of members, other than those serving *ex officio*, shall be staggered to provide continuity. Initial appointments shall be: five (5) members for terms of one (1) year, five (5) members for terms of two (2) years, and five (5) members for terms of three (3) years, these terms to expire, in each instance, on June 30 and thereafter until a successor is appointed and accepts appointment.
 - (b) Upon the expiration of these initial staggered terms, successors shall be appointed by the respective appointing authorities, for terms of two (2) years, and until successors are appointed and accept their appointments. Members shall be eligible for reappointment. Vacancies in the membership of the panel shall be filled in the same manner as the original appointments.
 - (c) At any time, a panel member shall recuse himself or herself from the review of a case if the panel member believes he or she has a personal or private conflict of interest.
 - (d) If a voting panel member is absent from two (2) or more consecutive, regularly scheduled meetings, the member shall be considered to have resigned and shall be replaced with a new member in the same manner as the original appointment.
 - (e) If a voting panel member is proven to have violated subsection (13) of this section, the member shall be removed from the panel, and the member shall be replaced with a new member in the same manner as the original appointment.
- (4) The panel shall meet at least quarterly and may meet upon the call of the chairperson of the panel.
 - (5) Members of the panel shall receive no compensation for their duties related to the panel, but may be reimbursed for expenses incurred in accordance with state guidelines and administrative regulations.

- (6) Each panel member shall be provided copies of all information set out in this subsection, including but not limited to records and information, upon request, to be gathered, unredacted, and submitted to the panel within thirty (30) days by the Cabinet for Health and Family Services from the Department for Community Based Services or any agency, organization, or entity involved with a child subject to a fatality or near fatality:
- (a) Cabinet for Health and Family Services records and documentation regarding the deceased or injured child and his or her caregivers, residents of the home, and persons supervising the child at the time of the incident that include all records and documentation set out in this paragraph:
 - 1. All prior and ongoing investigations, services, or contacts;
 - 2. Any and all records of services to the family provided by agencies or individuals contracted by the Cabinet for Health and Family Services; and
 - 3. All documentation of actions taken as a result of child fatality internal reviews conducted pursuant to KRS 620.050(12)(b);
 - (b) Licensing reports from the Cabinet for Health and Family Services, Office of Inspector General, if an incident occurred in a licensed facility;
 - (c) All available records regarding protective services provided out of state;
 - (d) All records of services provided by the Department for Juvenile Justice regarding the deceased or injured child and his or her caregivers, residents of the home, and persons involved with the child at the time of the incident;
 - (e) Autopsy reports;
 - (f) Emergency medical service, fire department, law enforcement, coroner, and other first responder reports, including but not limited to photos and interviews with family members and witnesses;
 - (g) Medical records regarding the deceased or injured child, including but not limited to all records and documentation set out in this paragraph:
 - 1. Primary care records, including progress notes; developmental milestones; growth charts that include head circumference; all laboratory and X-ray requests and results; and birth record that includes record of delivery type, complications, and initial physical exam of baby;
 - 2. In-home provider care notes about observations of the family, bonding, others in home, and concerns;
 - 3. Hospitalization and emergency department records;
 - 4. Dental records;
 - 5. Specialist records; and
 - 6. All photographs of injuries of the child that are available;
 - (h) Educational records of the deceased or injured child, or other children residing in the home where the incident occurred, including but not limited to the records and documents set out in this paragraph:
 - 1. Attendance records;
 - 2. Special education services;
 - 3. School-based health records; and
 - 4. Documentation of any interaction and services provided to the children and family.

The release of educational records shall be in compliance with the Family Educational Rights and Privacy Act, 20 U.S.C. sec. 1232g and its implementing regulations;
 - (i) Head Start records or records from any other child care or early child care provider;
 - (j) Records of any Family, Circuit, or District Court involvement with the deceased or injured child and his or her caregivers, residents of the home and persons involved with the child at the time of the incident that include but are not limited to the juvenile and family court records and orders set out in this paragraph, pursuant to KRS Chapters 199, 403, 405, 406, and 600 to 645:
 - 1. Petitions;

2. Court reports by the Department for Community Based Services, guardian ad litem, court-appointed special advocate, and the Citizen Foster Care Review Board;
 3. All orders of the court, including temporary, dispositional, or adjudicatory; and
 4. Documentation of annual or any other review by the court;
- (k) Home visit records from the Department for Public Health or other services;
- (l) All information on prior allegations of abuse or neglect and deaths of children of adults residing in the household;
- (m) All law enforcement records and documentation regarding the deceased or injured child and his or her caregivers, residents of the home, and persons involved with the child at the time of the incident; and
- (n) Mental health records regarding the deceased or injured child and his or her caregivers, residents of the home, and persons involved with the child at the time of the incident.
- (7) The panel may seek the advice of experts, such as persons specializing in the fields of psychiatric and forensic medicine, nursing, psychology, social work, education, law enforcement, family law, or other related fields, if the facts of a case warrant additional expertise.
- (8) The panel shall post updates after each meeting to the Web site of the Justice and Public Safety Cabinet regarding case reviews, findings, and recommendations.
- (9) The panel chairperson, or other requested persons, shall report a summary of the panel's discussions and proposed or actual recommendations to the Interim Joint Committee on Health and Welfare of the Kentucky General Assembly monthly or at the request of a committee co-chair. The goal of the committee shall be to ensure impartiality regarding the operations of the panel during its review process.
- (10) The panel shall publish an annual report by December 1 of each year consisting of case reviews, findings, and recommendations for system and process improvements to help prevent child fatalities and near fatalities that are due to abuse and neglect. The report shall be submitted to the Governor, the secretary of the Cabinet for Health and Family Services, the Chief Justice of the Supreme Court, the Attorney General, and the director of the Legislative Research Commission for distribution to the ~~{Child Welfare Oversight and Advisory Committee established in KRS 6.943 and the}~~ Judiciary Committee.
- (11) Information and record copies that are confidential under state or federal law and are provided to the external child fatality and near fatality review panel by the Cabinet for Health and Family Services, the Department for Community Based Services, or any agency, organization, or entity for review shall not become the information and records of the panel and shall not lose their confidentiality by virtue of the panel's access to the information and records. The original information and records used to generate information and record copies provided to the panel in accordance with subsection (6) of this section shall be maintained by the appropriate agency in accordance with state and federal law and shall be subject to the Kentucky Open Records Act, KRS 61.870 to 61.884. All open records requests shall be made to the appropriate agency, not to the external child fatality and near fatality review panel or any of the panel members. Information and record copies provided to the panel for review shall be exempt from the Kentucky Open Records Act, KRS 61.870 to 61.884. At the conclusion of the panel's examination, all copies of information and records provided to the panel involving an individual case shall be destroyed by the Justice and Public Safety Cabinet.
- (12) Notwithstanding any provision of law to the contrary, the portions of the external child fatality and near fatality review panel meetings during which an individual child fatality or near fatality case is reviewed or discussed by panel members may be a closed session and subject to the provisions of KRS 61.815(1) and shall only occur following the conclusion of an open session. At the conclusion of the closed session, the panel shall immediately convene an open session and give a summary of what occurred during the closed session.
- (13) Each member of the external child fatality and near fatality review panel, any person attending a closed panel session, and any person presenting information or records on an individual child fatality or near fatality shall not release information or records not available under the Kentucky Open Records Act, KRS 61.870 to 61.884 to the public.
- (14) A member of the external child fatality and near fatality review panel shall not be prohibited from making a good faith report to any state or federal agency of any information or issue that the panel member believes should be reported or disclosed in an effort to facilitate effectiveness and transparency in Kentucky's child protective services.

- (15) A member of the external child fatality and near fatality review panel shall not be held liable for any civil damages or criminal penalties pursuant to KRS 620.990 as a result of any action taken or omitted in the performance of the member's duties pursuant to this section and KRS 620.050, except for violations of subsection (11), (12), or (13) of this section.
- (16) Beginning in 2014 the Legislative Oversight and Investigations Committee of the Kentucky General Assembly shall conduct an annual evaluation of the external child fatality and near fatality review panel established pursuant to this section to monitor the operations, procedures, and recommendations of the panel and shall report its findings to the General Assembly.

➔Section 15. KRS 620.320 is amended to read as follows:

The duties of the State Citizen Foster Care Review Board shall be to:

- (1) Establish, approve, and provide training programs for local citizen foster care review board members;
- (2) Review and coordinate the activities of local citizen foster care review boards;
- (3) Establish reporting procedures to be followed by the local citizen foster care review boards and publish an annual written report compiling data reported by local foster care review boards which shall include statistics relating, at a minimum, to the following:
 - (a) Barriers to permanency identified in reviews;
 - (b) The number of children moved more than three (3) times within a six (6) month period;
 - (c) The average length of time in care;
 - (d) Local solutions reported to meet identified barriers; and
 - (e) The total number and frequency of reviews;
- (4) Publish an annual written report on the effectiveness of such local citizen foster care review boards; and
- (5) Evaluate and make annual recommendations to the Supreme Court, *the Legislative Research Commission, and the Governor*, ~~and the Child Welfare Oversight and Advisory Committee established in KRS 6.943~~ regarding:
 - (a) Laws of the Commonwealth;
 - (b) Practices, policies, and procedures within the Commonwealth affecting permanence for children in out-of-home placement and the investigation of allegations of abuse and neglect;
 - (c) The findings of the local citizen foster care review board community forums conducted pursuant to KRS 620.270; and
 - (d) The effectiveness or lack thereof and reasons therefor of local citizen foster care review of children in the custody of the cabinet in bringing about permanence for the Commonwealth's children.

➔Section 16. KRS 620.345 is amended to read as follows:

- (1) As used in this section, unless the context otherwise requires;
 - (a) "Cabinet" means the Cabinet for Health and Family Services; and
 - (b) "Secretary" means the secretary of the Cabinet for Health and Family Services.
- (2) The secretary shall designate a study group to make recommendations regarding the feasibility and implementation of the privatization of all foster care services in the Commonwealth.
- (3) The study group shall be composed of the following members:
 - (a) The secretary;
 - (b) The commissioner for the Department for Community Based Services;
 - (c) The director of the Administrative Office of the Courts, or designee;
 - (d) The executive director of the Governor's Office of Early Childhood, or designee;
 - (e) One (1) adult who was a former foster child in the Commonwealth;
 - (f) One (1) adult who is a current or former foster parent in the Commonwealth;

- (g) Two (2) employees of a licensed child-placing agency;
 - (h) Two (2) employees of a licensed child-caring facility; and
 - (i) Any personnel within the Department for Community Based Services that the secretary deems necessary.
- (4) In its deliberations, the study group shall include but not be limited to analysis of improved timeliness and likelihood of permanency such as reunification, adoption, or guardianship; fewer moves for children in foster care; reduced instances of reentry into care; and financial implications.
- (5) The study group shall report its recommendations by July 1, 2019, to the Governor ~~and~~ the Interim Joint Committees on Appropriations and Revenue and Health and Welfare and Family Services, ~~and the Child Welfare Oversight and Advisory Committee established in KRS 6.943~~. The study group shall cease to operate after the delivery of the recommendations required by this subsection.

➔Section 17. KRS 309.0834 is amended to read as follows:

- (1) An applicant for certification as a certified clinical supervisor shall pay the board the initial fee for certification, and shall:
- (a) Hold and maintain an alcohol and drug counselor license, clinical alcohol and drug counselor license, or alcohol and drug counselor certification at the International Certification and Reciprocity Consortium reciprocal level;
 - (b) Meet all education, continuing education, work experience, and supervision requirements of the International Certification and Reciprocity Consortium for the Clinical Supervisor;
 - (c) Have passed a written examination that has been approved by the International Certification and Reciprocity Consortium; and
 - (d) Have signed an agreement to abide by the standards of practice and code of ethics approved by the board.
- (2) ***The board shall promulgate administrative regulations in accordance with KRS Chapter 13A to establish a limited period of time of not less than ninety (90) days or more than one (1) year from the effective date of this Act during which the board may grant certification as a clinical supervisor to an applicant who does not meet all the requirements of subsection (1) of this section if the applicant:***
- (a) ***Is licensed in Kentucky as a clinical alcohol and drug counselor or certified in Kentucky as an alcohol and drug counselor as of March 24, 2021; and***
 - (b) ***Has board approval to provide clinical supervision as of March 24, 2021***~~The board shall promulgate administrative regulations establishing a time limit of not less than ninety (90) days or more than one (1) year by which a person who was approved by the board as a supervisor prior to March 24, 2021, is required to meet the requirements for a certified clinical supervisor in subsection (1) of this section.~~
- (3) ***An applicant who has been granted certification by the board in accordance with subsection (2) of this section shall be immediately authorized to provide clinical supervision to alcohol and drug counselors in accordance with subsection (5) of this section and any administrative regulations promulgated by the board establishing requirements for clinical supervision.***
- (4) ***After the expiration of the time period established by the board under subsection (2) of this section, an applicant for certification as a clinical supervisor shall meet the requirements in subsection (1) of this section in accordance with any administrative regulations promulgated by the board establishing requirements for certification.***
- (5) A certified clinical supervisor may supervise registered alcohol and drug peer support specialists, licensed alcohol and drug counselors, licensed clinical alcohol and drug counselors, certified alcohol and drug counselors, and persons who are seeking registration or certification.

➔Section 18. KRS 222.231 is amended to read as follows:

- (1) The cabinet shall issue for a term of one (1) year, and may renew for like terms, a license, subject to revocation by it for cause, to any persons, other than a substance use disorder program that has been issued a license by the cabinet entitled "Chemical Dependency Treatment Services" pursuant to KRS 216B.042 or a department, agency, or institution of the federal government, deemed by it to be responsible and suitable to establish and maintain a program and to meet applicable licensure standards and requirements.

- (2) The cabinet shall promulgate administrative regulations pursuant to KRS Chapter 13A establishing requirements and standards for licensing agencies and approving programs. The requirements and standards shall include:
 - (a) The health and safety standards to be met by a facility housing a program;
 - (b) Patient care standards and minimum operating, training, and maintenance of patient records standards;
 - (c) Licensing fees, application, renewal and revocation procedures, and the procedures for evaluation of the substance use disorder programs; and
 - (d) Classification of substance use disorder programs according to type, range of services, and level of care provided.
- (3) The cabinet may establish different requirements and standards for different kinds of programs, and may impose stricter requirements and standards in contracts with agencies made pursuant to KRS 222.221.
- (4) Each agency shall be individually licensed or approved.
- (5) Each agency shall file with the cabinet from time to time, the data, statistics, schedules, or information the cabinet may reasonably require for the purposes of this section.
- (6)
 - (a) The cabinet shall have authority to deny, revoke, or modify a license in any case in which it finds that there has been a substantial failure to comply with the provisions of this chapter or the administrative regulations promulgated thereunder. The denial, revocation, or modification shall be effected by providing to the applicant or licensee, by certified mail or other method of delivery, which may include electronic service, a notice setting forth the particular reasons for the action. The denial, revocation, or modification shall become final and conclusive thirty (30) days after notice is given, unless the applicant or licensee, within this thirty (30) day period, files a request in writing for a hearing before the cabinet.
 - (b) If the cabinet has probable cause to believe that there is an immediate threat to public health, safety, or welfare, the cabinet may issue an emergency order to suspend the license. The emergency order to suspend the license shall be provided to the licensee, by certified mail or other method delivery, which may include electronic service, a notice setting forth the particular reasons for the action.
- (7) Any person required to comply with an emergency order issued under subsection (6) of this section may request an emergency hearing within five (5) calendar days of receipt of the notice to determine the propriety of the order. The cabinet shall conduct an emergency hearing within ten (10) working days of the request for a hearing. Within five (5) working days of completion of the hearing, the cabinet's hearing officer shall render a written decision affirming, modifying, or revoking the emergency order. The emergency order shall be affirmed if there is substantial evidence of a violation of law that constitutes an immediate danger to public health, safety, or welfare. The decision rendered by the hearing officer shall be a final order of the cabinet on the matter, and any party aggrieved by the decision may appeal to the Franklin Circuit Court.
- (8) If the cabinet issues an emergency order, the cabinet shall take action to revoke the facility's license if:
 - (a) The facility fails to submit a written request for an emergency hearing within five (5) calendar days of receipt of the notice; or
 - (b) The decision rendered under subsection (7) of this section affirms that there is substantial evidence of an immediate danger to public health, safety, or welfare.
- (9)
 - (a) The cabinet, after holding a hearing conducted by a hearing officer appointed by the secretary and conducted in accordance with KRS Chapter 13B, may refuse to grant, suspend, revoke, limit, or restrict the applicability of or refuse to renew any agency license or approval of programs for any failure to meet the requirements of its administrative regulations or standards concerning a licensed agency and its program.
 - (b) Within five (5) working days of completion of a hearing on an emergency suspension or within thirty (30) calendar days from the conclusion of a hearing on the denial, revocation or modification of a license, the findings and recommendations of the hearing officer shall be transmitted to the cabinet, with a synopsis of the evidence contained in the record and a statement of the basis of the hearing officer's findings.
 - (c) A petition for judicial review shall be made to the Franklin Circuit Court in accordance with KRS Chapter 13B.

- (10) No person, excepting a substance use disorder program that has been issued a license by the cabinet entitled "Chemical Dependency Treatment Services" pursuant to KRS 216B.042 or a department, agency, or institution of the federal government, shall operate a program without a license pursuant to this section.
- (11) Each program operated by a licensed agency shall be subject to visitation and inspection by the cabinet and the cabinet shall inspect each agency prior to granting a license. The cabinet shall inspect each nonaccredited agency at least annually thereafter. If an agency is fully accredited by the Joint Commission, Commission on Accreditation of Rehabilitation Facilities, Council on Accreditation, or other nationally recognized accrediting organization with comparable standards, the cabinet shall inspect the agency at least every two (2) years. The cabinet may examine the books and accounts of any program if it deems the examination necessary for the purposes of this section.
- (12) The director may require agencies that contract with the Commonwealth pursuant to KRS 222.221 to admit as an inpatient or outpatient any person to be afforded treatment pursuant to this chapter, subject to service and bed availability and medical necessity.
- (13) The cabinet shall promulgate administrative regulations pursuant to KRS Chapter 13A governing the extent to which programs may be required to treat any person on an inpatient or outpatient basis pursuant to this chapter, except that no licensed hospital with an emergency service shall refuse any person suffering from acute alcohol or other drug intoxication or severe withdrawal syndrome from emergency medical care.
- (14) All narcotic treatment programs shall be licensed under this section prior to operation. ***Licensed narcotic treatment programs shall have the authority to use buprenorphine products that are approved by the United States Food and Drug Administration for the treatment of substance use disorder.*** The cabinet shall promulgate administrative regulations pursuant to KRS Chapter 13A to establish additional standards of operation for narcotic treatment programs. The administrative regulations shall include minimum requirements in the following areas:
- (a) Compliance with relevant local ordinances and zoning requirements;
 - (b) Submission of a plan of operation;
 - (c) Criminal records checks for employees of the narcotic treatment program;
 - (d) Conditions under which clients are permitted to take home doses of medications;
 - (e) Drug screening requirements;
 - (f) Quality assurance procedures;
 - (g) Program director requirements;
 - (h) Qualifications for the medical director for a narcotic treatment program, who at a minimum shall:
 1. Be a board-eligible psychiatrist licensed to practice in Kentucky and have three (3) years' documented experience in the provision of services to individuals with a substance use disorder; or
 2. Be a physician licensed to practice in Kentucky and be board certified as an addiction medicine specialist;
 - (i) Security and control of narcotics and medications;
 - (j) Program admissions standards;
 - (k) Treatment protocols;
 - (l) Treatment compliance requirements for program clients;
 - (m) Rights of clients;~~and~~
 - (n) Monitoring of narcotic treatment programs by the cabinet; ***and***
 - (o) ***Process and procedures for how a narcotic treatment program uses buprenorphine products for the treatment of substance use disorder.***

➔SECTION 19. A NEW SECTION OF KRS CHAPTER 18A IS CREATED TO READ AS FOLLOWS:

- (1) (a) ***By December 31, 2022, the secretary of the Finance and Administration Cabinet shall, upon the recommendation of the secretary of the Personnel Cabinet and in accordance with KRS Chapter***

45A, select and enter into a contract, the effective date of which shall not be later than January 1, 2023, with a single independent entity for the purpose of monitoring all pharmacy benefit claims for every individual enrolled in the Public Employee Health Insurance Program.

- (b) *A contract entered into pursuant to this subsection shall:*
 - 1. *Not be for a term longer than two (2) years but may be renewed for like or lesser periods; and*
 - 2. *Limit compensation paid to the contracted entity to not more than thirty percent (30%) of the total savings generated by the contracted entity as determined by the Personnel Cabinet.*
- (2) *To be eligible to receive a contract pursuant to subsection (1) of this section, an entity shall:*
 - (a) *Be capable of performing the analysis of pharmacy benefit claims to validate accuracy and identify errors in near real time;*
 - (b) *Not be an entity that performs annual retroactive audits of pharmacy benefit claims for the Public Employee Health Insurance Program; and*
 - (c) *Not be affiliated by common parent company or holding company, share any common members of the board of directors, or share managers in common with:*
 - 1. *An insurer contracted pursuant to KRS 18A.225;*
 - 2. *A third-party administrator contracted pursuant to KRS 18A.2254; or*
 - 3. *A pharmacy benefit manager contracted by:*
 - a. *The Personnel Cabinet;*
 - b. *An insurer contracted pursuant to KRS 18A.225; or*
 - c. *A third-party administrator contracted pursuant to KRS 18A.2254.*
- (3) *The entity contracted pursuant to subsection (1) of this section shall:*
 - (a) *Be granted full access to:*
 - 1. *Any contract awarded to a pharmacy benefit manager for the purpose of administering pharmacy benefits in the Public Employee Health Insurance Program and all pertinent reference documents within that contract, including but not limited to any price lists or specialty drug price lists which shall be provided to the monitoring entity contracted pursuant to this section by the Personnel Cabinet and which shall be updated by the Personnel Cabinet within five (5) days of the effective date of any pricing changes;*
 - 2. *Any other contract that defines a pharmacy benefit manager's obligations and responsibilities as it relates to processing Public Employee Health Insurance Program pharmacy benefit claims, including any contract between the pharmacy benefit manager and an insurer contracted pursuant to KRS 18A.225 or a third-party administrator contracted pursuant to KRS 18A.2254; and*
 - 3. *Invoices and unaltered claims files associated with the Public Employee Health Insurance Program pharmacy benefits;*
 - (b) *Analyze one hundred percent (100%) of invoices or claims submitted for payment by the Public Employee Health Insurance Program. The entity shall not utilize statistical sampling methods in lieu of analyzing all invoices and claims;*
 - (c) *Identify and correct errors in pharmacy benefit claims in order to avoid or reduce erroneous overpayments by an insurer contracted pursuant to KRS 18A.225, a third-party administrator contracted pursuant to KRS 18A.2254, or a pharmacy benefit manager contracted to administer pharmacy benefits in the Public Employee Health Insurance Program;*
 - (d) *Identify underpayments made by an insurer contracted pursuant to KRS 18A.225, a third-party administrator contracted pursuant to KRS 18A.2254, or a pharmacy benefit manager contracted to administer pharmacy benefits in the Public Employee Health Insurance Program;*
 - (e) *Identify inappropriate or erroneous fees imposed by an insurer contracted pursuant to KRS 18A.225, a third-party administrator contracted pursuant to KRS 18A.2254, or a pharmacy benefit manager contracted to administer pharmacy benefits in the Public Employee Health Insurance Program; and*

- (f) *Beginning on April 30, 2023, and quarterly thereafter, submit a report to the Legislative Research Commission. The report shall include a summary of the analysis and errors identified pursuant to paragraphs (c), (d), and (e) of this subsection during the previous quarter.*
- (4) *The entity contracted pursuant to subsection (1) of this section shall not perform drug utilization reviews.*
- (5) *The analysis of claims and the identification of potential errors required by subsection (3)(b), (c), and (d) of this section shall:*
- (a) *Occur prior to the due date of each claim or invoice submitted by an insurer contracted pursuant to KRS 18A.225, a third-party administrator contracted pursuant to KRS 18A.2254, or a pharmacy benefit manager contracted to administer pharmacy benefits in the Public Employee Health Insurance Program or within five (5) days of receipt of the claim or invoice, whichever is later; and*
- (b) *Consider at least the following:*
1. *Compliance with all relevant administrative regulations promulgated by the Personnel Cabinet;*
 2. *Compliance with all state and federal laws relating to or applicable to the Public Employee Health Insurance Program;*
 3. *Compliance with any contract between a pharmacy benefit manager and the Personnel Cabinet, an insurer contracted pursuant to KRS 18A.225, or a third-party administrator contracted pursuant to KRS 18A.2254; and*
 4. *The market competitiveness of pharmacy benefit payments, including the adequacy of payments to pharmacies.*
- (6) *The Personnel Cabinet may promulgate administrative regulations necessary to carry out this section.*
- ➔Section 20. The following KRS sections are repealed:
- 6.940 Medicaid Oversight and Advisory Committee -- Membership -- Meetings -- Vote required to act.
- 6.943 Child Welfare Oversight and Advisory Committee -- Membership -- Co-chairs -- Quorum -- Employment of personnel -- Staff and operating costs.
- ➔Section 21. Sections 4 through 16 and 20 of this Act take effect January 1, 2023.
- ➔Section 22. Whereas there is a shortage of counselors who are qualified and available to treat individuals during the current substance use disorder crisis and it is of the utmost importance that all qualified counselors be able to provide treatment and that all available treatments be used, an emergency is declared to exist and Section 17 of this Act takes effect upon approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 20, 2022.

CHAPTER 224

(SB 271)

AN ACT relating to domestic violence.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 209A IS CREATED TO READ AS FOLLOWS:

(1) *As used in this section:*

- (a) *"Center" means the Criminal Justice Statistical Analysis Center created in KRS 15.280;*
- (b) *"Corollary victim" means an individual other than the victim who is directly impacted by domestic violence and abuse or dating violence and abuse, either through relationship or proximity;*

- (c) *"Domestic violence fatalities" means deaths that occur as a result of domestic violence and abuse or dating violence and abuse, and includes but is not limited to homicides, related suicides, and corollary victims; and*
- (d) *"Near fatality" means a crime where serious physical injury as defined in KRS 500.080 occurs.*
- (2) *The center shall:*
 - (a) *Collect information on domestic violence fatalities, domestic violence and abuse, and dating violence and abuse within the Commonwealth from subsections (3) to (9) of this section;*
 - (b) *The center shall produce an annual report by July 1 of each year and submit the report to the:*
 - 1. *Kentucky Coalition Against Domestic Violence;*
 - 2. *Governor;*
 - 3. *Cabinet for Health and Family Services;*
 - 4. *Interim Joint Committee on Judiciary;*
 - 5. *Interim Joint Committee on Health, Welfare, and Family Services; and*
 - 6. *Legislative Research Commission; and*
 - (c) *The Kentucky Coalition Against Domestic Violence may provide the agencies listed in subparagraphs 1. to 6. of this paragraph with best practices and any other recommendations for public policy by November 1 of each year.*
- (3) (a) *The Department of Kentucky State Police shall provide the center with:*
 - 1. *The number of domestic violence and abuse and dating violence and abuse calls for service to which the Kentucky State Police and associated law enforcement agencies responded;*
 - 2. *The number of arrests by Kentucky State Police and associated agencies in response to calls of domestic violence and abuse or dating violence and abuse; and*
 - 3. *If an arrest was made, the arresting offense charged by Kentucky State Police or associated law enforcement agencies.*
- (b) *The Department of Kentucky State Police shall separately report:*
 - 1. *The number of domestic violence and abuse and dating violence and abuse calls for service to which all other law enforcement agencies responded, if known;*
 - 2. *The number of arrests by all other local law enforcement agencies in response to calls of domestic violence and abuse and dating violence and abuse; and*
 - 3. *If an arrest was made, the arresting offense listed by all other local law enforcement agencies not reported under paragraph (a) of this subsection.*
- (4) *The Administrative Office of the Courts shall provide the center with:*
 - (a) *The number and type of petitions for orders of protection filed and denied under KRS 403.725;*
 - (b) *The number and type of petitions for interpersonal violence orders filed and denied under KRS 456.030;*
 - (c) *The number of emergency protective orders granted under KRS 403.730 and temporary interpersonal protective orders granted under KRS 456.040;*
 - (d) *The number of domestic violence orders granted under KRS 403.740 and interpersonal protective orders granted under 456.060, excluding amended or corrected orders;*
 - (e) *The relationship between the petitioner and the respondent, if known;*
 - (f) *Demographics of the parties, including age, race, and gender;*
 - (g) *Information on whether the victim was or is pregnant, if indicated on the petition; and*
 - (h) *The number of criminal charges for a violation of an order of protection.*
- (5) *The Law Information Network of Kentucky (LINK) shall provide the center with the:*

- (a) *Number of orders of protection received to be served by law enforcement agencies;*
 - (b) *Number of orders of protection served by law enforcement agencies;*
 - (c) *Number of orders of protection in LINK; and*
 - (d) *Average time for actual service to be returned.*
- (6) *The Cabinet for Health and Family Services shall provide the center with:*
- (a) *The number of reports of alleged child abuse made to the cabinet through an adult or child abuse hotline in which there were also allegations of domestic violence; and*
 - (b) *Domestic violence and abuse and dating violence and abuse shelter statistics reported to the cabinet, including but not limited to the:*
 - 1. *Number of beds;*
 - 2. *Number of minors served in shelter;*
 - 3. *Number of minors served in non-shelter services;*
 - 4. *Number of adults served in shelter;*
 - 5. *Number of adults served in non-shelter services;*
 - 6. *Demographics, including age and race;*
 - 7. *Number of crisis or hotline calls;*
 - 8. *Number of minors receiving:*
 - a. *Crisis intervention;*
 - b. *Victim advocacy services; and*
 - c. *Individual or group counseling or support group;*
 - 9. *Number of adult victims receiving:*
 - a. *Crisis intervention;*
 - b. *Victim advocacy services;*
 - c. *Individual or group counseling or support group;*
 - d. *Criminal or civil legal advocacy;*
 - e. *Medical accompaniment; and*
 - f. *Transportation services; and*
 - 10. *Type of services provided.*
- (7) *The Division of Kentucky State Medical Examiner's Office shall provide the center with the number of deaths in which domestic violence and abuse or dating violence and abuse was a contributing factor.*
- (8) *Coroners shall provide the center with the number of deaths as a result of, or suspected to be a result of, domestic violence and abuse or dating violence and abuse.*

➔Section 2. KRS 15A.190 is amended to read as follows:

- (1) The Justice and Public Safety Cabinet, in consultation with the Cabinet for Health and Family Services, the Kentucky Commission on Women, and any other agency concerned with particular acts of criminal activity, shall:
- (a) Design, print, and distribute to all law enforcement agencies in the Commonwealth, a uniform reporting form which provides statistical information relating to the crimes involving domestic violence, child abuse, victimization of the elderly, including but not limited to elder abuse, neglect, and exploitation and other crimes against the elderly, or any other particular area of criminal activity deemed by the secretary of justice and public safety to require research as to its frequency; *and*
 - (b) *Provide that the information required in Section 1 of this Act be included in the uniform reporting form.*

- (2) The provision of subsection (1) of this section concerning the distribution of forms shall become effective on January 1, 2006.

➔Section 3. KRS 209A.110 is amended to read as follows:

- (1) (a) A professional shall report to a law enforcement officer his or her belief that the death of a victim with whom he or she has had a professional interaction is related to domestic violence and abuse or dating violence and abuse.
- (b) ***Following a report to a local law enforcement officer, the local law enforcement officer shall indicate a report was made by a professional on the JC-3 or equivalent form.***
- (2) Nothing in this chapter shall relieve a professional of the duty pursuant to KRS 620.030 to report any known or suspected abuse, neglect, or dependency of a child.
- (3) Nothing in this chapter shall relieve a professional of the duty pursuant to KRS 209.030 to report to the cabinet any known or suspected abuse, neglect, or exploitation of a person eighteen (18) years of age or older who because of mental or physical dysfunction is unable to manage his or her own resources, carry out the activity of daily living, or protect himself or herself from neglect, exploitation, or a hazardous or abusive situation without assistance from others.

➔Section 4. KRS 209A.120 is amended to read as follows:

- (1) If a law enforcement officer receives a report of domestic violence and abuse or dating violence and abuse, the officer shall use all reasonable means to provide assistance as required under KRS 403.785 and 456.090.
- (2) A law enforcement officer who responds to a report of domestic violence and abuse or dating violence and abuse shall use the JC-3 form, or its equivalent replacement, as provided by the Justice and Public Safety Cabinet to document any information or injuries related to the domestic violence and abuse or dating violence and abuse.
- (3) A completed JC-3 form, or its equivalent replacement, shall be kept in the records of the law enforcement officer's agency of employment.
- (4) If the JC-3 form, or its equivalent replacement, includes information that only relates to a victim as defined in KRS 209A.020, the form shall not be forwarded to the cabinet.
- (5) If the JC-3 form, or its equivalent replacement, includes information on known or suspected child abuse or neglect or the abuse or neglect of an elderly or disabled adult, the form shall be forwarded to the cabinet.
- (6) ***The Kentucky State Police or the law enforcement officer's agency of employment shall provide the preceding calendar year's JC-3 data, and all other relevant data, to the Criminal Justice Statistical Analysis Center created in KRS 15.280 by February 1 of each year.***

➔Section 5. KRS 403.785 is amended to read as follows:

- (1) A court issuing an order of protection shall direct the appropriate law enforcement agency to assist the petitioner in having the provisions of the order complied with.
- (2) When a law enforcement officer has reason to suspect that a person has been the victim of domestic violence and abuse, the officer shall use all reasonable means to provide assistance to the victim, including but not limited to:
- (a) Remaining at the location of the call for assistance so long as the officer reasonably suspects there is danger to the physical safety of individuals there without the presence of a law enforcement officer;
- (b) Assisting the victim in obtaining medical treatment, including transporting the victim to the nearest medical facility capable of providing the necessary treatment;~~and~~
- (c) Advising the victim immediately of the rights available to them as provided in KRS 421.500, including the provisions of this chapter; ***and***
- (d) ***Completing a JC-3 form, or its equivalent replacement, and providing the information to the Criminal Justice Statistical Analysis Center pursuant to Section 3 of this Act.***
- (3) Orders of protection shall be enforced in any county of the Commonwealth.
- (4) Officers acting in good faith under this section shall be immune from criminal and civil liability.

➔Section 6. KRS 456.090 is amended to read as follows:

- (1) A court issuing an interpersonal protective order shall direct the appropriate law enforcement agency to assist the petitioner in having the provisions of the order complied with.
- (2) When a law enforcement officer has reason to suspect that a person has been the victim of dating violence and abuse, sexual assault, or stalking, the officer shall use all reasonable means to provide assistance to the victim, including but not limited to:
 - (a) Remaining at the location of the call for assistance so long as the officer reasonably suspects there is danger to the physical safety of individuals there without the presence of a law enforcement officer;
 - (b) Assisting the victim in obtaining medical treatment, including transporting the victim to the nearest medical facility capable of providing the necessary treatment; ~~and~~
 - (c) Advising the victim immediately of the rights available to them, including the provisions of this chapter; *and*
 - (d) *Completing a JC-3 form, or its equivalent replacement, and providing the information to the Criminal Justice Statistical Analysis Center pursuant to Section 3 of this Act.*
- (3) Orders of protection shall be enforced in any county of the Commonwealth.
- (4) Officers acting in good faith under this chapter shall be immune from criminal and civil liability.

Signed by Governor April 20, 2022.

CHAPTER 225

(HB 566)

AN ACT relating to the transportation of persons.

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

➔Section 1. KRS 281.605 is amended to read as follows:

The provisions of this chapter shall not apply, except as to safety regulations, to:

- (1) Motor vehicles used as school buses and while engaged in the transportation of students, under the supervision and control and at the direction of school authorities;
- (2) Except as provided in paragraph (e) of this subsection, motor vehicles, regardless of ownership, used exclusively:
 - (a) For the transportation of agricultural and dairy products, including fruit, livestock, meats, fertilizer, wood, lumber, cotton, products of grove or orchard, poultry, and eggs, while owned by the producer of the products, including landlord where the relation of landlord and tenant or landlord and cropper is involved, from the farm to a market, warehouse, dairy, or mill, or from one (1) market, warehouse, dairy, or mill to another market, warehouse, dairy, or mill. As used in this paragraph and in paragraph (b) of this subsection, "livestock" means cattle, sheep, swine, goats, horses, alpacas, llamas, buffaloes, or any other animals of the bovine, ovine, porcine, caprine, equine, or camelid species;
 - (b) For the transportation of agricultural and dairy products, livestock, farm machinery, feed, fertilizer, and other materials and supplies essential to farm operation, from market or shipping terminal to farm;
 - (c) For both the purposes described in paragraphs (a) and (b) of this subsection;
 - (d) For the transportation of agricultural and dairy products from farm to regularly organized fairs and exhibits and return; or
 - (e) Motor vehicles used for the transportation of fly ash, in bags, sacks, or other containers, the aggregate weight of which does not exceed ten thousand (10,000) pounds; or bottom ash, waste ash, sludge, and pozatec which is being removed from the premises of a power generator facility for the purpose of disposal;

- (3) Motor vehicles used exclusively as church buses and while operated in the transportation of persons to and from a church or place of worship or for other religious work under the supervision and control and at the direction of church authorities;
- (4) Motor vehicles used exclusively for the transportation of property belonging to a nonprofit cooperative association or its members where the vehicle is owned or leased exclusively by the association;
- (5) Motor vehicles owned in whole or in part by any person and used by such person to transport commodities of which such person is the bona fide owner, lessee, consignee, or bailee; provided, however, that such transportation is for the purpose of sale, lease, rent, or bailment, and is an incidental adjunct to an established private business owned and operated by such person within the scope and in furtherance of any primary commercial enterprise of such person other than the business of transportation of property for hire;
- (6) Motor vehicles used in pick-up or delivery service within a city or within a city and its commercial area for a carrier by rail;
- (7) Motor vehicles used exclusively for the transportation of coal from the point at which such coal is mined to a railhead or tipple where the railhead or tipple is located at a point not more than fifty (50) air miles from the point at which the coal is mined;
- (8) Motor vehicles used as ambulances in transporting wounded, injured, or sick animals or as ambulances as defined in KRS 311A.010;
- (9) Motor vehicles used by transit authorities as created and defined in KRS Chapter 96A except as required by KRS 96A.170. Vehicles operated under the authority and direct responsibility of such transit authorities, through contractual agreement, shall be included within this exemption, without regard to the legal ownership of the vehicles, but only for such times as they are operated under the authority and responsibility of the transit authority;
- (10) Motor vehicles having a seating capacity of fifteen (15) or fewer passengers and while transporting persons between their places of residence, on the one hand, and, on the other, their places of employment, provided the driver himself *or herself* is on his way to or from his *or her* place of employment, and further provided that any person who operates or controls the operation of vehicles hereunder of which said person is the owner or lessee, and any spouse of said person and any partnership or corporation with said person or his *or her* spouse having an interest therein doing such, shall be eligible to so operate an aggregate number of not more than one (1) vehicle on other than a nonprofit basis;
- (11) Motor vehicles used to transport cash letters, data processing material, instruments, or documents, regardless of the ownership of any of said cash letters, data processing material, instruments, or documents;
- (12) Motor vehicles operated by integrated intermodal small package carriers who provide intermodal-air-and-ground-transportation. For the purposes of this section, "integrated intermodal small package carrier" shall mean an air carrier holding a certificate or qualifying as an indirect air carrier that undertakes, by itself or through a company affiliated through common ownership, to provide intermodal-air-and-ground-transportation, and "intermodal-air-and-ground-transportation" shall mean transportation involving the carriage of articles weighing not more than one hundred fifty (150) pounds by aircraft or other forms of transportation, including by motor vehicle, wholly within the Commonwealth of Kentucky. The incidental or occasional use of aircraft in transporting packages or articles shall not constitute an integrated intermodal operation within the meaning of this section;
- (13) Motor vehicles operated pursuant to a grant of funds in furtherance of and governed by 49 U.S.C. secs. 5310 or 5311, including all amendments, and whose operators have jurisdictions and services approved annually by the Transportation Cabinet in accordance with 49 C.F.R. Title VI;
- (14) Motor vehicles used to transport children to educational events or conservation camps run by, or sponsored by, the Department of Fish and Wildlife;
- (15) Motor vehicles used to transport children to events or camps run by, or sponsored by, the Kentucky Sheriffs Association; or
- (16) (a) Motor vehicles used in the transportation of persons who are *eighteen (18)*~~*sixty (60)*~~ years of age or older~~[or who are visually impaired]~~, if the motor vehicles are owned by a nonprofit organization or being used on behalf of a nonprofit organization that is exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code.

- (b) Motor vehicles owned and operated by a nonprofit organization that are exempt under this subsection shall be subject to liability insurance coverage as established by KRS 281.655.
- (c) Motor vehicles owned privately but operated on behalf of a nonprofit organization that are exempt under this subsection shall be subject to liability insurance coverage as established by KRS 304.39-110.

Signed by Governor April 20, 2022.

CHAPTER 226

(HB 573)

AN ACT relating to healthcare workers and declaring an emergency.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

- (1) *The General Assembly hereby establishes the statewide Healthcare Worker Loan Relief Program designed to be in alignment with the federally funded state loan repayment program authorized under KRS 211.165 in providing student loan repayment for eligible healthcare workers within the Commonwealth. The Healthcare Worker Loan Relief Program shall be administered by the University of Kentucky through the Center of Excellence in Rural Health, and all costs associated with the program, including the reimbursement of any expenses incurred by the center in its administration of the program, shall be funded by state appropriations and other funds held in the healthcare worker loan relief fund, which shall be excluded from the comprehensive funding model established in KRS 164.092.*
- (2) *The board of trustees of the University of Kentucky, on behalf of the Center of Excellence in Rural Health, shall adopt policies for the administration of the program that are in alignment with the policies implemented in the administration of KRS 211.165 and the federally funded state loan repayment program it authorizes, and shall include:*
 - (a) *The professional, certification, education, employment, and worksite eligibility requirements, except that the professional requirements shall also grant eligibility to ophthalmologists, optometrists, and audiologists;*
 - (b) *Student loan eligibility requirements;*
 - (c) *A process to consider applications from eligible healthcare workers, except the policy shall include an application cycle that is open at least biannually;*
 - (d) *Program admission guidelines;*
 - (e) *The conditions under which admitted healthcare workers shall receive awards;*
 - (f) *To the extent that funding is available, the process for determining award amounts, which shall include the tiering of award amounts based on provider type, student loan amounts, and other factors, except that the policy shall not require a dollar-for-dollar match component from admitted healthcare workers' employers; and*
 - (g) *Procedures to provide repayment to loan servicers.*
- (3) (a) *The healthcare worker loan relief fund is hereby created as a trust fund in the State Treasury to be administered by the University of Kentucky on behalf of the Center of Excellence in Rural Health for the purpose of providing loan repayment as described in this section.*
 - (b) *The trust fund shall consist of state general fund appropriations, gifts and grants from public and private sources, and federal funds. All moneys included in the fund shall be appropriated for the purposes set forth in this section.*
 - (c) *Any unallotted or unencumbered balances in the trust fund shall be invested as provided in KRS 42.500(9). Income earned from the investments shall be credited to the trust fund.*

- (d) *Notwithstanding KRS 45.229, any fund balance at the close of the fiscal year shall not lapse but shall be carried forward to the next fiscal year and continuously appropriated only for the purposes specified in this section.*

➔Section 2. KRS 164.937 is amended to read as follows:

- (1) The University of Kentucky shall maintain a Center of Excellence in Rural Health.
- (2) The mission of the Center of Excellence in Rural Health shall be the improvement of the health of all rural Kentuckians and the improvement of rural health care systems through education, research, and service.
- (3) The Center of Excellence in Rural Health shall:
 - (a) Support a site-based director, core faculty, and staff;
 - (b) Collect and maintain statistical and other information relating to rural health status, rural health care systems, rural health policy, and other issues affecting the health and well-being of rural populations;
 - (c) Collect, analyze, interpret, disseminate, and make recommendations regarding the availability, distribution, and sufficiency of the health professions workforce;
 - (d) Provide educational opportunities for students committed to rural health care:
 1. To obtain education in needed health professions as determined by the workforce analyses, rotating these programs as necessary;
 2. By testing and developing innovative models for learning; and
 3. By reserving funds budgeted for specific educational programs that in the future are deemed no longer necessary for use for educational programs for other health professions;
 - (e) Maintain site-based family practice residencies;
 - (f) Serve as the federally designated Office of Rural Health and perform the duties prescribed by the United States Health Resources and Services Administration;
 - (g) *Administer the Healthcare Worker Loan Relief Program established under Section 1 of this Act;*
 - (h)~~(g)~~ Demonstrate or provide innovative programs that improve the health of rural Kentuckians and strengthen rural health care systems; and
 - (i)~~(h)~~ Advocate for rural health care.
- (4) To the extent additional funds are appropriated, the Center of Excellence in Rural Health shall establish additional sites throughout the Commonwealth as necessary to achieve the mission of the center.
- (5) Nothing in this section shall be construed to restrict the study of rural health policies, workforce analyses, or the training of health professionals in or for rural or medically underserved areas by other state universities.
- (6) The University of Kentucky shall report to the Council on Postsecondary Education and the Legislative Research Commission a detailed, audited statement of expenditures for each program function in the Center of Excellence for Rural Health Care by September 1 of each year which enumerates expenditures for the preceding fiscal year.

➔Section 3. Whereas there is currently a shortage of healthcare workers in the Commonwealth, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Signed by Governor April 20, 2022.

CHAPTER 227

(HB 680)

AN ACT relating to creating a virtual computer science career academy.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 158 IS CREATED TO READ AS FOLLOWS:

- (1) *It is the intention of the General Assembly to increase the Commonwealth's economic competitiveness in the technology and computing employment sector by significantly increasing the capacity to educate and prepare high school students for the technology workforce. A virtual computer science career academy shall be established to expand access to accelerated, early college career pathways for Kentucky high school students and prepare them for careers in computing, particularly in the field of data science. Principal activities for developing, coordinating, and implementing the academy shall be conducted by WeLeadCS, a private, nonprofit corporation composed of leaders from education, government, and technology and computing sector employers.*
- (2) *WeLeadCS may solicit, accept, receive, invest, and expend funds from any public or private source for the purpose of implementing the provisions in this section.*
- (3) *WeLeadCS shall:*
 - (a) *Establish a program in which Kentucky teachers provide virtual, synchronous instruction for dual college credit computing courses to accelerate students' completion of computer science degrees and development of the academic knowledge, technical skills, and employability skills necessary for careers in high-level computing occupations;*
 - (b) *Collaborate with the Kentucky Center for Statistics to define workforce needs and opportunities in the technology and computing sector in each local workforce development area;*
 - (c) *Develop the nation's first sequential high school career pathway preparing students for careers in data science. The career pathway shall include opportunities for students to earn industry certifications prioritized by employers and college credit for courses that will culminate in accelerated postsecondary degree completion;*
 - (d) *Partner with employers in the technology and computing sector to provide a work-based learning program to connect student learning to real-world practices, expose students to a variety of career options with the technology and computing sector, ensure students develop the tools necessary to compete in the workforce, and provide opportunities for job shadowing, internships, and apprenticeships;*
 - (e) *Collaborate with employers, K-12 and postsecondary school educators, and state education leaders to develop local and statewide initiatives to raise awareness of career opportunities in the technology and computing sector, particularly in data science;*
 - (f) *Advise students in the virtual academy about Kentucky postsecondary degree opportunities in computer science in demand by employers in the technology and computing sector, transferring college credits earned through the academy to expedite and reduce costs of college degree completion, and aligning personal skills and academic abilities to postsecondary degree requirements and employers' expectations;*
 - (g) *Recruit and train Kentucky certified teachers to deliver high-quality, synchronous virtual instruction and support students in a virtual learning environment;*
 - (h) *Coordinate with the Kentucky Department of Education, local school districts, and postsecondary institutions to ensure compliance with statutes and regulations governing student privacy, grading, articulation agreements, student transcripts, and other administrative details; and*
 - (i) *Submit an annual report to the Kentucky Board of Education and the Legislative Research Commission on the academy including but not limited to student enrollment, course completion, college credit hours earned, industry certifications earned, and student matriculation to postsecondary institutions.*

Signed by Governor April 20, 2022.

AN ACT relating to local school districts.

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

➔Section 1. KRS 159.035 is amended to read as follows:

- (1) Notwithstanding the provisions of any other statute, any student in a public school who is enrolled in a properly organized 4-H club shall be considered present at school for all purposes when participating in regularly scheduled 4-H club educational activities, provided, the student is accompanied by or under the supervision of a county extension agent or the designated 4-H club leader for the 4-H club educational activity participated in.
- (2) Notwithstanding the provisions of any other statute, any student in a public school shall be considered present for all purposes for up to ten (10) days while attending basic training required by a branch of the United States Armed Forces.
- (3) Except as provided in paragraph (e) of this subsection, a public school principal shall give a student an excused absence of up to ten (10) school days to pursue an educational enhancement opportunity determined by the principal to be of significant educational value, including but not limited to participation in an educational foreign exchange program or an intensive instructional, experiential, or performance program in one (1) of the core curriculum subjects of English, science, mathematics, social studies, foreign language, and the arts.
 - (a) A student receiving an excused absence under this subsection shall have the opportunity to make up school work missed and shall not have his or her class grades adversely affected for lack of class attendance or class participation due to the excused absence.
 - (b) Educational enhancement opportunities under this subsection shall not include nonacademic extracurricular activities, but may include programs not sponsored by the school district.
 - (c) If a request for an excused absence to pursue an educational enhancement opportunity is denied by a school principal, a student may appeal the decision to the district superintendent, who shall make a determination whether to uphold or alter the decision of the principal. If a superintendent upholds a principal's denial, a student may appeal the decision to the local board of education, which shall make a final determination. A principal, superintendent, and local board of education shall make their determinations based on the provisions of this subsection and the district's school attendance policies adopted in accordance with KRS 158.070 and KRS 159.150.
 - (d) A student receiving an excused absence under the provisions of this subsection shall be considered present in school during the excused absence for the purposes of calculating average daily attendance as defined by KRS 157.320 under the Support Education Excellence in Kentucky program.
 - (e) A student shall not be eligible to receive an excused absence under the provisions of this subsection for an absence during a school's testing window established for assessments of the state assessment developed under KRS 158.6453 or during a testing period established for the administration of additional district-wide assessments at the school, except if a principal determines that extenuating circumstances make an excused absence to pursue an educational enhancement opportunity appropriate.
- (4)
 - (a) If a student's parent, de facto custodian, or other person with legal custody or control of the student is a member of the United States Armed Forces, including a member of a state National Guard or a Reserve component called to federal active duty, a public school principal shall give the student:
 1. An excused absence for one (1) day when the member is deployed;
 2. An additional excused absence for one (1) day when the service member returns from deployment; and
 3. Excused absences for up to ten (10) days for visitation when the member is stationed out of the country and is granted rest and recuperation leave.
 - (b) A student receiving an excused absence under this subsection shall have the opportunity to make up school work missed and shall not have his or her class grades adversely affected for lack of class attendance or class participation due to the excused absence.
 - (c) A student receiving an excused absence under this subsection shall be considered present in school during the excused absence for the purposes of calculating average daily attendance as defined by KRS 157.320 under the Support Education Excellence in Kentucky program.

- (5) *A local school board may include provisions in its student attendance policy for excused absences due to a student's mental or behavioral health status.*

➔Section 2. KRS 161.990 is amended to read as follows:

- (1) Any person who violates *subsections (1) to (4)*~~[any provisions]~~ of KRS 161.164 shall be guilty of a Class A misdemeanor. Any school board candidate or school board member who willfully violates *subsections (1) to (4)*~~[any provision]~~ of KRS 161.164 shall also be disqualified from holding the office of school board member.
- (2) Any teacher or employee of a district who willfully violates *subsections (1) to (4)*~~[any provision]~~ of KRS 161.164 shall be ineligible for employment in the common schools for a period of five (5) years.
- (3) Any person who violates any of the provisions of KRS 161.190 shall be guilty of a Class A misdemeanor.
- (4) Any teacher who violates any of the provisions of subsection (2) of KRS 161.210 shall be subject to a fine of fifty dollars (\$50) and upon conviction his certificate shall be revoked.
- (5) A violation of any of the provisions of KRS 161.661 or 161.690 is a misdemeanor and upon conviction shall be punished by a fine of not more than five thousand dollars (\$5,000).

Signed by Governor April 20, 2022.

CHAPTER 229

(SB 133)

AN ACT relating to the state geographic information clearinghouse.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 42 IS CREATED TO READ AS FOLLOWS:

- (1) *The geographic information clearinghouse maintained by the Division of Geographic Information Systems shall be the sole database of geographic information maintained by state agencies. The Division of Geographic Information Systems shall make the clearinghouse available to all state agencies.*
- (2) *The division shall make all reasonable efforts to collect and present geographic information in a manner that meets the needs of all state agencies.*
- (3) *Pursuant to the procedures described in KRS 12.090, any head of a state agency may request modifications to the methods of geographic information collection and presentation utilized by the Division of Geographic Information Systems to meet the needs of the state agency.*
- (4) *State agencies shall, whenever possible, request and use nonlicensed geographic information in order to allow the Division of Geographic Information Systems to effectively discharge its statutory responsibility to maintain an accurate and complete central statewide geographic information clearinghouse for official state use.*
- (5) *State agencies shall, whenever possible, consolidate their requests for the collection, purchase, or creation of geographic information into multiagency projects to minimize redundancy within the clearinghouse and to lower overall costs.*
- (6) *The Division of Geographic Information Systems may promulgate necessary administrative regulations for the furtherance of this section.*

➔Section 2. KRS 42.650 is amended to read as follows:

- (1) The Division of Geographic Information Systems is hereby established in the Office of Architecture and Governance within the Commonwealth Office of Technology in the Finance and Administration Cabinet.
- (2) The Division of Geographic Information Systems shall be headed by a division director, whose appointment is subject to KRS 12.050. The division director may employ personnel, pursuant to the provisions of KRS Chapter 18A, as required to perform the functions of the office.

- (3) The division may solicit, receive, and consider proposals for funding from any state agency, federal agency, local government, university, nonprofit organization, or private person or corporation. The division may also solicit and accept money by grant, gift, donation, bequest, legislative appropriation, or other conveyance.
- (4) The division shall:
- (a) Establish ~~the~~ central statewide geographic information clearinghouse to maintain map inventories, information on current and planned geographic information systems applications, information on grants available for the acquisition or enhancement of geographic information resources, and a directory of geographic information resources available within the state or from the federal government;
 - (b) ***Make all reasonable efforts to collect and present geographic information in a manner which meets the needs of all state agencies;***
 - (c) Coordinate multiagency geographic information system projects, including overseeing the development and maintenance of statewide base maps and geographic information systems;
 - ~~(d)(e)~~ Provide access to both consulting and technical assistance, and education and training, on the application and use of geographic information technologies to state and local agencies;
 - ~~(e)(d)~~ Maintain, update, and interpret geographic information and geographic information systems standards, under the direction of the council;
 - ~~(f)(e)~~ Provide geographic information system services, as requested, to agencies wishing to augment their geographic information system capabilities;
 - ~~(g)(f)~~ In cooperation with other agencies, evaluate, participate in pilot studies, and make recommendations on geographic information systems hardware and software;
 - ~~(h)(g)~~ Assist the council with review of agency information resource plans and participate in special studies as requested by the council;
 - ~~(i)(h)~~ Provide staff support and technical assistance to the Geographic Information Advisory Council; and
 - ~~(j)(i)~~ Prepare proposed legislation and funding proposals for the General Assembly which will further solidify coordination and expedite implementation of geographic information systems.
- (5) The division may promulgate necessary administrative regulations for the furtherance of this section.

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

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

2. The nine (9) public institutions of postsecondary education;
 3. The Department of Education's services provided to local school districts;
 4. The Kentucky Retirement Systems, the County Employees Retirement System, the Kentucky Public Pensions Authority, and the Teachers' Retirement System;
 5. The Kentucky Housing Corporation;
 6. The Kentucky Lottery Corporation;
 7. The Kentucky Higher Education Student Loan Corporation; and
 8. The Kentucky Higher Education Assistance Authority;
- (g) Facilitating and fostering applied research in emerging technologies that offer the Commonwealth innovative business solutions;
- (h) Reviewing and overseeing large or complex information technology projects and systems for compliance with statewide strategies, policies, and standards, including alignment with the Commonwealth's business goals, investment, and other risk management policies. The executive director is authorized to grant or withhold approval to initiate these projects;
- (i) Integrating information technology resources to provide effective and supportable information technology applications in the Commonwealth;
- (j) Establishing ~~the~~ central statewide geographic information clearinghouse to maintain map inventories, information on current and planned geographic information systems applications, information on grants available for the acquisition or enhancement of geographic information resources, and a directory of geographic information resources available within the state or from the federal government;
- (k) Coordinating multiagency information technology projects, including overseeing the development and maintenance of statewide base maps and geographic information systems;
- (l) Providing access to both consulting and technical assistance, and education and training, on the application and use of information technologies to state and local agencies;
- (m) In cooperation with other agencies, evaluating, participating in pilot studies, and making recommendations on information technology hardware and software;
- (n) Providing staff support and technical assistance to the Geographic Information Advisory Council and the Kentucky Information Technology Advisory Council;
- (o) Overseeing the development of a statewide geographic information plan with input from the Geographic Information Advisory Council;
- (p) Developing for state executive branch agencies a coordinated security framework and model governance structure relating to the privacy and confidentiality of personal information collected and stored by state executive branch agencies, including but not limited to:
1. Identification of key infrastructure components and how to secure them;
 2. Establishment of a common benchmark that measures the effectiveness of security, including continuous monitoring and automation of defenses;
 3. Implementation of vulnerability scanning and other security assessments;
 4. Provision of training, orientation programs, and other communications that increase awareness of the importance of security among agency employees responsible for personal information; and
 5. Development of and making available a cyber security incident response plan and procedure; and
- (q) Preparing proposed legislation and funding proposals for the General Assembly that will further solidify coordination and expedite implementation of information technology systems.
- (3) The Commonwealth Office of Technology may:
- (a) Provide general consulting services, technical training, and support for generic software applications, upon request from a local government, if the executive director finds that the requested services can be rendered within the established terms of the federally approved cost allocation plan;

- (b) Promulgate administrative regulations in accordance with KRS Chapter 13A necessary for the implementation of KRS 42.720 to 42.742, 45.253, 171.420, 186A.040, and 186A.285;
- (c) Solicit, receive, and consider proposals from any state agency, federal agency, local government, university, nonprofit organization, private person, or corporation;
- (d) Solicit and accept money by grant, gift, donation, bequest, legislative appropriation, or other conveyance to be held, used, and applied in accordance with KRS 42.720 to 42.742, 45.253, 171.420, 186A.040, and 186A.285;
- (e) Make and enter into memoranda of agreement and contracts necessary or incidental to the performance of duties and execution of its powers, including, but not limited to, agreements or contracts with the United States, other state agencies, and any governmental subdivision of the Commonwealth;
- (f) Accept grants from the United States government and its agencies and instrumentalities, and from any source, other than any person, firm, or corporation, or any director, officer, or agent thereof that manufactures or sells information resources technology equipment, goods, or services. To these ends, the Commonwealth Office of Technology shall have the power to comply with those conditions and execute those agreements that are necessary, convenient, or desirable; and
- (g) Purchase interest in contractual services, rentals of all types, supplies, materials, equipment, and other services to be used in the research and development of beneficial applications of information resources technologies. Competitive bids may not be required for:
 - 1. New and emerging technologies as approved by the executive director or her or his designee; or
 - 2. Related professional, technical, or scientific services, but contracts shall be submitted in accordance with KRS 45A.690 to 45A.725.
- (4) Nothing in this section shall be construed to alter or diminish the provisions of KRS 171.410 to 171.740 or the authority conveyed by these statutes to the Archives and Records Commission and the Department for Libraries and Archives.
- (5) The Commonwealth Office of Technology shall, on or before October 1 of each year, submit to the Legislative Research Commission a report in accordance with KRS 57.390 detailing:
 - (a) Any security breaches that occurred within organizational units of the executive branch of state government during the prior fiscal year that required notification to the Commonwealth Office of Technology under KRS 61.932;
 - (b) Actions taken to resolve the security breach, and to prevent additional security breaches in the future;
 - (c) A general description of what actions are taken as a matter of course to protect personal data from security breaches; and
 - (d) Any quantifiable financial impact to the agency reporting a security breach.

➔Section 4. KRS 42.740 is amended to read as follows:

- (1) There is hereby established a Geographic Information Advisory Council, attached to the Commonwealth Office of Technology for administrative purposes, to advise the executive director of the Commonwealth Office of Technology on issues relating to geographic information and geographic information systems.
- (2) The council shall recommend policies and procedures that assist state and local jurisdictions in developing, deploying, and leveraging geographic information resources and geographic information systems technology for the purpose of improving public administration.
- (3) The council shall closely coordinate with users of geographic information systems to recommend policies and procedures that ensure the maximum use of geographic information by minimizing the redundancy of geographic information and geographic information resources, *as well as to ensure that the geographic information clearinghouse maintained by the Division of Geographic Information Systems meets the needs of all state agencies.*
- (4) The Geographic Information Advisory Council shall consist of *twenty-five (25)*~~twenty-six (26)~~ members and one (1) legislative liaison. The members shall be knowledgeable in the use and application of geographic information systems technology and shall have sufficient authority within their organizations to influence the implementation of council recommendations.

- (a) The council shall consist of:
1. The secretary of the Transportation Cabinet or his or her designee;
 2. The secretary of the Cabinet for Health and Family Services or his or her designee;
 3. The director of the Kentucky Geological Survey or his or her designee;
 4. The secretary of the Finance and Administration Cabinet or his or her designee;
 5. The executive director of the Commonwealth Office of Technology or her or his designee, who shall serve as chair;
 6. The secretary of the Economic Development Cabinet or his or her designee;
 7. The commissioner of the Department for Local Government or his or her designee;
 8. The secretary of the Justice and Public Safety Cabinet or his or her designee;
 9. One (1) member appointed by the Governor from a list of three (3) persons submitted by the president of the Council on Postsecondary Education;
 10. The adjutant general of the Department of Military Affairs or his or her designee;
 11. The commissioner of the Department of Education or his or her designee;
 12. The secretary of the Energy and Environment Cabinet or his or her designee;
 13. The Commissioner of the Department of Agriculture or his or her designee;
 14. The secretary of the Tourism, Arts and Heritage Cabinet or his or her designee;
 15. ***The executive director of the Office of Property Valuation or his or her designee;***
 16. ***One (1) member***~~{Two (2) members}~~ appointed by the Governor from a list of six (6) persons submitted by the president of the Kentucky League of Cities;
 - 17.~~{16.}~~ ***One (1) member***~~{Two (2) members}~~ appointed by the Governor from a list of six (6) persons submitted by the president of the Kentucky Association of Counties;
 - 18.~~{17.}~~ One (1) member appointed by the Governor from a list of three (3) persons submitted by the president of the Kentucky Chapter of the American Planning Association;
 - ~~{18. One (1) member appointed by the Governor from a list of three (3) persons submitted by the president of the Kentucky Chamber of Commerce;}~~
 19. One (1) member appointed by the Governor from a list of three (3) persons submitted by the president of the Kentucky Association of Professional Surveyors;
 20. One (1) member appointed by the Governor from a list of three (3) persons submitted by the president of the Kentucky Society of Professional Engineers;
 21. One (1) member appointed by the Governor from a list of three (3) persons submitted by the chairman of the Kentucky Board of Registered Geologists;
 22. One (1) member appointed by the Governor from a list of three (3) persons submitted by the president of the Council of Area Development Districts;
 23. One (1) member appointed by the Governor from a list of three (3) persons submitted by the president of the Kentucky Association of Mapping Professionals;
 24. ***One (1) member appointed by the Governor from a list of three (3) persons submitted by the executive director of the Kentucky Property Valuation Administrators Association; and***
 - 25.~~{24.}~~ The executive director of the Kentucky Office of Homeland Security.
- (b) The council shall have one (1) nonvoting legislative liaison, to be appointed by the Legislative Research Commission.
- (5) The council may have committees and subcommittees as determined by the council or an executive committee, if an executive committee exists.
- (6) A member of the council shall not:

- (a) Be an officer, employee, or paid consultant of a business entity that has, or of a trade association for business entities that have, a substantial interest in the geographic information industry and is doing business in the Commonwealth;
 - (b) Own, control, or have, directly or indirectly, more than ten percent (10%) interest in a business entity that has a substantial interest in the geographic information industry;
 - (c) Be in any manner connected with any contract or bid for furnishing any governmental body of the Commonwealth with geographic information systems, the computers on which they are automated, or a service related to geographic information systems;
 - (d) Be a person required to register as a lobbyist because of activities for compensation on behalf of a business entity that has, or on behalf of a trade association of business entities that have, substantial interest in the geographic information industry;
 - (e) Accept or receive money or another thing of value from an individual, firm, or corporation to whom a contract may be awarded, directly or indirectly, by rebate, gift, or otherwise; or
 - (f) Be liable to civil action or any action performed in good faith in the performance of duties as a council member.
- (7) Those council members specified in subsection (4)(a) of this section who serve by virtue of an office shall serve on the board while they hold that office.
- (8) Appointed members of the council shall serve for a term of four (4) years. Vacancies in the membership of the council shall be filled in the same manner as the original appointments. If a nominating organization changes its name, its successor organization having the same responsibilities and purposes shall be the nominating organization.
- (9) The council shall have no funds of its own, and council members shall not receive compensation of any kind from the council.
- (10) A majority of the members shall constitute a quorum for the transaction of business. Members' designees shall have voting privileges at council meetings.

➔Section 5. KRS 42.742 is amended to read as follows:

- (1) The Geographic Information Advisory Council's duties shall include the following:
- (a) Recommending the development and adoption of policies and procedures related to geographic information and geographic information systems;
 - (b) Providing input and recommendations for the development of a strategy for the maintenance and funding of a statewide base map and geographic information system;
 - (c) Recommending standards on geographic information and geographic information systems for inclusion in the statewide architecture;
 - (d) Contributing to the development and delivery of a statewide geographic information plan;
 - (e) ***Recommending policies and procedures that ensure that the geographic information clearinghouse maintained by the Division of Geographic Information Systems meets the needs of all state agencies;***
 - (f) Overseeing the development of operating policies and procedures for the management of the council and any standing or ad hoc committees and associated advisory groups; and
 - (g) ~~(f)~~ Promoting collaboration and the sharing of data and data development, as well as other aspects of geographic information systems.
- (2) The Division of Geographic Information Systems shall provide necessary staff support services to the council. All cabinets, departments, divisions, agencies, and officers of the Commonwealth shall furnish the council necessary assistance, resources, information, records, or advice as it may require to fulfill its duties.

➔Section 6. KRS 42.744 is amended to read as follows:

- (1) All entities in Kentucky that create or purchase digital ortho-rectified aerial imagery, remotely sensed imagery, LiDAR, digital elevation models, or any other form of nonlicensed raster-based datasets of locations in Kentucky using public funds, in whole or in part, shall provide a copy of the information to the Commonwealth Office of Technology, Division of Geographic Information Systems, without cost, in order to

allow the Commonwealth Office of Technology to effectively discharge its statutory responsibility to maintain an accurate and complete central statewide geographic information clearinghouse for official state use. The imagery provided to the Commonwealth Office of Technology shall be added to Kentucky's secure Geospatial Data Warehouse for official government use only.

- (2) ***All entities in Kentucky that create or purchase digital ortho-rectified aerial imagery, remotely sensed imagery, LiDAR, digital elevation models, or any other form of raster-based datasets of locations in Kentucky using public funds, in whole or in part, shall create or purchase that information in a nonlicensed format whenever such a format is available.***
- (3) Subsection (1) of this section shall not apply to roads, land parcels, structure locations, or other vector-based datasets acquired with public funding.
- ~~(4)~~~~(3)~~ The Commonwealth Office of Technology shall not disclose to the general public or make available for distribution, download, or purchase any data that an entity providing data under subsection (1) of this section has requested remain confidential.

➔Section 7. KRS 132.410 is amended to read as follows:

- (1) The fiscal court of each county shall provide for the property valuation administrator a suitable office room or rooms in the county courthouse, or when that is not practicable, in some other building at the county seat, together with suitable furniture.
- (2) In that office shall be safely kept the books, maps, taxpayers' lists, papers and all other records pertaining to the assessment of property within the county, except when such records are required by law to be placed in the custody of other officers. ***All digital ortho-rectified aerial imagery, remotely sensed imagery, LiDAR, digital elevation models, or any other form of raster-based datasets of locations in Kentucky created or purchased using public funds, in whole or in part, shall be stored with the Commonwealth Office of Technology's geographic information clearinghouse. Copies of the data provided to the clearinghouse may be kept in the office.***
- ~~(3)~~~~(2)~~ The property valuation administrator shall engage in official duties at least five (5) days a week during regular working hours and shall keep scheduled office hours at least five (5) days each week.

➔Section 8. KRS 132.670 is amended to read as follows:

- (1) (a) The Department of Revenue shall prepare detailed maps identifying every parcel of real property within each county of the state. Each county shall furnish to the department adequate facilities in the county courthouse in which to work.
- (b) The Department of Revenue shall prescribe methods and specifications for the mapping of property. ***Pursuant to Section 1 of this Act, the Department of Revenue shall prescribe methods and specifications which are compatible with use by the Commonwealth Office of Technology's geographic information clearinghouse, shall whenever possible use nonlicensed data, and shall whenever possible consolidate its mapping efforts into multiagency projects to minimize redundancy and lower overall costs.***
- (c) Personnel authorized to assist in making property identification maps under this section may be given the same authority as a deputy property valuation administrator. Locally employed mapping project personnel shall be compensated in the same manner as deputies or assistants in the property valuation administrator's office.
- (2) The Department of Revenue shall conduct a biennial review of the quality of maps and ownership records in each county. If, in the first review conducted under these provisions, the maps and records in any county fail to meet the minimum standards established by the department, the department shall assume responsibility for remapping, revision, and updating under the provisions of subsection (1) of this section. Minimum maintenance standards to be followed by each property valuation administrator shall be established by the department.

➔Section 9. KRS 133.047 is amended to read as follows:

- (1) Notwithstanding the provisions of KRS 61.870 to 61.884, when the Department of Revenue has completed action on the assessment of property in any county and has certified the assessment to the county clerk of that county, as provided for in KRS 133.180, the property tax roll, or a copy of the property tax roll, shall be retained in the office of the property valuation administrator for maintenance as an open public record for five

- (5) years. The property tax roll shall be available for public inspection during the regular working hours of the office of the property valuation administrator as provided for in KRS 132.410(3)~~(2)~~.
- (2) Any person inspecting a property tax roll shall do so in a manner not unduly interfering with the proper operation of the custodian's office.
- (3) Personal property tax returns, accompanying documents, and assessment records, with the exception of the certified personal property tax roll, shall be considered confidential under the provisions of KRS 131.190.
- (4) (a) Real property tax returns and accompanying documents submitted by a taxpayer shall be considered confidential under the provisions of KRS 131.190. Other real property records in the office of the property valuation administrator shall be subject to the provisions of KRS 61.870 to KRS 61.884.
- (b) However, in addition to the provisions of KRS 61.874, the Department of Revenue shall develop and provide to each property valuation administrator a reasonable fee schedule to be used in compensating for the cost of personnel time expended in providing information and assistance to persons seeking information to be used for commercial or business purposes. As used in this paragraph:
1. "Reasonable fee" has the same meaning as the fee described in KRS 61.874(4)(c); and
 2. "Personnel time" means the cost to the agency to create any mechanical processing, data collection, or data creation; the staff required to process, produce, collect, or create data or information; or the cost to the agency for the creation, purchase, or other acquisition of information.
- (c) Any person seeking information on his own property, or any other person, including the press, seeking information directly related to property tax assessment, appeals, equalization, requests for refunds, or similar matters shall not be subject to fees for personnel time.
- (5) The Department of Revenue shall provide advice, guidelines, and assistance to each property valuation administrator in implementing the provisions of KRS 61.870 to 61.884.

Signed by Governor April 20, 2022.

CHAPTER 230

(SB 90)

AN ACT relating to legal proceedings and making an appropriation therefor.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 533 IS CREATED TO READ AS FOLLOWS:

- (1) *A pilot program shall be established in no less than ten (10) counties selected by the Chief Justice of the Supreme Court to participate in a behavioral health conditional dismissal program. The pilot program shall begin January 1, 2023, and shall last for four (4) years unless extended or limited by the General Assembly.*
- (2) *Each participating county shall have access to:*
- (a) *Medication assisted treatment;*
 - (b) *Recovery services as defined under Section 2 of this Act; and*
 - (c) *Educational and vocational resources sufficient to provide the training and assistance required under Section 9 of this Act.*
- (3) (a) *Every behavioral health treatment program provider in the pilot program shall collect and maintain data as provided in this subsection relating to program participants under their care, designed to inform the outcomes and effectiveness of the pilot program, to be submitted to the Administrative Office of the Courts as provided under paragraphs (b) to (e) of this subsection.*
- (b) *A report shall be made for each program participant no later than fourteen (14) days following the initiation of treatment. The data to be collected and submitted in the report shall include the following information regarding each participant:*

1. *Age, gender, and race or ethnicity;*
 2. *Housing history;*
 3. *Educational history;*
 4. *Employment history;*
 5. *Past involvement in addiction recovery and treatment for a substance use disorder;*
 6. *Past treatment for a mental health disorder; and*
 7. *Criminal history.*
- (c) *A second report shall be made for each program participant identified in paragraph (b) of this subsection no later than twenty-eight (28) days after filing the initial report and shall provide the progression of the program participant including but not limited to:*
1. *Continuation in the program;*
 2. *The status and type of recommended treatment;*
 3. *Employment or job training;*
 4. *The status and type of educational training;*
 5. *Housing status;*
 6. *Any other information the program provider determines may assist in evaluation of the pilot program; and*
 7. *If the participant has been discharged from the program due to an inability or unwillingness to meet the terms and conditions of the treatment program, including the specific reason for the discharge.*
- (d) *Subsequent reports shall be filed on a quarterly basis. The initial quarterly report shall be submitted no later than April 15, 2023, with reports due thereafter on January 15, April 15, July 15, and October 15 of each year of the pilot program. The quarterly reports shall include for the reporting period:*
1. *The information required under paragraph (c) of this subsection as it relates to each program participant, including the length of time the individual has been a program participant;*
 2. *The number of clinical assessments performed by the program provider;*
 3. *The total number of individuals participating in the behavioral health conditional dismissal program with that provider;*
 4. *The number of individuals who remain in compliance with the terms and conditions of the treatment program;*
 5. *The number of individuals who have been discharged from the program due to an inability or unwillingness to meet the terms and conditions of the treatment program, including the specific reason for the discharge;*
 6. *For any individual discharged under subparagraph 5. of this paragraph, the length of time the individual participated in the program;*
 7. *The number of individuals who have been discharged from the program upon successful completion of the treatment program requirements;*
 8. *The number of individuals who have received medication-assisted treatment and the result of that treatment;*
 9. *The number of individuals who have completed a recommended job skills or job training program; and*
 10. *The number of individuals who have completed a recommended educational component of the program.*
- (e) *A final report shall be filed for each program participant no later than thirty (30) days following discharge from the program and shall contain, at a minimum, the following information:*

1. *If the discharge from the program was due to an inability or unwillingness to meet the terms and conditions of the treatment program the:*
 - a. *Specific reason for the discharge;*
 - b. *Length of time the individual participated in the program;*
 - c. *Goals met during the participation period;*
 - d. *Identified barriers to completion of the program, if known; and*
 - e. *Recommended adjustments to the behavioral health conditional dismissal program that could provide a greater probability of successful completion to similar participants; and*
 2. *If the discharge from the program occurred upon successful completion of the program requirements:*
 - a. *The length of time the individual participated in the program;*
 - b. *A summary of the specific programs completed and goals attained by the participant;*
 - c. *What continued treatment, if any, is recommended; and*
 - d. *Recommended adjustments to the behavioral health conditional dismissal program that could provide greater benefit to similar participants.*
- (4) *The attorneys for the Commonwealth participating in the pilot program shall submit quarterly reports to the Administrative Office of the Courts. The initial quarterly report shall be submitted no later than April 15, 2023, with reports due thereafter on January 15, April 15, July 15, and October 15 of each year of the pilot program. The quarterly reports shall include for the reporting period:*
- (a) *The number of eligible defendants, including the defendant's race, ethnicity, and gender, who were offered participation in the behavioral health conditional dismissal program but declined to participate;*
 - (b) *The number of eligible defendants, including the defendant's race, ethnicity, and gender, who sought to participate in the program but whose participation was not agreed to by the attorney for the Commonwealth;*
 - (c) *The number of victims, if there is an identified victim, who did not participate in the process; and*
 - (d) *The number of victims, if there is an identified victim, who did not agree to the defendant's participation in the program.*
- (5) *If the attorney for the Commonwealth did not agree to an eligible defendant's participation in the behavioral health conditional dismissal program, he or she shall include in each quarterly report to the Administrative Office of the Courts the specific offenses charged for that defendant, and the substantial and compelling reasons, based upon delineated facts specific to the defendant, why the defendant was denied participation in the program.*
- (6) *The Chief Justice of the Supreme Court shall submit an annual report to the Legislative Research Commission, the chair of the Senate Standing Committee on Judiciary, the chair of the House Standing Committee on Judiciary, and the Governor by January 31 of each year that includes the information received from the attorneys for the Commonwealth and the providers for the counties participating in the behavioral health conditional dismissal program. The report shall include the information reported under subsections (3) to (5) of this section and shall also include:*
- (a) *The number of defendants assessed who did not meet the eligibility requirements for the program following the clinical assessment;*
 - (b) *The specific offenses charged for each defendant and the classification of offenses charged;*
 - (c) *The percentage of defendants participating in the program who successfully completed the program;*
 - (d) *The percentage of defendants discharged from the program for noncompliance; and*
 - (e) *The percentage of defendants who are arrested, convicted, and incarcerated within six (6) months, one (1) year, and two (2) years of successful completion of the program.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 533 IS CREATED TO READ AS FOLLOWS:

As used in Sections 1 to 11 of this Act:

- (1) *"Behavioral health conditional dismissal program" means a program designed to provide an eligible person who has a behavioral health disorder and who has been charged with a qualifying offense an alternative to receive treatment and recovery support services addressing the behavioral health disorder instead of incarceration, resulting in dismissal of the charges upon successful completion;*
- (2) *"Behavioral health disorder" means a mental health disorder or substance use disorder, or both;*
- (3) *"Behavioral health treatment program" means a plan or recovery program, based upon a clinical assessment, that:*
 - (a) *Identifies and incorporates recovery services to meet the specific treatment and recovery goals and the needs of the individual served;*
 - (b) *Addresses the social determinants of health to include housing, transportation, access to medical care, and meaningful employment; and*
 - (c) *Considers a full continuum of care;*
- (4) *"Clinical assessment" means an assessment that is performed by a qualified mental health professional in accordance with the most recent American Society of Addiction Medicine criteria for a substance use disorder, and the most recent edition of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders for a mental health disorder;*
- (5) *"Eligible applicant" or "eligible person" means an individual:*
 - (a) *Who has completed a clinical assessment and been referred to care; and*
 - (b) *Who meets the requirements of Section 3 of this Act;*
- (6) *"Mental health disorder" is a diagnostic term that covers many clinical categories typically including behavioral or psychological symptoms, or both, along with impairment of personal and social function, and specifically defined and clinically interpreted through reference to criteria contained in the most recent edition of the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders;*
- (7) *"Qualified mental health professional" means the same as in KRS 202A.011 and shall include a licensed clinical alcohol and drug counselor under KRS Chapter 309;*
- (8) *"Qualifying offense" means a misdemeanor or Class D felony that is not:*
 - (a) *An offense that would qualify the person as a violent offender under KRS 439.3401;*
 - (b) *A sex crime as defined by KRS 17.500;*
 - (c) *An offense under KRS 189A.010;*
 - (d) *An offense against a victim who has a protective order as defined in KRS 508.130 against the defendant at the time the offense is charged;*
 - (e) *An act of domestic violence and abuse as defined in KRS 403.720, or an act of dating violence and abuse as defined in KRS 456.010, against the defendant at the time the offense is charged; or*
 - (f) *An offense against a victim who has an interpersonal protective order issued under KRS 456.060;*
- (9) *"Recovery services" means rehabilitative treatment services that shall include but not be limited to any or all of the following:*
 - (a) *Outpatient treatment;*
 - (b) *National Alliance of Recovery Residences or the Council on Accreditation of Rehabilitation Facilities certified housing;*
 - (c) *Medication treatment;*
 - (d) *Personal and family counseling;*
 - (e) *Substance abuse education and prevention classes or counseling;*
 - (f) *Vocational training;*
 - (g) *Literacy training;*

- (h) *Community service;*
 - (i) *Inpatient or residential behavioral health treatment as needed to address:*
 - 1. *Impaired capacity to use self-control, judgment, or discretion related to behavior;*
 - 2. *Severe dependence;*
 - 3. *Special detoxification;*
 - 4. *Relapse; or*
 - 5. *Other treatments recommended by a qualified mental health professional;*
 - (j) *Restorative practices designed to make the participant accountable to the victim when there is an identified victim, and it is safe to do so;*
 - (k) *Recovery housing assistance; and*
 - (l) *Recovery housing programs that have an established third party outcome evaluation; and*
- (10) *"Substance use disorder" has the same meaning as in KRS 222.005.*

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 533 IS CREATED TO READ AS FOLLOWS:

- (1) *In addition to the pretrial diversion program established under KRS 533.250 to 533.260, and the deferred prosecution program established under KRS 218A.14151, a behavioral health conditional dismissal program shall be operated in each county participating in the pilot program established under Section 1 of this Act. The behavioral health conditional dismissal program shall:*
 - (a) *Provide eligible persons, on an equal basis, an alternative to ordinary prosecution for qualifying offenses arising from a behavioral health disorder by receiving early recovery services and treatment reasonably expected to deter future criminal behavior; and*
 - (b) *Provide an expedited alternative to prosecution for eligible persons who may be harmed by the imposition of criminal sanctions in the absence of the alternative when the alternative is reasonably expected to serve as a sufficient deterrent to criminal conduct.*
- (2) *The program may be utilized by any person:*
 - (a) *Who is a resident of the Commonwealth and who is at least eighteen (18) years of age;*
 - (b) *Whose clinical assessment indicates the presence of a behavioral health disorder;*
 - (c) *Charged with a qualifying offense;*
 - (d) *Who does not have a previous conviction for a Class A, B, or C felony, or a Class D felony or misdemeanor that is not a qualifying offense; and*
 - (e) *Who has been assessed by pre-trial services as a low-risk, low-level offender, or has been otherwise determined by the attorney for the Commonwealth or the attorney for the defendant as a viable participant in the program.*
- (3) *Other factors that may be considered for admission into the behavioral health conditional dismissal program include but are not limited to:*
 - (a) *The likelihood that the applicant's offense is related to a behavioral health disorder that would be conducive to change through his or her participation in a behavioral health treatment program;*
 - (b) *The availability of behavioral health treatment programs in the defendant's county of residence if different from the county of arrest;*
 - (c) *The history of any physical violence toward others as documented through judicial or law enforcement records;*
 - (d) *Any involvement of the applicant with organized crime under KRS 506.120; and*
 - (e) *Whether or not the applicant's participation in a behavioral health treatment program would adversely affect the prosecution of codefendants.*
- (4) *Eligible defendants in pretrial confinement shall be given preference for participation in the behavioral health conditional dismissal program.*

- (5) *Eligible defendants who have charges pending but are not in custody shall be assessed for participation in the behavioral health conditional dismissal program as provided under subsection (1)(d) of Section 4 of this Act.*

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 533 IS CREATED TO READ AS FOLLOWS:

- (1) (a) *Following arrest, and within seventy-two (72) hours after being booked into a jail or detention facility, any person who has been charged with a qualifying offense shall undergo a clinical assessment to determine if he or she may have a behavioral health disorder;*
- (b) *The Cabinet for Health and Family Services shall provide a list of approved assessors in accordance with Section 8 of this Act for each county participating in the pilot program;*
- (c) *The jailer or his or her designee shall contact a qualified mental health professional from the list of approved assessors for the county provided under paragraph (b) of this subsection, and shall advise the qualified mental health professional that a clinical assessment is needed;*
- (d) *If a person has been charged with a qualifying offense and has been released prior to receiving a clinical assessment, he or she individually, or through his or her counsel, if any, may request a clinical assessment by a qualified mental health professional at any time during the proceedings from the list of approved assessors provided under paragraph (b) of this subsection;*
- (e) *Notwithstanding any other provision to the contrary, the clinical assessment may be conducted through telehealth or in person, whether the person charged is in the custody of the jail or has been released;*
- (f) *If the qualified mental health professional determines that the person being assessed is physically or psychologically impaired to the extent that he or she cannot provide sufficient information or responses to conduct or complete the assessment, the assessment may be delayed but only for the time required for the person to adequately respond;*
- (g) *No statement or other disclosure made by the person charged in the course of the clinical assessment shall be admissible in a criminal trial unless the trial is for a crime committed during the assessment; however, nothing in this subsection shall be interpreted to prevent any reporting required by law, or as an implied waiver of applicable privacy laws and professional standards regarding confidentiality;*
- (h) *Any referral for treatment shall be based upon the clinical assessment and a finding by the qualified mental health professional that treatment is medically necessary;*
- (i) *The treatment referral shall be forwarded to the attorney for the Commonwealth and the attorney for the person charged, if any, within forty-eight (48) hours of the assessment;*
- (j) *The failure of the assessor to forward the referral to the attorney for the Commonwealth or the attorney for the person charged, if any, within forty-eight (48) hours shall not result in automatic release of the person charged; and*
- (k) *Nothing in this subsection shall be interpreted to create a duty of the jailer to pay for any costs associated with the clinical assessment.*
- (2) *At any time following arrest the Commonwealth's attorney if the underlying charge includes a felony, or the county attorney if the underlying charge only includes a misdemeanor, and the person charged may agree to the individual's participation in the behavioral health conditional dismissal program.*
- (3) *When an individual is being considered for the behavioral health conditional dismissal program, the attorney for the Commonwealth shall:*
- (a) *Have a criminal record check made to ascertain if the person is eligible for the program;*
- (b) *Consult with the victim of the crime, if there is an identified victim;*
- (c) *Explain the behavioral health conditional dismissal program to the victim, including potential terms and conditions, and any other matter the attorney for the Commonwealth deems to be appropriate, including the right of the victim to submit a written statement that shall be included in the record placed under seal under Section 6 of this Act; and*
- (d) *Conduct any other investigation that the attorney for the Commonwealth determines may be necessary to assist him or her in agreeing to the referral for treatment by the qualified mental health*

professional and the defendant's participation in the behavioral health conditional dismissal program.

- (4) *If the defendant agrees to the terms of the individualized treatment plan, which shall include restitution, and the attorney for the Commonwealth agrees to the defendant's participation in the program, the defendant and the attorney for the Commonwealth shall sign an agreement specifying the terms and conditions. If the defendant is represented by counsel, defense counsel shall also sign the agreement.*
- (5) *The length of the program shall be determined by the qualified mental health professional in collaboration with the provider and the type of program based upon the assessment and shall not:*
 - (a) *Be less than one (1) year in duration unless discharged earlier by the provider upon satisfactory completion of the recommended treatment plan with agreement of the attorney for the Commonwealth after consultation with the victim, and with agreement of the defendant; or*
 - (b) *Exceed a period of time longer than the defendant's maximum potential period of incarceration if found guilty of the offenses charged unless the defendant agrees in writing to an extension of the treatment period.*
- (6) *A defendant participating in the behavioral health conditional dismissal program shall not be required to:*
 - (a) *Plead guilty or enter an Alford plea as a condition for participation in the program; or*
 - (b) *Make any statement or stipulate to any statement relating to evidence in the underlying case as a condition for participation in the program.*
- (7) *Execution of the agreement by the defendant shall toll all further proceedings against the defendant relating to the agreement, except the matter may be set for a status review at the discretion of the court.*
- (8) *Upon execution of the agreement as provided in subsection (4) of this section, the defendant shall present himself or herself for treatment no later than three (3) days after the agreement is signed. The attorney for the Commonwealth shall:*
 - (a) *Notify the treatment provider of the agreement and the effective date; and*
 - (b) *Provide the victim, if there is an identified victim, with notice that an agreement has been reached for the defendant's participation in the behavioral health conditional dismissal program, and the terms of the agreement that are applicable to the victim.*
- (9) *If the defendant remains in custody at the time of the agreement, the court shall order release of the defendant which shall not include a requirement of cash bail.*
- (10) *The charges against the defendant shall proceed with ordinary prosecution upon dismissal of the defendant from the treatment program by the provider for noncompliance.*

➔SECTION 5. A NEW SECTION OF KRS CHAPTER 533 IS CREATED TO READ AS FOLLOWS:

- (1) *Upon initiation of treatment, the designated behavioral health treatment provider may assign a case manager in accordance with criteria established by the Cabinet of Health and Family Services in administrative regulations promulgated under KRS Chapter 13A. The case manager, or the treatment provider if no case manager has been assigned, shall notify the Office of Adult Education within the Department of Workforce Investment of the Education and Workforce Development Cabinet of the individual's participation in a behavioral health conditional dismissal program.*
- (2) *Any assigned case manager, working in collaboration with the individual referred for treatment and the treatment team and provider, or the treatment provider if there is no case manager shall:*
 - (a) *Obtain all releases from the individual served that may be required to confirm compliance with the program requirements;*
 - (b) *Coordinate all services and testing required under the program, including transportation if needed and available;*
 - (c) *Receive and maintain copies of all necessary documentation to ensure compliance with the program requirements, including but not limited to:*
 1. *Treatment records;*
 2. *Drug tests;*

3. *Educational assessments and advancements, if applicable;*
4. *Employment status and employment training;*
5. *Community service, if applicable; and*
6. *Housing status;*
- (d) *Meet or conference with providers of any program requirements on a regular basis to address the participant's progress, including restitution, and any required adjustment that may be needed to the participant's program; and*
- (e) *Provide periodic progress reports to the attorney for the Commonwealth and the attorney for the participant according to the following schedule:*
 1. *An initial report within fourteen (14) days of the initiation of treatment;*
 2. *A follow-up report within twenty-eight (28) days after submission of the initial fourteen (14) day report;*
 3. *Subsequent reports on a quarterly basis throughout the course of treatment beginning April 15, 2023, with reports due thereafter on January 15, April 15, July 15, and October 15 of each year of the participation in the pilot program; and*
 4. *A final report within thirty (30) days of the successful completion of the program.*
- (3) *Any assigned case manager, treatment provider, or member of the treatment team, is encouraged to:*
 - (a) *Utilize digital notification or reminder services for participants throughout the treatment program period; and*
 - (b) *If digital services under paragraph (a) of this subsection are utilized, include in each quarterly report required under subsection (2)(e) of this section the following data:*
 1. *The number of participants;*
 2. *The type of digital services provided;*
 3. *The costs of providing the digital services;*
 4. *Health and social outcomes from the use of the digital services; and*
 5. *Any other information pertaining to outcomes related to the use of the digital services.*
- (4) *The treatment provider shall:*
 - (a) *Recommend modifications to the treatment program to the attorney for the Commonwealth, and the attorney for the participant;*
 - (b) *Review the individual's progress and recommend continued participation in the program or dismissal from the program due to an inability or unwillingness to meet the terms and conditions of the program;*
 - (c) *Immediately report dismissal from the treatment program based upon lack of compliance with the terms and conditions of the program to the attorney for the Commonwealth, the court, and the attorney for the participant; and*
 - (d) *Advise the attorney for the Commonwealth, the court, the attorney for the participant, and the victim, if there is an identified victim, of the participant's successful completion of the program requirements.*

➔SECTION 6. A NEW SECTION OF KRS CHAPTER 533 IS CREATED TO READ AS FOLLOWS:

- (1) *Upon successful completion of the behavioral health conditional dismissal program:*
 - (a) *The court shall dismiss the charged offense or offenses with prejudice and discharge the defendant;*
 - (b) *All records relating to the case, including but not limited to arrest records and records relating to the charges, shall be sealed, except as provided in KRS 27A.099;*
 - (c) *The offense shall be accessible for review for the sole purpose of determining the defendant's eligibility for deferred prosecution under KRS 218A.1415; and*

- (d) *The defendant shall not be required to disclose the arrest or other information relating to the charges or participation in the program on an application for employment, credit, or other type of application unless required to do so by state or federal law.*
- (2) *If a defendant who is participating in the behavioral health conditional dismissal program is convicted of or enters a plea of guilty to a felony offense other than a qualifying offense under any law of the United States, this state, or any other state, that was committed while participating in the program, the defendant shall be discharged from the behavioral health conditional dismissal program for failure to comply with the terms and conditions.*
- (3) *If the defendant is discharged from the behavioral health conditional dismissal program by the treatment provider under Section 5 of this Act, all statements or other disclosures made by the defendant to any provider while participating in the program shall be protected by all applicable privacy laws and professional standards regarding confidentiality and shall not be admissible in a criminal trial relating to the offenses covered by the agreement executed under Section 4 of this Act.*
- (4) *The attorney for the Commonwealth shall notify the victim, if there is an identified victim, of the defendant's dismissal from the program for noncompliance or discharge from the program following successful completion of the program.*

➔SECTION 7. A NEW SECTION OF KRS CHAPTER 533 IS CREATED TO READ AS FOLLOWS:

- (1) *In establishing a specific behavioral health disorder treatment plan, the program provider formulating the plan shall consider the following:*
- (a) *The existence of programs and resources within the community;*
 - (b) *Available treatment providers;*
 - (c) *Available recovery housing;*
 - (d) *Accessible public and private agencies;*
 - (e) *The benefit of keeping the participant in his or her community or relocation for purposes of treatment, housing, and other supportive services;*
 - (f) *The safety of the victim of the offense, if there is an identified victim; and*
 - (g) *The specific and personalized needs of the participant, including the choice of the participant.*
- (2) *A program shall be designed to provide the participant with the skills, training, and resources needed to maintain recovery and prevent the person from engaging in criminal activity arising from a behavioral health disorder upon release from the program.*
- (3) *A behavioral health treatment program under Sections 1 to 8 of this Act shall be evidence-based, and may be a behavioral treatment plan, or a medically assisted treatment plan, or both, with recovery services or a Substance Abuse and Mental Health Services Administration evidence-based recovery housing program. The program shall provide at a minimum access, as needed, to:*
- (a) *Inpatient detoxification and treatment, that may include a faith-based residential treatment program;*
 - (b) *Outpatient treatment;*
 - (c) *Drug testing;*
 - (d) *Addiction counseling;*
 - (e) *Cognitive and behavioral therapies;*
 - (f) *Medication assisted treatment including:*
 1. *At least one (1) federal Food and Drug Administration approved agonist medication for the treatment of opioid or alcohol dependence;*
 2. *Partial agonist medication;*
 3. *Antagonist medication; and*
 4. *Any other approved medication for the mitigation of opioid withdrawal symptoms;*
 - (g) *Educational services;*

- (h) *Vocational services;*
 - (i) *Housing assistance;*
 - (j) *Peer support services; and*
 - (k) *Community support services, that may include faith-based services.*
- (4) *Except for recovery housing providers, all treatment providers shall:*
- (a) *Meet the licensure requirements and standards established by the Cabinet for Health and Family Services under KRS Chapter 222;*
 - (b) *Qualify as a Medicaid approved provider; and*
 - (c) *Be accredited by at least one (1) of the following:*
 - 1. *American Society of Addiction Medicine;*
 - 2. *Joint Commission on the Accreditation of Healthcare Organizations; or*
 - 3. *Commission on Accreditation of Rehabilitation Facilities.*
- (5) *All recovery housing service providers shall:*
- (a) *Be certified using the National Alliance for Recovery Residences standards;*
 - (b) *Provide evidence-based services;*
 - (c) *Provide a record of outcomes;*
 - (d) *Provide peer support services; and*
 - (e) *Address the social determinants of health.*
- (6) (a) *The Department for Medicaid Services, in conjunction with the program provider, shall assist any program participant who qualifies for Medicaid services to obtain or access Medicaid services for his or her behavioral health disorder treatment or recovery program;*
- (b) *The Department for Medicaid Services and its contractors shall provide an individual participating in the behavioral health conditional dismissal program with the substance use disorder benefit as provided under KRS 205.6311; and*
- (c) *A Medicaid managed care organization shall treat any referral for treatment under Sections 1 to 8 of this Act as an "expedited authorization request" as provided under KRS 205.534(2)(a)2.b.*
- (7) *Recovery housing services provided under this pilot program shall:*
- (a) *Be paid utilizing a value-based payment system developed and established by the medical managed care organizations in conjunction with the Department for Medicaid Services and recovery housing providers. The value-based payment system shall be established no later than January 1, 2023, and shall include the following for recovery housing programs:*
 - 1. *The development of a qualified recovery housing provider network; and*
 - 2. *Establishment and implementation of a value-based payment system that shall include the regular collection of outcomes data within existing Medicaid reimbursement regulations; and*
 - (b) *Be limited to two hundred (200) individuals unless additional funding designated for recovery housing is available through the Cabinet for Health and Family Services.*

➔SECTION 8. A NEW SECTION OF KRS CHAPTER 533 IS CREATED TO READ AS FOLLOWS:

- (1) *The Cabinet for Health and Family Services shall establish and maintain a list of approved assessors for each county participating in the pilot program established under Section 1 of this Act to perform clinical assessments; and*
- (2) *No assessor shall be approved unless he or she is a:*
 - (a) *Qualified mental health professional as defined under Section 2 of this Act; and*
 - (b) *Medicaid approved provider or employed by a Medicaid approved provider.*

➔SECTION 9. A NEW SECTION OF KRS CHAPTER 533 IS CREATED TO READ AS FOLLOWS:

- (1)
 - (a) *The Office of Adult Education within the Department of Workforce Investment of the Education and Workforce Development Cabinet in conjunction with a community rehabilitation provider shall conduct an in-person initial screening of any individual participating in a behavioral health conditional dismissal program within thirty (30) days of a participant beginning the program under Section 4 of this Act.*
 - (b) *Nothing in this section shall prohibit any department, office, or division of the Education and Workforce Development Cabinet from entering into an agreement with a third party in each county participating in the pilot program to provide the services required under this section.*
- (2) *The initial screening shall include:*
 - (a) *Educational history, including highest school grade completed, and when;*
 - (b) *Employment history, including types and lengths of employments;*
 - (c) *Military history, if any;*
 - (d) *The participant's physical, mental, and emotional abilities and limitations;*
 - (e) *Aptitude, skill level, and interest testing;*
 - (f) *An assessment of language skills; and*
 - (g) *A determination of whether further assessment is needed to develop the vocational component of the recovery treatment program. If further assessment is required, it shall be completed within the first ninety (90) days following entry into the recovery treatment program unless additional time is needed to provide for physical recovery from the effects of a severe behavioral health disorder.*
- (3) *Within ten (10) days of completion of the vocational assessment, the Office of Adult Education, in consultation with the behavioral health conditional dismissal program provider, shall establish an individualized plan designed to attain a specific employment outcome to include:*
 - (a) *Specific educational goals with identification of institutions from which the participant will receive educational credits or training;*
 - (b) *Specific job-skills training, and the facility or institution from which the participant will receive the job skills training, to include:*
 1. *A holistic education curriculum that includes but is not limited to problem solving, communication skills, and interpersonal skills; and*
 2. *Sector specific employers as designated by the Kentucky Workforce Innovation Board;*
 - (c) *The required number of hours per week the participant will be engaged in educational or vocational training, including anticipated study time or assigned projects completion time outside of the classroom or training facility;*
 - (d) *The specific services that will be provided through the Department of Workforce Investment to achieve the employment outcome, overcome or minimize any identified obstacles to employment, and the frequency with which those services will be provided, including but not limited to access to services during non-traditional business hours and support;*
 - (e) *The beginning and projected completion date of each service;*
 - (f) *If supported employment training or services are to be provided outside of the Education and Workforce Development Cabinet, the identification of the provider of the extended services and the reporting and accountability requirements established with the program provider;*
 - (g) *The criteria established for evaluating progress and success;*
 - (h) *The attendance and reporting requirements established for the participant and for the institution or facility providing the service, including to whom and with what frequency reports are to be made;*
 - (i) *The date the employment plan is estimated to be completed;*
 - (j) *The job-placement assistance plan that will be provided to the participant by the department;*
 - (k) *The need for ongoing or future training following completion of the employment plan and the availability of that training to the participant; and*

- (l) *The continuum of care to be provided by a community rehabilitation provider.*
- (4) *The Department of Workforce Investment, in consultation with the Kentucky Higher Education Assistance Authority, shall provide the participant with assistance in securing all scholarships, grants, or other available financial assistance to ensure access to the educational or training requirements needed to achieve the specific employment outcome.*
- (5) *The Department of Workforce Investment may establish an electronic registry to be used by participants in the behavioral conditional dismissal program, treatment plan providers, and prospective employers to assist in matching program participants with employment opportunities.*

➔SECTION 10. A NEW SECTION OF KRS CHAPTER 533 IS CREATED TO READ AS FOLLOWS:

- (1) *The Behavioral Health Conditional Dismissal Program Implementation Council is created for the purpose of assisting with the implementation of the behavioral health conditional dismissal pilot program created under Section 1 of this Act.*
- (2) *The membership of the council shall include the following:*
 - (a) *The executive director of the Office of Drug Control Policy, or his or her designee, who shall serve as chair of the council;*
 - (b) *The director of the Administrative Office of the Courts, or his or her designee;*
 - (c) *The commissioner of the Department for Behavioral Health, Developmental and Intellectual Disabilities, or his or her designee;*
 - (d) *The commissioner of the Kentucky Department for Medicaid Services, or his or her designee;*
 - (e) *The public advocate, or his or her designee;*
 - (f) *A member of the Kentucky Commonwealth's Attorneys' Association, elected by its membership;*
 - (g) *A member of the Kentucky County Attorneys Association;*
 - (h) *One (1) Circuit Judge, elected by the Circuit Judges Association of Kentucky;*
 - (i) *One (1) District Judge, elected by the District Judges Association of Kentucky;*
 - (j) *The executive director of the Kentucky Jailers Association, or his or her designee; and*
 - (k) *Two (2) individuals selected by the Kentucky Association of Regional Programs, one (1) of whom shall be in recovery from a substance use disorder and one (1) of whom is being treated or has been treated for a mental health disorder as defined in Section 2 of this Act.*
- (3) *The council shall meet at least quarterly. Meetings shall be held at the call of the chair, or upon the written request of two (2) members to the chair.*
- (4) *The council shall:*
 - (a) *Oversee the implementation of the behavioral health conditional dismissal program pilot project;*
 - (b) *Review the data collected by the Administrative Office of the Courts and report to the Interim Joint Committee on Judiciary and the Governor by October 1 of each year of the pilot project regarding:*
 - 1. *Recommendations for any additional performance measures needed to promote the success of the program;*
 - 2. *Whether any action is necessary, including funding or legislation;*
 - 3. *Recommendations for resolving any matters that reduce the effectiveness of the program; and*
 - 4. *Any additional information the council deems appropriate.*
- (5) *Members shall not receive any additional compensation for their service on the council but shall be reimbursed for all necessary expenses.*
- (6) *The council shall be attached to the Justice and Public Safety Cabinet for administrative purposes.*
- (7) *The council shall terminate December 31, 2027, unless extended by the General Assembly.*

➔SECTION 11. A NEW SECTION OF KRS CHAPTER 533 IS CREATED TO READ AS FOLLOWS:

- (1) *There is hereby created a trust and agency account to be known as the Behavioral Health Conditional Dismissal Program trust fund to be administered by the Department for Behavioral Health, Developmental and Intellectual Disabilities within the Cabinet for Health and Family Services.*
- (2) *The fund may contain:*
 - (a) *Appropriations by the General Assembly for the purpose of the behavioral health conditional dismissal program;*
 - (b) *State and federal grants, including but not limited to treatment related to substance abuse disorder or a mental health disorder;*
 - (c) *Opioid settlement moneys made available for the purposes of the fund;*
 - (d) *Devises, bequests, gifts, and donations, including philanthropic organizations; and*
 - (e) *Any other contributions from public agencies or other entities made available for the purposes of the fund.*
- (3) *Moneys deposited in the fund shall be used to administer and support the purposes of Sections 1 to 11 of this Act, and may include payments for services rendered by a qualified mental health provider as defined under Section 2 of this Act and treatment program providers upon exhaustion of payments from other payment providers, including but not limited to Medicaid and private insurance.*
- (4) *The department may, in accordance with KRS Chapter 45A, select and contract with a third-party administrator to serve as the benefit manager for the program. The contract between the department and the benefit manager shall be submitted to the Government Contract Review Committee of the Legislative Research Commission for comment and review.*
- (5) *Notwithstanding KRS 45.229, any moneys remaining in the fund at the close of the fiscal year shall not lapse but shall be carried forward into the succeeding fiscal year to be used for the purposes established in Sections 1 to 11 of this Act.*
- (6) *Any interest earned on moneys in the fund shall accrue to the fund and shall not lapse.*
- (7) *Moneys deposited in the fund are hereby appropriated for the purposes set forth in this section and shall not be appropriated or transferred by the General Assembly for any other purposes.*

➔Section 12. KRS 197.020 is amended to read as follows:

- (1) The Department of Corrections shall:
 - (a) Promulgate administrative regulations for the government and discipline of the penitentiary, for the government and official conduct of all officials connected with the penitentiary, and for the government of the prisoners in their department and conduct;
 - (b) Promulgate administrative regulations for the character of food and diet of the prisoners; the preservation of the health of the prisoners; the daily cleansing of the penitentiary; the cleanliness of the persons of the prisoners; the general sanitary government of the penitentiary and prisoners; the character of the labor; the quantity of food and clothing; and the length of time during which the prisoners shall be employed daily;
 - (c) Promulgate administrative regulations, as the department deems necessary, for the disposition of abandoned, lost, or confiscated property of prisoners;
 - (d) Promulgate administrative regulations for the administration of a validated risk and needs assessment to assess the criminal risk factors and correctional needs of all inmates upon commitment to the department;
 - (e) Promulgate administrative regulations to:
 1. Create a certification process for county jails that may house female state inmates. The administrative regulations shall include a requirement of a physical barrier between male and female inmates; and
 2. *Require telehealth services in county jails; and*

- (f) Cause the administrative regulations promulgated by the department, together with the law allowing commutation of time to prisoners for good conduct, to be printed and posted in conspicuous places in the cell houses and workshops.
- (2) The department may impose a reasonable fee for the use of medical facilities by a prisoner who has the ability to pay for the medical and dental care. These funds may be deducted from the prisoner's inmate account. A prisoner shall not be denied medical or dental treatment because he or she has insufficient funds in his or her inmate account.
- (3) The department may promulgate administrative regulations in accordance with KRS Chapter 13A to implement a program that provides for reimbursement of telehealth consultations.
- (4) Fees for the use of medical facilities by a state prisoner who is confined in a jail pursuant to KRS 532.100 or other statute shall be governed by KRS 441.045.

➔Section 13. Notwithstanding KRS 15.291 and 15.293(5), there is hereby appropriated Restricted Funds in the amount of \$10,500,000 in each fiscal year from the Opioid Abatement Trust Fund to the Behavioral Health, Developmental and Intellectual Disabilities budget unit for the behavioral health conditional dismissal program described in Sections 1 to 8 of this Act. The department shall reimburse the Administrative Office of the Courts for administrative costs related to the program up to \$500,000 per year.

➔Section 14. 2022 RS HB 214/EN is hereby amended as follows:

On page 10, line 3, delete "January 1, 2027" and insert in lieu thereof "January 1, 2031"; and

On page 10, line 10, after "November 2026 regular election" insert "or the November 2030 regular election";
and

On page 10, line 18, after "November 2026 regular election" insert "or the November 2030 regular election";
and

On page 11, line 3, delete "November 2026" and insert in lieu thereof "November 2030".

➔Section 15. KRS 625.090 is amended to read as follows:

- (1) The Circuit Court may involuntarily terminate all parental rights of a parent of a named child, if the Circuit Court finds from the pleadings and by clear and convincing evidence that:
 - (a)
 1. The child has been adjudged to be an abused or neglected child, as defined in KRS 600.020(1), by a court of competent jurisdiction;
 2. The child is found to be an abused or neglected child, as defined in KRS 600.020(1), by the Circuit Court in this proceeding;
 3. The child is found to have been diagnosed with neonatal abstinence syndrome at the time of birth, unless his or her birth mother:
 - a. Was prescribed and properly using medication for a legitimate medical condition as directed by a health care practitioner that may have led to the neonatal abstinence syndrome; or
 - b. Is currently, or within ninety (90) days after the birth, enrolled in and maintaining substantial compliance with both a substance abuse treatment or recovery program and a regimen of prenatal care or postnatal care as recommended by her health care practitioner throughout the remaining term of her pregnancy or the appropriate time after her pregnancy; or
 4. The parent has been convicted of a criminal charge relating to the physical or sexual abuse or neglect of any child and that physical or sexual abuse, neglect, or emotional injury to the child named in the present termination action is likely to occur if the parental rights are not terminated;
 - (b)
 1. The Cabinet for Health and Family Services has filed a petition with the court pursuant to KRS 620.180 *or* **625.050**; *or*
 2. *A child-placing agency licensed by the cabinet, any county or Commonwealth's attorney, or a parent has filed a petition with the court under KRS 625.050*; and
 - (c) Termination would be in the best interest of the child.

- (2) No termination of parental rights shall be ordered unless the Circuit Court also finds by clear and convincing evidence the existence of one (1) or more of the following grounds:
- (a) That the parent has abandoned the child for a period of not less than ninety (90) days;
 - (b) That the parent has inflicted or allowed to be inflicted upon the child, by other than accidental means, serious physical injury;
 - (c) That the parent has continuously or repeatedly inflicted or allowed to be inflicted upon the child, by other than accidental means, physical injury or emotional harm;
 - (d) That the parent has been convicted of a felony that involved the infliction of serious physical injury to any child;
 - (e) That the parent, for a period of not less than six (6) months, has continuously or repeatedly failed or refused to provide or has been substantially incapable of providing essential parental care and protection for the child and that there is no reasonable expectation of improvement in parental care and protection, considering the age of the child;
 - (f) That the parent has caused or allowed the child to be sexually abused or exploited;
 - (g) That the parent, for reasons other than poverty alone, has continuously or repeatedly failed to provide or is incapable of providing essential food, clothing, shelter, medical care, or education reasonably necessary and available for the child's well-being and that there is no reasonable expectation of significant improvement in the parent's conduct in the immediately foreseeable future, considering the age of the child;
 - (h) That:
 - 1. The parent's parental rights to another child have been involuntarily terminated;
 - 2. The child named in the present termination action was born subsequent to or during the pendency of the previous termination; and
 - 3. The conditions or factors which were the basis for the previous termination finding have not been corrected;
 - (i) That the parent has been convicted in a criminal proceeding of having caused or contributed to the death of another child as a result of physical or sexual abuse or neglect;
 - (j) That the child has been in foster care under the responsibility of the cabinet for fifteen (15) cumulative months out of forty-eight (48) months preceding the filing of the petition to terminate parental rights; or
 - (k) That the child has been removed from the biological or legal parents more than two (2) times in a twenty-four (24) month period by the cabinet or a court.
- (3) In determining the best interest of the child and the existence of a ground for termination, the Circuit Court shall consider the following factors:
- (a) Mental illness as defined by KRS 202A.011(9), or an intellectual disability as defined by KRS 202B.010(9) of the parent as certified by a qualified mental health professional, which renders the parent consistently unable to care for the immediate and ongoing physical or psychological needs of the child for extended periods of time;
 - (b) Acts of abuse or neglect as defined in KRS 600.020(1) toward any child in the family;
 - (c) If the child has been placed with the cabinet, whether the cabinet has, prior to the filing of the petition made reasonable efforts as defined in KRS 620.020 to reunite the child with the parents unless one or more of the circumstances enumerated in KRS 610.127 for not requiring reasonable efforts have been substantiated in a written finding by the District Court;
 - (d) The efforts and adjustments the parent has made in his circumstances, conduct, or conditions to make it in the child's best interest to return him to his home within a reasonable period of time, considering the age of the child;
 - (e) The physical, emotional, and mental health of the child and the prospects for the improvement of the child's welfare if termination is ordered; and

- (f) The payment or the failure to pay a reasonable portion of substitute physical care and maintenance if financially able to do so.
- (4) If the child has been placed with the cabinet, the parent may present testimony concerning the reunification services offered by the cabinet and whether additional services would be likely to bring about lasting parental adjustment enabling a return of the child to the parent.
- (5) If the parent proves by a preponderance of the evidence that the child will not continue to be an abused or neglected child as defined in KRS 600.020(1) if returned to the parent the court in its discretion may determine not to terminate parental rights.
- (6) Upon the conclusion of proof and argument of counsel, the Circuit Court shall enter findings of fact, conclusions of law, and a decision as to each parent-respondent within thirty (30) days either:
 - (a) Terminating the right of the parent; or
 - (b) Dismissing the petition and stating whether the child shall be returned to the parent or shall remain in the custody of the state.

Signed by Governor April 20, 2022.

CHAPTER 231

(HB 137)

AN ACT relating to supplemental payments to police officers.

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

➔Section 1. KRS 15.420 is amended to read as follows:

As used in KRS 15.410 to 15.510, unless the context otherwise requires:

- (1) "Cabinet" means the Justice and Public Safety Cabinet;
- (2) (a) "Police officer" means:
 - 1. A local officer, limited to:
 - a. A full-time:
 - i. Member of a lawfully organized police department of county, urban-county, or city government; or
 - ii. Sheriff or full-time deputy sheriff, including any sheriff providing court security or appointed under KRS 70.030;~~or~~
 - b. A school resource officer as defined in KRS 158.441; ~~or~~ ~~and~~
 - c. ***One (1) of the following who is otherwise eligible for an annual supplement established in accordance with KRS 15.460, but who does not receive one:***
 - i. ***An officer serving on a joint task force;***
 - ii. ***A detective employed by a county attorney;***
 - iii. ***A process server for juvenile courts within a consolidated local government; and***
 - iv. ***A local alcoholic beverage control investigator appointed pursuant to KRS Chapter 241; and***
 - 2. A state officer, limited to:
 - a. A public university police officer;
 - b. A Kentucky state trooper;
 - c. A Kentucky State Police arson investigator;

- d. A Kentucky State Police hazardous device investigator;
- e. A Kentucky State Police legislative security specialist;
- f. A Kentucky vehicle enforcement officer;
- g. A Kentucky Horse Park mounted patrol officer, subject to KRS 15.460(1)(f);
- h. A Kentucky state park ranger, subject to KRS 15.460(1)(f);
- i. An agriculture investigator;
- j. A charitable gaming investigator;
- k. An alcoholic beverage control investigator;
- l. An insurance fraud investigator;
- m. An Attorney General investigator;~~and~~
- n. A Kentucky Department of Fish and Wildlife Resources conservation officer, subject to KRS 15.460(1)(e); *and*
- o. Any detective for a Commonwealth's attorney who would otherwise be eligible for a supplement established in accordance with KRS 15.460, but who does not receive one;*

who is responsible for the prevention and detection of crime and the enforcement of the general criminal laws of the state;

- (b) "Police officer" does not include any sheriff who earns the maximum constitutional salary for this office, any special deputy sheriff appointed under KRS 70.045, any constable, deputy constable, district detective, deputy district detective, special local peace officer, auxiliary police officer, or any other peace officer not specifically authorized in KRS 15.410 to 15.510;
- (3) "Police department" means the employer of a police officer;
- (4) "Retirement plan" means a defined benefit plan consisting of required employer contributions pursuant to KRS 61.565, 61.702, or any other provision of law;
- (5) "Unit of government" means any city, county, combination of cities and counties, public university, state agency, local school district, or county sheriff's office of the Commonwealth; and
- (6) "Validated job task analysis" means the core job description that describes the minimum entry level requirements, qualifications, and training requirements for peace officers in the Commonwealth, and that is based upon an actual survey and study of police officer duties and responsibilities conducted by an entity recognized by the council as being competent to conduct such a study.

Signed by Governor April 20, 2022.

CHAPTER 232

(HB 206)

AN ACT relating to peace officer certification.

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

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

A person certified after December 1, 1998, under KRS 15.380 to 15.404 or qualified under the requirements set forth in KRS 15.440(1)(d)6. shall, at the time of becoming certified, meet the following minimum qualifications:

- (1) Be a citizen of the United States;
- (2) Be at least twenty-one (21) years of age;

- (3) (a) Be a high school graduate, regardless of whether the school is accredited or certified by a governing body, provided that the education received met the attendance and curriculum standards of Kentucky law at the time of graduation, as determined by the Kentucky Department of Education; or
 - (b) Possess a High School Equivalency Diploma;
- (4) Possess a valid license to operate a motor vehicle;
- (5) Be fingerprinted for a criminal background check;
- (6) Not have been convicted of any felony; ***a misdemeanor under KRS 510.120, 510.130, or 510.140; a second or subsequent offense under KRS 510.148; or a criminal attempt, conspiracy, facilitation, or solicitation to commit any degree of rape, sodomy, sexual abuse, or sexual misconduct;***
- (7) Not be prohibited by federal or state law from possessing a firearm;
- (8) Have received and read the Kentucky Law Enforcement Officers Code of Ethics as established by the council;
- (9) Have not received a dishonorable discharge, bad conduct discharge, or general discharge under other than honorable conditions, if having served in any branch of the Armed Forces of the United States;
- (10) Have passed a medical examination as defined by the council by administrative regulation and provided by a licensed physician, physician assistant, or advanced practice registered nurse to determine if he can perform peace officer duties as determined by a validated job task analysis. However, if the employing agency has its own validated job task analysis, the person shall pass the medical examination, appropriate to the agency's job task analysis, of the employing agency. All agencies shall certify passing medical examination results to the council, which shall accept them as complying with KRS 15.310 to 15.510;
- (11) Have passed a drug screening test administered or approved by the council by administrative regulation. A person shall be deemed to have passed a drug screening test if the results of the test are negative for the use of an illegal controlled substance or prescription drug abuse. Any agency that administers its own test that meets or exceeds this standard shall certify passing test results to the council, which shall accept them as complying with KRS 15.310 to 15.510;
- (12) Have undergone a background investigation established or approved by the council by administrative regulation to determine suitability for the position of a peace officer. If the employing agency has established its own background investigation that meets or exceeds the standards of the council, as set forth by administrative regulation, the agency shall conduct the background investigation and shall certify background investigation results to the council, which shall accept them as complying with KRS 15.310 to 15.510;
- (13) Have been interviewed by the employing agency;
- (14) Not have had certification as a peace officer permanently revoked in another state;
- (15) Have taken a psychological suitability screening administered or approved by the council by administrative regulation to determine the person's suitability to perform peace officer duties as determined by a council validated job task analysis. However, if the employing agency has its own validated job task analysis, the person shall take that agency's psychological examination, appropriate to the agency's job task analysis. All agencies shall certify psychological examination results to the council, which shall accept them as complying with KRS 15.310 to 15.510;
- (16) Have passed a physical agility test administered or approved by the council by administrative regulation to determine his suitability to perform peace officer duties as determined by a council validated job task analysis. However, if the employing agency has its own validated job task analysis, the person shall take the physical agility examination of the employing agency. All agencies shall certify physical agility examination results to the council, which shall accept them as demonstrating compliance with KRS 15.310 to 15.510; and
- (17) Have taken a polygraph examination administered or approved by the council by administrative regulation to determine his suitability to perform peace officer duties. Any agency that administers its own polygraph examination as approved by the council shall certify the results that indicate whether a person is suitable for employment as a peace officer to the council, which shall accept them as complying with KRS 15.310 to 15.510.

➔Section 2. KRS 15.386 is amended to read as follows:

The following certification categories shall exist:

- (1) "Precertification status" means that the officer is currently employed or appointed by an agency and meets or exceeds all those minimum qualifications set forth in KRS 15.382, but has not successfully completed a basic training course, except those peace officers covered by KRS 15.400. Upon the council's verification that the minimum qualifications have been met, the officer shall have full peace officer powers as authorized under the statute under which he or she was appointed or employed. If an officer fails to successfully complete a basic training course within one (1) year of employment, his or her enforcement powers shall automatically terminate, unless that officer is actively enrolled and participating in a basic training course or, after having begun a basic training course, is on an approved extension of time due to injury or extenuating circumstances;
- (2) "Certification status" means that unless the certification is in revoked status or inactive status, the officer is currently employed or appointed by an agency and has met all training requirements. The officer shall have full peace officer powers as authorized under the statute under which he or she was appointed or employed;
- (3) (a) "Inactive status" means that unless the certification is in revoked status:
 1. The person has been separated on or after December 1, 1998, from the agency by which he or she was employed or appointed and has no peace officer powers; or
 2. The person is on military active duty for a period exceeding three hundred sixty-five (365) days.(b) The person may remain on inactive status. A person who is on inactive status and who returns to a peace officer position shall have certification status restored if he or she meets the requirements of KRS 15.400(1) or (2) or has successfully completed a basic training course approved and recognized by the council, has not committed an act for which his or her certified status may be revoked pursuant to KRS 15.391 and successfully completes in-service training as prescribed by the council, as follows:
 1. If the person has been on inactive status for a period of less than three (3) years, and the person was not in training deficiency status at the time of separation, he or she shall complete:
 - a. The twenty-four (24) hour legal update Penal Code course;
 - b. The sixteen (16) hour legal update constitutional procedure course; and
 - c. The mandatory training course approved by the Kentucky Law Enforcement Council, pursuant to KRS 15.334, for the year in which he or she returns to certification status; or
 2. If the person has been on inactive status for a period of three (3) years or more, or the person was in training deficiency status at the time of separation, he or she shall complete:
 - a. The twenty-four (24) hour legal update Penal Code course;
 - b. The sixteen (16) hour legal update constitutional procedure course;
 - c. The mandatory training course approved by the Kentucky Law Enforcement Council, pursuant to KRS 15.334, for the year in which he or she returns to certification status; and
 - d. One (1) of the following forty (40) hour courses which is most appropriate for the officer's duty assignment:
 - i. Basic officer skills;
 - ii. Orientation for new police chiefs; or
 - iii. Mandatory duties of the sheriff.
- (c) A person returning from inactive to active certification after June 26, 2007, under KRS 15.380 to 15.404, shall meet the following minimum qualifications:
 1. Be a citizen of the United States;
 2. Possess a valid license to operate a motor vehicle;
 3. Be fingerprinted for a criminal background check;
 4. Not have been convicted of any felony; *a misdemeanor under KRS 510.120, 510.130, or 510.140; a second or subsequent offense under KRS 510.148; or a criminal attempt, conspiracy, facilitation, or solicitation to commit any degree of rape, sodomy, sexual abuse, or sexual misconduct;*
 5. Not be prohibited by federal or state law from possessing a firearm;

6. Have received and read the Kentucky Law Enforcement Officers Code of Ethics as established by the council;
 7. Have not received a dishonorable discharge, bad conduct discharge, or general discharge under other than honorable conditions, if having served in any branch of the Armed Forces of the United States;
 8. Have been interviewed by the employing agency; and
 9. Not have had certification as a peace officer permanently revoked in another state;
- (4) "Training deficiency status" means that unless the certification is in revoked status or inactive status, the officer is currently employed or appointed by an agency and has failed to meet all in-service training requirements. The officer's enforcement powers shall automatically terminate, and he or she shall not exercise peace officer powers in the Commonwealth until he or she has corrected the in-service training deficiency;
- (5) "Revoked status" means that the officer has no enforcement powers and his or her certification has been revoked by the Kentucky Law Enforcement Council under KRS 15.391; and
- (6) "Denied status" means that a person does not meet the requirements to achieve precertification status or certification status.

The design of a certificate may be changed periodically. When a new certificate is produced, it shall be distributed free of charge to each currently certified peace officer.

➔Section 3. KRS 15.391 is amended to read as follows:

- (1) As used in this section:
- (a) "Agency" means any law enforcement agency, or other unit of government listed in KRS 15.380, that employs a certified peace officer;
 - (b) "Final order" has the same meaning as in KRS 13B.010;
 - (c) "General employment policy" means a rule, regulation, policy, or procedure commonly applicable to the general workforce or civilian employees that is not unique to law enforcement activities or the exercise of peace officer authority, regardless of whether the rule, regulation, policy, or procedure exists or appears in a manual or handbook that is solely applicable to a law enforcement department or agency within the unit of government employing the officer;
 - (d) "Investigating agency" means an agency that investigates the use of force by peace officers, including but not limited to the employing agency;
 - (e) "Professional malfeasance" means engaging in an act in one's professional capacity as a peace officer that violates a federal, state, or local law or regulation, or any act that involves the following:
 1. The unjustified use of excessive or deadly force, as determined by an investigating agency;
 2. Any intentional action by a peace officer that interferes with or alters the fair administration of justice, including but not limited to tampering with evidence, giving of false testimony, or the intentional disclosure of confidential information in a manner that compromises the integrity of an official investigation; or
 3. Engaging in a sexual relationship with an individual the peace officer knows or should have known is a victim, witness, defendant, or informant in an ongoing criminal investigation in which the peace officer is directly involved;
 - (f) "Professional nonfeasance" means a failure to perform one's professional duty as a peace officer through omission or inaction that violates a federal, state, or local law or regulation, or any failure to act that involves the following:
 1. The failure to intervene when it is safe and practical to do so in any circumstance where it is clear and apparent to the peace officer that another peace officer is engaging in the use of unlawful and unjustified excessive or deadly force; or
 2. The intentional failure to disclose exculpatory or impeachment evidence that the peace officer knew or should have known to be materially favorable to an accused for the purpose of altering the fair administration of justice; and

- (g) "Regulation" means:
1. A federal or state administrative regulation adopted by a federal or state executive branch; and
 2. A local rule, regulation, policy, or procedure adopted by ordinance, order, or resolution, or other official action by an agency. However, "regulation" does not mean a general employment policy.
- (2) (a) The certification of a peace officer shall be deemed automatically revoked by the council by operation of the law for one (1) or more of the following:
1. Certification that was the result of an administrative error;
 2. Plea of guilty to, conviction of, or entering of an Alford plea to:
 - a. Any state or federal felony;~~;~~
 - b. ***A misdemeanor under KRS 510.120, 510.130, or 510.140; a second or subsequent offense under KRS 510.148; or a criminal attempt, conspiracy, facilitation, or solicitation to commit any degree of rape, sodomy, sexual abuse, or sexual misconduct;***
 - c. ~~;~~Any criminal offense committed in another state that would constitute a felony if committed in this state; ***or***
 - d. ***Any criminal offense committed in another state that would, if committed in this state, constitute a misdemeanor under KRS 510.120, 510.130, or 510.140; a second or subsequent offense under KRS 510.148; or a criminal attempt, conspiracy, facilitation, or solicitation to commit any degree of rape, sodomy, sexual abuse, or sexual misconduct;***
 3. Prohibition by federal or state law from possessing a firearm;
 4. Receipt of a dishonorable discharge or bad conduct discharge from any branch of the Armed Forces of the United States; or
 5. Willful falsification of information to obtain or maintain certification.
- (b)
1. A peace officer whose certification is revoked pursuant to paragraph (a) of this subsection may file an appeal at any time with the council. If an appeal is filed, the council shall conduct an administrative hearing pursuant to KRS Chapter 13B to consider the reinstatement of the peace officer's certification if the revocation was made in error or the condition requiring revocation was removed or remedied.
 2. The council may impose any reasonable condition upon the reinstatement of the certification it may deem warranted under the facts of the appeal.
 3. Notwithstanding any other provision of law, the council may subpoena or request a court to subpoena records that are necessary to provide evidence that will permit the council to evaluate whether the cause for revocation has been remedied or removed. Any confidential or medical information received by the council under this subparagraph shall retain its confidential character.
 4. The reversal or any other type of invalidation of a conviction by an appellate court shall constitute the removal or remedy of a condition requiring revocation. However, an expungement of a felony offense shall not be considered a removal or remedy that constitutes grounds for the reinstatement of the peace officer's certification under this paragraph.
 5. A final order issued by the council denying reinstatement of certification may be appealed pursuant to the provisions of KRS 13B.140.
- (3) (a) The certification of a peace officer may be revoked by the council for one (1) or more of the following:
1. Termination of the peace officer for failure to meet or maintain training requirements, unless the certification is in inactive status. As used in this subparagraph, "inactive status" has the same meaning as in KRS 15.386;
 2. Termination of the peace officer for professional malfeasance or professional nonfeasance by his or her agency;

3. Termination of the peace officer following the plea of guilty to, conviction of, or entering of an Alford plea to any misdemeanor offense, in this state or out of it, that involves:
 - a. Dishonesty;
 - b. Fraud;
 - c. Deceit;
 - d. Misrepresentation;
 - e. Physical violence;
 - f. Sexual abuse; or
 - g. Crimes against a minor or a family or household member;
 4. Receipt of general discharge under other than honorable conditions from any branch of the Armed Forces of the United States that results in the termination of the peace officer from his or her agency; or
 5. Resignation or retirement of the peace officer while he or she is under criminal investigation or administrative investigation for professional malfeasance or professional nonfeasance that, in the judgment of the agency that employed the peace officer, would have likely resulted in the termination of that peace officer had the facts leading to the investigation been substantiated prior to his or her resignation or retirement.
- (b) The council shall review reports of events described in paragraph (a) of this subsection to determine whether the event warrants the initiation of proceedings by the council to revoke a peace officer's certification. If the council determines to initiate proceedings to revoke a peace officer's certification under this subsection, the administrative hearing shall be conducted pursuant to KRS Chapter 13B. A final order by the council revoking certification may be appealed pursuant to the provisions of KRS 13B.140.
- (4) (a) An agency:
1. That has knowledge of a peace officer in its employment who meets any of the revocation conditions outlined in subsection (2) of this section shall report that condition to the council within fifteen (15) days of gaining knowledge;
 2. That terminated a peace officer for any of the revocation conditions outlined in subsection (3)(a)1., 2., 3., or 4. of this section shall report that condition to the council within fifteen (15) days of the termination; and
 3. That would have likely terminated a peace officer for the revocation condition outlined in subsection (3)(a)5. of this section shall report that condition to the council within fifteen (15) days of the peace officer's resignation or retirement. If an agency reports pursuant to this subparagraph, the agency shall notify the peace officer that a report has been made.
- (b) If an agency fails to make a report required by this subsection, the council may suspend the agency from participation in the Kentucky Law Enforcement Foundation Program fund. However, the time that an agency may be suspended by the council under this paragraph shall not exceed five (5) years.
- (5) The council may promulgate administrative regulations in accordance with KRS Chapter 13A to implement this section.

Signed by Governor April 20, 2022.

CHAPTER 233

(HB 222)

AN ACT relating to legal actions concerning the exercise of a person's constitutional rights.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 454 IS CREATED TO READ AS FOLLOWS:

As used in Sections 1 to 10 of this Act:

- (1) *"Cause of action" does not include:*
 - (a) *A procedural action taken or motion made in an action that does not amend or add a claim for legal, equitable, or declaratory relief; or*
 - (b) *Post-judgment enforcement actions;*
- (2) *"Goods or services" does not include the creation, dissemination, exhibition, or advertisement or similar promotion of a dramatic, literary, musical, political, journalistic, or artistic work;*
- (3) *"Governmental unit" means a public corporation, government, or government subdivision, agency, or instrumentality;*
- (4) *"Matter of public concern" means a statement or activity regarding:*
 - (a) *A public official, public figure, or other person who has drawn substantial public attention due to the person's official acts, fame, notoriety, or celebrity;*
 - (b) *A matter of political, social, or other interest to the community; or*
 - (c) *A subject of concern to the public; and*
- (5) *"Person" means an individual, estate, trust, partnership, business or nonprofit entity, governmental unit, or other legal entity.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 454 IS CREATED TO READ AS FOLLOWS:

- (1) *Except as otherwise provided in subsection (2) of this section, Sections 1 to 10 of this Act apply to a cause of action asserted against a person based on the person's:*
 - (a) *Communication in a legislative, executive, judicial, administrative, or other governmental proceeding;*
 - (b) *Communication on an issue under consideration or review in a legislative, executive, judicial, administrative, or other governmental proceeding; or*
 - (c) *Exercise of the right of freedom of speech or of the press, the right to assemble or petition, or the right of association, as guaranteed by the United States Constitution or Kentucky Constitution, on a matter of public concern.*
- (2) (a) *Except as provided in paragraph (b) of this subsection, Sections 1 to 10 of this Act shall not apply to a cause of action asserted:*
 1. *Against a governmental unit or an employee or agent of a governmental unit acting or purporting to act in an official capacity;*
 2. *By a governmental unit or an employee or agent of a governmental unit acting in an official capacity to enforce a law to protect against an imminent threat to public health or safety;*
 3. *Against a person primarily engaged in the business of selling or leasing goods or services if the cause of action arises out of a communication or lack of communication related to the person's sale or lease of the goods or services;*
 4. *Against a person named in a civil suit brought to establish or declare real property possessory rights, use of real property, recovery of real property, quiet title to real property, or other claims relating to real property;*
 5. *Seeking recovery for bodily injury, wrongful death, or survival, or to statements made regarding that legal action;*
 6. *Under the Kentucky Insurance Code or arising out of an insurance contract;*
 7. *Based on a common law fraud claim;*
 8. *Under KRS Chapters 401 to 407;*
 9. *Under KRS Chapter 337, 338, 339, 342, 344, or 345, including claims of negligent supervision, retention, or infliction of emotional distress; wrongful discharge in violation of public policy;*

whistleblowing, including KRS 61.101 to 61.103; or enforcement of employee rights under civil service, collective bargaining, or handbooks and policies; or

10. *Under the Kentucky Consumer Protection Act, KRS 367.110 to 367.300.*

(b) *Sections 1 to 10 of this Act apply to a cause of action asserted under paragraph (a) of this subsection when the cause of action is:*

1. *An action against a person arising from any act of that person, whether public or private, related to the gathering, receiving, posting, or processing of information for communication to the public, whether or not the information is actually communicated to the public, for the creation, dissemination, exhibition, or advertisement or other similar promotion of a dramatic, literary, musical, political, journalistic, or otherwise artistic work, including audio-visual work regardless of the means of distribution, a motion picture, a television or radio program, or an article published in a newspaper, Web site, magazine, or other platform, no matter the method or extent of distribution; or*

2. *An action against a person related to the communication, gathering, receiving, posting, or processing of consumer opinions or commentary, evaluation of consumer complaints, or reviews or ratings of businesses.*

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 454 IS CREATED TO READ AS FOLLOWS:

No later than sixty (60) days after a party is served with a complaint, crossclaim, counterclaim, third-party claim, or other pleading that asserts a cause of action to which Sections 1 to 10 of this Act apply, or at a later time on a showing of good cause, the party may file a special motion for expedited relief to dismiss the cause of action in whole or in part.

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 454 IS CREATED TO READ AS FOLLOWS:

(1) *Except as otherwise provided in subsections (4) to (7) of this section, on the filing of a motion under Section 3 of this Act:*

(a) *All other proceedings between the moving party and responding party, including discovery and any pending hearing or motion, shall be stayed; and*

(b) *On motion by the moving party, the court may stay a hearing or motion involving another party, or discovery by another party, if the hearing or ruling on the motion would adjudicate, or the discovery would relate to, an issue material to the motion.*

(2) *A stay under subsection (1) of this section shall remain in effect until entry of an order ruling on the motion under Section 3 of this Act and expiration of the time under Section 9 of this Act for the moving party to appeal the order.*

(3) *Except as otherwise provided in subsections (5), (6), and (7) of this section, if a party appeals from an order ruling on a motion under Section 3 of this Act, all proceedings between all parties in the action shall be stayed. The stay shall remain in effect until the conclusion of the appeal.*

(4) *During a stay under subsection (1) of this section, the court shall allow limited discovery if a party shows that specific information is necessary to establish whether a party has satisfied or failed to satisfy a burden under subsection (1) of Section 7 of this Act and the information is not reasonably available unless discovery is allowed, including but not limited to situations where a witness may be unavailable or records may have been destroyed.*

(5) *A motion under Section 10 of this Act for costs, attorney's fees, and expenses shall not be subject to a stay under this section.*

(6) *A stay under this section shall not affect a party's ability to voluntarily dismiss a cause of action or part of a cause of action or a motion to sever a cause of action.*

(7) *During a stay under this section, the court for good cause may hear and rule on:*

(a) *A motion unrelated to the motion under Section 3 of this Act; and*

(b) *A motion seeking a special or preliminary injunction to protect against an imminent threat to public health or safety.*

➔SECTION 5. A NEW SECTION OF KRS CHAPTER 454 IS CREATED TO READ AS FOLLOWS:

- (1) *The court shall hear a motion under Section 3 of this Act no later than sixty (60) days after filing of the motion, unless the court orders a later hearing:*
- (a) *To allow limited discovery under Section 4 of this Act; or*
- (b) *For good cause shown.*
- (2) *If the court orders a later hearing under subsection (1)(a) of this section, the court shall hear the motion under Section 3 of this Act no later than sixty (60) days after the court order allowing limited discovery, unless the court orders a later hearing under subsection (1)(b) of this section, in which case the hearing shall be scheduled in an expedited manner.*

➔SECTION 6. A NEW SECTION OF KRS CHAPTER 454 IS CREATED TO READ AS FOLLOWS:

In ruling on a motion under Section 3 of this Act, the court shall consider the pleadings, the motion, any reply or response to the motion, and any evidence that could be considered in ruling on a motion for summary judgment.

➔SECTION 7. A NEW SECTION OF KRS CHAPTER 454 IS CREATED TO READ AS FOLLOWS:

- (1) *In ruling on a motion under Section 3 of this Act, the court shall dismiss with prejudice a cause of action, or part of a cause of action, if:*
- (a) *The moving party establishes under subsection (1) of Section 2 of this Act that Sections 1 to 10 of this Act apply;*
- (b) *The responding party fails to establish under subsection (2) of Section 2 of this Act that Sections 1 to 10 of this Act do not apply; and*
- (c) *Either:*
1. *The responding party fails to establish a prima facie case as to each essential element of the cause of action; or*
 2. *The moving party establishes that:*
 - a. *The responding party failed to state a cause of action upon which relief can be granted; or*
 - b. *There is no genuine issue as to any material fact and the moving party is entitled to judgment as a matter of law on the cause of action or part of the action.*
- (2) *A voluntary dismissal without prejudice of a responding party's cause of action, or part of a cause of action, that is the subject of a motion under Section 3 of this Act does not affect a moving party's right to obtain a ruling on the motion and seek costs, attorney's fees, and expenses under Section 10 of this Act.*
- (3) *A voluntary dismissal with prejudice of a responding party's cause of action, or part of a cause of action, that is the subject of a motion under Section 3 of this Act establishes for the purpose of Section 10 of this Act that the moving party prevailed on the motion.*

➔SECTION 8. A NEW SECTION OF KRS CHAPTER 454 IS CREATED TO READ AS FOLLOWS:

The court shall rule on a motion under Section 3 of this Act no later than sixty (60) days after a hearing under Section 5 of this Act.

➔SECTION 9. A NEW SECTION OF KRS CHAPTER 454 IS CREATED TO READ AS FOLLOWS:

Any party may appeal as a matter of right from an order granting or denying, in whole or in part, a motion under Section 3 of this Act. The appeal shall be filed in accordance with the Kentucky Rules of Civil Procedure.

➔SECTION 10. A NEW SECTION OF KRS CHAPTER 454 IS CREATED TO READ AS FOLLOWS:

On a motion under Section 3 of this Act, or the appeal of an order granting or denying a motion under Section 3 of this Act, the court shall award court costs, reasonable attorney's fees, and reasonable litigation expenses related to the motion:

- (1) *To the moving party if the moving party prevails on the motion; or*
- (2) *To the responding party if the responding party prevails on the motion and the court finds that the motion was brought without good cause.*

➔Section 11. This Act shall be broadly construed and applied to protect the exercise of the right of freedom of speech and of the press, the right to assemble and petition, and the right of association, as guaranteed by the United States Constitution and the Constitution of Kentucky.

➔Section 12. This Act may be cited as the Uniform Public Expression Protection Act.

Signed by Governor April 20, 2022.

CHAPTER 234

(SB 102)

AN ACT relating to mental health providers in schools.

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

➔Section 1. KRS 158.4416 is amended to read as follows:

- (1) For purposes of this section:
 - (a) "School counselor" means an individual who holds a valid school counselor certificate issued in accordance with the administrative regulations of the Education Professional Standards Board;
 - (b) "School-based mental health services provider" means a licensed or certified school counselor, school psychologist, school social worker, or other qualified mental health professional as defined in KRS 202A.011; and
 - (c) "Trauma-informed approach" means incorporating principles of trauma awareness and trauma-informed practices, as recommended by the federal Substance Abuse and Mental Health Services Administration, in a school in order to foster a safe, stable, and understanding learning environment for all students and staff and ensuring that all students are known well by at least one (1) adult in the school setting.
- (2) The General Assembly recognizes that all schools must provide a place for students to feel safe and supported to learn throughout the school day, and that any trauma a student may have experienced can have a significant impact on the ability of a student to learn. The General Assembly directs all public schools to adopt a trauma-informed approach to education in order to better recognize, understand, and address the learning needs of students impacted by trauma and to foster a learning environment where all students, including those who have been traumatized, can be safe, successful, and known well by at least one (1) adult in the school setting.
- (3)
 - (a) Beginning July 1, 2021, or as funds and qualified personnel become available:
 1. Each school district and each public charter school shall employ at least one (1) school counselor in each school with the goal of the school counselor spending sixty percent (60%) or more of his or her time providing counseling and related services directly to students; and
 2. It shall be the goal that each school district and each public charter school shall provide at least one (1) school counselor or school-based mental health services provider who is employed by the school district for every two hundred fifty (250) students, including but not limited to the school counselor required in subparagraph 1. of this paragraph.
 - (b) A school counselor or school-based mental health services provider at each school shall facilitate the creation of a trauma-informed team to identify and assist students whose learning, behavior, and relationships have been impacted by trauma. The trauma-informed team may consist of school administrators, school counselors, school-based mental health services providers, family resource and youth services coordinators, school nurses, and any other school or district personnel.
 - (c) Each school counselor or school-based mental health services provider providing services pursuant to this section, and the trauma-informed team members described in paragraph (b) of this subsection, shall provide training, guidance, and assistance to other administrators, teachers, and staff on:
 1. Recognizing symptoms of trauma in students;
 2. Utilizing interventions and strategies to support the learning needs of those students; and

3. Implementing a plan for a trauma-informed approach as described in subsection (5) of this section.
- (d)
 1. School districts may employ or contract for the services of school-based mental health services providers to assist with the development and implementation of a trauma-informed approach and the development of a trauma-informed team pursuant to this subsection and to enhance or expand student mental health support services as funds and qualified personnel become available.
 2. School-based mental health services providers may provide services through a collaboration between two (2) or more school districts or between school districts and educational cooperatives or any other public or private entities, including but not limited to local or regional mental health day treatment programs.
- (e) No later than November 1, ~~2022~~[2019], and each subsequent year, the local school district superintendent shall report to the department the number *of school-based mental health service providers, the position held,*~~and~~ placement ~~of school counselors~~ in the district, *certification or licensure held,*~~The report shall include~~ the source of funding for each position, ~~as well as~~ a summary of the job duties and work undertaken by each *school-based mental health service provider,*~~counselor~~ and the approximate percent of time devoted to each duty over the course of the year.
- (f) *The department shall annually compile and maintain a list of school-based mental health service providers by district which shall include the information required in subsection (3)(e) of this section.*
- (g) *No later than June 1, 2023, and each subsequent year, the department shall provide the Interim Joint Committee on Education with the information reported by local school district superintendents and compiled in accordance with subsection (3)(f) of this section.*
- (4) On or before July 1, 2020, the Department of Education shall make available a toolkit that includes guidance, strategies, behavioral interventions, practices, and techniques to assist school districts and public charter schools in developing a trauma-informed approach in schools.
- (5) On or before July 1, 2021, each local board of education and board of a public charter school shall develop a plan for implementing a trauma-informed approach in its schools. The plan shall include but not be limited to strategies for:
 - (a) Enhancing trauma awareness throughout the school community;
 - (b) Conducting an assessment of the school climate, including but not limited to inclusiveness and respect for diversity;
 - (c) Developing trauma-informed discipline policies;
 - (d) Collaborating with the Department of Kentucky State Police, the local sheriff, and the local chief of police to create procedures for notification of trauma-exposed students; and
 - (e) Providing services and programs designed to reduce the negative impact of trauma, support critical learning, and foster a positive and safe school environment for every student.

Signed by Governor April 20, 2022.

CHAPTER 235

(SB 113)

AN ACT relating to beauty services.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 317A IS CREATED TO READ AS FOLLOWS:

All licensees shall be required to maintain with the board updated contact information, addresses for current business locations, and employer contact information. This information shall be supplied on the form submitted to the board as established in administrative regulations promulgated by the board.

➔Section 2. KRS 317A.010 is amended to read as follows:

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

- (1) "Beauty salon" means any establishment in which the practice of cosmetology is conducted for the general public or for consideration;
- (2) "Board" means the Kentucky Board of Cosmetology;
- (3) ~~[(a) "Blow drying services" means beautifying, cleaning, or arranging the hair of an individual for consideration only at a limited beauty salon.~~
~~(b) "Blow drying services" include any of the following services performed on an individual's hair:~~
 - ~~1. Arranging;~~
 - ~~2. Cleaning;~~
 - ~~3. Curling;~~
 - ~~4. Dressing;~~
 - ~~5. Blow drying; and~~
 - ~~6. Performing any other similar procedure.~~~~(c) "Blow drying services" do not include any service:~~
 - ~~1. Popularly known as a Brazilian blowout;~~
 - ~~2. That includes color services or that includes cutting, lightening, or chemically treating hair; or~~
 - ~~3. That otherwise falls under the practice of cosmetology, except as authorized in paragraph (b) of this subsection;~~
- (4) ~~]~~"Cosmetologist" means a person who engages in the practice of cosmetology for the public generally or for consideration, regardless of the name under which the practice is conducted;
- ~~(4)~~~~(5)~~ "Cosmetology" means the practice *of*:
 - (a) *Hair styling*;
 - (b) *Esthetics*; and
 - (c) *Nail technology* ~~upon the human neck and head of cutting hair, permanent waving, or hairdressing, and may also include but is not limited to:~~
 - ~~(a) Nail technology and finger waving;~~
 - ~~(b) Giving facial and scalp massage or treatments with oils, creams, lotions, or other preparations, either by hand or any contrivance;~~
 - ~~(c) Shaping, designing, shampooing, pressing, arranging, tinting, or lightening the hair, or applying hair products;~~
 - ~~(d) Applying to the neck or head, cosmetics, lotions, powders, oils, clays, or other products;~~
 - ~~(e) Facial hair removal; and~~
 - ~~(f) Eyebrow shaping, design, or removal].~~

The practice of cosmetology does not include acts performed incident to treatment of an illness or a disease;
- ~~(5)~~~~(6)~~ "Cosmetology school" or "school of cosmetology" means any operation, place, or establishment in or through which persons are trained or taught the practice of cosmetology, esthetic practices, and nail technology;
- ~~(6)~~~~(7)~~ "Esthetician" means a person who is licensed by the board to engage in esthetic practices in the Commonwealth of Kentucky;
- ~~(7)~~~~(8)~~~~(a)~~ "Esthetic practices" means one (1) or more of the following acts:
 - (a) *Beautifying, cleansing, cosmetic preparations, exfoliating, facials, makeup, removal of superfluous hair, stimulation, tinting, tweezing, or waxing*;

- (b) *Eyelash tinting, artificial eyelashes, or eyelash extensions;*
- (c) *Use of lotions, creams, oils, antiseptics, or depilatories;*
- (d) *Massaging the skin; and*
 - 1. ~~Giving facials, including consultation and skin analysis;~~
 - 2. ~~Giving skin care;~~
 - 3. ~~Removing facial hair;~~
 - 4. ~~Beautifying or cleaning the body with the use of cosmetic preparations, antiseptics, tonics, lotions, creams; or~~
 - 5. ~~Providing preoperative and postoperative esthetic skin care, either referred by or supervised by a medical professional, unless~~;

~~(b) Except when~~ these acts are performed incident to:

- 1. Treatment of an illness or a disease;
- 2. Work as a student in a board-approved school; *or*
- 3. ~~Work without compensation from the person receiving the service; or~~
- 4. ~~Work performed by a licensed massage therapist;~~

~~(8)(9)~~ "Esthetic practices school" or "school of esthetic practices" means any operation, place, or establishment in or through which persons are trained in esthetic practices;

~~(9)(10)~~ "Esthetic salon" means a place where an esthetician performs esthetic practices;

~~(10)(11)~~ "Eyelash artistry" means the process of attaching semipermanent lashes or eyelash extensions to natural eyelashes;

(11) *"Hair styling" means the practice of:*

- (a) *Arranging, beautifying, bleaching, cleansing, coloring, curling, cutting, dressing, manipulating, permanent waving, singeing, tinting, or trimming of natural or artificial hair;*
- (b) *Use of lotions, creams, and antiseptics; and*
- (c) *Massaging and stimulation of the scalp;*

(12) *"Instructor" means any individual licensed to teach cosmetology, esthetics, or nail technology who holds a corresponding license in cosmetology, esthetics practice, or nail technology;*

(13) "Limited beauty salon" means any establishment in which the practice of *shampoo and style services, makeup artistry, eyelash artistry, or threading are* ~~blow-drying services only is~~ conducted for the general public or for consideration;

(14) *"Limited stylist" means an individual licensed to perform shampoo and style services;*

~~(15)(13)~~ (a) "Makeup artistry" means applying cosmetic products to the face and body.

(b) "Makeup artistry" includes:

- 1. Corrective and camouflage techniques; and
- 2. Airbrushing.

(c) "Makeup artistry" does not include:

- 1. Face painting at carnivals or fairs; or
- 2. Application of cosmetics when not done for consideration;

~~(16)(14)~~ "Nail salon" means any establishment in which the practice of nail technology only is conducted for the general public or for consideration;

~~(17)(15)~~ "Nail technician" means a person who practices nail technology, *including manicuring and pedicuring real and artificial nails for the purpose of beautifying*, for the general public or for consideration. *Manicuring and pedicuring real and artificial nails for the purpose of beautifying includes:*

- (a) *Cleaning;*
- (b) *Trimming;*
- (c) *Cutting;*
- (d) *Shaping;*
- (e) *Sculpting;*
- (f) *Polishing; and*
- (g) *Massaging the hands and feet;*

~~(16)~~ "Nail technology" means the practice of cutting, trimming, polishing, coloring, cleansing, applying artificial nails, or massaging, cleaning, treating, or beautifying the hands and feet of any human, for which a license is required by this chapter;

~~(18)~~~~(17)~~ "Nail technology school" or "school of nail technology" means any operation, place, or establishment in or through which persons are trained in nail technology;

~~(19)~~~~(18)~~ (a) "Natural hair braiding" means a service of twisting, wrapping, weaving, extending, locking, or braiding hair by hand or with mechanical devices. Natural hair braiding is commonly known as "African-style hair braiding" but is not limited to any particular cultural, ethnic, racial, or religious forms of hair styles.

(b) "Natural hair braiding" includes:

1. The use of natural or synthetic hair extensions, natural or synthetic hair and fibers, decorative beads, and other hair accessories;
2. Minor trimming of natural hair or hair extensions incidental to twisting, wrapping, weaving, extending, locking, or braiding hair;
3. The use of topical agents such as conditioners, gels, moisturizers, oils, pomades, and shampoos; and
4. The making of wigs from natural hair, natural fibers, synthetic fibers, and hair extensions.

(c) "Natural hair braiding" does not include:

1. The application of dyes, reactive chemicals, or other preparation to alter the color of the hair or to straighten, curl, or alter the structure of the hair; or
2. The use of chemical hair joining agents such as synthetic tape, keratin bonds, or fusion bonds.

(d) For the purposes of this subsection, "mechanical devices" means clips, combs, curlers, curling irons, hairpins, rollers, scissors, needles, thread, and hair binders;~~and~~

(20) (a) *"Shampoo and style services" means beautifying, cleaning, or arranging the hair of an individual for consideration only at a limited beauty salon.*

(b) *"Shampoo and style services" includes any of the following services performed on an individual's hair:*

1. *Arranging;*
2. *Cleaning;*
3. *Curling;*
4. *Dressing;*
5. *Blow drying; or*
6. *Performing any other similar procedure.*

(c) *"Shampoo and style services" does not include any service that:*

1. *Is popularly known as a Brazilian blowout;*
2. *Includes color services, cutting, lightening, or chemically treating hair; or*

3. *Otherwise falls under the practice of cosmetology, except as authorized in paragraph (b) of this subsection; and*

~~(21)(19)~~ "Threading" means the process of removing hair from below the eyebrow by use of a thread woven through the hair to be removed.

➔Section 3. KRS 317A.020 is amended to read as follows:

- (1) No person shall engage in the practice of cosmetology, esthetic practices, or nail technology for other than cosmetic purposes nor shall any person engage in the practice of cosmetology, esthetic practices, or nail technology for the treatment of physical or mental ailments. This chapter does not apply to:
 - (a) Persons authorized by the law of this state to practice medicine, podiatry, optometry, dentistry, chiropractic, nursing, or embalming who perform incidental practices of cosmetology, esthetic practices, and nail technology in the normal course of the practice of their profession;
 - (b) Commissioned medical or surgical personnel of the United States Armed Forces who perform incidental practices of cosmetology, esthetic practices, or nail technology in the course of their duties;
 - (c) Cosmetology, esthetic practices, or nail technology services performed at an institution operated or under contract to the Department of Corrections or the Department of Juvenile Justice; and
 - (d) Persons engaged in natural hair braiding.
- (2) Except as provided in subsection (1) of this section, no person shall engage in the practice of cosmetology, esthetic practices, or nail technology for the public, generally, or for consideration without the appropriate license required by this chapter.
- (3) No person unless duly and properly licensed pursuant to this chapter shall:
 - (a) Teach cosmetology, esthetic practices, or nail technology;
 - (b) Operate a beauty salon;
 - (c) Operate an esthetic salon;
 - (d) Act as an esthetician;
 - (e) Operate a nail salon;
 - (f) Act as a nail technician; or
 - (g) Conduct or operate a school for cosmetologists, estheticians, or nail technicians.
- (4) No person shall aid or abet any person in violating this section, nor shall any person engage or employ for consideration any person to perform any practice licensed by this chapter unless the person to perform the practice holds and displays the appropriate license.
- (5) No licensed cosmetology or esthetic practices instructors, licensed cosmetologists, licensed estheticians, or licensed nail technicians shall hold clinics for teaching or demonstrating for personal profit, either monetary or otherwise, if the clinics are not sponsored by a recognized professional cosmetologist's, esthetician's, or nail technician's group.
- (6) Whenever a person engages in different practices separately licensed, certified, or permitted by this chapter, that person shall procure a separate license, certificate, or permit for each of the practices in which the person engages.
- (7) The board may:
 - (a) Bring and maintain actions in its own name to enjoin any person in violation of any provision of this chapter. These actions shall be brought in the Circuit Court of the county where the violation is alleged to have occurred;
 - (b) *Issue an emergency order in accordance with KRS 13B.125 against any facility licensed by the board. The emergency order shall be based upon probable cause by the board that the emergency order is in the public interest and that there is substantial evidence of immediate danger to the health, welfare, and safety of any customer, patient, or the general public; and*

- (c) *Institute civil and criminal proceedings against violators of this chapter. The Attorney General, Commonwealth's attorneys, and county attorneys shall assist the board in prosecuting violations of this chapter.*
- (8) *The board shall:*
- (a) *Govern all issues related to this chapter;*
- (b) *Investigate alleged violations brought to its attention, conduct investigations, and schedule and conduct administrative hearings in accordance with KRS Chapter 13B to enforce the provisions of this chapter and administrative regulations promulgated pursuant to this chapter;*
- (c) *Administer oaths, receive evidence, interview persons, and require the production of books, papers, documents, or other evidence; and*
- (d) *Have the authority to take emergency action affecting the legal rights, duties, privileges, or immunities of named persons without a hearing to stop, prevent, or avoid an immediate danger to the public health, safety, or welfare, in accordance with KRS 13B.125.*

➔Section 4. KRS 317A.030 is amended to read as follows:

- (1) There is created an independent agency of the state government to be known as the Kentucky Board of Cosmetology, which shall have complete supervision over the administration of the provisions of this chapter relating to cosmetology, cosmetologists, schools of cosmetology, or esthetic practices or nail technology, students, estheticians, nail technicians, instructors of cosmetology, instructors of esthetic practices, or instructors of nail technology, cosmetology salons, esthetic salons, and nail salons.
- (2) The board shall be composed of five (5) members appointed by the Governor as follows:
- (a) Four (4) of the members shall have been cosmetologists five (5) years prior to their appointment and shall reside in Kentucky:
1. Two (2) of whom shall be cosmetology salon owners;
 2. One (1) of whom shall be a cosmetology teacher in public education and shall not own any interest in a cosmetology salon; and
 3. One (1) of whom shall be an owner of or one who shall have a financial interest in a licensed cosmetology school and shall be a member of a nationally recognized association of cosmetologists;
- (b) One (1) member shall be a citizen at large who is not associated with or financially interested in the practices or businesses regulated; and
- (c) None of whom nor the **executive director**~~administrator~~ shall be financially interested in, or have any financial connection with, wholesale cosmetic supply or equipment businesses.

At all times in the filling of vacancies of membership on the board, this balance of representation shall be maintained.

- (3) Appointments shall be for a term of two (2) years, ending on February 1.
- (4) The Governor shall not remove any member of the board except for cause.
- (5) The board shall elect from its members a chair, a vice chair, and a secretary.
- (6) Three (3) members shall constitute a quorum for the transaction of any board business.
- (7) Each member of the board shall receive one hundred dollars (\$100) per day for each day of attendance at board meetings, and shall be reimbursed for necessary traveling expenses and necessary expenses incurred in the performance of duties pertaining to official business of the board.
- (8) The board shall hold meetings at the place in the state and at the times deemed necessary by the board to discharge its duties.

➔Section 5. KRS 317A.040 is amended to read as follows:

- (1) The board may employ inspectors and any other personnel reasonably necessary to carry out the provisions of this chapter, whose compensations shall be established within budgetary limits by the Personnel Cabinet. The board may delegate staffing decisions to the **executive director**~~administrator~~.

- (2) The board shall by appropriate order employ an *executive director*~~administrator~~ who shall be charged with the responsibility of administering the provisions of this chapter, and the policies and administrative regulations of the board relating to cosmetology and esthetic practices.
- (3) No person shall be employed as an *executive director*~~administrator~~ unless the person is a licensed cosmetologist.
- (4) The *executive director*~~administrator~~ may receive a salary as may be established by classification of the position by the Personnel Cabinet.
- (5) The board shall publish or electronically provide copies of its administrative regulations and any proposed amendments to all persons licensed by it and to any other persons, places, or agencies as may be required by law or deemed by it reasonably necessary to the administration of the provisions of this chapter.

➔Section 6. KRS 317A.050 is amended to read as follows:

- (1) All applicants for licensure under this chapter shall meet the following minimum requirements:
 - (a) Be of good moral character and temperate habit;
 - (b) Be at least eighteen (18) years of age;
 - (c) Have a high school diploma, a High School Equivalency Diploma, or results from the Test for Adult Basic Education indicating a score equivalent to the twelfth grade of high school; and
 - (d) Have submitted the completed application along with the required license fee as set forth in administrative regulation.
- (2) Notwithstanding any provision to the contrary, the board may refuse to grant a license to any applicant who fails to comply with the provisions of this chapter or any administrative regulations promulgated by the board.
- (3) The board shall issue a cosmetologist license to any person who:
 - (a) Has official certification from the state board or agency that certifies cosmetology schools that the applicant has graduated from a licensed school of cosmetology requiring one thousand five hundred (1,500) hours within five (5) years of enrolling within the school; and
 - (b) Has satisfactorily passed an examination prescribed by the board to determine fitness to practice cosmetology.
- (4) The board shall issue an esthetician license to any person who:
 - (a) Has satisfactorily completed seven hundred fifty (750) hours of instruction in a licensed school approved by the board; and
 - (b) Has received a satisfactory grade on an examination prescribed by the board to determine fitness to practice as an esthetician.
- (5) The board shall issue a license to act as a nail technician to any person who:
 - (a) Has official certification from the state board or agency that certifies cosmetology schools that the applicant has completed satisfactorily a nail technician course of study of four hundred fifty (450) hours in a licensed school of cosmetology within five (5) years of submitting an application for licensure; and
 - (b) Has satisfactorily passed an examination prescribed by the board to determine fitness to practice as a nail technician.
- (6) The board shall issue a license to operate a salon as follows:
 - (a) The board shall issue a license to operate a beauty salon to any licensed cosmetologist. An owner who is not a licensed cosmetologist shall have a licensed cosmetologist as manager of the beauty salon at all times. If the owner, manager, or location of a beauty salon changes, the required form and fee shall be submitted to the board.
 - (b) The board shall issue a license to operate an esthetic salon to any licensed esthetician. An owner who is not a licensed esthetician shall have a licensed esthetician or cosmetologist as manager of the esthetic salon at all times. If the owner, manager, or location of an esthetic salon changes, the required form and fee shall be submitted to the board.

- (c) The board shall issue a license to operate a nail salon to any licensed nail technician. An owner who is not a licensed nail technician shall have a licensed nail technician or cosmetologist as manager of the nail salon at all times. If the owner, manager, or location of a nail salon changes, the required form and fee shall be submitted to the board.
- (7) The board shall issue an *instructor training certificate*~~[apprentice license]~~ to *train to be an instructor*~~in teach~~ cosmetology, esthetic practices, or nail technology to any person who:
- (a) Has held a current cosmetologist, esthetician, or nail technician license for at least one (1) year; and
 - (b) Has submitted an application that has been signed by the owners of the school in which the applicant will study. The course of instruction shall be for a period of seven hundred fifty (750) hours and not less than four and one-half (4.5) months at one (1) school providing this instruction. The school owner shall verify to the board the completion of seven hundred fifty (750) hours. For out-of-state verification, an applicant shall provide official certification from the board or agency that certifies schools in that other state of licensure verifying the applicant has completed a course of instruction consisting of at least seven hundred fifty (750) hours and not less than four and one-half (4.5) months at one (1) school providing the instruction.
- (8) The board shall issue a license to teach cosmetology to any person who:
- (a) Has held a current cosmetologist license and an *instructor training certificate*~~[apprentice instructor license]~~ for at least four and one-half (4.5) months; and
 - (b) Has satisfactorily passed the examination for the teaching of cosmetology as prescribed by the board.
- (9) The board shall issue a license to teach esthetic practices to any person who:
- (a) Has held a current esthetician license and an *instructor training certificate*~~[apprentice instructor license]~~ for at least four and one-half (4.5) months;
 - (b) Has completed fifty (50) hours in esthetics training within the last two (2) years; and
 - (c) Has satisfactorily passed the examination for the teaching of esthetic practices as prescribed by the board.
- (10) The board shall issue a license to teach nail technology to any person who:
- (a) Has held a current nail technician license and an *instructor training certificate*~~[apprentice instructor license]~~ for at least four and one-half (4.5) months;
 - (b) Has completed fifty (50) hours in nail technology training within the last two (2) years; and
 - (c) Has satisfactorily passed the examination for the teaching of nail technology as prescribed by the board.
- (11) (a) If the requirements of KRS 317A.090 have been satisfied, the board shall issue a license to operate a school of cosmetology or a school of esthetic practices or a school of nail technology to any person who
- ~~(a)~~ has as manager at all times a person who is:
 1. Licensed as an instructor;
 2. Charged with the responsibility of ensuring that all applicable statutes and administrative regulations are complied with; and
 3. Responsible for having a sufficient number of licensed instructors of cosmetology or esthetic practices or nail technology to conduct the school.~~;~~
 - ~~(b)~~ ~~Has been a resident of Kentucky for five (5) years, if the applicant is an individual. If the applicant is a firm or corporation, it shall be a Kentucky corporation or licensed or qualified to do business in Kentucky and shall have been in existence for a period of at least five (5) years;~~
 - ~~(c)~~ Any student enrolling in the school shall pay the fee set forth in administrative regulation to the board before enrollment in the school shall be allowed.~~;~~~~and~~
 - ~~(d)~~ The transfer of any license to operate a school of cosmetology or esthetic practices or nail technology shall require the board's approval and shall become effective upon submitting the required form and fee to the board.

- (12) (a) The board shall issue a license to provide *shampoo and style*~~[blow-drying]~~ services to any person who:
- 1.~~[]~~ ~~Is at least eighteen (18) years old;~~
 - 2.~~[]~~ ~~Has successfully completed a twelfth grade education or the equivalent;~~
 - 3.~~[]~~ Has passed an examination prescribed by the board to determine fitness to perform *shampoo and style*~~[blow-drying]~~ services;
 - 2.~~[4.]~~ Has completed at least *three hundred (300)*~~[four hundred fifty (450)]~~ hours of instruction from a licensed school of cosmetology; and
 - 3.~~[5.]~~ Has met any other reasonable criteria established in administrative regulations promulgated by the board.
- (b) The board shall issue a license to operate a limited beauty salon to any person:
1. Who is licensed to provide *shampoo and style*~~[blow-drying]~~ services or who employs at least one (1) person licensed to provide *shampoo and style*~~[blow-drying]~~ services at the limited beauty salon; and
 2. Whose limited beauty salon facility complies with standards established in administrative regulations promulgated by the board.
- (13) Licenses established under this chapter shall be valid for a period of time to be established by the board through the promulgation of administrative regulations.
- (14) Licenses and permits issued by the board may be renewed beginning July 1 through July 31 of each year.
- (a) Any license shall automatically be renewed by the board:
1. Upon submission and receipt of the application for renewal and the required annual license fee; and
 2. If the application for renewal is otherwise in compliance with the provisions of this chapter and the administrative regulations of the board.
- (b) Any license application postmarked after July 31 shall be considered expired, and the appropriate restoration fee as required by administrative regulation of the board shall apply.
- (15) The requirements for a new license for any person whose license has expired for a period exceeding five (5) years shall be as follows:
- (a) Cosmetologists shall retake and pass *both* the practical *and theory* examination~~[only]~~;
 - (b) Estheticians shall retake and pass both the practical and theory examination;
 - (c) Instructors of cosmetology or esthetic practices shall retake and pass both the practical and theory examination;
 - (d) Nail technicians shall retake and pass the practical and theory examination;
 - (e) Providers of *shampoo and style*~~[blow-drying]~~ services shall retake and pass both the practical and theory examination; and
 - (f) The appropriate restoration fee as set forth in administrative regulation of the board shall be required.
- (16) Guest artists or demonstrators appearing and demonstrating before persons other than licensed cosmetologists, estheticians, nail technicians, and providers of *shampoo and style*~~[blow-drying]~~ services shall apply for a permit that shall be in effect for ten (10) days. Guest artists performing before a nonprofit, recognized professional cosmetologists', estheticians', or cosmetology school or *shampoo and style*~~[blow-drying]~~ services' or nail technicians' group shall apply for a permit, but shall not be required to pay the fee.
- (17) The board shall issue a permit for threading and may promulgate administrative regulations that set out requirements for the practice of threading. Threading shall be conducted in a licensed beauty salon or a facility with a permit to engage in threading, and the board may promulgate administrative regulations for facilities and the required sanitation standards. The permit shall be valid for a period of one (1) year.
- (18) The board shall issue a permit for eyelash artistry and may promulgate administrative regulations that set out the requirements for the practice of eyelash artistry. Eyelash artistry shall be conducted in a licensed beauty salon or a facility with a permit to engage in eyelash artistry, and the board may promulgate administrative

regulations for facilities, *education*, and the required sanitation standards. The permit shall be valid for a period of one (1) year.

- (19) The board shall issue a permit for makeup artistry and may promulgate administrative regulations that set out requirements for the practice of makeup artistry and required sanitation standards. The permit shall be valid for a period of one (1) year.
- (20) (a) *The board may issue a permit for temporary event services to a Kentucky-licensed cosmetologist, esthetician, limited stylist, or nail technician and shall promulgate administrative regulations that set out requirements for issuance of a temporary event services permit including:*
1. *Sanitation standards;*
 2. *Criteria for events that qualify;*
 3. *Application requirements and fees; and*
 4. *Any other requirements necessary to protect the public health and safety.*
- (b) *The temporary event services permit shall be valid only for the specific dates and locations requested.*
- (c) *No person other than a Kentucky-licensed cosmetologist, esthetician, limited stylist, or nail technician shall perform services at a temporary event services location, and no licensee shall perform services other than those authorized by his or her respective license pursuant to Section 3 of this Act.*
- (d) *The Kentucky-licensed cosmetologist, esthetician, limited stylist, or nail technician holding a temporary event services permit shall be liable for any violation of KRS Chapter 317A or administrative regulations promulgated under KRS Chapter 317A that occurs at the temporary event services location.*

➔Section 7. KRS 317A.060 is amended to read as follows:

- (1) The board shall promulgate administrative regulations including but not limited to administrative regulations that:
- (a) Protect the health and safety of the public;
 - (b) Protect the public against incompetent or unethical practice, misrepresentation, deceit, or fraud in the practice or teaching of beauty culture;
 - (c) Set standards for the operation of the schools and salons;
 - (d) Protect the students under this chapter;
 - (e) Set standards for the location and housing of beauty salons or cosmetology schools in the state. This subsection does not apply to the instructional programs in cosmetology in the state area vocational and technical schools;
 - (f) Set standards for the quantity and quality of equipment, supplies, materials, records, and furnishings required in beauty salons, esthetic salons, nail salons, and cosmetology, esthetic practices, and nail technology schools;
 - (g) Establish the qualifications of instructors of cosmetology, instructors of esthetic practices, instructors of nail technology, and apprentice teachers;
 - (h) Establish requirements for the hours and courses of instruction at cosmetology schools and esthetic practices schools and nail technology schools;
 - (i) Establish requirements for the examinations of applicants for licenses;
 - (j) Establish the requirements for the proper education and training of students;
 - (k) Address the course and conduct of school owners, instructors, *instructor training certificate holders*~~[apprentice instructors]~~, licensed cosmetologists, estheticians, nail technicians, beauty salons, esthetic salons, nail salons, cosmetology schools, schools of esthetic practices, and schools of nail technology; and
 - (l) Establish a code of ethics for persons licensed by the board.

- (2) Administrative regulations pertaining to health and sanitation shall be approved by the Cabinet for Health and Family Services before becoming effective.

➔Section 8. KRS 317A.090 is amended to read as follows:

No license shall be issued or renewed by the board to any cosmetology school or school of esthetic practices or school of nail technology unless such school provides:

- (1) The name of the proposed school;
- (2) A statement that the proposed school is authorized to operate educational programs beyond secondary education;
- (3) As a prerequisite of graduation, a prescribed course of instruction of not less than one thousand five hundred (1,500) hours for a cosmetology school or seven hundred fifty (750) hours for a school of esthetic practices, or four hundred fifty (450) hours for a school of nail technology~~], to be given within an uninterrupted period with not more than eight (8) hours nor less than four (4) hours of instruction a day, exclusive of Sundays; except that in the state area vocational schools, the required hours of instruction may be offered according to the schedule for other vocational classes in the school];~~
- (4) Courses of instruction in histology of the hair, skin, nails, muscles, and nerves of the face and neck; elementary chemistry with emphasis on sterilization, diseases of the skin, hair, and glands, and massaging and manipulating of the muscles of the upper body; cutting, shaving, arranging, dressing, chemical treatment of the hair and such other courses as may be prescribed by administrative regulation of the board;
- (5) Facilities, equipment, materials, and qualified instructors and *instructor training*~~[apprentice instructors]~~ as may be required by administrative regulations of the board adopted pursuant to this chapter, but no cosmetology school or school of esthetic practices or school of nail technology shall have fewer than one (1) licensed instructor per twenty (20) students present for instruction;
- (6) No cosmetology school or school of esthetic practices or school of nail technology, after being licensed for the first time, shall serve the public until one hundred fifty (150) hours of instruction has been taught; and
- (7) In compliance with KRS 317A.070, the board may revoke or suspend any license issued by it if, in the judgment of the board, the school is not following the requirements as set out in this chapter or the school does not comply with the administrative regulations promulgated by the board in order to regulate the conduct of the school and in order to supervise the proper education of the students.

➔Section 9. KRS 317A.155 is amended to read as follows:

- (1) As used in this section, "funeral establishment" means funeral establishment as defined in KRS 316.010.
- (2) Every person practicing as a cosmetologist, esthetician, *limited stylist*, or nail technician~~], with the exception of a nail technician or cosmetologist exclusively practicing manicuring in a licensed barber shop,]~~ shall practice in an establishment licensed by the board.
- (3) Notwithstanding subsection (2) of this section, persons holding an active license from the board as a cosmetologist, esthetician, *limited stylist*, or nail technician and who practice in salons licensed by the board shall be permitted to render services *outside of an establishment licensed by the board* for pay, free, or otherwise, to:
 - (a) A person suffering from a terminal illness and who is receiving the services of a hospice program either at home or at a hospice inpatient unit;~~or]~~
 - (b) A person who is deceased and in the care of a funeral establishment; *or*
 - (c) *A person suffering from a medical condition, as attested by a physician in writing, which limits physical mobility to such an extent that it would impose an undue burden on that person to attempt to travel to an establishment licensed by the board.*
- (4) Cosmetologists, estheticians, *limited stylists*, and nail technicians who render services authorized in subsection (3) of this section shall have the permission of the owner or administrator of the establishment where the services are rendered *and the permission of the person, or their legal representative, upon whom services will be rendered.*

➔Section 10. KRS 317A.990 is amended to read as follows:

- (1) Any person who violates any provision of this chapter shall be fined not less than fifty dollars (\$50) nor more than one thousand five hundred dollars (\$1,500) *per violation*.
- (2) Any person who violates any administrative regulation lawfully promulgated by the board under the authority contained in this chapter shall be fined not less than twenty-five dollars (\$25) nor more than seven hundred fifty dollars (\$750) *per violation*.
- (3) *Any person who violates Sections 3 or 9 of this Act shall be guilty of a Class B misdemeanor.*

Signed by Governor April 20, 2022.

CHAPTER 236

(SB 180)

AN ACT relating to guidelines and standards for labor and workforce development and declaring an emergency.

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

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 151B IS CREATED TO READ AS FOLLOWS:

- (1) *The Education and Labor Cabinet is hereby created, which shall constitute a cabinet of the state government within the meaning of KRS Chapter 12. The cabinet shall consist of a secretary and those administrative bodies and employees as provided by law.*
- (2) *Subject to KRS Chapter 12, the cabinet shall be composed of the major organizational units listed below, units listed in KRS 12.020, and other departments, divisions, and sections as are from time to time deemed necessary for the proper and efficient operation of the cabinet:*
 - (a) *Office of the Secretary, which shall include the Office of Legal Services, the Office of Administrative Services, the Office of Technology Services, the Office of Policy and Audit, the Office of Legislative Services, the Office of Communications, and the Office of Kentucky Center for Statistics, as follows:*
 1. *The Office of Legal Services shall:*
 - a. *Be headed by an executive director appointed by the secretary with the approval of the Governor in accordance with KRS 12.050 and 12.210; and*
 - b. *Include the Workplace Standards Legal Division, Workforce Development Legal Division, and Workers' Claims Legal Division, each of which shall be headed by a general counsel appointed by the secretary with the approval of the Governor in accordance with KRS 12.050 and 12.210; and*
 2. *The following agencies and entities are attached to the Office of the Secretary for administrative purposes only:*
 - a. *Early Childhood Advisory Council;*
 - b. *Governor's School for Entrepreneurs Program;*
 - c. *Governor's Scholar Program;*
 - d. *Board of the Kentucky Center for Statistics; and*
 - e. *Foundation for Adult Education;*
 - (b) *Department of Workers' Claims, which shall be headed by a commissioner appointed by the Governor and confirmed by the Senate in accordance with KRS 342.228. The department shall be divided for administrative purposes into the Office of Administrative Law Judges, the Division of Claims Processing, the Division of Security and Compliance, the Division of Workers' Compensation Funds, and the Division of Specialist and Medical Services. The Office of Administrative Law Judges shall be headed by a chief administrative law judge appointed in accordance with KRS 342.230. Each division in the department shall be headed by a director appointed by the secretary with the approval*

of the Governor in accordance with KRS 12.050. The Workers' Compensation Board shall be attached to the Department of Workers' Claims for administrative purposes only;

- (c) *Department of Workplace Standards, which shall be headed by a commissioner appointed by the Governor in accordance with KRS 12.040 and shall be divided for administrative purposes into the Division of Occupational Safety and Health Compliance, the Division of Occupational Safety and Health Education and Training, and the Division of Wages and Hours. Each of these divisions shall be headed by a director appointed by the secretary with the approval of the Governor in accordance with KRS 12.050;*
 - (d) *Office of Unemployment Insurance, which shall be headed by an executive director appointed by the Governor in accordance with KRS 12.040;*
 - (e) *Kentucky Unemployment Insurance Commission;*
 - (f) *Department for Libraries and Archives;*
 - (g) *Office of Educational Programs;*
 - (h) *Kentucky Workforce Innovation Board; and*
 - (i) *Department of Workforce Development, which shall be headed by a commissioner appointed by the Governor in accordance with KRS 12.040 who shall report to the secretary. Each office or division in the department shall be headed by an executive director or director appointed by the secretary with the approval of the Governor in accordance with KRS 12.050. The department shall be composed of the following offices:*
 - 1. *Career Development Office;*
 - 2. *Office of Vocational Rehabilitation;*
 - 3. *Office of Employer and Apprenticeship Services;*
 - 4. *Office of Adult Education;*
 - 5. *Kentucky Apprenticeship Council, which shall be attached to the department for administrative purposes only;*
 - 6. *Division of Technical Assistance; and*
 - 7. *Office of the Kentucky Workforce Innovation Board.*
- (3) *The following agencies are attached to the cabinet for administrative purposes only:*
- (a) *Kentucky Occupational Safety and Health Review Commission;*
 - (b) *State Labor Relations Board;*
 - (c) *Workers' Compensation Funding Commission;*
 - (d) *Kentucky Occupational Safety and Health Standards Board;*
 - (e) *Kentucky Environmental Education Council;*
 - (f) *Kentucky Geographic Education Board;*
 - (g) *Board of Directors for the Center for School Safety;*
 - (h) *Kentucky Commission on Proprietary Education;*
 - (i) *Employers' Mutual Insurance Authority;*
 - (j) *Workers' Compensation Nominating Committee;*
 - (k) *Kentucky Commission on the Deaf and Hard of Hearing;*
 - (l) *Kentucky Educational Television;*
 - (m) *Kentucky Work Ready Skills Advisory Committee; and*
 - (n) *Foundation for Adult Education.*

➔SECTION 2. A NEW SECTION OF KRS CHAPTER 151B IS CREATED TO READ AS FOLLOWS:

- (1) *The secretary of the Education and Labor Cabinet shall be appointed by the Governor pursuant to KRS 12.255 and shall serve at the pleasure of the Governor. The secretary shall have general supervision and direction over all activities and functions of the cabinet and its employees shall be responsible for carrying out the programs and policies of the cabinet. The secretary shall be the chief executive officer of the cabinet and shall have authority to enter into contracts, subject to the approval of the secretary of the Finance and Administration Cabinet, when the contracts are deemed necessary to implement and carry out the programs of the cabinet. The secretary shall have the authority to require coordination and nonduplication of services provided under the federal Workforce Investment Act of 1998, Pub. L. No. 105-220, as amended. The secretary shall have the authority to mandate fiscal responsibility and dispute resolution procedures among state organizational units for services provided under the federal Workforce Investment Act of 1998.*
- (2) (a) *The secretary of the Education and Labor Cabinet, and the secretary's designated representatives, in the discharge of the duties of the secretary may:*
 1. *Administer oaths and affirmations, take depositions, certify official acts, and issue subpoenas to compel the attendance of witnesses and parties and the production of books, papers, correspondence, memoranda, and other records considered necessary and relevant to the matter under investigation;*
 2. *Administer oaths;*
 3. *Examine witnesses under oath;*
 4. *Take verification of proof or written instruments; and*
 5. *Take testimony, depositions, and affidavits to carry out any law over which the cabinet has jurisdiction.*
- (b) *When a person fails to comply with a cabinet subpoena, the Circuit Court of the county in which the person is found, resides, or has his principal place of business may, upon application of the secretary, his or her representative, or the party requesting the subpoena, issue an order requiring compliance. In any proceeding brought under this section, the Circuit Court having issued the order of compliance may modify or set aside the subpoena.*
- (c) *Subpoenas issued under this section may be served by an authorized representative of the cabinet, at any place in the state.*
- (3) *The secretary of the Education and Labor Cabinet may delegate any duties of the secretary's office to employees of the cabinet as he or she deems necessary and appropriate, unless otherwise prohibited by statute.*
- (4) *The secretary of the Education and Labor Cabinet shall promulgate, administer, and enforce administrative regulations that are necessary to implement programs mandated by federal law, qualify for the receipt of federal funds, and cooperate with other state and federal agencies for the proper administration of the cabinet and its programs, except for programs and federal funds within the authority of the Department of Education, the Kentucky Board of Education, and the Education Professional Standards Board.*
- (5) *The secretary of the Education and Labor Cabinet shall have the duties, responsibilities, power, and authority relating to labor, wages and hours, occupational safety and health of employees, child labor, workers' compensation, and all other matters pertaining to Kentucky labor laws and the state's regulation of labor in the Commonwealth.*
- (6) *The secretary, in person or by representative, shall:*
 - (a) *Investigate and ascertain the wages of all employees employed in this state;*
 - (b) *Enter the place of business or employment of any employer of employees to examine and inspect all books, registers, payrolls, and other records that have a bearing upon the question of wages of employees and to ascertain compliance with the orders of the secretary; and*
 - (c) *Require from the employer a full and correct statement, in writing when the secretary or the secretary's representative considers it necessary, of the wages paid to all employees of the employer.*
- (7) (a) *The secretary of the Education and Labor Cabinet, in person or by representative, may prosecute any violation of any provision of any law which is his or her duty to administer or enforce.*

- (b) 1. *The secretary may enter into reciprocal agreements with the corresponding labor agency or official of any other state to collect in the other state claims assigned to the secretary.*
 - 2. *To the extent allowed by a reciprocal agreement, the secretary may maintain actions in the courts of another state to collect claims and judgments for wages and assign claims and judgments to the agency or official of another state for collection.*
 - 3. *If a reciprocal agreement extends a like comity to cases arising in the Commonwealth, the secretary may maintain actions in the courts of the Commonwealth to collect claims and judgments for wages arising in the other state in the same manner and to the same extent that actions are authorized when arising in the Commonwealth.*
- (8) *The secretary of the Education and Labor Cabinet shall develop and promulgate administrative regulations that protect the confidential nature of all records and reports of the Office of Unemployment Insurance, the Career Development Office, and the Office of Employer and Apprenticeship Services, which directly or indirectly identify a client or former client and which ensure that these records are not disclosed to or by any person, except if:*
- (a) *The person identified gives his or her consent; or*
 - (b) *Disclosure may be permitted under state or federal law.*
- (9) *Notwithstanding any other state statute or administrative regulation to the contrary, any information concerning individual clients or applicants in the possession of the Department of Workforce Development may be shared with any authorized representative of any other state or local governmental agency if the agency has a direct, tangible, and legitimate interest in the individual. The agency receiving the information shall ensure the confidentiality of all information received. The Department of Workforce Development may share information concerning a client or applicant with any private or quasi-private agency if the agency has:*
- (a) *An agreement with the cabinet ensuring the confidentiality of the information; and*
 - (b) *A direct, tangible, and legitimate interest in the individual.*
- (10) *The secretary of the Education and Labor Cabinet, with the approval of the Governor, shall appoint necessary deputies, attorneys, statisticians, inspectors, and other employees and fix their salaries according to law. These employees shall receive their actual necessary expenses.*

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 151B IS CREATED TO READ AS FOLLOWS:

- (1) *The Education and Labor Cabinet shall exercise all administrative functions of the state concerned with employer-employee relationships, including the safety of workers and workers' compensation.*
- (2) *The cabinet shall:*
 - (a) *Promote friendly and cooperative relations between employers and employees;*
 - (b) *Accumulate and publish industrial statistics and aid and encourage the development of new industries and the expansion of existing industries in Kentucky;*
 - (c) *Encourage, promote, and develop fair practices, both by employers and employees; discourage and eliminate as far as practicable all unfair practices by employers or employees; and enforce laws relating to unfair practices;*
 - (d) *Foster, promote, and develop the welfare of both wage earners and industries in Kentucky;*
 - (e) *Improve working and living conditions of employees, and advance their opportunities for profitable employment; and*
 - (f) *Inquire into the causes of accidental injuries and occupational diseases arising out of and in the course of employment, and advance measures for the prevention of accidents and occupational diseases and for the improvement of sanitary conditions in places of employment.*

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 151B IS CREATED TO READ AS FOLLOWS:

- (1) *The Education and Labor Cabinet shall require a national and state criminal background check for every prospective and current employee of the cabinet or its agencies, including contract staff, with access to or use of federal tax information. The criminal background investigation shall include a fingerprint check by*

the Department of Kentucky State Police and Federal Bureau of Investigation, pursuant to the following requirements:

- (a) *The cabinet shall require each employee with access to or use of federal tax information to submit a complete and legible set of fingerprints to the Department of Kentucky State Police on a fingerprint card issued by the Federal Bureau of Investigation;*
 - (b) *The Department of Kentucky State Police shall submit the fingerprint card to the Federal Bureau of Investigation for a national criminal background check after a state criminal background check is conducted;*
 - (c) *The results of a national and state criminal background check shall not be distributed or otherwise released by the cabinet, except that the cabinet:*
 - 1. *Shall provide an employee the results of his or her national and state criminal background check upon request; and*
 - 2. *May introduce the results, under seal, as evidence in a legal proceeding that involves a challenge to any personnel action taken by the cabinet based in whole or in part on information contained in the results; and*
 - (d) *Any fee charged by the Department of Kentucky State Police or for the Federal Bureau of Investigation background check shall be an amount no greater than the actual cost of processing the request and conducting the background check.*
- (2) *The cabinet or its agencies shall promulgate administrative regulations in accordance with this section and KRS Chapter 13A to implement this section.*

➔Section 5. KRS 11.065 is amended to read as follows:

- (1) The secretaries of the Justice and Public Safety Cabinet, ~~the Education and Labor Cabinet~~, ~~the Education and Workforce Development Cabinet~~, the Public Protection Cabinet, the Transportation Cabinet, the Cabinet for Economic Development, the Cabinet for Health and Family Services, the Finance and Administration Cabinet, the Energy and Environment Cabinet, ~~the Labor Cabinet~~, the Tourism, Arts and Heritage Cabinet, the Personnel Cabinet, the Governor's Executive Cabinet, the chief information officer, the state budget director, the Governor's chief of staff, and the Lieutenant Governor shall constitute the Governor's Executive Cabinet. There shall be a vice chairman appointed by the Governor who shall serve in an advisory capacity to the Executive Cabinet. The Governor shall be the chairman, and the secretary of the Finance and Administration Cabinet shall be a second vice chairman of the Executive Cabinet. The Governor may designate others to serve as vice chairman.
- (2) The cabinet shall meet not less than once every two (2) months and at other times on call of the Governor. The Executive Cabinet shall be a part of the Office of the Governor and shall not constitute a separate department or agency of the state. Members of the cabinet shall be the major assistants to the Governor in the administration of the state government and shall assist the Governor in the proper operation of his office and perform other duties the Governor may require of them.
- (3) The cabinet shall consider matters involving policies and procedures the Governor or any member may place before it. The cabinet shall advise and consult with the Governor on all matters affecting the welfare of the state.

➔Section 6. KRS 12.020 is amended to read as follows:

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

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

- (1) The Governor.

- (2) Lieutenant Governor.
 - (3) Department of State.
 - (a) Secretary of State.
 - (b) Board of Elections.
 - (c) Registry of Election Finance.
 - (4) Department of Law.
 - (a) Attorney General.
 - (5) Department of the Treasury.
 - (a) Treasurer.
 - (6) Department of Agriculture.
 - (a) Commissioner of Agriculture.
 - (b) Agricultural Development Board.
 - (c) Kentucky Agricultural Finance Corporation.
 - (7) Auditor of Public Accounts.
- II. Program cabinets headed by appointed officers:
- (1) Justice and Public Safety Cabinet:
 - (a) Department of Kentucky State Police.
 1. Office of Administrative Services.
 - a. Division of Operational Support.
 - b. Division of Management Services.
 2. Office of Operations.
 - a. Division of West Troops.
 - b. Division of East Troops.
 - c. Division of Special Enforcement.
 - d. Division of Commercial Vehicle Enforcement.
 3. Office of Technical Services.
 - a. Division of Forensic Sciences.
 - b. Division of Information Technology.
 - (b) Department of Criminal Justice Training.
 - (c) Department of Corrections.
 - (d) Department of Juvenile Justice.
 - (e) Office of the Secretary.
 - (f) Office of Drug Control Policy.
 - (g) Office of Legal Services.
 - (h) Office of the Kentucky State Medical Examiner.
 - (i) Parole Board.
 - (j) Kentucky State Corrections Commission.
 - (k) Office of Legislative and Intergovernmental Services.
 - (l) Office of Human Resource Management.

1. Division of Human Resource Administration.
 2. Division of Employee Management.
 - (m) Department of Public Advocacy.
 - (n) Office of Communications.
 1. Information Technology Services Division.
 - (o) Office of Financial Management Services.
 1. Division of Financial Management.
 - (p) Grants Management Division.
- (2) ~~Education and Workforce Development Cabinet:~~
- (a) ~~Office of the Secretary.~~
 1. ~~Governor's Scholars Program.~~
 2. ~~Governor's School for Entrepreneurs Program.~~
 3. ~~Office of the Kentucky Workforce Innovation Board.~~
 4. ~~Foundation for Adult Education.~~
 5. ~~Early Childhood Advisory Council.~~
 - (b) ~~Office of Legal and Legislative Services.~~
 1. ~~Client Assistance Program.~~
 - (c) ~~Office of Communication.~~
 - (d) ~~Office of Administrative Services.~~
 1. ~~Division of Human Resources.~~
 2. ~~Division of Operations and Support Services.~~
 3. ~~Division of Fiscal Management.~~
 - (e) ~~Office of Technology Services.~~
 - (f) ~~Office of Educational Programs.~~
 - (g) ~~Office of the Kentucky Center for Statistics.~~
 - (h) ~~Board of the Kentucky Center for Statistics.~~
 - (i) ~~Board of Directors for the Center for School Safety.~~
 - (j) ~~Department of Education.~~
 1. ~~Kentucky Board of Education.~~
 2. ~~Kentucky Technical Education Personnel Board.~~
 3. ~~Education Professional Standards Board.~~
 - (k) ~~Department for Libraries and Archives.~~
 - (l) ~~Department of Workforce Investment.~~
 1. ~~Office of Vocational Rehabilitation.~~
 - a. ~~Division of Kentucky Business Enterprise.~~
 - b. ~~Division of the Carl D. Perkins Vocational Training Center.~~
 - c. ~~Division of Blind Services.~~
 - d. ~~Division of Field Services.~~
 - e. ~~Statewide Council for Vocational Rehabilitation.~~

- ~~2. — Office of Unemployment Insurance.~~
- ~~3. — Office of Employer and Apprenticeship Services.~~
 - ~~a. — Division of Apprenticeship.~~
- ~~4. — Career Development Office.~~
- ~~5. — Office of Adult Education.~~
- ~~6. — Unemployment Insurance Commission.~~
- ~~7. — Kentucky Apprenticeship Council.~~
- ~~8. — Division of Technical Assistance.~~
- ~~(m) — Foundation for Workforce Development.~~
- ~~(n) — Kentucky Workforce Investment Board.~~
- ~~(o) — Kentucky Commission on the Deaf and Hard of Hearing.~~
- ~~(p) — Kentucky Educational Television.~~
- ~~(q) — Kentucky Environmental Education Council.~~
- (3)} Energy and Environment Cabinet:
 - (a) Office of the Secretary.
 - 1. Office of Legislative and Intergovernmental Affairs.
 - 2. Office of Legal Services.
 - a. Legal Division I.
 - b. Legal Division II.
 - 3. Office of Administrative Hearings.
 - 4. Office of Communication.
 - 5. Mine Safety Review Commission.
 - 6. Office of Kentucky Nature Preserves.
 - 7. Kentucky Public Service Commission.
 - (b) Department for Environmental Protection.
 - 1. Office of the Commissioner.
 - 2. Division for Air Quality.
 - 3. Division of Water.
 - 4. Division of Environmental Program Support.
 - 5. Division of Waste Management.
 - 6. Division of Enforcement.
 - 7. Division of Compliance Assistance.
 - (c) Department for Natural Resources.
 - 1. Office of the Commissioner.
 - 2. Division of Mine Permits.
 - 3. Division of Mine Reclamation and Enforcement.
 - 4. Division of Abandoned Mine Lands.
 - 5. Division of Oil and Gas.
 - 6. Division of Mine Safety.

7. Division of Forestry.
8. Division of Conservation.
9. Office of the Reclamation Guaranty Fund.
- (d) Office of Energy Policy.
 1. Division of Energy Assistance.
- (e) Office of Administrative Services.
 1. Division of Human Resources Management.
 2. Division of Financial Management.
 3. Division of Information Services.
- ~~(3)~~~~(4)~~ Public Protection Cabinet.
 - (a) Office of the Secretary.
 1. Office of Communications and Public Outreach.
 2. Office of Legal Services.
 - a. Insurance Legal Division.
 - b. Charitable Gaming Legal Division.
 - c. Alcoholic Beverage Control Legal Division.
 - d. Housing, Buildings and Construction Legal Division.
 - e. Financial Institutions Legal Division.
 - f. Professional Licensing Legal Division.
 3. Office of Administrative Hearings.
 4. Office of Administrative Services.
 - a. Division of Human Resources.
 - b. Division of Fiscal Responsibility.
 - (b) Office of Claims and Appeals.
 1. Board of Tax Appeals.
 2. Board of Claims.
 3. Crime Victims Compensation Board.
 - (c) Kentucky Boxing and Wrestling Commission.
 - (d) Kentucky Horse Racing Commission.
 1. Office of Executive Director.
 - a. Division of Pari-mutuel Wagering and Compliance.
 - b. Division of Stewards.
 - c. Division of Licensing.
 - d. Division of Enforcement.
 - e. Division of Incentives and Development.
 - f. Division of Veterinary Services.
 - (e) Department of Alcoholic Beverage Control.
 1. Division of Distilled Spirits.
 2. Division of Malt Beverages.

- 3. Division of Enforcement.
- (f) Department of Charitable Gaming.
 - 1. Division of Licensing and Compliance.
 - 2. Division of Enforcement.
- (g) Department of Financial Institutions.
 - 1. Division of Depository Institutions.
 - 2. Division of Non-Depository Institutions.
 - 3. Division of Securities.
- (h) Department of Housing, Buildings and Construction.
 - 1. Division of Fire Prevention.
 - 2. Division of Plumbing.
 - 3. Division of Heating, Ventilation, and Air Conditioning.
 - 4. Division of Building Code Enforcement.
- (i) Department of Insurance.
 - 1. Division of Health and Life Insurance and Managed Care.
 - 2. Division of Property and Casualty Insurance.
 - 3. Division of Administrative Services.
 - 4. Division of Financial Standards and Examination.
 - 5. Division of Licensing.
 - 6. Division of Insurance Fraud Investigation.
 - 7. Division of Consumer Protection.
- (j) Department of Professional Licensing.
 - 1. Real Estate Authority.
- ~~{(5) Labor Cabinet.~~
- ~~(a) Office of the Secretary.~~
 - ~~1. Office of General Counsel.~~
 - ~~a. Workplace Standards Legal Division.~~
 - ~~b. Workers' Claims Legal Division.~~
 - ~~2. Office of Administrative Services.~~
 - ~~a. Division of Human Resources Management.~~
 - ~~b. Division of Fiscal Management.~~
 - ~~c. Division of Professional Development and Organizational Management.~~
 - ~~d. Division of Information Technology and Support Services.~~
 - ~~3. Office of Inspector General.~~
- ~~(b) Department of Workplace Standards.~~
 - ~~1. Division of Occupational Safety and Health Compliance.~~
 - ~~2. Division of Occupational Safety and Health Education and Training.~~
 - ~~3. Division of Wages and Hours.~~
- ~~(c) Department of Workers' Claims.~~

ACTS OF THE GENERAL ASSEMBLY

1. ~~Division of Workers' Compensation Funds.~~
2. ~~Office of Administrative Law Judges.~~
3. ~~Division of Claims Processing.~~
4. ~~Division of Security and Compliance.~~
5. ~~Division of Information Services.~~
6. ~~Division of Specialist and Medical Services.~~
7. ~~Workers' Compensation Board.~~

- (d) ~~Workers' Compensation Funding Commission.~~
- (e) ~~Occupational Safety and Health Standards Board.~~
- (f) ~~State Labor Relations Board.~~
- (g) ~~Employers' Mutual Insurance Authority.~~
- (h) ~~Kentucky Occupational Safety and Health Review Commission.~~
- (i) ~~Workers' Compensation Nominating Committee.]~~

(4)(6) Transportation Cabinet:

- (a) Department of Highways.
1. Office of Project Development.
 2. Office of Project Delivery and Preservation.
 3. Office of Highway Safety.
 4. Highway District Offices One through Twelve.
- (b) Department of Vehicle Regulation.
- (c) Department of Aviation.
- (d) Department of Rural and Municipal Aid.
1. Office of Local Programs.
 2. Office of Rural and Secondary Roads.
- (e) Office of the Secretary.
1. Office of Public Affairs.
 2. Office for Civil Rights and Small Business Development.
 3. Office of Budget and Fiscal Management.
 4. Office of Inspector General.
 5. Secretary's Office of Safety.
- (f) Office of Support Services.
- (g) Office of Transportation Delivery.
- (h) Office of Audits.
- (i) Office of Human Resource Management.
- (j) Office of Information Technology.
- (k) Office of Legal Services.

(5)(7) Cabinet for Economic Development:

- (a) Office of the Secretary.
1. Office of Legal Services.

2. Department for Business Development.
3. Department for Financial Services.
 - a. Kentucky Economic Development Finance Authority.
 - b. Finance and Personnel Division.
 - c. IT and Resource Management Division.
 - d. Compliance Division.
 - e. Incentive Administration Division.
 - f. Bluegrass State Skills Corporation.
4. Office of Marketing and Public Affairs.
 - a. Communications Division.
 - b. Graphics Design Division.
5. Office of Workforce, Community Development, and Research.
6. Office of Entrepreneurship and Small Business Innovation.
 - a. Commission on Small Business Innovation and Advocacy.
- ~~(6)(8)~~ Cabinet for Health and Family Services:
 - (a) Office of the Secretary.
 1. Office of the Ombudsman and Administrative Review.
 2. Office of Public Affairs.
 3. Office of Legal Services.
 4. Office of Inspector General.
 5. Office of Human Resource Management.
 6. Office of Finance and Budget.
 7. Office of Legislative and Regulatory Affairs.
 8. Office of Administrative Services.
 9. Office of Application Technology Services.
 - (b) Department for Public Health.
 - (c) Department for Medicaid Services.
 - (d) Department for Behavioral Health, Developmental and Intellectual Disabilities.
 - (e) Department for Aging and Independent Living.
 - (f) Department for Community Based Services.
 - (g) Department for Income Support.
 - (h) Department for Family Resource Centers and Volunteer Services.
 - (i) Office for Children with Special Health Care Needs.
 - (j) Office of Health Data and Analytics.
- ~~(7)(9)~~ Finance and Administration Cabinet:
 - (a) Office of the Secretary.
 - (b) Office of the Inspector General.
 - (c) Office of Legislative and Intergovernmental Affairs.
 - (d) Office of General Counsel.

- (e) Office of the Controller.
- (f) Office of Administrative Services.
- (g) Office of Policy and Audit.
- (h) Department for Facilities and Support Services.
- (i) Department of Revenue.
- (j) Commonwealth Office of Technology.
- (k) State Property and Buildings Commission.
- (l) Office of Equal Employment Opportunity and Contract Compliance.
- (m) Kentucky Employees Retirement Systems.
- (n) Commonwealth Credit Union.
- (o) State Investment Commission.
- (p) Kentucky Housing Corporation.
- (q) Kentucky Local Correctional Facilities Construction Authority.
- (r) Kentucky Turnpike Authority.
- (s) Historic Properties Advisory Commission.
- (t) Kentucky Higher Education Assistance Authority.
- (u) Kentucky River Authority.
- (v) Kentucky Teachers' Retirement System Board of Trustees.
- (w) Executive Branch Ethics Commission.
- ~~(8)(10)~~ Tourism, Arts and Heritage Cabinet:
 - (a) Kentucky Department of Tourism.
 1. Division of Tourism Services.
 2. Division of Marketing and Administration.
 3. Division of Communications and Promotions.
 - (b) Kentucky Department of Parks.
 1. Division of Information Technology.
 2. Division of Human Resources.
 3. Division of Financial Operations.
 4. Division of Facilities Management.
 5. Division of Facilities Maintenance.
 6. Division of Customer Services.
 7. Division of Recreation.
 8. Division of Golf Courses.
 9. Division of Food Services.
 10. Division of Rangers.
 11. Division of Resort Parks.
 12. Division of Recreational Parks and Historic Sites.
 - (c) Department of Fish and Wildlife Resources.
 1. Division of Law Enforcement.

2. Division of Administrative Services.
 3. Division of Engineering, Infrastructure, and Technology.
 4. Division of Fisheries.
 5. Division of Information and Education.
 6. Division of Wildlife.
 7. Division of Marketing.
- (d) Kentucky Horse Park.
1. Division of Support Services.
 2. Division of Buildings and Grounds.
 3. Division of Operational Services.
- (e) Kentucky State Fair Board.
1. Office of Administrative and Information Technology Services.
 2. Office of Human Resources and Access Control.
 3. Division of Expositions.
 4. Division of Kentucky Exposition Center Operations.
 5. Division of Kentucky International Convention Center.
 6. Division of Public Relations and Media.
 7. Division of Venue Services.
 8. Division of Personnel Management and Staff Development.
 9. Division of Sales.
 10. Division of Security and Traffic Control.
 11. Division of Information Technology.
 12. Division of the Louisville Arena.
 13. Division of Fiscal and Contract Management.
 14. Division of Access Control.
- (f) Office of the Secretary.
1. Office of Finance.
 2. Office of Government Relations and Administration.
- (g) Office of Legal Affairs.
- (h) Office of Human Resources.
- (i) Office of Public Affairs and Constituent Services.
- (j) Office of Arts and Cultural Heritage.
- (k) Kentucky African-American Heritage Commission.
- (l) Kentucky Foundation for the Arts.
- (m) Kentucky Humanities Council.
- (n) Kentucky Heritage Council.
- (o) Kentucky Arts Council.
- (p) Kentucky Historical Society.
1. Division of Museums.

2. Division of Oral History and Educational Outreach.
 3. Division of Research and Publications.
 4. Division of Administration.
- (q) Kentucky Center for the Arts.
1. Division of Governor's School for the Arts.
- (r) Kentucky Artisans Center at Berea.
- (s) Northern Kentucky Convention Center.
- (t) Eastern Kentucky Exposition Center.
- ~~(9)~~~~(11)~~ Personnel Cabinet:
- (a) Office of the Secretary.
 - (b) Department of Human Resources Administration.
 - (c) Office of Employee Relations.
 - (d) Kentucky Public Employees Deferred Compensation Authority.
 - (e) Office of Administrative Services.
 - (f) Office of Legal Services.
 - (g) Governmental Services Center.
 - (h) Department of Employee Insurance.
 - (i) Office of Diversity, Equality, and Training.
 - (j) Office of Public Affairs.
- (10) Education and Labor Cabinet:**
- (a) Office of the Secretary.**
 - 1. Office of Legal Services.**
 - a. Workplace Standards Legal Division.**
 - b. Workers' Claims Legal Division.**
 - c. Workforce Development Legal Division.**
 - 2. Office of Administrative Services.**
 - a. Division of Human Resources Management.**
 - b. Division of Fiscal Management.**
 - c. Division of Operations and Support Services.**
 - 3. Office of Technology Services.**
 - a. Division of Information Technology Services.**
 - 4. Office of Policy and Audit.**
 - 5. Office of Legislative Services.**
 - 6. Office of Communications.**
 - 7. Office of the Kentucky Center for Statistics.**
 - 8. Board of the Kentucky Center for Statistics.**
 - 9. Early Childhood Advisory Council.**
 - 10. Governors' Scholars Program.**
 - 11. Governor's School for Entrepreneurs Program.**

12. *Foundation for Adult Education.*
- (b) *Department of Education.*
 1. *Kentucky Board of Education.*
 2. *Kentucky Technical Education Personnel Board.*
 3. *Education Professional Standards Board.*
- (c) *Board of Directors for the Center for School Safety.*
- (d) *Department for Libraries and Archives.*
- (e) *Kentucky Environmental Education Council.*
- (f) *Kentucky Educational Television.*
- (g) *Kentucky Commission on the Deaf and Hard of Hearing.*
- (h) *Department of Workforce Development.*
 1. *Career Development Office.*
 2. *Office of Vocational Rehabilitation.*
 - a. *Division of Kentucky Business Enterprise.*
 - b. *Division of the Carl D. Perkins Vocational Training Center.*
 - c. *Division of Blind Services.*
 - d. *Division of Field Services.*
 - e. *Statewide Council for Vocational Rehabilitation.*
 3. *Office of Employer and Apprenticeship Services.*
 - a. *Division of Apprenticeship.*
 4. *Kentucky Apprenticeship Council.*
 5. *Division of Technical Assistance.*
 6. *Office of Adult Education.*
 7. *Office of the Kentucky Workforce Innovation Board.*
- (i) *Department of Workplace Standards.*
 1. *Division of Occupational Safety and Health Compliance.*
 2. *Division of Occupational Safety and Health Education and Training.*
 3. *Division of Wages and Hours.*
- (j) *Office of Unemployment Insurance.*
- (k) *Kentucky Unemployment Insurance Commission.*
- (l) *Department of Workers' Claims.*
 1. *Division of Workers' Compensation Funds.*
 2. *Office of Administrative Law Judges.*
 3. *Division of Claims Processing.*
 4. *Division of Security and Compliance.*
 5. *Division of Specialist and Medical Services.*
 6. *Workers' Compensation Board.*
- (m) *Workers' Compensation Funding Commission.*
- (n) *Kentucky Occupational Safety and Health Standards Board.*

- (o) *State Labor Relations Board.*
- (p) *Employers' Mutual Insurance Authority.*
- (q) *Kentucky Occupational Safety and Health Review Commission.*
- (r) *Workers' Compensation Nominating Committee.*
- (s) *Office of Educational Programs.*
- (t) *Kentucky Workforce Innovation Board.*
- (u) *Kentucky Commission on Proprietary Education.*
- (v) *Kentucky Work Ready Skills Advisory Committee.*
- (w) *Kentucky Geographic Education Board.*

III. Other departments headed by appointed officers:

- (1) Council on Postsecondary Education.
- (2) Department of Military Affairs.
- (3) Department for Local Government.
- (4) Kentucky Commission on Human Rights.
- (5) Kentucky Commission on Women.
- (6) Department of Veterans' Affairs.
- (7) Kentucky Commission on Military Affairs.
- (8) Office of Minority Empowerment.
- (9) Governor's Council on Wellness and Physical Activity.
- (10) Kentucky Communications Network Authority.

➔Section 7. KRS 12.250 is amended to read as follows:

There are established within state government the following program cabinets:

- (1) Justice and Public Safety Cabinet.
- (2) ***Education and Labor Cabinet***~~{Education and Workforce Development Cabinet}~~.
- (3) Public Protection Cabinet.
- (4) Transportation Cabinet.
- (5) Cabinet for Economic Development.
- (6) Cabinet for Health and Family Services.
- (7) Finance and Administration Cabinet.
- (8) Tourism, Arts and Heritage Cabinet.
- (9) Personnel Cabinet.
- (10) Energy and Environment Cabinet.

~~{(11) Labor Cabinet.}~~

➔Section 8. KRS 12.260 is amended to read as follows:

- (1) There is hereby established in the Office of the Secretary of the Public Protection Cabinet a deputy secretary, appointed by the secretary pursuant to KRS 12.050, who shall be responsible for and engaged in operations of the cabinet and any other duties as assigned by the secretary and, in the absence of the secretary, have authority over cabinet affairs.
- (2) There is hereby established in the Office of the Secretary of the Energy and Environment Cabinet a deputy secretary, appointed by the secretary pursuant to KRS 12.050, who shall be responsible for and engaged in

operations of the cabinet and any other duties as assigned by the secretary and, in the absence of the secretary, have authority over cabinet affairs.

- (3) There is hereby established in the Office of the Secretary of the ***Education and Labor Cabinet***~~(Labor Cabinet)~~ a deputy secretary, appointed by the secretary pursuant to KRS 12.050, who shall be responsible for and engaged in operations of the cabinet and any other duties as assigned by the secretary and, in the absence of the secretary, have authority over cabinet affairs.

➔Section 9. KRS 12.515 is amended to read as follows:

- (1) The following agencies shall designate a liaison to the Office for Faith-Based and Community Nonprofit Social Services:
- (a) The Cabinet for Health and Family Services;
 - (b) The Department of Workforce ***Development***~~(Investment)~~;
 - ~~(c) The Education and Workforce Development Cabinet;~~
 - ~~(c)~~~~(d)~~ The Department of Agriculture;
 - ~~(d)~~~~(e)~~ The Kentucky Housing Corporation;
 - ~~(e)~~~~(f)~~ The ***Education and Labor*** Cabinet; and
 - ~~(f)~~~~(g)~~ The Economic Development Cabinet.
- (2) Each agency identified in subsection (1) of this section shall, in cooperation and coordination with the Office for Faith-Based and Community Nonprofit Social Services:
- (a) Review and evaluate existing policies that affect government funding opportunities for faith-based and nonprofit community organizations and report to the office, within ninety (90) days of June 20, 2005, actions necessary to implement KRS 12.510; and
 - (b) Amend existing policies and administrative regulations or implement new policies or administrative regulations in accordance with KRS Chapter 13A consistent with the principles established in KRS 12.500 to 12.520.

➔Section 10. KRS 12.550 is amended to read as follows:

- (1) The Governor's Council on Wellness and Physical Activity is hereby established and authorized to operate the Governor's Wellness and Physical Activity Program, Inc. for the purpose of establishing and implementing a health, wellness, and fitness program for Kentucky and to promote a healthy lifestyle for all citizens of the Commonwealth. The Governor's Council on Wellness and Physical Activity shall be attached to the Department for Public Health for administrative purposes.
- (a) The ex officio members of the Governor's Council on Wellness and Physical Activity shall be as follows:
 1. The Governor or the Governor's designee from the executive cabinet;
 2. The secretary of the Cabinet for Health and Family Services or designee;
 3. The secretary of the Personnel Cabinet or designee;
 4. The secretary of the Education and ***Labor***~~(Workforce Development)~~ Cabinet;
 5. The Senate co-chair of the Interim Joint Committee on Health and Welfare of the General Assembly; and
 6. The House co-chair of the Interim Joint Committee on Health and Welfare of the General Assembly.
 - (b) In addition to the ex officio members, the Governor shall appoint five (5) council members to serve three (3) year terms on the Governor's Council on Wellness and Physical Activity. Members appointed by the Governor may be reappointed by the Governor to serve successive terms. In making appointments, the Governor shall attempt to include individuals from different geographic regions of the Commonwealth of Kentucky. The Governor shall make appointments to fill vacancies as they occur. Each appointment after the initial appointment shall be for a three (3) year term unless the appointment is to fill the unexpired portion of a term.

- (c) The Governor or, if so designated by the Governor, the chairman of the council shall have the authority to hire, fire, and manage all personnel of the Governor's Wellness and Physical Activity Program, Inc., including the executive director.
 - (d) The council shall administer funds appropriated or gifts, donations, or funds received from any source. The council may expend funds in its discretion to carry out the intent of KRS 12.020, 12.023, and 12.550.
 - (e) The council shall closely coordinate with the Department for Public Health to establish policies and procedures.
 - (f) The council shall select from its membership a chairman and any other officers it considers essential. The council may have committees and subcommittees as determined by the council.
 - (g) The council shall make recommendations to the Governor and secretary of the Cabinet for Health and Family Services.
 - (h) The council shall meet quarterly or more often as necessary for the conduct of its business. A majority of the members shall constitute a quorum for the transaction of business. Members' designees shall have voting privileges at committee meetings.
 - (i) Members of the council shall serve without compensation but shall be reimbursed for their necessary travel expenses actually incurred in the discharge of their duties on the council, subject to Finance and Administration Cabinet administrative regulations.
 - (j) The council may establish working groups as necessary.
 - (k) The council shall establish the Governor's Wellness and Physical Activity Program, Inc. pursuant to the requirements in KRS 12.020, 12.023, and 12.550.
- (2) Funds appropriated for purposes of the program shall not lapse at the end of the fiscal year.
- (3) (a) The Governor's Wellness and Physical Activity Program, Inc. shall follow standard accounting practices and shall submit the following financial reports to the Office of the Governor, the Finance and Administration Cabinet, and the Legislative Research Commission:
- 1. Quarterly reports of expenditures of state funds, submitted on or before the thirtieth day after the end of each quarter in the corporation's fiscal year;
 - 2. Annual reports of receipts and expenditures for the Governor's Wellness and Physical Activity Program, Inc., submitted on or before the sixtieth day after the end of the fiscal year of the corporation; and
 - 3. The report of an annual financial audit conducted by an independent auditor, submitted on or before September 1 of each year.
- (b) The Governor's Wellness and Physical Activity Program, Inc. shall file quarterly reports with the Office of the Governor and the Legislative Research Commission. The report shall include a detail of the operations of the program for the preceding year. The report shall include information concerning the participant demographics, number of incentives distributed, and program outcomes according to such measures of success as the board may adopt.

➔Section 11. KRS 13B.020 is amended to read as follows:

- (1) The provisions of this chapter shall apply to all administrative hearings conducted by an agency, with the exception of those specifically exempted under this section. The provisions of this chapter shall supersede any other provisions of the Kentucky Revised Statutes and administrative regulations, unless exempted under this section, to the extent these other provisions are duplicative or in conflict. This chapter creates only procedural rights and shall not be construed to confer upon any person a right to hearing not expressly provided by law.
- (2) The provisions of this chapter shall not apply to:
 - (a) Investigations, hearings to determine probable cause, or any other type of information gathering or fact finding activities;
 - (b) Public hearings required in KRS Chapter 13A for the promulgation of administrative regulations;
 - (c) Any other public hearing conducted by an administrative agency which is nonadjudicatory in nature and the primary purpose of which is to seek public input on public policy making;

- (d) Military adjudicatory proceedings conducted in accordance with KRS Chapter 35;
 - (e) Administrative hearings conducted by the legislative and judicial branches of state government;
 - (f) Administrative hearings conducted by any city, county, urban-county, charter county, or special district contained in KRS Chapters 65 to 109, or any other unit of local government operating strictly in a local jurisdictional capacity;
 - (g) Informal hearings which are part of a multilevel hearing process that affords an administrative hearing at some point in the hearing process if the procedures for informal hearings are approved and promulgated in accordance with subsections (4) and (5) of this section;
 - (h) Limited exemptions granted for specific hearing provisions and denoted by reference in the text of the applicable statutes or administrative regulations;
 - (i) Administrative hearings exempted pursuant to subsection (3) of this section;
 - (j) Administrative hearings exempted, in whole or in part, pursuant to subsections (4) and (5) of this section; and
 - (k) Any administrative hearing which was commenced but not completed prior to July 15, 1996.
- (3) The following administrative hearings are exempt from application of this chapter in compliance with 1994 Ky. Acts ch. 382, sec. 19:
- (a) Finance and Administration Cabinet
 - 1. Higher Education Assistance Authority
 - a. Wage garnishment hearings conducted under authority of 20 U.S.C. sec. 1095a and 34 C.F.R. sec. 682.410
 - b. Offset hearings conducted under authority of 31 U.S.C. sec. 3720A and sec. 3716, and 34 C.F.R. sec. 30.33
 - 2. Department of Revenue
 - a. Any licensing and bond revocation hearings conducted under the authority of KRS 138.210 to 138.448 and 234.310 to 234.440
 - b. Any license revocation hearings under KRS 131.630 and 138.130 to 138.205
 - (b) Cabinet for Health and Family Services
 - 1. Office of the Inspector General
 - a. Certificate-of-need hearings and licensure conducted under authority of KRS Chapter 216B
 - b. Licensure revocation hearings conducted under authority of KRS Chapter 216B
 - 2. Department for Community Based Services
 - a. Supervised placement revocation hearings conducted under authority of KRS Chapter 630
 - 3. Department for Income Support
 - a. Disability determination hearings conducted under authority of 20 C.F.R. sec. 404
 - 4. Department for Medicaid Services
 - a. Administrative appeal hearings following an external independent third-party review of a Medicaid managed care organization's final decision that denies, in whole or in part, a health care service to an enrollee or a claim for reimbursement to the provider for a health care service rendered by the provider to an enrollee of the Medicaid managed care organization, conducted under authority of KRS 205.646
 - (c) Justice and Public Safety Cabinet
 - 1. Department of Kentucky State Police
 - a. Kentucky State Police Trial Board disciplinary hearings conducted under authority of KRS Chapter 16

2. Department of Corrections
 - a. Parole Board hearings conducted under authority of KRS Chapter 439
 - b. Prison adjustment committee hearings conducted under authority of KRS Chapter 197
 - c. Prison grievance committee hearings conducted under authority of KRS Chapters 196 and 197
3. Department of Juvenile Justice
 - a. Supervised placement revocation hearings conducted under KRS Chapter 635
- (d) Energy and Environment Cabinet
 1. Department for Natural Resources
 - a. Surface mining hearings conducted under authority of KRS Chapter 350
 - b. Oil and gas hearings conducted under the authority of KRS Chapter 353, except for those conducted by the Kentucky Oil and Gas Conservation Commission pursuant to KRS 353.500 to 353.720
 - c. Explosives and blasting hearings conducted under the authority of KRS 351.315 to 351.375
 2. Department for Environmental Protection
 - a. Wild River hearings conducted under authority of KRS Chapter 146
 - b. Water resources hearings conducted under authority of KRS Chapter 151
 - c. Water plant operator and water well driller hearings conducted under authority of KRS Chapter 223
 - d. Environmental protection hearings conducted under authority of KRS Chapter 224
 - e. Petroleum Storage Tank Environmental Assurance Fund hearings under authority of KRS Chapter 224
 3. Public Service Commission
 - a. Utility hearings conducted under authority of KRS Chapters 74, 278, and 279
- (e) **Education and Labor Cabinet**
 1. Department of Workers' Claims
 - a. Workers' compensation hearings conducted under authority of KRS Chapter 342
 2. Kentucky Occupational Safety and Health Review Commission
 - a. Occupational safety and health hearings conducted under authority of KRS Chapter 338
 3. ***Unemployment insurance hearings conducted under authority of KRS Chapter 341***
- (f) Public Protection Cabinet
 1. Board of Claims
 - a. Liability hearings conducted under authority of KRS 49.020(5) and 49.040 to 49.180
- ~~{(g)} Education and Workforce Development Cabinet~~
 - ~~1. Unemployment Insurance hearings conducted under authority of KRS Chapter 341~~
- ~~{(g)}{(h)}~~ Secretary of State
 1. Registry of Election Finance
 - a. Campaign finance hearings conducted under authority of KRS Chapter 121
- ~~{(h)}{(i)}~~ State universities and colleges
 1. Student suspension and expulsion hearings conducted under authority of KRS Chapter 164

2. University presidents and faculty removal hearings conducted under authority of KRS Chapter 164
 3. Campus residency hearings conducted under authority of KRS Chapter 164
 4. Family Education Rights to Privacy Act hearings conducted under authority of 20 U.S.C. sec. 1232 and 34 C.F.R. sec. 99
 5. Federal Health Care Quality Improvement Act of 1986 hearings conducted under authority of 42 U.S.C. sec. 11101 to 11115 and KRS Chapter 311.
- (4) Any administrative hearing, or portion thereof, may be certified as exempt by the Attorney General based on the following criteria:
- (a) The provisions of this chapter conflict with any provision of federal law or regulation with which the agency must comply, or with any federal law or regulation with which the agency must comply to permit the agency or persons within the Commonwealth to receive federal tax benefits or federal funds or other benefits;
 - (b) Conformity with the requirement of this chapter from which exemption is sought would be so unreasonable or so impractical as to deny due process because of undue delay in the conduct of administrative hearings; or
 - (c) The hearing procedures represent informal proceedings which are the preliminary stages or the review stages of a multilevel hearing process, if the provisions of this chapter or the provisions of a substantially equivalent hearing procedure exempted under subsection (3) of this section are applied at some level within the multilevel process.
- (5) The Attorney General shall not exempt an agency from any requirement of this chapter until the agency establishes alternative procedures by administrative regulation which, insofar as practical, shall be consistent with the intent and purpose of this chapter. When regulations for alternative procedures are submitted to the Administrative Regulation Review Subcommittee, they shall be accompanied by the request for exemption and the approval of exemption from the Attorney General. The decision of the Attorney General, whether affirmative or negative, shall be subject to judicial review in the Franklin Circuit Court within thirty (30) days of the date of issuance. The court shall not overturn a decision of the Attorney General unless the decision was arbitrary or capricious or contrary to law.
- (6) Except to the extent precluded by another provision of law, a person may waive any procedural right conferred upon that person by this chapter.
- (7) The provisions of KRS 13B.030(2)(b) shall not apply to administrative hearings held under KRS 11A.100 or 18A.095.

➔Section 12. KRS 14.250 is amended to read as follows:

- (1) The Secretary of State, Finance and Administration Cabinet, the Cabinet for Economic Development, and the Commonwealth Office of Technology shall jointly establish a one-stop electronic business portal that shall serve as a single, unified entry point for business owners to access and complete initial and ongoing state services and requirements in relation to the creation or ongoing operation of a business located in the Commonwealth of Kentucky. The agencies identified in this subsection shall coordinate, manage, and implement the portal based on the results of an assessment conducted by the One-Stop Business Portal Advisory Committee under subsection (3) of this section.
- (2) The One-Stop Business Portal Advisory Committee is hereby established to provide guidance in the creation and implementation of the one-stop business portal. The committee shall consist of the Secretary of State, the secretary of the Governor's Executive Cabinet, the secretary of the Economic Development Cabinet or his or her designee, the secretary of the Finance and Administration Cabinet or his or her designee, the secretary of the Education and ~~Labor~~~~Workforce Development~~ Cabinet or his or her designee, the secretary of the Public Protection Cabinet or his or her designee, the secretary of the Transportation Cabinet or his or her designee, the secretary of the Tourism, Arts and Heritage Cabinet or his or her designee, and the secretary of the Energy and Environment Cabinet or his or her designee. The Governor may appoint other members to the committee at his or her discretion. The committee shall be co-chaired by the Secretary of State and the secretary of the Governor's Executive Cabinet.
- (3) The One-Stop Business Portal Advisory Committee shall prepare an assessment detailing recommendations for the creation, ongoing operation, and management of the one-stop business portal, to be presented to the

Governor, the Secretary of State, and the Legislative Research Commission by December 31, 2011. This assessment shall include the following:

- (a) An estimate of the costs for full implementation of the portal, including those associated with technology, maintenance, sharing agency data, information security, and other start-up costs;
- (b) An estimate of the costs of establishing and maintaining a call center staffed with persons trained to answer questions and help businesses obtain information and services, along with a recommendation as to where the call center should be located and the number of staff necessary to operate it;
- (c) Recommendations on the location, design, and functionality of the portal;
- (d) Recommendations as to the roles of the state agencies identified in subsection (1) of this section regarding the day-to-day operational management of the portal;
- (e) Recommendations on the time line for developing and testing the portal;
- (f) Identification of any statutory or regulatory changes that need to be made to existing law to effectuate the portal's functionality;
- (g) Identification of other state agencies that possess business-related functions and content so that those functions can be added to the portal;
- (h) Identification of any impediments posed by federal law and recommended ways to address the impediment;
- (i) A comprehensive analysis of the processes of all state agencies, with a view toward streamlining and reducing the paperwork necessary for businesses to interact with each agency; and
- (j) Recommendations on the scope of services to be provided by the portal. At a minimum, services shall include:
 - 1. Application and renewal of business-related licenses and fees incident to the start-up and operation of a business;
 - 2. Electronic payment of taxes and related costs imposed by state law incident to the operation of a business;
 - 3. Filing of documents and papers imposed by state law associated with the operation of a business; and
 - 4. Creation of individual electronic accounts for each business which allows the business to monitor its filings, payments, and other business-compliance activities.

(4) The One-Stop Business Portal Advisory Committee shall:

- (a) Ensure that the portal has a Web site and the ability to process new business registrations as handled by the Secretary of State's Office, and will be in a testing phase for the Department of Revenue's tax registration application by December 31, 2012; and
- (b) Ensure that subsequent and additional online business applications maintained by the Commonwealth shall be evaluated and prioritized.

➔Section 13. KRS 14.255 is amended to read as follows:

- (1) To help facilitate data sharing between state agencies and as part of the ongoing establishment of a one-stop electronic business portal, the Secretary of State, the Finance and Administration Cabinet, the Cabinet for Economic Development, the Education and ~~Labor~~ ~~Workforce Development~~ Cabinet, and the Commonwealth Office of Technology shall jointly establish a unique Commonwealth business identification number which can be used in filings and services provided by the business portal.
- (2) By December 31, 2013, the agencies identified in subsection (1) of this section shall:
 - (a) Recommend a timeline for implementing the new business identification numbering system for new business filings; and
 - (b) Establish a five (5) year timeline for all state agencies to utilize the Commonwealth business identification number to facilitate data sharing and continued growth of services provided by the business portal.

➔Section 14. KRS 14A.7-030 is amended to read as follows:

- (1) An entity administratively dissolved under KRS 14A.7-020 or predecessor law may apply to the Secretary of State for reinstatement at any time after the effective date of dissolution. The application shall:
 - (a) Recite the name of the entity and the effective date of its administrative dissolution;
 - (b) State that the ground or grounds for dissolution either did not exist or have been eliminated;
 - (c) State that the entity's name satisfies the requirements of KRS 14A.3-010;
 - (d) Contain a certificate from the Department of Revenue reciting that all taxes owed by the entity have been paid;
 - (e) Contain a representation that the entity has taken no steps to wind up and liquidate its business and affairs and notify claimants;
 - (f) If a business corporation, contain a certificate from the Office of Unemployment Insurance ~~in the Department for Workforce Investment~~ reciting that all employer contributions, interest, penalties, and service capacity upgrade fund assessments have been paid; and
 - (g) Be accompanied by the reinstatement penalty and the current fee for filing each delinquent annual report as provided for in this chapter.
- (2) If the Secretary of State determines that the application satisfies the requirement of subsection (1) of this section, he or she shall cancel the certificate of dissolution and prepare a certificate of existence that recites his or her determination and the effective date of reinstatement, file the original of the certificate, and notify the entity of that filing, which notification may be accomplished electronically.
- (3) When the reinstatement is effective:
 - (a) It shall relate back to and take effect as of the effective date of the administrative dissolution;
 - (b) The entity shall continue carrying on its business as if the administrative dissolution or revocation had never occurred; and
 - (c) The liability of any agent shall be determined as if the administrative dissolution or revocation had never occurred.
- (4) Notwithstanding any other provision to the contrary, any entity which was administratively dissolved and has taken the action necessary to wind up and liquidate its business and affairs and notify claimants shall be prohibited from reinstatement.

➔Section 15. KRS 15A.342 is amended to read as follows:

The Office of Drug Control Policy shall be responsible for all matters relating to the research, coordination, and execution of drug control policy and for the management of state and federal grants, including but not limited to the prevention and treatment related to substance abuse. By December 31 of each year, the Office of Drug Control Policy shall review, approve, and coordinate all current projects of any substance abuse program which is conducted by or receives funding through agencies of the executive branch. This oversight shall extend to all substance abuse programs which are principally related to the prevention or treatment, or otherwise targeted at the reduction, of substance abuse in the Commonwealth. The Office of Drug Control Policy shall promulgate administrative regulations consistent with enforcing this oversight authority. In addition, the Office of Drug Control Policy and KY-ASAP shall:

- (1) Develop a strategic plan to reduce the prevalence of smoking and drug and alcohol abuse among both the youth and adult populations in Kentucky;
- (2) Monitor the data and issues related to youth alcohol and tobacco access, smoking cessation and prevention, and substance abuse policies, their impact on state and local programs, and their flexibility to adapt to the needs of local communities and service providers;
- (3) Make policy recommendations to be followed to the extent permitted by budgetary restrictions and federal law, by executive branch agencies that work with smoking cessation and prevention and alcohol and substance abuse issues to ensure the greatest efficiency in agencies and to ensure that a consistency in philosophy will be applied to all efforts undertaken by the administration in initiatives related to smoking cessation and prevention and alcohol and substance abuse;

- (4) Identify existing resources in each community that advocate or implement programs for smoking cessation or prevention, or drug and alcohol abuse prevention, education, or treatment;
- (5) Encourage coordination among public and private, state and local, agencies, organizations, and service providers, and monitor related programs;
- (6) Act as the referral source of information, utilizing existing information clearinghouse resources within the Department for Public Health and CHAMPIONS for a Drug Free Kentucky Office, relating to youth tobacco access, smoking cessation and prevention, and substance abuse prevention, cessation, and treatment programs. The Office of Drug Control Policy and KY-ASAP shall identify gaps in information referral sources;
- (7) Search for grant opportunities for existing programs within the Commonwealth;
- (8) Make recommendations to state and local agencies and local tobacco addiction and substance abuse advisory and coordination boards;
- (9) Observe programs from other states;
- (10) Coordinate services among local and state agencies, including but not limited to the Justice and Public Safety Cabinet, the Cabinet for Health and Family Services, the Department of Agriculture, the Public Protection Cabinet, the Administrative Office of the Courts, and the Education and ~~Labor~~ ~~Workforce Development~~ Cabinet;
- (11) Assure the availability of training, technical assistance, and consultation to local service providers for programs funded by the Commonwealth that provide services related to tobacco addiction, smoking cessation or prevention, or alcohol or substance abuse;
- (12) Review existing research on programs related to smoking cessation and prevention and substance abuse prevention and treatment;
- (13) Comply with any federal mandate regarding smoking cessation and prevention and substance abuse, to the extent authorized by state statute;
- (14) Establish a mechanism to coordinate the distribution of funds to support any local prevention, treatment, and education program based on the strategic plan developed in subsection (1) of this section that could encourage smoking cessation and prevention through efficient, effective, and research-based strategies;
- (15) Oversee a school-based initiative that links schools with community-based agencies and health departments to implement School Programs to Prevent Tobacco Use, based upon the model recommended by the Centers for Disease Control and Prevention. To the extent permitted by resources, the initiative shall involve input by and services from each of the family resource and youth services centers, regional prevention centers, and existing school-based antidrug programs;
- (16) Work with community-based organizations to encourage them to work together to establish comprehensive tobacco addiction and substance abuse prevention education programs and carry out the strategic plan developed in this section. These organizations shall be encouraged to partner with district and local health departments and community mental health centers to plan and implement interventions to reach youths before tobacco addiction and substance abuse become a problem in their lives;
- (17) Coordinate media campaigns designed to demonstrate the negative impact of smoking and the increased risk of tobacco addiction, substance abuse, and the development of other disease in children, young people, and adults. To accomplish this objective, KY-ASAP shall work with local media to reach all segments of the community quickly and efficiently;
- (18) Certify to the Governor, the secretary of the Justice and Public Safety Cabinet, and the General Assembly during the budget request process established under KRS Chapter 48 the extent to which each entity receiving state funds has cooperated with the Office of Drug Control Policy and KY-ASAP, coordinated with community resources, and vigorously pursued the philosophy of the Office of Drug Control Policy and KY-ASAP;
- (19) Promulgate, with the approval of the secretary of the Justice and Public Safety Cabinet, any administrative regulations necessary to implement this section and KRS 15A.340 and 15A.344; and
- (20) Report annually to the Legislative Research Commission and Governor regarding the proper organization of state government agencies that will provide the greatest coordination of services, and report semiannually to the Legislative Research Commission and Governor on the status of the Office of Drug Control Policy and

KY-ASAP programs, services, and grants, and on other matters as requested by the Legislative Research Commission and Governor.

➔Section 16. KRS 40.345 is amended to read as follows:

- (1) The following definitions apply in this section unless context otherwise requires:
 - (a) "Private employer" means a sole proprietor, corporation, partnership, limited liability company, or other entity with one (1) or more employees and excludes the state, a municipality, county, school district, or public institution of higher education; and
 - (b) "Veterans' preference employment policy" means a private employer's voluntary preference for hiring, promoting, or retaining a veteran over another qualified applicant or employee.
- (2) A private employer may have a voluntary veterans' preference employment policy. The veterans' preference employment policy shall be in writing and applied uniformly to employment decisions regarding hiring, promotion, or retention during a reduction in workforce. The private employer may require the veteran to submit a Department of Defense form DD 214 as proof of eligibility for the veterans' preference employment policy. Granting preference under this section does not violate any local or state equal employment opportunity law, including but not limited to KRS Chapter 344.
- (3) The Department of Veterans' Affairs and the Education and ~~Labor~~~~Workforce Development~~ Cabinet may assist a private employer in determining the veteran's status as an applicant. The Education and ~~Labor~~~~Workforce Development~~ Cabinet may maintain an online registry of employers that have a voluntary veterans' preference employment policy as described in this section and may promulgate administrative regulations to assist in the creation of this policy.

➔Section 17. KRS 42.4592 is amended to read as follows:

- (1) Moneys remaining in the local government economic development fund following the transfer of moneys to the local government economic assistance fund provided for in KRS 42.4585 shall be allocated as follows:
 - (a) Thirty-three and one-third percent (33-1/3%) shall be allocated to each coal producing county on the basis of the ratio of total coal severed in the current and preceding four (4) years in each respective county to the total coal severed statewide in the current and four (4) preceding years;
 - (b) Thirty-three and one-third percent (33-1/3%) shall be allocated quarterly to each coal-producing county on the basis of the following factors, which shall be computed for the current and four (4) preceding years, and which shall be equally weighted:
 1. Percentage of employment in mining in relation to total employment in the respective county;
 2. Percentage of earnings from mining in relation to total earnings in the respective county; and
 3. Surplus labor rate; and
 - (c) Thirty-three and one-third percent (33-1/3%) shall be reserved for expenditure for industrial development projects benefiting two (2) or more coal-producing counties. For purposes of this paragraph, "coal-producing county" shall mean a county which has produced coal in the current or any one of the four (4) preceding years.
- (2)
 - (a) For purposes of paragraph (b) of subsection (1) of this section, "percentage of employment in mining" and "percentage of earnings from mining" shall be provided by the Department of Workforce ~~Development~~~~Investment~~ in the Education and ~~Labor~~~~Workforce Development~~ Cabinet, and "surplus labor rate" shall be the rate published for the latest available five (5) year period by the Department of Workforce ~~Development~~~~Investment~~ as provided in paragraph (b) of this subsection.
 - (b)
 1. Each year the Department of Workforce ~~Development~~~~Investment~~ shall estimate surplus labor for each county and for the Commonwealth and shall annually publish an estimate of the surplus labor rate for each county and the Commonwealth.
 2. The estimate of surplus labor for each county and for the Commonwealth shall be made using the best practical method available at the time the estimates are made. In determining the method to be adopted, the Department of Workforce ~~Development~~~~Investment~~ may consult with knowledgeable individuals, including but not limited to the Office of the United States Bureau of Labor Statistics, state and national researchers, state and local officials, and staff of the

Legislative Research Commission. The description of the method used to estimate surplus labor shall be reported in each annual publication provided for in subparagraph 1. of this paragraph.

3. For purposes of this section, "surplus labor" means the total number of residents who can be classified as unemployed or as discouraged workers, and "surplus labor rate" means the percentage of the potential civilian labor force which is surplus labor.
- (3) The funds allocated under the provisions of paragraphs (a) and (b) of subsection (1) of this section shall retain their identity with respect to the county to which they are attributable, and a separate accounting of available moneys within the fund shall be maintained for the respective counties. Accounting for funds allocated under the provisions of this section shall be by the Department for Local Government.

➔Section 18. KRS 45.001 is amended to read as follows:

- (1) The Capital Development Committee is created. The committee shall ensure the proper coordination of state government initiatives which impact the City of Frankfort and Franklin County government and are unique to the seat of state government.
- (2) The committee shall meet at least semiannually at a time and place announced by the chairperson.
- (3) The membership of the committee shall consist of the following members or their designees:
 - (a) The mayor of the city of Frankfort;
 - (b) The county judge/executive of Franklin County;
 - (c) The secretary of the Finance and Administration Cabinet;
 - (d) The secretary of the Tourism, Arts and Heritage Cabinet;
 - (e) The secretary of the Education and ~~Labor/Workforce Development~~ Cabinet;
 - (f) The commissioner of the Kentucky Department of Tourism;
 - (g) The chairman of the Frankfort/Franklin County Tourist and Convention Commission;
 - (h) A citizen at large, who is a resident of Franklin County, appointed by the Franklin County judge/executive; and
 - (i) A citizen at large, who is a resident of Frankfort, appointed by the mayor of the city of Frankfort.

The citizen-at-large members of the committee shall be appointed to a term of four (4) years each.

- (4) The Governor shall appoint the chairperson of the committee.
- (5) Members of the committee shall serve without compensation.
- (6) The Finance and Administration Cabinet shall provide administrative support to the committee.

➔Section 19. KRS 45A.470 is amended to read as follows:

- (1) Notwithstanding any provision of this chapter to the contrary, all governmental bodies and political subdivisions of this state shall, when purchasing commodities or services, give first preference to the products made by the Department of Corrections, Division of Prison Industries, as required by KRS 197.210. Second preference shall be given to any products produced by Kentucky Industries for the Blind, Incorporated, or any other nonprofit corporation that furthers the purposes of KRS Chapter 163, and agencies of individuals with severe disabilities as described in KRS 45A.465.
- (2) The Finance and Administration Cabinet shall make a list of commodities and services provided by these agencies and organizations available to all governmental bodies and political subdivisions. The list shall identify in detail the commodity or service the agency or organization may supply and the price.
- (3) The Finance and Administration Cabinet shall annually determine the current price range for the commodities and services offered from its experience in purchasing these commodities or services on the open market. The prices quoted by these agencies or organizations shall not exceed the current price range.
- (4) The Office of Vocational Rehabilitation within the Education and ~~Labor/Workforce Development~~ Cabinet and qualified agencies for individuals with severe disabilities shall annually cause to be made available to the Finance and Administration Cabinet, lists of the products or services available.

- (5) If two (2) or more of the agencies or qualified nonprofit organizations wish to supply identical commodities or services, the Finance and Administration Cabinet shall conduct negotiations with the parties to determine which shall be awarded the contract. The decision of the Finance and Administration Cabinet shall be based upon quality of the commodity or service and the ability of the respective agencies to supply the commodity or service within the requested delivery time.

➔Section 20. KRS 61.168 is amended to read as follows:

- (1) As used in this section:
- (a) "Body-worn camera" means a video or audio electronic recording device that is carried by or worn on the body of a public safety officer. This definition does not include a dashboard mounted camera or recording device used in the course of clandestine investigations;
 - (b) "Body-worn camera recording" or "recording" means a video or audio recording, or both, that is made by a body-worn camera during the course of a public safety officer's official duties;
 - (c) "Personal representative" means a court-appointed guardian, attorney, or agent possessing written authorization to act on behalf of a person that is involved in an incident contained in a body-worn camera recording, a person holding a power of attorney for a person that is involved in an incident contained in a body-worn camera recording, or the parent or guardian of a minor child depicted in a body-worn camera recording. If a person depicted in the recording is deceased, the term also means the personal representative of the estate of the deceased person, the deceased person's surviving spouse, parent, or adult child, the deceased person's attorney, or the parent or guardian of a surviving minor child of the deceased;
 - (d) "Public agency" has the same meaning as in KRS 61.870(1);
 - (e) "Public safety officer" means any individual that is an employee of a public agency who is certified as a first responder under KRS Chapter 311A or whose employment duties include law enforcement or firefighting activities; and
 - (f) "Use of force" means any action by a public safety officer that results in death, physical injury as defined in KRS 500.080(13), discharge of a personal body weapon, chemical agent, impact weapon, extended range impact weapon, sonic weapon, sensory weapon, conducted energy weapon, or a firearm, or involves the intentional pointing of a public safety officer's firearm at a member of the public.
- (2) Except as provided in this section, the disclosure of body-worn camera recordings shall be governed by the Kentucky Open Records Act, as set forth in KRS 61.870 to 61.884.
- (3) The retention of body-worn camera video recordings shall be governed by KRS 171.410 to 171.740, and the administrative regulations promulgated by the Kentucky Department ~~for~~ Libraries and Archives.
- (4) Notwithstanding KRS 61.878(4), unless the request meets the criteria provided under subsection (5) of this section, a public agency may elect not to disclose body-worn camera recordings containing video or audio footage that:
- (a) Includes the interior of a place of a private residence where there is a reasonable expectation of privacy, unless the legal owner or lessee with legal possession of the residence requests in writing that the release be governed solely under the provisions of KRS 61.870 to 61.884;
 - (b) Includes the areas inside of a medical facility, counseling, or therapeutic program office where a patient is registered to receive treatment, receiving treatment, waiting for treatment, or being transported in the course of treatment;
 - (c) Would disclose health care information shared with patients, their families, or with a patient's care team or that is considered protected health information under the Health Insurance Portability and Accountability Act of 1996;
 - (d) Includes the areas inside of a correctional facility when disclosure would reveal details of the facility that would jeopardize the safety, security, or well-being of those in custody, the staff of the correctional facility, or law enforcement officers;
 - (e) Is of a sexual nature or video footage that contains nude images of an individual's genitals, pubic area, anus, or the female nipple;
 - (f) Is of a minor child, including but not limited to footage involving juvenile custody matters;

- (g) Includes the body of a deceased individual;
 - (h) Would reveal the identity of witnesses, confidential law enforcement informants, or undercover law enforcement officers, or if the release could jeopardize the safety, security, or well-being of a witness or confidential informant;
 - (i) Would reveal the location information of a domestic violence program or emergency shelter;
 - (j) Would reveal information related to schools, colleges, and universities that is protected by the federal Family Educational Rights and Privacy Act;
 - (k) Would result in the disclosure of nonpublic or confidential data classified as Criminal Justice Information Services data by the Federal Bureau of Investigation;
 - (l) Includes a public safety officer carrying out duties directly related to the hospitalization of persons considered mentally ill;
 - (m) Includes the depiction of the serious injury or death of a public safety officer; or
 - (n) Includes footage made in conjunction with a law enforcement exercise that includes special response team actions, hostage negotiations, or training events, but only where the public release of tactics, operational protocol, or methodology would disadvantage the capability of public safety officers to successfully respond in emergency or other dangerous situations.
- (5) If the recording contains video or audio footage that:
- (a) Depicts an encounter between a public safety officer where there is a use of force, the disclosure of the record shall be governed solely by the provisions of KRS 61.870 to 61.884, including all of the exceptions contained therein;
 - (b) Depicts an incident which leads to the detention or arrest of an individual or individuals, the disclosure of the record shall be governed solely by the provisions of KRS 61.870 to 61.884, including all of the exceptions contained therein;
 - (c) Depicts an incident which is the subject of a formal complaint submitted against a public safety officer under KRS 15.520, 67C.326, or 95.450, or depicts an incident which is the subject of a formal legal or administrative complaint against the agency employing the public safety officer, the release of the record shall be governed by the provisions of KRS 61.870 to 61.884, including all of the exceptions contained therein; or
 - (d) Is requested by a person or other entity or the personal representative of a person or entity that is directly involved in the incident contained in the body-worn camera recording, it shall be made available by the public agency to the requesting party for viewing on the premises of the public agency, but the public agency shall not be required to make a copy of the recording except as provided in KRS 61.169. The requesting parties shall not be limited in the number of times they may view the recording under this paragraph.
- (6) Nothing in this section or KRS 61.169 shall be interpreted to override any provision related to:
- (a) Reports by law enforcement officers and criminal justice agencies under KRS 17.150;
 - (b) The law and rules governing discovery or the submission and display of evidence in any court proceeding, whether criminal or civil, or any administrative proceeding; or
 - (c) The provisions of KRS 189A.100.

➔Section 21. KRS 62.160 is amended to read as follows:

- (1) The state officers elected by the voters of the state at large, except the Governor and the Lieutenant Governor, the heads of departments, offices, and cabinets of the state government, the adjutant general, the members of the Public Service Commission, the members of the State Fair Board and Fish and Wildlife Resources Commission, and the members of the Board of Tax Appeals, Board of Claims, Crime Victims Compensation Board, and the Alcoholic Beverage Control Board, shall each give bond. The amounts of the bonds shall be fixed by the Governor, which amounts as to those offices set forth in subsection (2) of this section shall be not less than the amounts set forth for the respective offices. At any time when it appears to be to the interest of the Commonwealth, the Governor may increase the penal sum of any bond or require a renewal of the bond with other or additional surety.

(2) The minimum sum of the bond for the following offices shall be as follows:

Secretary of State	\$10,000
Attorney General	10,000
State Treasurer	300,000
Secretary for economic development	10,000
Commissioner of Agriculture	10,000
Secretary of for education and labor	10,000
Auditor of Public Accounts	25,000
Adjutant general	10,000
Secretary of finance and administration	100,000
Commissioner of revenue	50,000
Secretary of transportation	50,000
Commissioner of highways	50,000
Secretary of justice and public safety	50,000
Secretary of corrections	25,000
Commissioner for public health services	10,000
Secretary of labor	5,000
Commissioner for natural resources	50,000
State librarian	5,000
Commissioner of alcoholic beverage control	10,000
Commissioner of financial institutions	25,000
Secretary for energy and environment.....	50,000
Commissioner of insurance	50,000
Commissioner of vehicle regulation	10,000
Commissioner of fish and wildlife resources	5,000
Secretary for health and family services	20,000
Commissioner of environmental protection	10,000
Secretary of public protection	10,000
Secretary of tourism, arts and heritage	25,000
Commissioner for community based services	20,000
Member of the Public Service Commission	10,000
Member of State Fair Board	10,000
Member of Fish and Wildlife Resources Commission	1,000
Member of Board of Tax Appeals	10,000
Member of Board of Claims.....	10,000
Member of Crime Victims Compensation Board.....	10,000
Associate member of Alcoholic Beverage Control Board	5,000
Commissioner of local government	100,000

➔Section 22. KRS 67A.6901 is amended to read as follows:

As used in KRS 67A.6901 to 67A.6911:

- (1) "Secretary" means the secretary of the cabinet;
- (2) "Corrections personnel" means an employee of an urban-county government permanently assigned to a detention facility and working in any capacity in that detention facility;
- (3) "Cabinet" means the *Education and* ~~(Kentucky)~~ Labor Cabinet;
- (4) "Exclusive representative" means the labor organization which has been designated by the cabinet as the representative of the majority of police officers, firefighter personnel, firefighters, or corrections personnel in appropriate units or has been so recognized by the urban-county government;
- (5) "Firefighter" means an employee of an urban-county government engaged in serving the public by providing fire protection, including those covered by KRS Chapter 95;
- (6) "Firefighter personnel" means dispatch communications officers;
- (7) "Labor organization" means any chartered labor organization of any kind in which police officers, firefighter personnel, firefighters, or corrections personnel participate and which exists for the primary purpose of dealing with urban-county governments concerning grievances, labor disputes, wages, rate of pay, hours of employment, or conditions of employment;
- (8) "Person" includes one (1) or more individuals, labor organizations, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers; and
- (9) "Police officer" means an employee, sworn or certified, of an urban-county government who participates in the Law Enforcement Foundation Program Fund provided in KRS 15.410 to 15.510.

➔Section 23. KRS 67C.400 is amended to read as follows:

As used in KRS 67C.400 to 67C.418:

- (1) "Cabinet" means the *Education and* ~~(Kentucky)~~ Labor Cabinet;
- (2) "Labor organization" means any chartered labor organization of any kind in which police officers participate and which exists for the primary purpose of dealing with consolidated local governments concerning grievances, labor disputes, wages, rate of pay, hours of employment, or conditions of employment;
- (3) "Exclusive representative" means the labor organization which has been designated by the cabinet as the representative of the majority of police officers in appropriate units or has been so recognized by the consolidated local government;
- (4) "Person" includes one (1) or more individuals, labor organizations, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers; and
- (5) "Secretary" means the secretary of the *Education and* Labor Cabinet of the Commonwealth of Kentucky.

➔Section 24. KRS 96A.095 is amended to read as follows:

- (1) The Transportation Cabinet may receive and accept from the Commonwealth or any of its agencies, including the Cabinet for Health and Family Services and the Department of *Workforce Development* ~~(Investment)~~, and from federal agencies appropriations or grants to promote, develop, and provide capital and operating subsidies for mass transit services and human service transportation delivery in Kentucky, and to receive and accept aid or contributions from any source of either money, property, labor, or other things of value to promote mass transit services. Subject to the provisions of Section 230 of the Constitution of the Commonwealth of Kentucky, any of these funds, property, or things of value received by the Transportation Cabinet may be given directly to any of the following entities in order to accomplish the purposes of this section:
 - (a) A local transit authority as created under this chapter;
 - (b) A city;
 - (c) A county;
 - (d) Other public mass transit providers;
 - (e) A nonprofit or public mass transit provider operating under 49 U.S.C. sec. 5310 or 5311; or
 - (f) An entity providing human service transportation delivery.

- (2) The Transportation Cabinet is authorized and directed to apply for any available federal funds for operating subsidies, either on a matching basis or otherwise and to make any of these funds received available to any of the following entities in order to accomplish the purposes of this section:
- (a) A local transit authority as created under this chapter;
 - (b) A city;
 - (c) A county;
 - (d) Other public mass transit providers;
 - (e) A nonprofit or public mass transit provider operating under 49 U.S.C. sec. 5310 or 5311; or
 - (f) An entity promoting or providing transit services such as safety, planning, research, coordination, or training activities.

In those cases where federal laws or regulations preclude the Transportation Cabinet from direct application for this type of federal funds, the cabinet is authorized and directed to provide assistance to any of the entities listed in this subsection as necessary to enable it to apply for and obtain this type of federal funds in order to accomplish the purposes of this section.

- (3) The Transportation Cabinet is authorized to assist cities and counties in the formation of local transit authorities in conformance with this chapter, but nothing in this chapter shall be construed as preventing the Transportation Cabinet from providing assistance as authorized in this chapter to cities or counties where local transit authorities do not exist.
- (4) The Transportation Cabinet is authorized to contract, in accordance with the provisions of KRS Chapters 45A and 281, with a broker to provide human service transportation delivery within a specific delivery area.

➔Section 25. KRS 141.065 is amended to read as follows:

- (1) For the purposes of this section, "code" or "Internal Revenue Code" means the Internal Revenue Code in effect as of December 31, 1981.
- (2) There shall be allowed as a credit for any taxpayer against the tax imposed by KRS 141.020 or 141.040 and 141.0401 for any taxable year, with the ordering of the credits as provided in KRS 141.0205, an amount equal to one hundred dollars (\$100) for each person hired by the taxpayer, if that person has been classified as unemployed by the Office of Unemployment Insurance ~~of the Department of Workforce Investment~~ in the Education and ~~Labor~~~~Workforce Development~~ Cabinet and has been so classified for at least sixty (60) days prior to his employment by the taxpayer, and if further that person has remained in the employ of the taxpayer for at least one hundred eighty (180) consecutive days during the taxable year in which the taxpayer claims the credit.
- (3) No credit shall be allowed to any taxpayer for any person hired under any of the following circumstances:
- (a) A person for whom the taxpayer receives federally funded payments for on-the-job training;
 - (b) For any person who bears any of the relationships to the taxpayer described in paragraphs (1) through (8) of Section 152(a) of the Internal Revenue Code, or, if the taxpayer is a corporation, to an individual who owns, directly or indirectly, more than fifty percent (50%) in value of the outstanding stock of the corporation as determined with the application of Section 267(c) of the code;
 - (c) If the taxpayer is an estate or trust, to any person who is a grantor, beneficiary, or fiduciary of the estate or trust, or is an individual who bears any of the relationships described in paragraphs (1) through (8) of Section 152(a) of the code to a grantor, beneficiary, or fiduciary of the estate or trust; or
 - (d) To any person who is a dependent of the taxpayer as described in code Section 152(a)(9), or, if the taxpayer is an estate or trust, of a grantor, beneficiary, or fiduciary of the estate or trust.
- (4) For purposes of this section, all employees of all corporations which are members of the same controlled group of corporations shall be treated as employed by a single employer. In no instance shall the credit, if any, allowable by subsection (2) of this section for any employee qualified thereunder be claimed more than once for any taxable year by such a controlled group of corporations. For purposes of this subsection, the term "controlled group of corporations" has the meaning given to that term by code Section 1563(a), except that "more than fifty percent (50%)" shall be substituted for "at least eighty percent (80%)" each place it appears in code Section 1563(a)(1), and the determination shall be made without regard to subsections (a)(4) and (e)(3)(c) of code Section 1563.

- (5) For purposes of this section, all employees of trades or businesses (whether or not incorporated) which are under common control shall be treated as employed by a single employer, and in no instance shall the credit, if any, allowable by subsection (2) of this section for any employee qualified thereunder be claimed more than once for any taxable year.
- (6) No credit shall be allowed under subsection (2) of this section to any organization which is exempt from income tax by this chapter.
- (7) In the case of a pass-through entity, the amount of the credit determined under this section for any taxable year shall be applied at the entity level against the limited liability entity tax imposed by KRS 141.0401 and shall also be apportioned pro rata among the members, partners, or shareholders of the limited liability entity on the last day of the taxable year, and any person to whom an amount is so apportioned shall be allowed, subject to code Section 53, a credit under subsection (2) of this section for that amount.
- (8) In the case of an estate or trust, the amount of the credit determined under this section for any taxable year shall be apportioned between the estate or trust and the beneficiaries on the basis of income of the estate or trust allocable to each, and any beneficiary to whom any amount has been apportioned under this subsection shall be allowed, subject to code Section 53, a credit under subsection (2) of this section for that amount.
- (9) In no event shall the credit allowed, pursuant to this section, for any taxable year exceed the tax liability of the taxpayer for the taxable year.

➔Section 26. KRS 147A.115 is amended to read as follows:

- (1) By December 31 of each year beginning in 2017, the Cabinet for Health and Family Services and the Education and ~~Labor[Workforce Development]~~ Cabinet shall, following any year in which the cabinet awarded federal or state funds to an area development district, prepare and submit a detailed report to the Legislative Research Commission and area development district board members. The report shall include the total amount of state and federal funds distributed to each area development district, broken down by funding source and program from the preceding fiscal year.
- (2) By December 31 of each year beginning in 2017, each area development district shall, following any year in which the area development district receives state or federal funds, prepare and submit a detailed report to the Legislative Research Commission and area development board members. The report shall include the following financial information from the preceding fiscal year:
 - (a) For each allocation, distribution, award, or grant of state or federal funds, the total amount, the percentage of the total amount, and a description of the specific types of expenditures made for or allocated to:
 1. Administrative costs;
 2. Direct expenditures; and
 3. Indirect expenditures;
 - (b) Allocation, distribution, award, or grant funds not expended, and an explanation of why the funds were not expended;
 - (c) The total amount of reserves carried forward by the area development district, identification of the source of those funds, and an explanation of why the funds are being carried forward; and
 - (d) For each program:
 1. A list of direct services provided by the district;
 2. A list of service providers contracted by the district and the services provided by those providers;
 3. The number of eligible persons for the program, number of persons served by the program, and, if applicable, number of people on waiting lists for the program; and
 4. The performance measures required by the contract used to evaluate the area development district's actions.
- (3) The Legislative Research Commission shall distribute the report to the appropriate interim joint committees and to the budget review subcommittee that has jurisdiction over the Cabinet for Health Family Services or the Education and ~~Labor[Workforce Development]~~ Cabinet.

➔Section 27. KRS 148.562 is amended to read as follows:

- (1) The authority shall be governed by a board of directors consisting of thirteen (13) members as follows:
 - (a) Secretary of the Tourism, Arts and Heritage Cabinet, or his or her designee;
 - (b) Secretary of the Transportation Cabinet, or his or her designee;
 - (c) Secretary of the Education and ~~Labor~~~~[Workforce Development]~~ Cabinet, or his or her designee;
 - (d) Secretary of the Finance and Administration Cabinet, or his or her designee;
 - (e) Three (3) members appointed by the Governor, one (1) to be a representative of the Kentucky Arts Council, and two (2) to be at-large members; and
 - (f) Six (6) members appointed by the mayor of the city of Berea to include two (2) representatives of Berea city government, two (2) representatives of Berea College recommended by the president of Berea College, one (1) representative of Eastern Kentucky University recommended by the president of Eastern Kentucky University, and one (1) at-large member.
- (2) Members shall serve for staggered terms of four (4) years beginning August 1, 2000, except that of the initial appointments:
 - (a) One (1) appointment by the Governor and two (2) appointments by the mayor of the city of Berea shall each serve a term of four (4) years;
 - (b) Two (2) appointments by the mayor of the city of Berea and one (1) appointment by the Governor shall each serve a term of three (3) years;
 - (c) One (1) appointment by the Governor and one (1) appointment by the mayor of the city of Berea shall each serve a term of two (2) years; and
 - (d) One (1) appointment by the mayor of the city of Berea shall serve a term of one (1) year.
- (3) The Governor shall appoint a chair from among the members of the board.
- (4) A quorum of the board shall consist of seven (7) members, with a majority of members present authorized to act upon any matter legally before the authority.
- (5) A member may be removed by the appointing authority only for neglect of duty, misfeasance, or malfeasance, and after being afforded an opportunity for a hearing in accordance with KRS Chapter 13B, relating to administrative hearings.

➔Section 28. KRS 148.585 (Effective until January 1, 2027) is amended to read as follows:

- (1) As used in this section:
 - (a) "Commission" means the Harrodsburg Sestercentennial Commission established in subsection (2) of this section; and
 - (b) "Sestercentennial" means the two hundred fiftieth anniversary of the founding of Harrodsburg on June 16, 1774.
- (2) The Harrodsburg Sestercentennial Commission is hereby established to plan, encourage, develop, and coordinate events and other activities related to the two hundred fiftieth anniversary of Harrodsburg in 2024. To accomplish its charge, the commission shall:
 - (a) Ensure that adequate way-finding signage and mapping is accomplished to mark and identify Old Fort Harrod State Park;
 - (b) Educate citizens of the Commonwealth and the nation about the stories of pioneers and Native Americans in the early days of westward settlement and the impact Harrodsburg and settlements of its nature had on Kentucky and American history;
 - (c) Plan and implement events for a year-long sestercentennial commemoration in the year 2024 of the founding of Harrodsburg and whatever events in the immediately preceding and following years are deemed appropriate by the commission, including any battlefield commemorations if funds are available;
 - (d) Assist local governments and their representatives with planning, preparation, and grant applications for sestercentennial events and projects;

- (e) Coordinate federal, state, local, and nonprofit organizations' sestercentennial activities occurring in Kentucky;
 - (f) Coordinate events and activities with parties, commissions, and organizations wishing to participate in the 2024 commemoration;
 - (g) Act as a point of contact for national organizations wishing to distribute information to state and local groups about grant opportunities, meetings, and national events related to the settlement of Harrodsburg and sestercentennial activities;
 - (h) Seek funding sources such as foundations, line item appropriations, federal grants, philanthropic organizations, and lineage societies;
 - (i) Create press, print, and electronic contacts that generate stories on a continual basis;
 - (j) Encourage and contract new publications and create a call for papers on Harrodsburg, Fort Harrod, James Harrod, or other participating or involved parties, and how the history of this early frontier settlement impacted American history;
 - (k) Organize symposiums and other methodologies to investigate genealogy relative to Harrodsburg;
 - (l) Create higher and lower educational programs;
 - (m) Perform other duties necessary to educate Kentuckians on the history of Harrodsburg and early frontier settlements and on the Commonwealth's role in early westward expansion;
 - (n) Evaluate the existing infrastructure of Old Fort Harrod State Park, provide recommendations for what infrastructure should be in place for the successful undertaking of appropriate events and activities in accordance with this section, and coordinate with state and local bodies to make necessary infrastructure improvements; and
 - (o) Coordinate planning for the sestercentennial with the nonprofit organization Harrodsburg 250th, Inc., this organization having been established by the local governments of Harrodsburg and Mercer County to serve as the point of contact for local planning for the sestercentennial.
- (3) The commission shall consist of the following eleven (11) members:
- (a) The secretary of the Education and ~~Labor/Workforce Development~~ Cabinet or his or her designee;
 - (b) The secretary of the Transportation Cabinet or his or her designee;
 - (c) Two (2) members from the Tourism, Arts and Heritage Cabinet, appointed by the secretary of the cabinet;
 - (d) One (1) member from the Kentucky Heritage Council, appointed by the state historic preservation officer;
 - (e) One (1) member of the Kentucky Humanities Council, appointed by the chair of the council;
 - (f) One (1) member of Harrodsburg 250th, Inc., recommended by the chair of that organization and appointed by the Governor;
 - (g) One (1) member of the Friends of Fort Harrod, recommended by the leader of that organization and appointed by the Governor; and
 - (h) Three (3) citizen members appointed by the Governor, one (1) of whom shall be designated as the chair.
- (4) The Harrodsburg Sestercentennial Commission shall be attached to the Kentucky Historical Society for administrative purposes only.
- (5) This section shall expire on January 1, 2027.
- ➔Section 29. KRS 148.587 (Effective until January 1, 2027) is amended to read as follows:
- (1) As used in this section:
 - (a) "Commission" means the Kentucky Sestercentennial Commission established in subsection (2) of this section; and

- (b) "Sestercentennial" means the two hundred fiftieth anniversary of historic events from 1774 to 1776 that include the founding of Harrodsburg in 1774, the opening of Boone Trace in 1775, the genesis of westward movement, and the important events tied to our nation's founding in 1776.
- (2) The Kentucky Sestercentennial Commission is hereby established to plan and implement events to celebrate the two hundred fiftieth anniversary of Old Fort Harrod in 2024, culminating with the Declaration of Independence in 1776. To accomplish its charge, the commission shall:
- (a) Elect a chair of the commission and have the authority to form subcommittees and working groups that include non-commission members in order to plan, develop, and coordinate specific activities;
 - (b) Plan, encourage, develop, and coordinate the commemoration of the two hundred fiftieth anniversary of the founding of the United States and recognize Kentucky's integral role in that event and the impact of its people on the nation's past, present, and future;
 - (c) Ensure that adequate way-finding signage and mapping is accomplished to mark and identify the relevant points of interest and routes involved in the founding of Kentucky and the opening of the west;
 - (d) Educate citizens of the Commonwealth and the nation about the stories of pioneers, African Americans, and Native Americans in the early days of westward settlement and the impact Fort Harrod and Fort Boonesborough had on Kentucky and American history;
 - (e) Plan and implement events for a three (3) year sestercentennial commemoration of the years 2024 to 2026 and following years deemed appropriate by the commission, including any battlefield commemorations if funds are available;
 - (f) Assist local governments with planning, preparation, and grant applications for sestercentennial events and projects;
 - (g) Coordinate federal, state, local, and nonprofit organizations' sestercentennial activities occurring in Kentucky;
 - (h) Coordinate events and activities with parties, commissions, and organizations wishing to participate in the commemoration;
 - (i) Seek funding sources such as foundations, line item appropriations, federal grants, philanthropic organizations, and lineage societies;
 - (j) Establish press, print, and electronic contacts that generate stories on a continual basis;
 - (k) Encourage and contract new publications and create a call for papers on how the history of this early frontier settlement impacted American history;
 - (l) Organize symposiums and other methodologies to investigate genealogy relative to the events involved in the founding of Kentucky and opening of the west;
 - (m) Create higher and lower educational programs; and
 - (n) Perform other duties necessary to educate Kentuckians on the history of early frontier settlements and on the Commonwealth's role in early westward expansion and to highlight the importance of the years 1774 to 1776 to Kentucky history.
- (3) The commission shall consist of the following fourteen (14) members:
- (a) The secretary of the Education and ~~Labor/Workforce Development~~ Cabinet or his or her designee;
 - (b) One (1) member from the Tourism, Arts and Heritage Cabinet appointed by the secretary of the cabinet;
 - (c) One (1) member from the Kentucky Heritage Council, appointed by the state historic preservation officer;
 - (d) One (1) member from the Kentucky Humanities Council, appointed by the chair of the council;
 - (e) One (1) member of the Friends of Fort Harrod, recommended by the leader of that organization and appointed by the Governor;
 - (f) Three (3) citizen members appointed by the Governor, one (1) of whom shall be designated as the chair;
 - (g) The commissioner of the Department of Parks or his or her designee;
 - (h) The president of Friends of Boone Trace, Inc. or his or her designee;

- (i) The president of the Fort Boonesborough Foundation, or his or her designee;
 - (j) One (1) member from the Kentucky African American Heritage Commission appointed by the chair of that commission;
 - (k) One (1) member of the Kentucky Native American Heritage Commission appointed by the chair of that commission; and
 - (l) One (1) member of the Kentucky Historical Society appointed by the executive director of the society.
- (4) The Kentucky Sestercentennial Commission shall be attached to the Kentucky Historical Society for administrative purposes only.
- (5) This section shall expire on January 1, 2027.

➔Section 30. KRS 151B.132 is amended to read as follows:

- (1) The Office of the Kentucky Center for Statistics is hereby established and attached to the Education and ~~Labor~~~~Workforce Development~~ Cabinet, Office of the Secretary.
- (2) The office's purpose is to collect accurate data in the Kentucky Longitudinal Data System in order to link the data and generate timely reports about student performance through employment to be used to guide decision makers in improving the Commonwealth of Kentucky's education system and training programs.
- (3) The office shall be headed by an executive director appointed by the Governor pursuant to KRS 12.050. The executive director shall be appointed from nominations made to the Governor by the board. The office may employ additional staff necessary to carry out the office's duties consistent with available funding and state personnel laws.
- (4) The public agencies providing data to the Kentucky Longitudinal Data System shall be:
 - (a) The Council on Postsecondary Education;
 - (b) The Department of Education;
 - (c) The Early Childhood Advisory Council;
 - (d) The Kentucky Higher Education Assistance Authority;
 - (e) The Kentucky Commission on Proprietary Education; and
 - (f) Other agencies of the Education and ~~Labor~~~~Workforce Development~~ Cabinet.
- (5) The Kentucky Longitudinal Data System, upon approval of the board, may include data from any additional public agency.
- (6) Any private institution of higher education, private school, or parochial school, upon approval of the board, may provide data to the Kentucky Longitudinal Data System.
- (7) Any data provided to the Kentucky Longitudinal Data System shall be certified to be accurate by the providing agency, institution, or school. Ownership of data provided shall be retained by the providing entity.
- (8) The office may receive funding for its operation of the Kentucky Longitudinal Data System from the following sources:
 - (a) State appropriations;
 - (b) Federal grants;
 - (c) User fees; and
 - (d) Any other grants or contributions from public agencies or other entities.

➔Section 31. KRS 151B.134 is amended to read as follows:

- (1) The Board of the Kentucky Center for Statistics is hereby established and attached to the Education and ~~Labor~~~~Workforce Development~~ Cabinet, Office of the Secretary.
- (2) The board shall be composed of:
 - (a) The commissioner of the Department of Education or designee;
 - (b) The secretary of the Cabinet for Health and Family Services or designee;

- (c) The president of the Council on Postsecondary Education or designee;
 - (d) The secretary of the Education and ~~Labor~~~~Workforce Development~~ Cabinet or designee; and
 - (e) The executive director of the Kentucky Higher Education Assistance Authority or designee.
- (3) The duties and functions of the board shall be to:
- (a) Develop a detailed data access and use policy for requests that shall include but not be limited to the following:
 1. Direct access to data in the Kentucky Longitudinal Data System shall be restricted to authorized staff of the office;
 2. Data or information that may result in any individual or employer being identifiable based on the size or uniqueness of the population under consideration may not be reported in any form by the office; and
 3. The office may not release data or information if disclosure is prohibited under relevant federal or state privacy laws;
 - (b) Establish the research agenda of the office;
 - (c) Make nominations to the Governor for the appointment of an executive director;
 - (d) Oversee compliance by the office with the federal Family Educational Rights and Privacy Act, 20 U.S.C. sec. 1232g, and other relevant federal and state privacy laws;
 - (e) Ensure that reports generated by the Office of the Kentucky Center for Statistics are distributed to appropriate personnel within the agencies represented by the board members; and
 - (f) Provide general oversight of the office.
- (4) The secretary of the Education and ~~Labor~~~~Workforce Development~~ Cabinet shall serve as chair of the board.
- (5) The board shall meet at least semiannually and at other times upon the call of the chair. The meetings shall be subject to the open meetings requirements of KRS 61.800 to 61.850 and 61.991.
- (6) The board may form committees, work groups, or advisory councils to accomplish its purposes.

➔Section 32. KRS 151B.185 is amended to read as follows:

- (1) The Office of Vocational Rehabilitation is hereby created within the Education and ~~Labor~~~~Workforce Development~~ Cabinet, Department of Workforce ~~Development~~~~Investment~~. The office shall consist of an executive director and those administrative bodies and employees provided or appointed pursuant to law. The office shall be composed of the Division of Kentucky Business Enterprise, the Division of Blind Services, the Division of Field Services, and the Division of the Carl D. Perkins Vocational Training Center. Each division shall be headed by a director appointed by the secretary of the Education and ~~Labor~~~~Workforce Development~~ Cabinet under the provisions of KRS 12.050, and shall be composed of organizational entities as deemed appropriate by the secretary of the Education and ~~Labor~~~~Workforce Development~~ Cabinet.
- (2) The Office of Vocational Rehabilitation shall have such powers and duties as contained in KRS 151B.180 to 151B.210 and KRS 163.450 to 163.480 and such other functions as may be established by administrative regulation.
- (3) The office shall be the sole state agency for the purpose of developing and approving state plans required by state or federal laws and regulations as prerequisites to receiving federal funds for vocational rehabilitation.
- (4) The chief executive officer of the office shall be the executive director of the Office of Vocational Rehabilitation. The executive director shall be appointed by the secretary of the Education and ~~Labor~~~~Workforce Development~~ Cabinet under the provisions of KRS 12.050. The executive director shall have experience in vocational rehabilitation and supervision and shall have general supervision and direction over all functions of the office and its employees, and shall be responsible for carrying out the programs and policies of the office.
- (5) Except as otherwise provided, the office shall be the state agency responsible for all rehabilitation services and for other services as deemed necessary. The office shall be the agency authorized to expend all state and federal funds designated for rehabilitation services. The Office of the Secretary of the Education and

~~Labor~~~~Workforce Development~~ Cabinet is authorized as the state agency to receive all state and federal funds and gifts and bequests for the benefit of rehabilitation services.

- (6) Employees under the jurisdiction of the Office of Vocational Rehabilitation who are members of a state retirement system as of June 30, 1990, shall remain in their respective retirement systems.

➔Section 33. KRS 151B.245 is amended to read as follows:

- (1) The Statewide Council for Vocational Rehabilitation is hereby created within the Office of Vocational Rehabilitation to accomplish the purposes and functions enumerated in 29 U.S.C. secs. 701 et seq. Members of the council shall be appointed by the Governor pursuant to the guidelines in this section. When appointing members of the council, the Governor shall consider, to the greatest extent practicable, the extent to which minority populations are represented on the council.
- (2) The Statewide Council for Vocational Rehabilitation shall consist of the following members which shall serve for the following staggered initial terms but their successors shall serve for a term of three (3) years:
- (a) One (1) representative of the Statewide Independent Living Council, who shall be the chair or other designee of the Statewide Independent Living Council and who shall serve an initial term of two (2) years;
 - (b) One (1) representative of a parent training and information center established pursuant to Section 682(a) of the Individuals with Disabilities Education Act who shall serve an initial term of one (1) year;
 - (c) One (1) representative of the Client Assistance Program established under 34 C.F.R. pt. 370, who shall be designated by the employee of the Education and ~~Labor~~~~Workforce Development~~ Cabinet responsible for overseeing the Client Assistance Program and who shall serve an initial term of one (1) year;
 - (d) One (1) representative of community rehabilitation program service providers who shall serve an initial term of three (3) years;
 - (e) Four (4) representatives of business, industry, and labor who shall each serve an initial term of three (3) years;
 - (f) One (1) representative of a disability group that includes individuals with physical, cognitive, sensory, and mental disabilities who shall serve an initial term of two (2) years;
 - (g) One (1) representative of a disability group that includes individuals with disabilities who have difficulty representing themselves or are unable due to their disabilities to represent themselves who shall serve an initial term of two (2) years;
 - (h) One (1) current or former applicant for or recipient of vocational rehabilitation services who shall serve for an initial term of one (1) year;
 - (i) One (1) representative of the state educational agency responsible for the public education of students with disabilities who are eligible to receive services under Part B of the Individuals with Disabilities Education Act who shall serve for an initial term of one (1) year;
 - (j) One (1) representative of the Kentucky Workforce *Innovation*~~Investment~~ Board who shall serve an initial term of one (1) year;
 - (k) One (1) representative from the Kentucky Council for the Blind who shall serve an initial term of three (3) years;
 - (l) One (1) representative from the National Federation for the Blind from Kentucky who shall serve an initial term of three (3) years;
 - (m) One (1) representative from the Bluegrass Council of the Blind who shall serve an initial term of three (3) years;
 - (n) One (1) representative from the State Committee of Blind Vendors who shall serve an initial term of one (1) year;
 - (o) One (1) qualified vocational rehabilitation counselor with knowledge of and experience with vocational rehabilitation programs who serves as an ex officio, nonvoting member of the council if employed by the designated state agency and who shall serve an initial term of two (2) years; and

- (p) The executive director of the Office of Vocational Rehabilitation as an ex officio, nonvoting member of the council.
- (3) The members of the council shall not be compensated for their service on the council. Council members shall be reimbursed for their necessary expenses pursuant to KRS 12.029.
- (4) Including the initial appointment, and with the exception of the individuals set out in paragraphs (c) and (p) of subsection (2) of this section, members shall serve no more than two (2) successive terms. A member appointed to fill a vacancy occurring prior to the end of the term for which the predecessor was appointed shall be appointed for the remainder of the predecessor's term.
- (5) A chair shall be selected by the members of the council from among the voting members of the council, subject to the veto power of the Governor.
- (6) No member of the council shall cast a vote on any matter that would provide direct financial benefit to the member or the member's organization or otherwise give the appearance of a conflict of interest under state law.
- (7) A majority of the members of the council shall be individuals with disabilities who meet the requirements of 34 C.F.R. sec. 361.5(c)(28) and who are not employed by the designated state unit.
- (8) The council shall convene at least four (4) meetings a year in locations determined by the council to be necessary to conduct council business. The meetings shall be publicly announced, open, and accessible to the general public, including individuals with disabilities, unless there is a valid reason for an executive session under the Open Meetings Act, KRS 61.805 to 61.850.

➔Section 34. KRS 151B.402 is amended to read as follows:

- (1) The General Assembly recognizes the critical condition of the educational level of Kentucky's adult population and seeks to stimulate the attendance at, and successful completion of, programs that provide a High School Equivalency Diploma. Incentives shall be provided to full-time employees who complete a High School Equivalency Diploma program within one (1) year and their employers.
- (2) The Office of Adult Education within the Department of Workforce ~~Investment~~ **Development** in the Education and ~~Labor~~ **Workforce Development** Cabinet shall promulgate administrative regulations to establish the operational procedures for this section. The administrative regulations shall include but not be limited to the criteria for:
 - (a) A learning contract that includes the process to develop a learning contract between the student and the adult education instructor with the employer's agreement to participate and support the student;
 - (b) Attendance reports that validate that the student is enrolled and studying for the High School Equivalency Diploma during the release time from work; and
 - (c) Final reports that qualify the student for the tuition discounts under subsection (3)(a) of this section and that qualify the employer for tax credits under subsection (4) of the section.
- (3) (a) An individual who has been out of secondary school for at least three (3) years, develops and successfully completes a learning contract that requires a minimum of five (5) hours per week to study for the High School Equivalency Diploma program, and successfully earns a High School Equivalency Diploma shall earn a tuition discount of two hundred fifty dollars (\$250) per semester for a maximum of four (4) semesters at one (1) of Kentucky's public postsecondary institutions.
 - (b) The program shall work with the postsecondary institutions to establish notification procedures for students who qualify for the tuition discount.
- (4) An employer who assists an individual to complete his or her learning contract under the provisions of this section shall receive a state tax credit against the income tax imposed by KRS 141.020 or 141.040, and the limited liability entity tax imposed by KRS 141.0401, with credit ordering as provided in KRS 141.0205 for a portion of the released time given to the employee to study for the tests. The application for the tax credit shall be supported with attendance documentation provided by the Office of Adult Education and calculated by multiplying fifty percent (50%) of the hours released for study by the student's hourly salary, and not to exceed a credit of one thousand two hundred fifty dollars (\$1250).

➔Section 35. KRS 151B.403 is amended to read as follows:

- (1) The Office of Adult Education within the Department of Workforce ~~Investment~~ **Development** in the Education and ~~Labor~~ **Workforce Development** Cabinet shall promulgate administrative regulations to establish programs aligned with the College and Career Readiness Standards for Adult Education, or any other similar standards adopted by the federal Office of Career, Technical, and Adult Education, which upon successful completion, shall result in the issuance of a High School Equivalency Diploma.
- (2) At least one (1) program authorized under subsection (1) of this section shall include a test aligned with the College and Career Readiness Standards for Adult Education, or any other standards adopted by the federal Office of Career, Technical, and Adult Education, to serve as a qualifying test, which upon passing, shall entitle students to receive a High School Equivalency Diploma.
- (3) For purposes of any public employment, a High School Equivalency Diploma shall be considered equal to a high school diploma issued under the provisions of KRS 158.140.
- (4) A High School Equivalency Diploma shall be issued without charge upon successfully completing a High School Equivalency Diploma program. A fee may be assessed by the Office of Adult Education for the issuance of a duplicate High School Equivalency Diploma and for issuance of a duplicate score report. All fees collected for duplicate diplomas and score reports shall be used to support the adult education program.
- (5) The Office of Adult Education is authorized to contract annually with an institution of higher education or other appropriate agency or entity for scoring High School Equivalency Diploma program examinations.
- (6) On June 29, 2017, any high school equivalency diploma or external diploma previously recognized or issued by the Commonwealth shall be considered retroactively as a High School Equivalency Diploma.
- (7) Upon issuance, a High School Equivalency Diploma shall not be invalidated by any subsequent changes in test selection under this section.

➔Section 36. KRS 151B.406 is amended to read as follows:

- (1) The Office of Adult Education is created within the Department of Workforce ~~Investment~~ **Development** in the Education and ~~Labor~~ **Workforce Development** Cabinet to carry out the statewide adult education mission. The office shall implement a twenty (20) year state strategy to reduce the number of adults who are at the lowest levels of literacy and most in need of adult education and literacy services. The office shall have responsibility for all functions related to adult education and literacy. The office shall:
 - (a) Promote coordination of programs and responsibilities linked to the issue of adult education with other agencies and institutions;
 - (b) Facilitate the development of strategies to increase the knowledge and skills of adults in all counties by promoting the efficient and effective coordination of all available education and training resources;
 - (c) Lead a statewide public information and marketing campaign to convey the critical nature of Kentucky's adult literacy challenge and to reach adults and employers with practical information about available education and training opportunities;
 - (d) Establish standards for adult literacy and monitor progress in achieving the state's adult literacy goals, including existing standards that may have been developed to meet requirements of federal law in conjunction with the Collaborative Center for Literacy Development: Early Childhood through Adulthood; and
 - (e) Administer the adult education and literacy initiative fund created under KRS 151B.409.
- (2) The Office of Adult Education shall be organized in a manner as directed by the secretary of the Education and ~~Labor~~ **Workforce Development** Cabinet. The office shall be headed by an executive director appointed by the secretary of the Education and ~~Labor~~ **Workforce Development** Cabinet.
- (3) The Office of Adult Education shall be the agency solely designated for the purpose of developing and approving state plans required by state or federal laws or regulations.

➔Section 37. KRS 151B.407 is amended to read as follows:

- (1) There is hereby established a nonprofit foundation to be known as the "Foundation for Adult Education." The purpose of the foundation shall be to supplement public funding for adult training in order to expand existing basic skills training programs.
- (2) Funding for the foundation shall be obtained through contributions by the private sector. The foundation shall be empowered to solicit and accept funds from the private sector to be used for grants to local education

agencies to fund adult basic education programs especially designed for business and industry. Contributors may specify that contributed funds be used to improve the educational level of their employees as it relates to the High School Equivalency Diploma program.

- (3) The foundation shall be governed by a board of trustees to be appointed by the secretary of the Education and ~~Labor~~~~Workforce Development~~ Cabinet with responsibility for adult education programs based on recommendations from business, industry, labor, education, and interested citizens. Staff for the board of trustees shall be provided by the cabinet.
- (4) The foundation shall be attached to the office of the secretary of the Education and ~~Labor~~~~Workforce Development~~ Cabinet for administrative purposes.

➔Section 38. KRS 151B.409 is amended to read as follows:

- (1) There is created in the Education and ~~Labor~~~~Workforce Development~~ Cabinet a special fund to be known as the adult education and literacy initiative fund, which shall consist of moneys appropriated by the General Assembly, gifts, grants, other sources of funding, public and private, and interest accrued by the fund. This fund shall not lapse at the end of a fiscal year but shall be carried forward to be used only for the purposes specified in this section. Moneys accumulated in this fund on June 27, 2019, shall remain in the fund and be transferred to the Education and ~~Labor~~~~Workforce Development~~ Cabinet to be used for purposes stated in this section.
- (2) The purpose of the adult education and literacy initiative fund shall be to support strategies for adult education, to provide statewide initiatives for excellence, and to provide funds for research and development activities.
- (3) The cabinet shall establish the guidelines for the use, distribution, and administration of the fund, financial incentives, technical assistance, and other support for strategic planning; and guidelines for fiscal agents to assess county and area needs and to develop strategies to meet those needs.
- (4) The fund shall include the following strategies:
 - (a) Statewide initiatives. Funds shall be used to encourage collaboration with other organizations, stimulate development of models of adult education programs that may be replicated elsewhere in the state, provide incentives for adults, employers, and providers to encourage adults to establish and accomplish learning contracts, provide incentives to encourage participation in adult education, assist providers of county and area programs in areas of highest need, and for other initiatives of regional or statewide significance as determined by the cabinet. The Collaborative Center for Literacy Development: Early Childhood through Adulthood created under KRS 164.0207 shall evaluate the reading and literacy components of model programs funded under this paragraph.
 - (b) Research and demonstration. The funds shall be used to develop:
 1. Standards for the preparation, professional development, and support for adult educators with the advice of the Office of Adult Education and as compatible with funds provided under Title II of the Federal Workforce Investment Act;
 2. A statewide competency-based certification for transferable skills in the workplace; and
 3. A statewide public information and marketing campaign.

➔Section 39. KRS 151B.450 is amended to read as follows:

As used in KRS 151B.450 to 151B.475, unless the context requires otherwise:

- (1) "Assistive technology" means any item, piece of equipment, or device that enables an individual with a disability to improve his or her independence and quality of life;
- (2) "Board" means the board of directors of the Kentucky Assistive Technology Loan Corporation;
- (3) "Cabinet" means the Education and ~~Labor~~~~Workforce Development~~ Cabinet;
- (4) "Corporation" means the Kentucky Assistive Technology Loan Corporation created under KRS 151B.455;
- (5) "Fund" means the Kentucky assistive technology loan fund created under KRS 151B.470;
- (6) "Qualified borrower" means an individual with a disability that affects a major life activity such as mobility, sensory and cognitive communications, or self-care, a parent or legal guardian of an individual with a disability, or a nonprofit organization that provides assistive technology to individuals with disabilities who meet the criteria for participating in the Kentucky assistive technology loan fund; and

- (7) "Qualified lender" means a financial lending institution or other qualified organization contracted with by the corporation to provide loans for the purchase of assistive technology.

➔Section 40. KRS 151B.455 is amended to read as follows:

- (1) The Kentucky Assistive Technology Loan Corporation is created and established as an independent de jure municipal corporation and political subdivision of the Commonwealth of Kentucky to perform essential governmental and public functions for the purpose of improving the quality of life for disabled persons who are residents of the Commonwealth of Kentucky by providing the ability to obtain low-interest loans to qualified borrowers for the acquisition of assistive technology.
- (2) The corporation shall be governed by a board of directors consisting of seven (7) members as follows:
 - (a) The secretary of the Education and ~~Labor~~[~~Workforce Development~~] Cabinet or the secretary's designated representative;
 - (b) One (1) attorney with lending expertise;
 - (c) One (1) representative of a financial lending institution; and
 - (d) Four (4) public members with a knowledge of assistive technology representing a range of disabilities.
- (3) All board members shall be residents of the Commonwealth of Kentucky and all, with the exception of the secretary or the secretary's designee, shall be appointed by the Governor. Each public member shall be an individual with a disability, a parent of an individual with a disability, or a legal representative of an individual with a disability. In making appointments the Governor shall seek recommendations from disability-related associations and organizations representing the categories of disabilities for which appointments are being made.
- (4) For initial appointments to the board, two (2) public members shall be appointed for terms of four (4) years each, two (2) public members for terms of three (3) years each, the attorney member for a term of two (2) years, and the member representing a financial lending institution for a term of one (1) year. All succeeding terms shall be for a period of four (4) years each, and each appointee shall serve for the appointed term and until a successor has been appointed and has duly qualified. No person shall serve more than two (2) successive full terms.
- (5) If a vacancy on the board occurs, the Governor shall appoint a replacement who shall hold office during the remainder of the term vacated.
- (6) The Governor may remove any board member in case of incompetency, neglect of duties, gross immorality, or malfeasance in office, and may upon removal declare the position vacant and appoint a person to fill the vacancy as provided in other cases of vacancy. If a board member is so removed, he or she may appeal. Upon appeal an administrative hearing shall be conducted in accordance with KRS Chapter 13B.

➔Section 41. KRS 151B.460 is amended to read as follows:

- (1) At the first board meeting following initial appointment of all board members, the board shall elect a chair from its membership, and a chair shall be elected annually thereafter.
- (2) A majority of the board of directors of the corporation shall constitute a quorum for the purpose of conducting its business and exercising its powers and for all other purposes, notwithstanding the existence of any vacancies on the board of directors.
- (3) The board of directors shall meet at least once a quarter, and may meet at other times upon call of the chair or at the request of a majority of board members, and with a minimum of seven (7) days' notice.
- (4) Board members shall receive no compensation for their services but may be entitled to payment of any reasonable and necessary expense actually incurred in discharging their duties under KRS 151B.450 to 151B.475, subject to the availability of funding.
- (5) If any board member has a direct or indirect interest in any qualified lender or any organization serving as a qualified borrower, the interest shall be disclosed and set forth in the minutes of the board, and the board member having the interest shall not participate in any action involving the organization in which he or she has the interest.
- (6) The Education and ~~Labor~~[~~Workforce Development~~] Cabinet shall provide technical, clerical, and administrative assistance to the board, together with necessary office space and personnel, and shall provide any other services and support necessary for the board to perform its functions. The cabinet shall keep a record

of the proceedings of the board and shall be custodian of all books, documents, and papers which constitute the official records of the corporation. The board may enter into a contract with the cabinet as may be proper and appropriate for the provision of these services.

➔Section 42. KRS 151B.470 is amended to read as follows:

- (1) There is established in the State Treasury a permanent and perpetual fund to be known as the assistive technology loan fund, consisting of moneys that may be appropriated by the General Assembly, gifts, bequests, endowments, or grants from the United States government, its agencies and instrumentalities, and any other available sources of funds, public and private. Any fund balance at the close of a fiscal year shall not lapse but shall be carried forward to the next fiscal year, and moneys in the fund shall be continuously appropriated only for the purposes specified in this section. Interest and income earned from the investment of funds shall remain in the fund and be credited to it.
- (2) The fund shall be used to provide loans to qualified borrowers within the Commonwealth for the purpose of acquiring assistive technology designed to help individuals with disabilities become more independent. Loans shall be made to qualified borrowers through qualified lenders with the fund being used as appropriate to negotiate reduced interest rates, to buy down interest rates, and to provide loan guarantees.
- (3) The fund shall be under the administrative control of the board.
- (4) If the corporation is dissolved, any unencumbered moneys appropriated by the General Assembly remaining in the fund shall revert to the general fund, and any other unencumbered moneys shall be transferred to the Education and ~~Labor~~~~Workforce Development~~ Cabinet to be expended for programs and services for Kentuckians with disabilities.

➔Section 43. KRS 154.10-010 is amended to read as follows:

- (1)
 - (a) The Kentucky Economic Development Partnership, a board governing the Cabinet for Economic Development, is created and established, performing essential governmental and public functions and purposes essential to improving and promoting the health and general welfare of the people of the Commonwealth through sustainable economic development, as prescribed in KRS 154.1-020.
 - (b) The board shall have reorganization powers and authority as prescribed in KRS 12.028 and shall constitute an administrative body as defined in KRS 12.010, but it and the cabinet shall not be subject to reorganization by the Governor, KRS Chapter 12 notwithstanding.
 - (c) The board shall serve as the governing body of the cabinet and shall exercise all powers and authorities conferred upon it by statute, including, but not limited to, the following functions:
 1. Strategic planning;
 2. Finance;
 3. Business assistance;
 4. Marketing and promotion;
 5. Community development;
 6. Workforce development;
 7. Innovation; and
 8. All economic development powers and authorities not specifically conferred by statute to another agency or authority of state government.
- (2) The board shall consist of thirteen (13) voting members and two (2) nonvoting members. The thirteen (13) voting members shall consist of the Governor, the secretary of the Finance and Administration Cabinet, the secretary of the Public Protection Cabinet, the secretary of the Energy and Environment Cabinet, the secretary of the *Education and* Labor Cabinet, and eight (8) private sector members who shall be appointed by the Governor. The secretary of the Governor's Executive Cabinet shall serve as a voting member upon the absence of the Governor. The secretary of the Cabinet for Economic Development and the secretary of the Tourism, Arts and Heritage Cabinet shall serve as nonvoting members.
- (3) The governing bodies of each of the following organizations shall nominate two (2) persons from each of the six (6) Congressional districts of the Commonwealth and two (2) persons from the state at large, as candidates for appointment as private sector members to the board:

- (a) The Kentucky Association for Economic Development;
 - (b) The Kentucky Association of Manufacturers;
 - (c) The Kentucky State AFL-CIO;
 - (d) The Kentucky Farm Bureau Federation;
 - (e) The Kentucky Chamber of Commerce; and
 - (f) The National Federation of Independent Businesses/Kentucky.
- (4) The Governor shall select the original eight (8) private sector members from the aggregation of the lists provided pursuant to subsection (3) of this section, with at least one (1) appointment being chosen from each organization's list and at least one (1) appointment being chosen from each Congressional district. Appointments to vacancies shall be made in the same manner as prescribed in this subsection and subsection (3) of this section, except that there is no requirement that the vacancy be filled from the same organization's list as the original appointment.
- (5) All appointments shall be for four (4) years.
- (6) In making appointments to the board, the Governor shall assure broad geographical representation, as well as representation from the major sectors of Kentucky's economy by leading executives with a knowledge of the problems of large and small businesses, local economic development, and the transfer of research and development from the laboratory to the marketplace. In filling vacancies, the Governor shall assure the continuing representation on the board of broad constituencies of Kentucky's economy, including manufacturing and agriculture.
- (7) Vacancies on the board which may occur from time to time shall be filled as follows:
- (a) Any vacancy which occurs shall be filled for the unexpired term in accordance with the procedures established in subsections (3) and (4) of this section.
 - (b) If any private sector member misses more than two (2) consecutive meetings of the board, then that position shall be declared vacant and filled in accordance with this section.
- (8) The board shall meet semiannually and at other times upon call of the chairman or a majority of the board.
- (9) A quorum shall be a majority of the voting membership of the board.
- (10) A quorum shall be required to organize and conduct the business of the board, except that an affirmative vote of seven (7) or more members of the entire board shall be required to terminate the employment of the cabinet's secretary, and to adopt or amend the strategic plan.
- (11) Private sector members shall serve without compensation but shall be reimbursed for all reasonable, necessary, and actual expenses.
- (12) All existing duties, responsibilities, functions, personnel, programs, funds, obligations, records, and real and personal property of the Cabinet for Economic Development, as of July 14, 1992, shall be under the authority and control of the board.
- ➔Section 44. KRS 154.10-050 is amended to read as follows:
- (1) The secretary shall be the chief executive officer of the Cabinet for Economic Development and shall possess the professional qualifications appropriate for that office as determined by the board.
 - (2) The board shall set the salary of the secretary and up to two (2) additional executive officers of the cabinet as determined by the board, which shall be exempt from state employee salary limitations as set forth in KRS 64.640. No executive officer of the cabinet shall be paid a salary greater than that of the secretary.
 - (3) The secretary shall be responsible for the day-to-day operations of the cabinet and shall report and submit on an annual basis implementation plans to the board as provided in KRS 154.10-060; carry out policy and program directives of the board; coordinate programs of the cabinet with all other agencies of state government having economic development responsibilities; hire all other personnel of the cabinet consistent with state law; and carry out all other duties and responsibilities assigned by state law.
 - (4) The secretary shall prepare and submit the proposed budget of the cabinet to the chairman who shall present it to the board for final approval. Upon approval, the board shall submit the proposed budget to the Governor's Office for Policy and Management.

- (5) The secretary shall be reimbursed for all actual and necessary expenses incurred in the performance of all assigned duties and responsibilities.
- (6) The secretary shall give highest priority consideration in marketing, targeting, and recruiting new businesses, in expanding existing businesses, and in recommending state economic development loans, grants, and incentive programs administered by the authority, to Kentucky counties which have had an average countywide rate of unemployment of fifteen percent (15%) or greater in the most recent twelve (12) consecutive months for which unemployment figures are available, on the basis of the final unemployment figures calculated by the Department of Workforce ~~Development~~~~Investment~~ within the Education and ~~Labor~~~~Workforce Development~~ Cabinet.

➔Section 45. KRS 154.12-203 is amended to read as follows:

- (1) There is created the Kentucky Commission on Military Affairs. The commission shall be a separate administrative body of state government within the meaning of KRS Chapter 12.
- (2) It shall be the purpose of the Kentucky Commission on Military Affairs to:
 - (a) Address matters of military significance to Kentucky;
 - (b) Maintain a cooperative and constructive relationship between state agencies and the military entities in Kentucky, as necessary to ensure coordination and implementation of unified, comprehensive, statewide strategies involved with, or affected by, the military;
 - (c) Advise the Governor, the General Assembly, the Kentucky congressional delegation, and other appropriate government officials on all matters in which the military services and the Commonwealth have mutual interests, needs, and concerns;
 - (d) Take action to promote and optimize state and Department of Defense initiatives that will improve the military value of Kentucky's National Guard, active, and reserve military force structure and installations, and improve the quality of life for military personnel residing in the Commonwealth;
 - (e) Coordinate, as necessary, the state's interest in future Department of Defense base closure and restructuring activities;
 - (f) Recommend state, federal, and local economic development projects which would promote, foster, and support economic progress through military presence in the Commonwealth;
 - (g) Promote and assist the private sector in developing spin-off investments, employment, and educational opportunities associated with high-technology programs and activities at Kentucky's military installations;
 - (h) Recommend to the Kentucky Economic Development Partnership the long-range options and potential for the defense facilities located in Kentucky;
 - (i) Develop strategies to encourage military personnel to retire and relocate in Kentucky and promote those leaving the military as a viable quality workforce for economic development and industrial recruitment; and
 - (j) Allocate available grant money to qualified applicants to further the purposes of paragraphs (a) to (i) of this subsection.
- (3) The Kentucky Commission on Military Affairs shall consist of:
 - (a) The Governor or a designated representative;
 - (b) The secretary of the Cabinet for Economic Development or a designated representative;
 - (c) The adjutant general of the Commonwealth or a designated representative;
 - (d) The executive director of the Office of Homeland Security or a designated representative;
 - (e) The secretaries of the following cabinets or their designees:
 1. Finance and Administration;
 2. Justice and Public Safety;
 3. Energy and Environment;
 4. Transportation;

~~{5. — Education and Workforce Development;}~~

~~5.{6.} Health and Family Services;~~

~~6.{7.} Personnel;~~

~~7.{8.} *Education and* Labor;~~

~~8.{9.} Public Protection; and~~

~~9.{10.} Tourism, Arts and Heritage;~~

- (f) The Attorney General or a designated representative;
 - (g) The commissioner of the Department of Veterans' Affairs or a designated representative;
 - (h) The executive director of the Kentucky Commission on Military Affairs or a designated representative;
 - (i) The chairperson of the Kentucky Committee for Employer Support of the Guard and Reserve;
 - (j) Kentucky's Civilian Aides to the Secretary of the United States Army;
 - (k) The chairperson of the Senate Veterans, Military Affairs, and Public Protection Committee and the chairperson of the House of Representatives Veterans, Military Affairs, and Public Safety Committee;
 - (l) The Chief Justice or a designated representative;
 - (m) The commander or the designee of the commander of each of the following as nonvoting, ex officio members:
 - 1. U.S. Army Cadet Command;
 - 2. U.S. Army Human Resources Command;
 - 3. U.S. Army Recruiting Command;
 - 4. 84th Training Command;
 - 5. One Hundredth Division (Institutional Training);
 - 6. 101st Airborne Division;
 - 7. Blue Grass Army Depot;
 - 8. Fort Campbell Garrison;
 - 9. Fort Knox Garrison;
 - 10. 11th Theatre Aviation Command, U.S. Army Reserve;
 - 11. U.S. Army Corps of Engineers, Louisville District;
 - 12. Adjutant General of the U.S. Army;
 - 13. U.S. Coast Guard Sector Ohio Valley;
 - 14. First Army Division East;
 - 15. 1st Theater Sustainment Command; and
 - 16. Fifth (V) Corps; and
 - (n) Five (5) at-large members appointed by the Governor, who shall be residents of counties significantly impacted by military installations.
- (4) The terms of the five (5) at-large members shall be staggered so that two (2) appointments shall expire at two (2) years, one (1) appointment shall expire at three (3) years, and two (2) appointments shall expire at four (4) years, from the dates of initial appointment.
- (5) (a) The commission shall establish an executive committee consisting of the secretary of the Cabinet for Economic Development, the adjutant general of the Commonwealth, the commissioner of the Department of Veterans' Affairs, the executive director of the Kentucky Commission on Military Affairs, and the five (5) at-large members. The chair and vice chair of the Kentucky Commission on

Military Affairs shall be appointed by the Governor from among the members of the executive committee.

- (b) The chair and vice chair of the commission shall also serve as chair and vice chair of the executive committee.
- (c) The executive committee shall serve as the search committee for an executive director of the commission and shall have any other authority the commission delegates to it.
- (6) The commission shall meet one (1) time each year, and may meet at other times on call of the chair, to establish the commission's goals and to review issues identified and recommendations made by the executive committee. A majority of the members shall constitute a quorum for the transaction of the commission's business. Members' designees shall have voting privileges at commission meetings.
- (7) Members of the commission shall serve without compensation, but shall be reimbursed for their necessary travel expenses actually incurred in the discharge of their duties on the commission, subject to Finance and Administration Cabinet administrative regulations.
- (8) The commission may establish committees or work groups composed of commission members and citizens as necessary to advise the commission in carrying out its responsibilities, duties, and powers. Citizen members of committees or work groups shall not have a vote.
- (9) The commission may promulgate necessary administrative regulations as prescribed by KRS Chapter 13A.
- (10) The commission may adopt bylaws and operating policies necessary for its efficient and effective operation.
- (11) There shall be an executive director, who shall be the administrative head and chief executive officer of the commission, recommended by the executive committee, approved by the commission, and appointed by the Governor. The executive director shall have authority to hire staff, contract for services, expend funds, and operate the normal business activities of the commission.
- (12) The Kentucky Commission on Military Affairs and its executive committee shall be an independent agency attached to the Office of the Governor.

➔Section 46. KRS 154.12-205 is amended to read as follows:

- (1) There is hereby created an independent, de jure corporation of the Commonwealth with all the general corporate powers incidental thereto which shall be known as the "Bluegrass State Skills Corporation." The corporation shall be a political subdivision of the state and shall be attached to the Cabinet for Economic Development.
- (2) The corporation is created and established to improve and promote the employment opportunities of the citizens of the Commonwealth by creating and expanding programs of skills training and education which meet the needs of qualified companies.
- (3) The corporation shall be governed by a board of directors consisting of *seventeen (17)*~~eighteen (18)~~ members, including the following *five (5)*~~six (6)~~ ex officio members: the commissioner of the Department of Workforce *Development*~~Investment~~ or his or her designee, the secretary of the Cabinet for Economic Development, the secretary of the *Education and* Labor Cabinet, the president of the Council on Postsecondary Education, ~~the secretary of the Education and Workforce Development Cabinet,~~ and the president of the Kentucky Community and Technical College System. The twelve (12) other members shall be appointed by the Governor, including persons having knowledge and experience in business and industry, skills training, education, and minority employment; and at least one (1) of the twelve (12) members shall be appointed to represent labor organizations. Each member appointed by the Governor shall serve for a term of four (4) years, except that in making the initial appointments, the Governor shall appoint three (3) members to serve for one (1) year, three (3) members to serve for two (2) years, three (3) members to serve for three (3) years, and three (3) members to serve for four (4) years. All succeeding appointments shall be for a term of four (4) years.
- (4) In the event of a vacancy, the Governor may appoint a replacement member who shall hold office during the remainder of the term so vacated.
- (5) Any member may be removed from his appointment by the Governor for cause.
- (6) The Governor shall designate a member of the board as its chairman.

- (7) Members of the board of directors of the corporation, except for ex officio members, shall be entitled to compensation for their services in the amount of one hundred dollars (\$100) for each regular or special called meeting of the corporation, and all members shall be entitled to reimbursement for any actual and necessary expenses incurred in the performance of their duties.
- (8) The board of directors of the corporation shall annually elect a vice chairman, a secretary, and a treasurer. The secretary shall keep a record of the proceedings of the corporation and shall be custodian of all books, documents, and papers filed with the corporation, and its official seal.
- (9) The Cabinet for Economic Development shall provide staff and support services to the corporation and shall direct and supervise its administrative affairs and general management subject to the policies, control, and direction of the board.
- (10) All officers and employees of the corporation having access to its funding shall give bond to the corporation, at its expense, in the amount and with the surety as the board may prescribe.

➔Section 47. KRS 154.12-2084 is amended to read as follows:

As used in KRS 154.12-2084 to 154.12-2089, unless the context requires otherwise:

- (1) "Approved company" means any qualified company seeking to sponsor an occupational upgrade training program or skills upgrade training program for the benefit of one (1) or more of its employees, which is approved by the authority to receive skills training investment credits in accordance with KRS 154.12-2084 to 154.12-2089;
- (2) "Approved costs" means:
 - (a) Fees or salaries required to be paid to instructors who are employees of the approved company, instructors who are full-time, part-time, or adjunct instructors with an educational institution, and instructors who are consultants on contract with an approved company in connection with an occupational upgrade training program or skills upgrade training program sponsored by an approved company;
 - (b) Administrative fees charged by educational institutions in connection with an occupational upgrade training program or skills upgrade training program sponsored by an approved company and specifically approved by the Bluegrass State Skills Corporation;
 - (c) The cost of supplies, materials, and equipment used exclusively in an occupational upgrade training program or skills upgrade training program sponsored by an approved company;
 - (d) The cost of leasing a training facility where space is unavailable at an educational institution or at the premises of an approved company in connection with an occupational upgrade training program or skills upgrade training program sponsored by an approved company;
 - (e) Employee wages to be paid in connection with an occupational upgrade training program or skills upgrade training program sponsored by an approved company; and
 - (f) All other costs of a nature comparable to those described in this subsection;
- (3) "Bluegrass State Skills Corporation" means the Bluegrass State Skills Corporation created by KRS 154.12-205;
- (4) "Commonwealth" means the Commonwealth of Kentucky;
- (5) "Educational institution" means a public or nonpublic secondary or postsecondary institution or an independent provider within the Commonwealth authorized by law to provide a program of skills training or education beyond the secondary school level or to adult persons without a high school diploma or its equivalent;
- (6) "Employee" means any person:
 - (a) Who is currently a permanent full-time employee of the qualified company;
 - (b) Who has been employed by the qualified company for the last twelve (12) calendar months immediately preceding the filing of the application for skills training investment credits by the qualified company;
 - (c) Who is a Kentucky resident, as that term is defined in KRS 141.010; and

- (d) Who receives a base hourly wage which is one hundred fifty percent (150%) of the federal minimum wage plus employee benefits equal to at least fifteen percent (15%) of the applicable base hourly wage, if the qualified company is located in a county of Kentucky which has had an average countywide rate of unemployment of fifteen percent (15%) or greater in the most recent twelve (12) consecutive months for which unemployment figures are available, on the basis of the final unemployment figures calculated by the Department of Workforce ~~Development~~*Investment* in the Education and ~~Labor~~*Workforce Development* Cabinet.

For purposes of this subsection, a "full-time employee" means an employee who has been employed by the qualified company for a minimum of thirty-five (35) hours per week for more than two hundred fifty (250) work days during the most recently ended calendar year and is subject to the tax imposed by KRS 141.020;

- (7) "Occupational upgrade training" means employee training sponsored by a qualified company that is designed to qualify the employee for a promotional opportunity with the qualified company;
- (8) "Preliminarily approved company" means a qualified company seeking to sponsor an occupational upgrade training program or skills upgrade training program, which has received preliminarily approval from the authority under KRS 154.12-2088 to receive a certain maximum amount of skills training investment credits;
- (9) "Qualified company" means any person, corporation, limited liability company, partnership, limited partnership, sole proprietorship, firm, enterprise, franchise, association, organization, holding company, joint stock company, professional service corporation, or any other legal entity through which business is conducted that has been actively engaged in any of the following qualified activities within the Commonwealth for not less than three (3) consecutive years: manufacturing, including the processing, assembling, production, or warehousing of any property; processing of agricultural and forestry products; telecommunications; health care; product research and engineering; tool and die and machine technology; mining; tourism and operation of facilities to be used in the entertainment, recreation, and convention industry; and transportation in support of manufacturing. Notwithstanding the provisions of this subsection, any company whose primary purpose is the sale of goods at retail shall not constitute a qualified company;
- (10) "Skills upgrade training" means employee training sponsored by a qualified company that is designed to provide the employee with new skills necessary to enhance productivity, improve performance, or retain employment, including but not limited to technical and interpersonal skills training, and training that is designed to enhance the computer skills, communication skills, problem solving, reading, writing, or math skills of employees who are unable to function effectively on the job due to deficiencies in these areas, are unable to advance on the job, or who risk displacement because their skill deficiencies inhibit their training potential for new technology; and
- (11) "Skills training investment credit" means the credit against Kentucky income tax imposed by KRS 141.020 or 141.040, and the limited liability entity tax imposed by KRS 141.0401, as provided in KRS 154.12-2086(1).

➔Section 48. KRS 154.20-150 is amended to read as follows:

- (1) On or before October 1, 1992, and on or before the first day of every third month thereafter, the authority shall provide a written project status report to the Legislative Research Commission, and the authority shall be compelled to send a representative to testify on the project status report and the authority shall provide additional information on any projects upon request by the Legislative Research Commission. The written project status report shall include but is not limited to:
- (a) The current status of each project under consideration by the authority, the proposed cost of a project, for each project under consideration, including any proposed financial obligations of the authority, the number of jobs to be created or retained by each project under consideration, and a description of the applicants with respect to each project under consideration; and
- (b) The current status of each project, along with an updated cost for each project in progress, including any financial obligations of the authority and a description of the principals with respect to each project in progress.
- (2) On or before November 1 of each year, the authority shall prepare an annual report and make it available on the Cabinet for Economic Development Web site as required by KRS 154.12-2035. The report shall include information about the success or failure of each completed project, in order to determine the effectiveness of the Kentucky Economic Development Finance Authority.
- (3) In addition to the project status report, all construction, reconstruction, or alteration, financed or facilitated in whole or in part by the authority shall be reported to the Department of Workforce ~~Development~~*Investment*

in the Education and ~~Labor~~~~Workforce Development~~ Cabinet and to the Kentucky Legislative Research Commission not later than fifteen (15) days following the end of the month in which the agreement or contract facilitating or permitting such activity was executed. This construction activity report shall be subject to public information requests as provided by KRS 61.878. Reports shall list subject construction activity by location of project site, and shall specify the type of construction, project owner, estimated cost of project, and estimated starting and completion dates if known.

➔Section 49. KRS 154.20-170 is amended to read as follows:

- (1) Industrial entities, agricultural business entities, business enterprises, or private sector firms which are members of a business network within the meaning of KRS 154.1-010 and businesses that compose the secondary wood products industry as defined in KRS 154.47-005(8), shall be given priority consideration under state economic development loan, grant, and incentive programs administered by the Kentucky Economic Development Finance Authority.
- (2) Notwithstanding the provisions of subsection (1) of this section, highest priority consideration under state economic development loan, grant, and incentive programs administered by the authority shall be given to those projects that are located in counties of Kentucky which have had an average countywide rate of unemployment of fifteen percent (15%) or greater in the most recent twelve (12) consecutive months for which unemployment figures are available, on the basis of the final unemployment figures calculated by the Department of Workforce ~~Development~~~~Investment~~ in the Education and ~~Labor~~~~Workforce Development~~ Cabinet.

➔Section 50. KRS 154.22-010 is amended to read as follows:

The following words and terms as used in KRS 154.22-010 to 154.22-080, unless the context clearly indicates a different meaning, shall have the following meanings:

- (1) "Activation date" means a date selected by an approved company in the tax incentive agreement at any time within a two (2) year period after the date of final approval of the tax incentive agreement by the authority;
- (2) "Affiliate" means the following:
 - (a) Members of a family, including only brothers and sisters of the whole or half blood, spouse, ancestors, and lineal descendants of an individual;
 - (b) An individual, and a corporation more than fifty percent (50%) in value of the outstanding stock of which is owned, directly or indirectly, by or for that individual;
 - (c) An individual, and a limited liability company of which more than fifty percent (50%) of the capital interest or profits are owned or controlled, directly or indirectly, by or for that individual;
 - (d) Two (2) corporations which are members of the same controlled group, which includes and is limited to:
 1. One (1) or more chains of corporations connected through stock ownership with a common parent corporation, if:
 - a. Stock possessing more than fifty percent (50%) of the total combined voting power of all classes of stock entitled to vote or more than fifty percent (50%) of the total value of shares of all classes of stock of each of the corporations, except the common parent corporation, is owned by one (1) or more of the other corporations; and
 - b. The common parent corporation owns stock possessing more than fifty percent (50%) of the total combined voting power of all classes of stock entitled to vote or more than fifty percent (50%) of the total value of shares of all classes of stock of at least one (1) of the other corporations, excluding, in computing the voting power or value, stock owned directly by the other corporations; or
 2. Two (2) or more corporations, if five (5) or fewer persons who are individuals, estates, or trusts own stock possessing more than fifty percent (50%) of the total combined voting power of all classes of stock entitled to vote or more than fifty percent (50%) of the total value of shares of all classes of stock of each corporation, taking into account the stock ownership of each person only to the extent the stock ownership is identical with respect to each corporation;
 - (e) A grantor and a fiduciary of any trust;

- (f) A fiduciary of a trust and a fiduciary of another trust, if the same person is a grantor of both trusts;
 - (g) A fiduciary of a trust and a beneficiary of that trust;
 - (h) A fiduciary of a trust and a beneficiary of another trust, if the same person is a grantor of both trusts;
 - (i) A fiduciary of a trust and a corporation more than fifty percent (50%) in value of the outstanding stock of which is owned, directly or indirectly, by or for the trust or by or for a person who is a grantor of the trust;
 - (j) A fiduciary of a trust and a limited liability company more than fifty percent (50%) of the capital interest, or the interest in profits, of which is owned directly or indirectly, by or for the trust or by or for a person who is a grantor of the trust;
 - (k) A corporation, a partnership, and a limited partnership, if the same persons own:
 - 1. More than fifty percent (50%) in value of the outstanding stock of the corporation; and
 - 2. More than fifty percent (50%) of the capital interest, or the profits interest, in the partnership or limited partnership;
 - (l) A corporation and a limited liability company, if the same persons own:
 - 1. More than fifty percent (50%) in value of the outstanding stock of the corporation; and
 - 2. More than fifty percent (50%) of the capital interest or the profits in the limited liability company;
 - (m) A partnership, limited partnership, and a limited liability company, if the same persons own:
 - 1. More than fifty percent (50%) of the capital interest or profits in the partnership or limited partnership; and
 - 2. More than fifty percent (50%) of the capital interest or the profits in the limited liability company;
 - (n) An S corporation and another S corporation, if the same persons own more than fifty percent (50%) in value of the outstanding stock of each corporation, S corporation designation being the same as that designation under the Internal Revenue Code of 1986, as amended; or
 - (o) An S corporation and a C corporation, if the same persons own more than fifty percent (50%) in value of the outstanding stock of each corporation; S and C corporation designations being the same as those designations under the Internal Revenue Code of 1986, as amended;
- (3) "Agribusiness" means any activity involving the processing of raw agricultural products, including timber, or the providing of value-added functions with regard to raw agricultural products;
- (4) "Approved company" means any eligible company seeking to locate an economic development project in a qualified county, which eligible company is approved by the authority pursuant to KRS 154.22-010 to 154.22-080;
- (5) "Approved costs" means:
- (a) Obligations incurred for labor and to contractors, subcontractors, builders, and materialmen in connection with the acquisition, construction, installation, equipping, and rehabilitation of an economic development project;
 - (b) The cost of acquiring land or rights in land and any cost incidental thereto, including recording fees;
 - (c) The cost of contract bonds and of insurance of all kinds that may be required or necessary during the course of acquisition, construction, installation, equipping, and rehabilitation of an economic development project which is not paid by the contractor or contractors or otherwise provided for;
 - (d) All costs of architectural and engineering services, including test borings, surveys, estimates, plans and specifications, preliminary investigations, and supervision of construction, as well as for the performance of all the duties required by or consequent upon the acquisition, construction, installation, equipping, and rehabilitation of an economic development project;

- (e) All costs which shall be required to be paid under the terms of any contract or contracts for the acquisition, construction, installation, equipping, and rehabilitation of an economic development project; and
- (f) All other costs of a nature comparable to those described above;
- (6) "Assessment" means the job development assessment fee authorized by KRS 154.22-010 to 154.22-080;
- (7) "Authority" means the Kentucky Economic Development Finance Authority as created in KRS 154.20-010;
- (8) "Average hourly wage" means the wage and employment data published by the Department of Workforce ~~Development~~~~Investment~~ in the Education and ~~Labor~~~~Workforce Development~~ Cabinet collectively translated into wages per hour based on a two thousand eighty (2,080) hour work year for the following sectors:
 - (a) Manufacturing;
 - (b) Transportation, communications, and public utilities;
 - (c) Wholesale and retail trade;
 - (d) Finance, insurance, and real estate; and
 - (e) Services;
- (9) "Commonwealth" means the Commonwealth of Kentucky;
- (10) (a) "Economic development project" means and includes:
 1. The acquisition of ownership in any real estate in a qualified county by the authority, the approved manufacturing or agribusiness company, or its affiliate;
 2. The present ownership of real estate in a qualified county by the approved manufacturing or agribusiness company or its affiliate;
 3. The acquisition or present ownership of improvements or facilities, as described in paragraph (b) of this subsection, on land which is possessed or is to be possessed by the approved manufacturing or agribusiness company pursuant to a ground lease having a term of sixty (60) years or more;
 4. The new construction of an electric generation facility; and
 5. The legal possession of facilities by an approved company or its affiliate pursuant to a lease having a term equal to or greater than fifteen (15) years with a third-party entity, negotiated at arm's length, if the facility will be used by the approved company to conduct the approved activity for which the inducement has been granted. An economic development project qualifying under this subparagraph shall only be eligible for credits against equipment and costs related to installation of equipment and for purposes of the tax credits provided under the provisions of KRS 154.22-010 to 154.22-080 only to the extent of twenty thousand dollars (\$20,000) per job created by and maintained at the economic development project. Notwithstanding KRS 154.22-050(8) and 154.22-060, an economic development project qualifying under this subparagraph shall be eligible only for the aggregate assessments pursuant to KRS 154.22-070 withheld by the approved company each year and shall not be eligible for credit against Kentucky income tax and limited liability entity tax.
 - (b) For purposes of paragraph (a)1. and 2. of this subsection, ownership of real estate shall only include fee ownership of real estate and possession of real estate pursuant to a capital lease as determined in accordance with Statement of Financial Accounting Standards No. 13, Accounting for Leases, issued by the Financial Accounting Standards Board, November 1976. With respect to paragraph (a)1., 2., and 3. of this subsection or this paragraph, the construction, installation, equipping, and rehabilitation of improvements, including fixtures and equipment, and facilities necessary or desirable for improvement of the real estate, including surveys; site tests and inspections; subsurface site work; excavation; removal of structures, roadways, cemeteries, and other surface obstructions; filling, grading, and provision of drainage, storm water retention, installation of utilities such as water, sewer, sewage treatment, gas, electricity, communications, and similar facilities; off-site construction of utility extensions to the boundaries of the real estate; and the acquisition, installation, equipping, and rehabilitation of manufacturing facilities on the real estate, for use and occupancy by the approved

company or its affiliates for manufacturing purposes, electric generation, or for agribusiness purposes. Pursuant to paragraph (a)3. and 5. of this subsection, an economic development project shall not include lease payments made pursuant to a ground lease for purposes of the tax credits provided under the provisions of KRS 154.22-010 to 154.22-080;

- (11) "Electric generation" means the generation of electricity for resale by means of combusting at least fifty percent (50%) of the total fuel used to generate electricity from coal or from gas derived from coal;
- (12) "Eligible company" means any corporation, limited liability company, partnership, limited partnership, sole proprietorship, business trust, or any other entity engaged in manufacturing, electric generation, or in agribusiness;
- (13) "Employee benefits" means nonmandated costs paid by an eligible company for its full-time employees for health insurance, life insurance, dental insurance, vision insurance, defined benefits, 401(k), or similar plans;
- (14) "Final approval" means the action taken by the authority authorizing the eligible company to receive inducements under this subchapter;
- (15) "Full-time employee" means a person employed by an approved company for a minimum of thirty-five (35) hours per week and subject to the state income tax imposed by KRS 141.020;
- (16) "Inducements" means the assessment and the tax credits allowed by KRS 154.22-060;
- (17) "Manufacturing" means any activity involving the manufacturing, processing, assembling, or production of any property, including the processing resulting in a change in the conditions of the property and any activity related to it, together with the storage, warehousing, distribution, and related office facilities; however, "manufacturing" shall not include mining, coal or mineral processing, or extraction of minerals;
- (18) "Preliminary approval" means the action taken by the authority conditioning final approval by the authority upon satisfaction by the eligible company of the requirements under this subchapter;
- (19) "Qualified county" means any county certified as such by the authority pursuant to KRS 154.22-010 to 154.22-080;
- (20) "Revenues" shall not be considered state funds;
- (21) "State agency" shall have the meaning assigned to the term in KRS 56.440(8);
- (22) "Tax incentive agreement" means the agreement entered into, pursuant to KRS 154.22-050, between the authority and an approved company with respect to an economic development project;
- (23) "Kentucky gross receipts" means "Kentucky gross receipts" as defined in KRS 141.0401; and
- (24) "Kentucky gross profits" means "Kentucky gross profits" as defined in KRS 141.0401.

➔Section 51. KRS 154.22-040 is amended to read as follows:

- (1) Each year, the authority shall, under its Rural Economic Development Assistance Program, on the basis of the final unemployment figures calculated by the Department of Workforce ~~Development~~**Investment** in the Education and ~~Labor~~**Workforce Development** Cabinet, determine which counties have had a countywide rate of unemployment exceeding the statewide unemployment rate of the Commonwealth in the most recent five (5) consecutive calendar years, or which have had an average countywide rate of unemployment exceeding the statewide unemployment rate of the Commonwealth by two hundred percent (200%) in the most recent calendar year, and shall certify those counties as qualified counties. A county not certified on the basis of final unemployment figures may also be certified as a qualified county if the authority determines the county is one (1) of the sixty (60) most distressed counties in the Commonwealth based on the following criteria with equal weight given to each criterion:
 - (a) The average countywide rate of unemployment in the most recent three (3) consecutive calendar years, on the basis of final unemployment figures calculated by the Department of Workforce ~~Development~~**Investment** in the Education and ~~Labor~~**Workforce Development** Cabinet;
 - (b) In each county the percentage of adults twenty-five (25) years of age and older who have attained at least a high school education or equivalent, on the basis of the most recent data available from the United States Department of Commerce, Bureau of the Census; and
 - (c) Road quality, as quantified by the access within a county to roads ranked in descending order from best quality to worst quality as follows: two (2) or more interstate highways, one (1) interstate highway, a

state four (4) lane parkway, four (4) lane principal arterial access to an interstate highway, state two (2) lane parkway and none of the preceding road types, as certified by the Kentucky Transportation Cabinet to the authority.

If the authority determines that a county which has previously been certified as a qualified county no longer meets the criteria of this subsection, the authority shall decertify that county. The authority shall not provide inducements for any facilities in that county and an approved company shall not be eligible for the inducements offered by KRS 154.22-010 to 154.22-070 unless the tax incentive agreements required herein are entered into by all parties prior to July 1 of the year following the calendar year in which the authority decertified that county. In addition, the authority shall certify coal-producing counties, not otherwise certified as qualified counties in this subsection, for economic development projects involving the new construction of electric generation facilities. A coal-producing county shall mean a county in the Commonwealth of Kentucky that has produced coal upon which the tax imposed under KRS 143.020 was paid at any time. For economic development projects undertaken in a regional industrial park, as defined in KRS 42.4588, or in an industrial park created pursuant to an interlocal agreement in which revenues are shared as provided in KRS 65.210 to 65.300, where the physical boundaries of the industrial park lie within two (2) or more counties of which at least one (1) of the counties is a qualified county under this section, an eligible company undertaking an economic development project within the physical boundaries of the industrial park may be approved for the inducements under KRS 154.22-010 to 154.22-080.

- (2) The authority shall establish the procedures and standards for the determination and approval of eligible companies and their economic development projects by the promulgation of administrative regulations in accordance with KRS Chapter 13A. The criteria for approval of eligible companies and economic development projects shall include but not be limited to the creditworthiness of eligible companies; the number of new jobs to be provided by an economic development project to residents of the Commonwealth; and the likelihood of the economic success of the economic development project.
- (3) The economic development project shall involve a minimum investment of one hundred thousand dollars (\$100,000) by the eligible company and shall result in the creation by the eligible company, within two (2) years from the date of the final approval authorizing the economic development project, of a minimum of fifteen (15) new full-time jobs at the site of the economic development project for Kentucky residents to be employed by the eligible company and to be held by persons subject to the personal income tax of the Commonwealth. The authority may extend this two (2) year period upon the written application of an eligible company requesting an extension.
- (4)
 - (a) Within six (6) months after the activation date, the approved company shall compensate a minimum of ninety percent (90%) of its full-time employees whose jobs were created with base hourly wages equal to either:
 1. Seventy-five percent (75%) of the average hourly wage for the Commonwealth; or
 2. Seventy-five percent (75%) of the average hourly wage for the county in which the project is to be undertaken.
 - (b) If the base hourly wage calculated in paragraph (a)1. or 2. of this subsection is less than one hundred fifty percent (150%) of the federal minimum wage, then the base hourly wage shall be one hundred fifty percent (150%) of the federal minimum wage. However, for projects receiving preliminary approval of the authority prior to July 1, 2008, the base hourly wage shall be one hundred fifty percent (150%) of the federal minimum wage existing on January 1, 2007. In addition to the applicable base hourly wage calculated above, the eligible company shall provide employee benefits equal to at least fifteen percent (15%) of the applicable base hourly wage; however, if the eligible company does not provide employee benefits equal to at least fifteen percent (15%) of the applicable base hourly wage, the eligible company may qualify under this section if it provides the employees hired by the eligible company as a result of the economic development project total hourly compensation equal to or greater than one hundred fifteen percent (115%) of the applicable base hourly wage through increased hourly wages combined with employee benefits.
 - (c) The requirements of this subsection shall not apply to eligible companies which are nonprofit corporations established under KRS 273.163 to 273.387 and whose employees are handicapped and sheltered workshop workers employed at less than the established minimum wage as authorized by KRS 337.295.

For an eligible company, within a regional industrial park which lies within two (2) or more counties, the calculation of the wage and benefit requirement shall be determined by averaging the average county hourly wage for all counties within the regional industrial park.

- (5) No economic development project which will result in the replacement of agribusiness, manufacturing, or electric generation facilities existing in the state shall be approved by the authority; however, the authority may approve an economic development project that:
- (a) Rehabilitates an agribusiness, manufacturing, or electric generation facility:
 1. Which has not been in operation for a period of ninety (90) or more consecutive days;
 2. For which the current occupant of the facility has published a notice of closure so long as the eligible company intending to acquire the facility is not an affiliate of the current occupant; or
 3. The title to which is vested in other than the eligible company or an affiliate of the eligible company and that is sold or transferred pursuant to a foreclosure ordered by a court of competent jurisdiction or an order of a bankruptcy court of competent jurisdiction;
 - (b) Replaces an agribusiness, manufacturing, or electric generation facility existing in the Commonwealth:
 1. The title to which shall have been taken under the exercise of the power of eminent domain, or the title to which shall be the subject of a nonappealable judgment granting the authority to exercise the power of eminent domain, in either event to the extent that normal operations cannot be resumed at the facility within twelve (12) months; or
 2. Which has been damaged or destroyed by fire or other casualty to the extent that normal operations cannot be resumed at the facility within twelve (12) months; or
 - (c) Replaces an existing agribusiness, manufacturing, or electric generation facility located in the same qualified county, and the existing agribusiness, manufacturing, or electric generation facility to be replaced cannot be expanded due to the unavailability of real estate at or adjacent to the agribusiness, manufacturing, or electric generation facility to be replaced. Any economic development project satisfying the requirements of this subsection shall only be eligible for inducements to the extent of the expansion, and no inducements shall be available for the equivalent of the agribusiness, manufacturing, or electric generation facility to be replaced. No economic development project otherwise satisfying the requirements of this subsection shall be approved by the authority which results in a lease abandonment or lease termination by the approved company without the consent of the lessor.
- (6) With respect to each eligible company making an application to the authority for inducements, and with respect to the economic development project described in the application, the authority shall request materials and make inquiries of the applicant as necessary or appropriate. Upon review of the application and completion of initial inquiries, the authority may, by resolution, give its preliminary approval by designating an eligible company as a preliminarily approved company and authorizing the undertaking of the economic development project. After preliminary approval, the authority may by final approval designate an eligible company to be an approved company.

➔Section 52. KRS 154.23-010 is amended to read as follows:

As used in KRS 154.23-005 to 154.23-079, unless the context clearly indicates otherwise:

- (1) "Affiliate" has the same meaning as in KRS 154.22-010;
- (2) "Approved company" means an eligible company that locates an economic development project in a qualified zone, as provided for in KRS 154.23-030;
- (3) "Approved costs" means:
 - (a) For an approved company that establishes a new manufacturing facility or expands an existing manufacturing facility, the following obligations incurred in its economic development project, including rent under leases subject to subsection (8)(b)4. of this section:
 1. The cost of labor, contractors, subcontractors, builders, and material workers in connection with the acquisition, construction, installation, equipping, and rehabilitation of an economic development project;
 2. The cost of acquiring real estate or rights in land and any cost incidental thereto, including recording fees;

3. The cost of contract bonds and insurance of all kinds that may be required or necessary during the course of acquisition, construction, installation, equipping, and rehabilitation of an economic development project that is not paid by the contractor or contractors or otherwise provided for;
 4. The cost of architectural and engineering services, including test borings, surveys, estimates, plans and specifications, preliminary investigations, and supervision of construction, as well as for the performance of all duties required by or consequent to the acquisition, construction, installation, equipping, and rehabilitation of an economic development project;
 5. All costs required to be paid under the terms of any contract for the acquisition, construction, installation, equipping, and rehabilitation of an economic development project; and
 6. All other costs of a nature comparable to those described above; or
- (b) For an approved company that establishes a new service or technology business or expands existing service or technology operations, up to a maximum of fifty percent (50%) of the total start-up costs during the term of the service and technology agreement, plus up to a maximum of fifty percent (50%) of the annual rent for each elapsed year of the service and technology agreement;
- (4) "Assessment" means the job development assessment fee authorized by KRS 154.23-055;
- (5) "Authority" means the Kentucky Economic Development Finance Authority, as created in KRS 154.20-010;
- (6) "Average hourly wage" means the wage and employment data published by the Department of Workforce ~~Development~~~~Investment~~ within the Education and ~~Labor~~~~Workforce Development~~ Cabinet collectively translated into wages per hour based on a two thousand eighty (2,080) hour work year for the following sectors:
- (a) Manufacturing;
 - (b) Transportation, communications, and public utilities;
 - (c) Wholesale and retail trade;
 - (d) Finance, insurance, and real estate; and
 - (e) Services;
- (7) "Commonwealth" means the Commonwealth of Kentucky;
- (8) "Economic development project" or "project" means:
- (a) A new or expanded service or technology activity conducted at a new or expanded site by:
 1. An approved company; or
 2. An approved company and its affiliate or affiliates; or
 - (b) Any of the following activities of an approved company engaged in manufacturing:
 1. The acquisition of or present ownership in any real estate in a qualified zone for the purposes described in KRS 154.23-005 to 154.23-079, which ownership shall include only fee simple ownership of real estate and possession of real estate according to a capital lease as determined in accordance with Statement of Financial Accounting Standards No. 13, Accounting for Leases, issued by the Financial Accounting Standards Board, November 1976;
 2. The acquisition or present ownership of improvements or facilities on land that is possessed or is to be possessed by the approved company in a ground lease having a term of sixty (60) years or more; provided, however, that this project shall not include lease payments made under a ground lease for purposes of calculating the tax credits offered under KRS 154.23-005 to 154.23-079;
 3. The construction, installation, equipping, and rehabilitation of improvements, fixtures, equipment, and facilities necessary or desirable for improvement of the real estate owned, used, or occupied by the approved company for manufacturing purposes. Construction activities include surveys; site tests and inspections; subsurface site work; excavation; removal of structures, roadways, cemeteries, and other surface obstructions; filling, grading, and providing drainage and storm water retention; installation of utilities such as water, sewer, sewage treatment, gas, electric, communications, and similar facilities; off-site construction of utility

extensions to the boundaries of the real estate; or similar activities as the authority may determine necessary for construction; and

4. The leasing of real estate and the buildings and fixtures thereon acquired, constructed, and installed with funds from grants under KRS 154.23-060;
- (9) "Eligible company" means any corporation, limited liability company, partnership, limited partnership, sole proprietorship, business trust, or any other legal entity engaged in manufacturing, or service or technology; however, any company whose primary purpose is retail sales shall not be an eligible company;
- (10) "Employee benefits" means nonmandated costs paid by an eligible company for its full-time employees for health insurance, life insurance, dental insurance, vision insurance, defined benefits, 401(k), or similar plans;
- (11) "Final approval" means action taken by the authority that authorizes the eligible company to receive inducements in connection with a project under KRS 154.23-005 to 154.23-079;
- (12) "Full-time employee" means a person employed by an approved company for a minimum of thirty-five (35) hours per week and subject to the state income tax imposed by KRS 141.020;
- (13) "Inducements" means the assessment and the income tax credits allowed to an approved company under KRS 154.23-050 and 154.23-055;
- (14) "Local government" means a city, county, or urban-county government;
- (15) "Manufacturing" means to make, assemble, process, produce, or perform any other activity that changes the form or conditions of raw materials and other property, and shall include any ancillary activity to the manufacturing process, such as storage, warehousing, distribution, and related office facilities; however, "manufacturing" shall not include mining, the extraction of minerals or coal, or processing of these resources;
- (16) "Person" means an individual, sole proprietorship, partnership, limited partnership, joint venture, trust, unincorporated organization, association, corporation, limited liability company, institution, entity or government, whether federal, state, county, city, or otherwise, including without limitation any instrumentality, division, political subdivision, district, court, agency, or department thereof;
- (17) "Preliminary approval" means action taken by the authority that conditions final approval of an eligible company and its economic development project upon satisfaction by the eligible company of the applicable requirements under KRS 154.23-005 to 154.23-079;
- (18) "Qualified employee" means an individual subject to Kentucky income tax who has resided in the qualified zone where the project exists for at least twelve (12) consecutive months preceding full-time employment by an approved company;
- (19) "Qualified statewide employee" means an individual subject to Kentucky income tax who has resided in any census tract or county in the Commonwealth that meets the criteria in KRS 154.23-015, regardless of whether the tract or county is in a qualified zone, for at least twelve (12) consecutive months preceding full-time employment by an approved company;
- (20) "Qualified zone" means any census tract or county certified as such by the authority in KRS 154.23-015 and 154.23-020;
- (21) "Rent" means:
 - (a) The actual annual rent or leasing fee paid by an approved company to a bona fide entity negotiated at arm's length for the use of a building by the approved company to conduct the approved project for which the inducement has been granted; or
 - (b) The fair rental value on an annual basis in a building owned by the approved company of the space used by the approved company to conduct the approved project for which the inducement has been granted as determined by the authority using criteria that are customary in the real estate industry for the type of building being used. The fair rental value shall include an analysis of the cost of amortizing the cost of land and building over the period of time customary in the real estate industry for the type of building and for the land being utilized; and
 - (c) Rent shall include the customary cost of occupancy, including but not limited to property taxes, heating and air conditioning, electricity, water, sewer, and insurance;

- (22) "Service and technology agreement" means any agreement entered into under KRS 154.23-040 on behalf of the authority, an approved company engaged in service or technology, and third-party lessors, if applicable, with respect to an economic development project;
- (23) (a) "Service or technology" means either:
1. Any activity involving the performance of work, except work classified by the divisions, including successor divisions, of agriculture, forestry and fishing, mining, utilities, construction, manufacturing, wholesale trade, retail trade, real estate rental and leasing, educational services, accommodation and food services, and public administration in accordance with the "North American Industry Classification System," as revised by the United States Office of Management and Budget from time to time, or any successor publication; or
 2. Regional or headquarters operations of an entity engaged in an activity listed in subparagraph 1. of this paragraph.
- (b) Notwithstanding paragraph (a) of this subsection, "service or technology" shall not include any activity involving the performance of work by an individual who is providing direct service to the public pursuant to a license issued by the state or an association that licenses in lieu of the state;
- (24) "Start-up costs" means the acquisition cost associated with the project and related to furnishing and equipping a building for ordinary business functions, including computers, nonrecurring costs of fixed telecommunication equipment, furnishings, office equipment, and the relocation of out-of-state equipment, as verified and approved by the authority in accordance with KRS 154.23-040;
- (25) "Tax incentive agreement" means that agreement entered into pursuant to KRS 154.23-035 between the authority and an approved company with respect to an economic development project;
- (26) "Kentucky gross receipts" means Kentucky gross receipts as defined in KRS 141.0401; and
- (27) "Kentucky gross profits" means Kentucky gross profits as defined in KRS 141.0401.

➔Section 53. KRS 154.23-015 is amended to read as follows:

- (1) Upon written application by a county, urban-county government, or city of the first class, the authority shall certify one (1) to five (5) contiguous census tracts or a county certified by the authority in accordance with KRS 154.22-040 as a qualified zone. In the case of certification based on one (1) to five (5) contiguous census tracts, each census tract shall independently meet each of the following criteria, as verified by the Department of Workforce ~~Development~~~~Investment~~ in the Education and ~~Labor~~~~Workforce Development~~ Cabinet:
 - (a) A minimum total poverty rate of one hundred fifty percent (150%) of the United States poverty rate as determined by the most recent decennial census;
 - (b) An unemployment rate that exceeds the statewide unemployment rate as determined on the basis of the most recent decennial census; and
 - (c) A minimum population density of two hundred percent (200%) of the average Kentucky census tract population density as determined by the most recent decennial census.
- (2) Census tract information shall be based upon United States census data as set forth in the most recent edition of Census of Population and Housing: Population and Housing Characteristics for Census Tracts and Block Numbering Areas published by the United States Bureau of the Census.
- (3) The authority shall certify no more than one (1) qualified zone within each county of the Commonwealth, except in the case of a county certified under KRS 154.22-040, the entire county shall constitute the qualified zone.
- (4) A qualified zone shall commence on the date of certification by the authority and continue thereafter, except that at the time new decennial census data becomes available, the authority shall decertify any census tract that no longer meets the criteria of subsection (1) of this section for qualified zone status. The authority shall not give preliminary approval to any project in a decertified census tract. An approved company whose project is located in a decertified census tract shall not be eligible for the inducements offered by KRS 154.23-005 to 154.23-079, unless the tax incentive agreement or service and technology agreement is entered into by all parties prior to July 1 of the year following the calendar year in which the authority decertified that tract.
- (5) If decertification causes a formerly certified contiguous census tract to become noncontiguous, the applicant shall have the discretion to eliminate or maintain the noncontiguous tract. If the applicant eliminates the

noncontiguous tract, it may replace the noncontiguous tract with another qualifying census tract, subject to approval of the authority.

- (6) A county, urban-county government, or city of the first class shall have no authority to request decertification of a census tract, and any addition of a census tract requested by a county, urban-county government, or city of the first class under KRS 154.23-020 shall be contiguous to a census tract that continues to meet the criteria under this section.
- (7) The authority shall pay its costs of counsel relating to zone certification.

➔Section 54. KRS 154.24-010 is amended to read as follows:

The following words and terms, unless the context clearly indicates a different meaning, shall have the following respective meanings in KRS 154.24-010 to 154.24-150:

- (1) "Affiliate" has the same meaning as in KRS 154.22-010;
- (2) "Agreement" means the service and technology agreement made pursuant to KRS 154.24-120, between the authority and an approved company with respect to an economic development project;
- (3) "Approved company" means any eligible company seeking to locate an economic development project from outside the Commonwealth into the Commonwealth, or undertaking an economic development project in the Commonwealth for which it is approved pursuant to KRS 154.24-100;
- (4) "Approved costs" means fifty percent (50%) of the total of the start-up costs up to a maximum of ten thousand dollars (\$10,000) per new full-time job created and to be held by a Kentucky resident subject to the personal income tax of the Commonwealth, plus fifty percent (50%) of the annual rent for each elapsed year of the service and technology agreement;
- (5) "Assessment" means the "service and technology job creation assessment fee" authorized by KRS 154.24-110;
- (6) "Authority" means the Kentucky Economic Development Finance Authority, as created in KRS 154.20-010;
- (7) "Average hourly wage" means the wage and employment data published by the Department of Workforce ~~Development~~~~Investment~~ within the Education and ~~Labor~~~~Workforce Development~~ Cabinet collectively translated into wages per hour based on a two thousand eighty (2,080) hour work year for the following sectors:
 - (a) Manufacturing;
 - (b) Transportation, communications, and public utilities;
 - (c) Wholesale and retail trade;
 - (d) Finance, insurance, and real estate; and
 - (e) Services;
- (8) "Commonwealth" means the Commonwealth of Kentucky;
- (9) "Economic development project" or "project" means a new or expanded service or technology activity conducted at a new or expanded site by:
 - (a) An approved company; or
 - (b) An approved company and its affiliate or affiliates;
- (10) "Eligible company" means any corporation, limited liability company, partnership, limited partnership, sole proprietorship, business trust, or any other entity engaged in service or technology and meeting the standards promulgated by the authority in accordance with KRS Chapter 13A;
- (11) "Employee benefits" means nonmandated costs paid by an approved company for its full-time employees for health insurance, life insurance, dental insurance, vision insurance, defined benefits, 401(k) or similar plans;
- (12) "Final approval" means the action taken by the authority authorizing the eligible company to receive inducements under this subchapter;
- (13) "Full-time employee" means a person employed by an approved company for a minimum of thirty-five (35) hours per week and subject to the state tax imposed by KRS 141.020;

- (14) "In lieu of credits" means a local government appropriation to the extent permitted by law, or other form of local government grant or service benefit, directly related to the economic development project and in an amount equal to one percent (1%) of employees' gross wages, exclusive of any noncash benefits provided to an employee, or the provision by a local government of an in-kind contribution directly related to the economic development project and in an amount equal to one half (1/2) of the rent for the duration of the agreement;
- (15) "Inducements" means the tax credits allowed and the assessment authorized by KRS 154.24-110, which are intended to induce companies engaged in service and technology industries to locate or expand in the Commonwealth;
- (16) "Person" means an individual, sole proprietorship, partnership, limited partnership, joint venture, trust, unincorporated organization, association, corporation, limited liability company, institution, entity or government, whether federal, state, county, city, or otherwise, including without limitation any instrumentality, division, political subdivision, district, court, agency, or department thereof;
- (17) "Preliminary approval" means the action taken by the authority conditioning final approval by the authority upon satisfaction by the eligible company of the requirements under this subchapter;
- (18) "Rent" means:
- (a) The actual annual rent or leasing fee paid by an approved company to a bona fide entity negotiated at arms length for the use of a building by the approved company to conduct the approved activity for which the inducement has been granted; or
 - (b) The fair rental value on an annual basis in a building owned by the approved company of the space used by the approved company to conduct the approved activity for which the inducement has been granted as determined by the authority using criteria which is customary in the real estate industry for the type of building being used. The fair rental value shall include an analysis of the cost of amortizing the cost of land and building over the period of time customary in the real estate industry for the type of building and for the land being utilized;
 - (c) Rent shall include the customary cost of occupancy, including but not limited to property taxes, heating and air-conditioning, electricity, water, sewer, and insurance;
- (19) (a) "Service or technology" means either:
1. Any activity involving the performance of work, except work classified by the divisions, including successor divisions, of agriculture, forestry and fishing, mining, utilities, construction, manufacturing, wholesale trade, retail trade, real estate rental and leasing, educational services, accommodation and food services, and public administration in accordance with the "North American Industry Classification System," as revised by the United States Office of Management and Budget from time to time, or any successor publication; or
 2. Regional or headquarters operations of an entity engaged in an activity listed in subparagraph 1. of this paragraph.
- (b) Notwithstanding paragraph (a) of this subsection, "service or technology" shall not include any activity involving the performance of work by an individual who is providing direct service to the public pursuant to a license issued by the state or an association that licenses in lieu of the state unless seventy-five percent (75%) of the services provided by the eligible company from the project are provided to persons located outside the Commonwealth during the period in which it receives the inducements authorized in KRS 154.24-110; and
- (20) "Start-up costs" means the acquisition cost associated with the project related to the furnishing and equipping the building for ordinary business functions, including computers, furnishings, office equipment, the relocation of out-of-state equipment, and nonrecurring costs of fixed telecommunication equipment as verified and approved by the authority in accordance with KRS 154.24-130.

➔Section 55. KRS 154.26-080 is amended to read as follows:

- (1) The authority shall establish standards for the determination and approval of eligible companies and their projects by the promulgation of administrative regulations in accordance with KRS Chapter 13A.
- (2) The criteria for approval of eligible companies and economic revitalization projects or supplemental projects shall include but not be limited to the:

- (a) Need for the project;
 - (b) New capital investment in the project or supplemental project that will result in financial stability for the manufacturing or coal mining and processing facility; and
 - (c) Retention or expansion of the greatest number of employees at the manufacturing or coal mining and processing facility.
- (3) With respect to each eligible company making an application to the authority for inducements, and with respect to the project described in the application, the authority shall make inquiries and request materials of the applicant, including but not limited to written evidence that except for a substantial investment in the project, assisted by the inducements authorized by KRS 154.26-015 to 154.26-100, the eligible company will:
- (a) Close its manufacturing or coal mining and processing facility; and
 - (b) Permanently lay off its employees and cease operations; or
 - (c) Not resume operations of a closed facility as permitted by KRS 154.26-010(9).
- (4) The eligible company shall, in a manner acceptable to the authority, detail the condition of the facility, including but not limited to financial, efficiency, and productivity matters; explain in detail why the company intends to close the facility or not resume operations of the facility as permitted by KRS 154.26-010(9); and set out alternatives that are available to the company.
- (5) As a part of its application, an eligible company as described in KRS 154.26-010(10)(b) may request an emergency declaration based upon the urgency of the request and its impact on the local or regional economy.
- (6) A request for an emergency declaration shall be reviewed by the secretary of the Cabinet for Economic Development, the secretary of the Education and ~~Labor~~~~Workforce Development~~ Cabinet, and the secretary of the Finance and Administration Cabinet and their findings in connection with the emergency declaration shall be delivered to the authority.
- (7) If the emergency declaration is granted in accordance with subsection (6) of this section, the eligible company shall not be subject to the requirements contained in subsection (8), (9), or (11) of this section.
- (8) In accordance with, and after the adoption of a resolution under subsection (10) of this section, the authority shall engage the services of a competent consulting firm or technical resource to analyze the data made available by the company, and to collect and analyze additional information necessary to determine that, in the independent judgment of the consultant, the company will close the facility or not resume operations of the facility as permitted by KRS 154.26-010(9) absent a substantial investment in the project, assisted by the inducements authorized by KRS 154.26-015 to 154.26-100. The company shall pay the cost of this evaluation.
- (9) The company shall cooperate with the consultant and provide all of the data which could reasonably be required by the consultant to make a fair assessment of the company's intentions to close the facility or not resume operations of the facility as permitted by KRS 154.26-010(9).
- (10) After a review of relevant materials and completion of inquiries, the authority may, by resolution, give its preliminary approval by designating an eligible company as a preliminarily-approved company and authorizing the undertaking of the economic revitalization project.
- (11) The authority shall review the report of the consultant and other information which has been made available to it in order to assist the authority in determining whether the company intends to close the facility for valid reasons or whether it intends or is able to resume operations of the facility in accordance with the requirements of KRS 154.26-010(10)(b) if inducements are granted. The authority shall determine the potential of the proposed revitalization project to make the facility stable, productive, and competitive in its market.
- (12) After the review of the consultant's report or if an emergency declaration has been issued in accordance with subsection (6) of this section, the authority shall hold a public hearing to solicit public comment from any person, group, or interested party regarding the proposed project.
- (13) After the public hearing, the authority, by resolution, may:
- (a) Declare the jobs then existing at the facility to be lost or the company unable to resume operations as permitted by KRS 154.26-010(9);
 - (b) Give its final approval to the eligible company's application for a project; and
 - (c) Grant to the eligible company the status of an approved company.

The decision reached by the authority shall be final and no appeal shall be granted.

- (14) (a) During the initial term of an agreement, or within sixty (60) months after the expiration of the term, an eligible company may apply for, and the authority may approve, a supplemental project when the applicant:
1. Has expended approved costs of at least fifty million dollars (\$50,000,000) on an approved economic revitalization project;
 2. Employs a minimum of one hundred (100) employees at the site of the economic revitalization project;
 3. Agrees to incur at least five million dollars (\$5,000,000) in additional eligible costs for improvements to a blast furnace that:
 - a. Is located at the economic revitalization project;
 - b. Has burned at least one million (1,000,000) tons of Kentucky coal during the initial term of the agreement; and
 - c. Was idled due to unfairly traded imports of carbon steel, with resulting layoffs of more than five hundred fifty (550) employees; and
 4. Is at risk of closure and carries a significant net loss carry forward for the last three (3) tax years as certified by the approved company.
- (b) The authority may approve a supplemental project by resolution, authorizing the execution of a supplemental project agreement.
- (15) All meetings of the authority shall be held in accordance with KRS 61.805 to 61.850. The authority may, pursuant to KRS 61.815, hold closed sessions of its meetings to discuss matters exempt from the open meetings law and pertaining to an eligible company.

➔Section 56. KRS 154.27-090 is amended to read as follows:

- (1) An approved company may be eligible for the advance disbursement of a portion of the post-construction period incentives for which it has been approved. The amount of the advance disbursement shall be based on the employment of Kentucky residents during the construction of the facility, shall be negotiated with the authority as part of the tax incentive agreement, and shall not exceed the limitations established by this section.
- (2) The authority shall compute the maximum amount of the advance disbursement employment incentive as follows:
 - (a) The base amount shall equal the total capital investment specified in the tax incentive agreement multiplied by the labor intensity factor as determined in paragraph (c) of this subsection;
 - (b) The base amount shall then be multiplied by the Kentucky resident factor as determined in paragraph (d) of this subsection. The resulting amount shall be the maximum advance disbursement employment incentive that the authority may approve;
 - (c) The labor intensity factor shall be:
 1. Twenty-five percent (25%), if the estimated labor component for the eligible project is greater than thirty percent (30%) of the total capital investment;
 2. Twenty percent (20%), if the estimated labor component for the eligible project is greater than twenty-five percent (25%) but less than or equal to thirty percent (30%) of the total capital investment; or
 3. Fifteen percent (15%), if the estimated labor component for the eligible project is equal to or less than twenty-five percent (25%) of the total capital investment; and
 - (d) The Kentucky resident factor shall be four percent (4%) multiplied by a fraction, the numerator of which shall be the estimated total gross wages that will be paid to Kentucky residents who are working on the construction, retrofit, or upgrade of the eligible project, and the denominator of which shall be the estimated total gross wages that will be paid to all workers working on the construction, retrofit, or upgrade of the eligible project.

- (3) The tax incentive agreement shall include a schedule for the disbursement of the advance disbursement employment incentive during the construction period. In negotiating the disbursement schedule, the authority shall consider the possible increased risk to the Commonwealth associated with the disbursement of funds prior to construction completion.
- (4) (a) The approved company shall repay the advance disbursement through a reduction in the post-construction period incentive amounts it would otherwise receive. The amount by which the post-construction period incentive amounts are reduced shall be applied as a credit against the amount owed by the approved company.
 - (b) The amount of the annual reduction, the incentives the reduction shall apply to, interest due, the time period over which the advance disbursement amount shall be recouped, and alternate payment methods if incentives are not sufficient to repay the advance disbursement shall be negotiated between the authority and the approved company as part of the tax incentive agreement.
 - (c) The repayment schedule included in the tax incentive agreement shall require uniform incremental payments, to the extent possible, and shall continue until the entire advance disbursement amount has been repaid by the approved company.
 - (d) The tax incentive agreement shall include a provision addressing an alternate method for payment if incentives are not sufficient to repay the advance disbursement.
 - (e) The total post-construction incentive payments for which an approved company is eligible shall be tracked by the department. That portion of the incentive amounts identified in the tax incentive agreement as being devoted to the repayment of the advance disbursement amount shall be credited against the balance due from the approved company and shall not be paid to or retained by the approved company.
 - (f) The department shall forward the amounts credited to the repayment of the advance disbursement amount to the Cabinet for Economic Development, Department of Financial Incentives for deposit in the Energy Projects Economic Development Bond Pool.
 - (g) During the period for which any portion of the post-construction incentive payments are being credited toward the advance disbursement amount, the approved company shall, at the direction of the authority or the department, file all required requests for incentives, submit all required remittances, make all required tax payments, and provide to the department and the authority any information that would normally be required for the approved company to receive the incentives.
- (5) The authority may, for purposes of administering the provisions of this section, solicit information or consultation from one (1) or more of the following sources:
 - (a) The Office of Energy Policy;
 - (b) The Center for Applied Energy Research;
 - (c) The Department ~~of~~ ~~for~~ Workforce **Development**~~Investment~~; or
 - (d) Any public postsecondary education institution within the Commonwealth.

➔Section 57. KRS 154.28-010 is amended to read as follows:

As used in KRS 154.28-010 to 154.28-100, unless the context clearly indicates otherwise:

- (1) "Activation date" means a date selected by an approved company in the agreement at any time within the two (2) year period after the date of final approval of the agreement by the authority;
- (2) "Affiliate" has the same meaning as in KRS 154.22-010;
- (3) "Agreement" means the tax incentive agreement entered into, pursuant to KRS 154.28-090, between the authority and an approved company with respect to an economic development project;
- (4) "Agribusiness" means any activity involving the processing of raw agricultural products, including timber, or the providing of value-added functions with regard to raw agricultural products;
- (5) "Approved company" means any eligible company, approved by the authority pursuant to KRS 154.28-080, requiring an economic development project;
- (6) "Approved costs" means:

- (a) Obligations incurred for labor and to vendors, contractors, subcontractors, builders, suppliers, deliverymen, and materialmen in connection with the acquisition, construction, rehabilitation, and installation of an economic development project;
 - (b) The cost of contract bonds and of insurance of all kinds that may be required or necessary during the course of acquisition, construction, rehabilitation, and installation of an economic project which is not paid by the vendor, supplier, deliverymen, contractors, or otherwise else provided;
 - (c) All costs of architectural and engineering services, including estimates, plans and specifications, preliminary investigations, and supervision of construction, rehabilitation, and installation, as well as for the performance of all the duties required by or consequent upon the acquisition, construction, rehabilitation, and installation of an economic development project;
 - (d) All costs which shall be required to be paid under the terms of any contract for the acquisition, construction, rehabilitation, and installation of an economic development project;
 - (e) All costs which shall be required for the installation of utilities such as water, sewer, sewer treatment, gas, electricity, communications, railroads, and similar facilities, and including offsite construction of the facilities paid for by the approved company; and
 - (f) All other costs comparable to those described above;
- (7) "Assessment" means the job development assessment fee authorized by KRS 154.28-010 to 154.28-100;
- (8) "Authority" means the Kentucky Economic Development Finance Authority created by KRS 154.20-010;
- (9) "Average hourly wage" means the wage and employment data published by the Department of Workforce ~~Development~~~~Investment~~ in the Education and ~~Labor~~~~Workforce Development~~ Cabinet collectively translated into wages per hour based on a two thousand eighty (2,080) hour work year for the following sectors:
- (a) Manufacturing;
 - (b) Transportation, communications, and public utilities;
 - (c) Wholesale and retail trade;
 - (d) Finance, insurance, and real estate; and
 - (e) Services;
- (10) "Commonwealth" means the Commonwealth of Kentucky;
- (11) (a) "Economic development project" or "project" means and includes:
1. The acquisition of ownership in any real estate by the approved manufacturing or agribusiness company or its affiliate;
 2. The present ownership of real estate by the approved manufacturing or agribusiness company or its affiliate;
 3. The acquisition or present ownership of improvements or facilities, as described in paragraph (b) of this subsection, on land which is possessed or is to be possessed by the approved company pursuant to a ground lease having a term of sixty (60) years or more; and
 4. The legal possession of facilities by an approved company or its affiliate pursuant to a lease having a term equal to or greater than ten (10) years with a third-party entity, negotiated at arm's length, if the facility will be used by the approved company to conduct the approved activity for which the inducement has been granted. An economic development project qualifying under this subparagraph shall only be eligible for credits against equipment and costs related to installation of equipment and for purposes of the tax credits provided under the provisions of KRS 154.28-010 to 154.28-090 only to the extent of twenty thousand dollars (\$20,000) per job created by and maintained at the economic development project. Notwithstanding KRS 154.28-090, an economic development project qualifying under this subparagraph shall be eligible only for the aggregate assessments pursuant to KRS 154.28-110 withheld by the approved company each year and shall not be eligible for credit against Kentucky income tax and limited liability entity tax.

(b) For purposes of paragraph (a)1. and 2. of this subsection, ownership of real estate shall only include fee ownership of real estate and possession of real estate pursuant to a capital lease as determined in accordance with Statement of Financial Accounting Standards No. 13, Accounting for Leases, issued by the Financial Accounting Standards Board, November 1976. With respect to paragraph (a)1., 2., and 3. of this subsection, the construction, installation, equipping, and rehabilitating of improvements, including fixtures and equipment directly involved in the manufacturing process, and facilities necessary or desirable for improvement of the real estate shall include: surveys, site tests, and inspections; subsurface site work and excavation; removal of structures, roadways, cemeteries, and other site obstructions; filling, grading, provision of drainage, and storm water retention; installation of utilities such as water, sewer, sewage treatment, gas, electricity, communications, and similar facilities; offsite construction of utility extensions to the boundaries of the real estate; and the acquisition, installation, equipping, and rehabilitation of manufacturing facilities or agribusiness operations on the real estate for the use of the approved company or its affiliates for manufacturing or agribusiness operational purposes. Pursuant to paragraph (a)3. and 4. of this subsection and this paragraph, an economic development project shall not include lease payments made pursuant to a ground lease for purposes of the tax credits provided under the provisions of KRS 154.28-010 to 154.28-100. An economic development project shall include the equipping of a facility with equipment but, for purposes of the tax credits provided under the provisions of KRS 154.28-010 to 154.28-090, only to the extent of twenty thousand dollars (\$20,000) per job created by and maintained at the economic development project;

- (12) "Eligible company" means any corporation, limited liability company, partnership, limited partnership, sole proprietorship, trust, or any other entity engaged in manufacturing or agribusiness operations;
- (13) "Employee benefits" means nonmandated costs paid by an eligible company for its full-time employees for health insurance, life insurance, dental insurance, vision insurance, defined benefits, 401(k), or similar plans;
- (14) "Full-time employee" means a person employed by an approved company for a minimum of thirty-five (35) hours per week and subject to the state income tax imposed by KRS 141.020;
- (15) "Inducement" means the assessment or the Kentucky income tax credit as set forth in KRS 154.28-090;
- (16) "Manufacturing" means any activity involving the manufacturing, processing, assembling, or production of any property, including the processing resulting in a change in the conditions of the property, and any activity functionally related to it, together with storage, warehousing, distribution, and related office facilities; however, "manufacturing" shall not include mining, coal or mineral processing, or extraction of minerals;
- (17) "State agency" shall have the meaning assigned to the term in KRS 56.440(8);
- (18) "Kentucky gross profits" means "Kentucky gross profits" as defined in KRS 141.0401; and
- (19) "Kentucky gross receipts" means "Kentucky gross receipts" as defined in KRS 141.0401.

➔Section 58. KRS 154.32-050 is amended to read as follows:

- (1) The authority shall identify and certify or decertify enhanced incentive counties on an annual basis as provided in this section.
- (2) Each fiscal year, the authority shall:
- (a) Obtain from the Department of Workforce ~~Investment~~ **Development** in the Education and ~~Workforce Development~~ **Labor** Cabinet, the final unemployment figures for the prior calendar year for each county and for the Commonwealth as a whole;
- (b) Identify those counties which have had:
1. A countywide unemployment rate that exceeds the statewide unemployment rate in the most recent five (5) consecutive calendar years; or
 2. An average countywide rate of unemployment exceeding the statewide unemployment rate by two hundred percent (200%) in the most recent calendar year; and
- (c) Certify the counties identified in paragraph (b) of this subsection as enhanced incentive counties.
- (3) A county not certified under subsection (2) of this section may also be certified by the authority as an enhanced incentive county if the authority determines the county is one (1) of the sixty (60) most distressed counties in the Commonwealth based on the following criteria with equal weight given to each criterion:

- (a) The average countywide rate of unemployment in the most recent three (3) consecutive calendar years, using the information obtained under subsection (2)(a) of this section;
 - (b) The percentage of adults twenty-five (25) years of age and older who have attained at least a high school education or equivalent, on the basis of the most recent data available from the United States Department of Commerce, Bureau of the Census; and
 - (c) The quality of the roads in the county. Quality of roads shall be determined by the access within a county to roads, ranked in descending order from best quality to worst quality, as certified to the authority by the Kentucky Transportation Cabinet as follows:
 - 1. Two (2) or more interstate highways;
 - 2. One (1) interstate highway;
 - 3. A state four (4) lane parkway;
 - 4. A four (4) lane principal arterial access to an interstate highway;
 - 5. A state two (2) lane parkway; and
 - 6. None of the preceding road types.
- (4) (a) If the authority determines that an enhanced incentive county no longer meets the criteria to be certified as an enhanced incentive county under this section, the authority shall decertify that county.
 - (b) Any economic development project located in an enhanced incentive county that was decertified by the authority after May 1, 2009, shall have until July 1 of the third year following the fiscal year in which the county was decertified to obtain final approval from the authority.
- (5) (a) As used in this subsection, "industrial park" means a regional industrial park as defined in KRS 42.4588, or an industrial park created pursuant to an interlocal agreement in which revenues are shared as provided in KRS 65.210 to 65.300.
 - (b) An economic development project undertaken in an industrial park that is located in two (2) or more counties, one (1) of which is an enhanced incentive county, may be approved for the enhanced incentive county incentives set forth in this subchapter.

➔Section 59. KRS 154.47-055 is amended to read as follows:

- (1) Notwithstanding the provisions of KRS Chapter 151B, the University of Kentucky, Eastern Kentucky University, Morehead State University, and the Kentucky Community and Technical College System in conjunction with the Department of Workforce ~~Development~~^{Investment} in the Education and ~~Labor~~^{Workforce Development} Cabinet may develop an integrated program and curricula for workforce training in the area of secondary wood products manufacturing, including nondegree and degree courses of study.
- (2) The integrated workforce training program and the curricula shall be designed in a manner that shall provide postsecondary, nondegree and degree level students with the contemporary skills needed for employment in the secondary wood industry.

➔Section 60. KRS 154.47-075 is amended to read as follows:

- (1) The Kentucky Division of Forestry shall develop and implement a program to provide training and assistance to private woodland owners in best management practices of forest development and sustainability. The training and assistance program shall provide advice and assistance in matters relating to productivity, management priorities, stewardship, planning, timber quality, forest improvement, and proper ecological management.
- (2) The *Education and Labor* Cabinet, the Division of Forestry, and representatives from the University of Kentucky, Eastern Kentucky University, and Morehead State University, shall develop and implement a program to provide training and assistance in the area of worker safety for both the primary and secondary wood industry.

➔Section 61. KRS 156.029 is amended to read as follows:

- (1) There is hereby established a Kentucky Board of Education, which shall consist of eleven (11) voting members appointed by the Governor and confirmed by the Senate of the General Assembly, with the president of the Council on Postsecondary Education and the secretary of the Education and ~~Labor~~^{Workforce}

~~Development~~ Cabinet serving as ex officio nonvoting members, and an active public elementary or secondary school teacher and a public high school student appointed by the board as described in subsection (3) of this section serving as nonvoting members. Seven (7) voting members shall represent each of the Supreme Court districts as established by KRS 21A.010, and four (4) voting members shall represent the state at large. Each of the voting members shall serve for a four (4) year term, except the initial appointments shall be as follows: the seven (7) members representing Supreme Court districts shall serve a term which shall expire on April 14, 1994; and the four (4) at-large members shall serve a term which shall expire on April 14, 1992. Subsequent appointments shall be submitted to the Senate for confirmation in accordance with KRS 11.160.

- (2) Appointments of the voting members shall be made without reference to occupation. No voting member at the time of his or her appointment or during the term of his or her service shall be engaged as a professional educator. Beginning with voting members appointed on or after June 29, 2021, appointments to the group of members representing Supreme Court districts and to the group of at-large members, respectively, shall reflect equal representation of the two (2) sexes, inasmuch as possible; reflect no less than proportional representation of the two (2) leading political parties of the Commonwealth based on the state's voter registration and the political affiliation of each appointee as of December 31 of the year preceding the date of his or her appointment; and reflect the minority racial composition of the Commonwealth based on the total minority racial population using the most recent census or estimate data from the United States Census Bureau. If the determination of proportional minority representation does not result in a whole number of minority members, it shall be rounded up to the next whole number. A particular political affiliation shall not be a prerequisite to appointment to the board generally; however, if any person is appointed to the board that does not represent either of the two (2) leading political parties of the Commonwealth, the proportional representation by political affiliation requirement shall be determined and satisfied based on the total number of members on the board less any members not affiliated with either of the two (2) leading political parties. Pursuant to KRS 63.080, a member shall not be removed except for cause or, beginning with voting members appointed on or after June 29, 2021, in accordance with KRS 63.080(3). Notwithstanding KRS 12.028, the board shall not be subject to reorganization by the Governor.
- (3) The nonvoting teacher and student members shall be selected by the board from the state's six (6) congressional districts on a rotating basis from different districts. The public high school student shall be classified as a junior at the time of appointment. The teacher and student members shall serve for a one (1) year term, except the initial appointments shall serve a term which shall expire on April 14, 2022. The board shall promulgate an administrative regulation establishing the process for selecting the nonvoting teacher and student members.
- (4) A vacancy in the voting membership of the board shall be filled by the Governor for the unexpired term with the consent of the Senate. In the event that the General Assembly is not in session at the time of the appointment, the consent of the Senate shall be obtained during the time the General Assembly next convenes.
- (5) At the first regular meeting of the board in each fiscal year, a chairperson shall be elected from its voting membership.
- (6) The members shall be reimbursed for actual and necessary expenses incurred in the performance of their duties.
- (7) The commissioner of education shall serve as the executive secretary to the board.
- (8) The primary function of the board shall be to develop and adopt policies and administrative regulations, with the advice of the Local Superintendents Advisory Council, by which the Department of Education shall be governed in planning, coordinating, administering, supervising, operating, and evaluating the educational programs, services, and activities within the Department of Education which are within the jurisdiction of the board.

➔Section 62. KRS 156.740 is amended to read as follows:

- (1) The Interagency Commission on Educational and Job Training Coordination is hereby created. Its membership shall be composed of the following individuals, serving in an ex officio capacity:
 - (a) The chairman of the Council on Postsecondary Education;
 - (b) The president of the Council on Postsecondary Education;
 - (c) The chairman of the Kentucky Board of Education;
 - (d) The commissioner of the Department of Education;

- (e) The commissioner of the Department of Workforce **Development**~~(Investment)~~;
 - (f) The chairman of the Board for the Kentucky Higher Education Assistance Authority; and
 - (g) The president of the Kentucky Community and Technical College System.
- (2) Members shall serve by virtue of their office. The chairman of the commission shall be chosen annually by a simple majority vote of the members. A quorum for conducting business shall be one-half (1/2) of the members plus one (1). The chair shall rotate annually, so that no person or agency holds the chairmanship in successive years.

➔Section 63. KRS 156.749 is amended to read as follows:

- (1) Administrative expenses of the commission will be borne by the respective participating agencies, as a part of each agency's normal budget for basic operations. In each year, the agency represented by the chairman shall provide any necessary staff support required, including provision of a secretary, whose duties shall include the taking of minutes and distribution thereof. The agency represented by the chairman shall make arrangements for meeting facilities.
- (2) All meetings will be held in Frankfort, Kentucky, upon the call of the chairman or a majority vote of the membership. In the initial year, the commissioner of the Department of Workforce **Development**~~(Investment)~~ shall serve as chairperson.

➔Section 64. KRS 156.806 is amended to read as follows:

- (1) The commissioner of education shall establish and appoint members to a Career and Technical Education Advisory Committee to advise the Department of Education on the development of a robust and effective career and technical education program.
- (2) The committee shall include representatives of business, industry, and the Kentucky Community and Technical College System; the commissioner of the Department of Workforce **Development**~~(Investment)~~; and any other individuals deemed appropriate by the commissioner of education.

➔Section 65. KRS 156.848 is amended to read as follows:

- (1) The executive director of the Office of Adult Education within the Department of Workforce **Development**~~(Investment)~~ in the Education and **Labor**~~(Workforce Development)~~ Cabinet and the commissioner of education may enter into agreements to train workers for new manufacturing jobs in new or expanding industries characterized by one (1) or more of the following criteria: a high average skill, a high average wage, rapid national growth, or jobs feasible and desirable for location in rural regions. Such agreements shall not be subject to the requirements of KRS 45A.045 and KRS 45A.690 to 45A.725 when awarded on the basis of a detailed training plan approved by the appropriate agency head. Reimbursement to the industry shall be made upon submission of documents validating actual training expenditure not to exceed the amount approved by the training plan.
- (2) The executive director and the commissioner of education may approve authorization for his or her agency to enter into agreements with industries whereby the industry may be reimbursed directly for the following services:
 - (a) The cost of instructors' salaries when the instructor is an employee of the industry to be served;
 - (b) Cost of only those supplies, materials, and equipment used exclusively in the training program; and
 - (c) Cost of leasing a training facility should a vocational education school or the industrial plant not be available.

➔Section 66. KRS 157.910 is amended to read as follows:

- (1) There is hereby established the Kentucky Environmental Education Council, referred to hereafter as the council, to provide leadership and planning for environmental education for the population of Kentucky through the cooperative efforts of educators, government agencies, businesses, and public interests. The council shall be an independent agency and be attached to the Education and **Labor**~~(Workforce Development)~~ Cabinet for administrative purposes.
- (2) The nine (9) member council shall be appointed to four (4) year terms by the Governor and be composed of a balance of education, government, industry, and environmental interests. Members appointed by the Governor shall have the authority to carry out the provisions of KRS 157.900 to 157.915.

- (3) The council shall hire an executive director, environmental education specialists, and clerical staff to carry out the functions and duties of the council.
- (4) The council members shall receive no compensation, but shall be reimbursed for actual expenses incurred in accordance with state procedures and policies.
- (5) The council membership shall elect a chairperson to serve a one (1) year term.

➔Section 67. KRS 157.921 is amended to read as follows:

- (1) The Kentucky Geographic Education Board is established to provide leadership and planning for geography education for the population of Kentucky through the efforts of elementary, secondary, and postsecondary educators, government agencies, and public interests. The board shall be an independent agency and be attached to the Education and ~~Labor/Workforce Development~~ Cabinet for administrative purposes.
- (2) The twelve (12) member board shall be appointed to two (2) year terms, initially appointed by the Governor, and composed of the following members:
 - (a) Three (3) representatives from postsecondary institutions;
 - (b) One (1) representative from the Council for Social Sciences;
 - (c) Six (6) representatives from elementary and secondary schools;
 - (d) One (1) representative of the Department of Education; and
 - (e) One (1) representative of the Council on Postsecondary Education.
- (3) The board shall select from its membership a chair and establish bylaws, including bylaws governing board membership and length of terms. Upon expiration of the initial appointments and adoption of bylaws governing membership and length of terms by the board, the board shall be self-perpetuating, and the appointment and length of terms shall be made in accordance with the board's bylaws. Vacancies that occur before the expiration of the initial appointments shall be filled by the Governor for the remaining term of the vacancy.
- (4) The board members shall receive no compensation but shall be reimbursed for actual expenses incurred in accordance with state procedures and policies.

➔Section 68. KRS 158.443 is amended to read as follows:

- (1) Each nonstate-government employee member of the board of directors for the Center for School Safety shall serve a term of four (4) years or until his or her successor is duly qualified. A member may be reappointed, but shall not serve more than two (2) consecutive terms.
- (2) The members who are nonstate-government employees shall be reimbursed for travel, meals, and lodging and expenses relating to official duties of the board from funds appropriated for this purpose.
- (3) The board of directors shall meet a minimum of four (4) times per year. The board of directors shall be attached to the Office of the Secretary of the Education and ~~Labor/Workforce Development~~ Cabinet for administrative purposes.
- (4) The board of directors shall annually elect a chair and vice chair from the membership. The board may form committees as needed.
- (5) The board of directors shall appoint an executive director for the Center for School Safety and establish all positions for appointment by the executive director.
- (6) Using a request-for-proposal process, the board of directors shall select a public university or a nonprofit education entity to administer the Center for School Safety for a period of not less than four (4) years unless funds for the center are not appropriated or the board determines that the administrator for the center is negligent in carrying out its duties as specified in the request for proposal and contract. The administrator for the center shall be the fiscal agent for the center and:
 - (a) Receive funds based on the approved budget by the board of directors and the General Assembly's appropriation for the center. The center shall operate within the fiscal policies of the administrator of the center and in compliance with policies established by the board of directors per the request for proposal and contract; and

- (b) Employ the staff of the center who shall have the retirement and employee benefits granted other similar employees of the administrator of the center.
- (7) The board of directors shall annually approve:
 - (a) A work plan for the center;
 - (b) A budget for the center;
 - (c) Operating policies as needed; and
 - (d) Recommendations for grants to local school districts and schools to assist in the development of programs and individualized approaches to work with violent, disruptive, or academically at-risk students, and consistent with provisions of KRS 158.445.
- (8) The board of directors shall prepare a biennial budget request to support the Center for School Safety and to provide program funds for local school district grants.
- (9) The board of directors shall additionally:
 - (a) Approve a school safety coordinator training program developed by the Center for School Safety in accordance with KRS 158.442;
 - (b) Approve a school security risk assessment tool and updates as necessary in accordance with KRS 158.4410 to be incorporated by reference within an administrative regulation promulgated in accordance with KRS Chapter 13A; and
 - (c) Within one (1) year of March 11, 2019, review the organizational structure and operations of the Center for School Safety and provide recommendations, as needed, for improvements in its organizational and operational performance.
- (10) The board shall develop model interagency agreements between local school districts and other local public agencies, including, among others, health departments, departments of social services, mental health agencies, and courts, in order to provide cooperative services and sharing of costs for services to students who are at risk of school failure, are at risk of participation in juvenile crime, or have been expelled from the school district.

➔Section 69. KRS 158.6485 is amended to read as follows:

- (1) The Governor's School for Entrepreneurs Program is established as a statewide summer experiential education program for creative and enterprising students to enhance the next generation of business and economic leaders and enrich future economic development across the Commonwealth. The Governor's School for Entrepreneurs Program shall be attached to the Office of the Secretary in the Education and ~~Labor~~~~Workforce~~~~Development~~ Cabinet for administrative purposes.
- (2) As used in this section, "entrepreneurship education organization" means a not-for-profit organization that has:
 - (a) Received tax-exempt status from the United States Internal Revenue Service;
 - (b) Registered with the Office of the Kentucky Secretary of State;
 - (c) A statewide mission to generate interest and knowledge in entrepreneurship; and
 - (d) A history of operating education programs focused on entrepreneurship.
- (3) (a) The Governor or the Governor's designee from the executive cabinet, the commissioner of education, the president of the Council on Postsecondary Education, and the secretary of the Education and ~~Labor~~~~Workforce~~~~Development~~ Cabinet shall serve as ex officio members of an advisory board to the Governor's School for Entrepreneurs Program. In addition, the Governor shall appoint five (5) members to the advisory board as provided in paragraph (b) of this subsection.
 - (b) By July 31, 2016, the Governor shall appoint five (5) initial members of the advisory board to serve as follows:
 - 1. One (1) shall be appointed to serve a three (3) year term;
 - 2. Two (2) shall be appointed to serve a (2) year term; and
 - 3. Two (2) shall be appointed to serve a (1) year term.

Members appointed by the Governor may be reappointed by the Governor to serve successive terms. In making gubernatorial appointments, the Governor shall consider recommendations and information on

business and entrepreneurial experience provided by a nominating committee of the board and shall attempt to promote geographic balance on the board. The Governor shall make appointments to fill gubernatorial vacancies as they occur. Each appointment after the initial appointment shall be for a three (3) year term unless the appointment is to fill the unexpired portion of a term.

- (4) The Education and ~~Labor[Workforce Development]~~ Cabinet shall contract with an entrepreneurship education organization to administer and operate the statewide Governor's School for Entrepreneurs Program created in this section. The Education and ~~Labor[Workforce Development]~~ Cabinet shall approve the contract application criteria, the process for submission of a contract application, and the structure and type of evaluation criteria used in the contract application review process.
- (5) The annual appropriation for the statewide Governor's School for Entrepreneurs Program from the general fund shall be transmitted to an entrepreneurship education organization on July 1 of each year to facilitate the operation of the summer program. Funds shall be used only for the purposes of the statewide Governor's School for Entrepreneurs Program and, notwithstanding KRS 45.229, shall not lapse at the end of the fiscal year.
- (6) (a) The entrepreneurship education organization shall follow standard accounting practices and shall submit the following financial reports to the Office of the Secretary of the Education and ~~Labor[Workforce Development]~~ Cabinet, the Finance and Administration Cabinet, and the Legislative Research Commission:
 1. Quarterly reports of expenditures of state funds for the Governor's School for Entrepreneurs Program, submitted on or before the thirtieth day after the end of each quarter in the organization's fiscal year;
 2. Annual reports of receipts and expenditures for the Governor's School for Entrepreneurs Program, submitted on or before the sixtieth day after the end of the fiscal year of the organization; and
 3. The report of an annual financial compilation or review conducted by an independent accounting firm, submitted on or before September 1 of each year.
- (b) On or before March 1 of each year, the entrepreneurship education organization shall file a report detailing the operations of the Governor's School for Entrepreneurs Program for the preceding year with the Office of the Secretary of the Education and ~~Labor[Workforce Development]~~ Cabinet, the Finance and Administration Cabinet, and the Legislative Research Commission. The report shall include information concerning the program, student and faculty demographics, and program outcomes according to such measures of success as the advisory board to the statewide Governor's School for Entrepreneurs Program, in collaboration with the entrepreneurship education organization, may develop.
- (c) Nothing in this section shall prevent the entrepreneurship education organization from soliciting program support, cooperation, and funds from private businesses, foundations, industries, and government agencies with an interest in technological innovations, economic development, and entrepreneurial education. Funds may be solicited, accepted, received, and expended from public and private sources for the purpose of implementing this section.
- (7) The entrepreneurship education organization may perform other programs and initiatives pertaining to its mission so long as all funds appropriated for the statewide Governor's School for Entrepreneurs Program are restricted solely for the design, development, and operation of the statewide Governor's School for Entrepreneurs Program.

➔Section 70. KRS 158.792 is amended to read as follows:

- (1) As used in this section and KRS 164.0207, unless the context requires otherwise:
 - (a) "Comprehensive reading program" means a program that emphasizes the essential components of reading: phonemic awareness, phonics, fluency, vocabulary, comprehension, and connections between writing and reading acquisition and motivation to read.
 - (b) "Reading diagnostic assessment" means an assessment that identifies a struggling reader and measures the reader's skills against established performance levels in the essential components of reading. The purpose is to screen for areas that require intervention in order for the student to learn to read proficiently.

- (c) "Reading intervention program" means short-term intensive instruction in the essential skills necessary to read proficiently that is provided to a student by a highly trained teacher. This instruction may be conducted one-on-one or in small groups; shall be research-based, reliable, and replicable; and shall be based on the ongoing assessment of individual student needs.
- (d) "Reliable, replicable research" means objective, valid, scientific studies that:
1. Include rigorously defined samples of subjects that are sufficiently large and representative to support the general conclusions drawn;
 2. Rely on measurements that meet established standards of reliability and validity;
 3. Test competing theories, where multiple theories exist;
 4. Are subjected to peer review before their results are published; and
 5. Discover effective strategies for improving reading skills.
- (2) The reading diagnostic and intervention fund is created to help teachers and library media specialists improve the reading skills of struggling readers in the primary program. The Department of Education, upon the recommendation of the Reading Diagnostic and Intervention Grant Steering Committee, shall provide renewable, two (2) year grants to schools to support teachers in the implementation of reliable, replicable research-based reading intervention programs that use a balance of diagnostic tools and instructional strategies that emphasize phonemic awareness, phonics, fluency, vocabulary, comprehension, and connections between writing and reading acquisition and motivation to read to address the diverse learning needs of those students reading at low levels. Any moneys in the fund at the close of the fiscal year shall not lapse but shall be carried forward to be used for the purposes specified in this section.
- (3) (a) The Kentucky Board of Education shall promulgate administrative regulations, based on recommendations from the secretary of the Education and ~~Labor~~~~Workforce Development~~ Cabinet, the Reading Diagnostic and Intervention Grant Steering Committee established in KRS 158.794, and the Collaborative Center for Literacy Development established in KRS 164.0207 to:
1. Identify eligible grant applicants, taking into consideration how the grant program described in this section will relate to other grant programs;
 2. Specify the criteria for acceptable diagnostic assessments and intervention programs;
 3. Specify the criteria for acceptable ongoing assessment of each child to determine his or her reading progress;
 4. Establish the minimum evaluation process for an annual review of each grant recipient's program and progress;
 5. Identify the annual data that must be provided from grant recipients;
 6. Define the application review and approval process;
 7. Establish matching requirements deemed necessary;
 8. Define the professional development and continuing education requirements for teachers, library media specialists, administrators, and staff of grant recipients;
 9. Establish the conditions for renewal of a two (2) year grant; and
 10. Specify other conditions necessary to implement the purposes of this section.
- (b) The board shall require that a grant applicant provide assurances that the following principles will be met if the applicant's request for funding is approved:
1. A research-based comprehensive schoolwide reading program will be available;
 2. Intervention services will supplement, not replace, regular classroom instruction;
 3. Intervention services will be provided to struggling primary program readers within the school based upon ongoing assessment of their needs; and
 4. A system for informing parents of struggling readers of the available family literacy services within the district will be established.

- (4) In order to qualify for funding, the school council, or if none exists, the principal or the superintendent of schools, shall allocate matching funds required by grant recipients under subsection (3) of this section. Funding for professional development allocated to the school council under KRS 160.345 and for continuing education under KRS 158.070 may be used as part of the school's match.
- (5) The Department of Education shall make available to schools:
- (a) Information concerning successful, research-based comprehensive reading programs, diagnostic tools for pre- and post-assessment, and intervention programs, from the Collaborative Center for Literacy Development created under KRS 164.0207;
 - (b) Strategies for successfully implementing early reading programs, including professional development support and the identification of funding sources; and
 - (c) A list of professional development providers offering teacher training related to reading that emphasizes the essential components for successful reading: phonemic awareness, phonics, fluency, vocabulary, comprehension, and connections between writing and reading acquisition and motivation to read.
- (6) The Department of Education shall submit a report to the Interim Joint Committee on Education no later than September 1 of each year outlining the use of grant funds. The report shall also include comparisons of the overall costs and effectiveness of intervention programs. The annual report for an odd-numbered year shall include an estimate of the cost to expand the reading diagnostic and intervention grant program.

➔Section 71. KRS 158.796 is amended to read as follows:

- (1) The Governor's Scholars Program is established to implement an enrichment program for academically gifted students to enhance the next generation of civic and economic leaders and create models of educational excellence. Governor's Scholars Program, Inc. is authorized to operate the Governor's Scholars Program. The Governor's Scholars Program shall be attached to the Office of the Secretary in the Education and ~~Labor~~~~Workforce Development~~ Cabinet for administrative purposes.
- (2) (a) The Governor or the Governor's designee from the executive cabinet, the commissioner of education, and the president of the Council on Postsecondary Education shall serve as ex officio voting members of the board of directors of Governor's Scholars Program, Inc. In addition, the Governor shall appoint five (5) members of the board as provided in paragraph (b) of this subsection. Other board members of Governor's Scholars Program, Inc. shall be selected in the manner set forth in the articles of incorporation and bylaws of the corporation.
- (b) After June 20, 2005, the Governor shall appoint board members as follows:
1. In 2005, the Governor shall appoint two (2) board members to serve three (3) year terms;
 2. In 2006, the Governor shall appoint two (2) members to serve three (3) year terms; and
 3. In 2007, the Governor shall appoint one (1) member to serve a three (3) year term.
- Members appointed by the Governor may be reappointed by the Governor to serve successive terms. In making gubernatorial appointments, the Governor shall consider recommendations and information provided by the nominating committee of the board and shall attempt to promote geographic balance on the board. One (1) of the gubernatorial appointees shall be designated by the board to serve on the committee that functions as the executive committee of Governor's Scholars Program, Inc. The Governor shall make appointments to fill gubernatorial vacancies as they occur. Each appointment after the initial appointment shall be for a three (3) year term unless the appointment is to fill the unexpired portion of a term.
- (c) The board of directors shall have the authority to hire, fire, and manage all program personnel, including the executive director.
- (3) The annual appropriation for the Governor's Scholars Program from the general fund shall be transmitted to Governor's Scholars Program, Inc. on July 1 of each year to facilitate the operation of the summer program. Funds shall be used only for the purposes of the Governor's Scholars Program and shall not lapse at the end of the fiscal year.
- (4) (a) Governor's Scholars Program, Inc. shall follow standard accounting practices and shall submit the following financial reports to the Office of the Governor, the Finance and Administration Cabinet, and the Legislative Research Commission:

1. Quarterly reports of expenditures of state funds, submitted on or before the thirtieth day after the end of each quarter in the corporation's fiscal year;
 2. Annual reports of receipts and expenditures for the Governor's Scholars Program, submitted on or before the sixtieth day after the end of the fiscal year of the corporation; and
 3. The report of an annual financial audit conducted by an independent auditor, submitted on or before September 1 of each year.
- (b) On or before March 1 of each year, Governor's Scholars Program, Inc. shall file with the Office of the Governor, the Finance and Administration Cabinet, and the Legislative Research Commission a report detailing the operations of the Governor's Scholars Program for the preceding year. The report shall include information concerning the summer program, student and faculty demographics, and program outcomes according to such measures of success as the board may adopt.

➔Section 72. KRS 158.799 is amended to read as follows:

The Kentucky Science and Technology Council, Inc., shall, in cooperation with the Department ~~of~~ Education and the Council on Postsecondary Education, develop and conduct a competition among Kentucky middle and high school students for the purpose of choosing a Kentuckian of national or international acclaim as a scientist, mathematician, or engineer for whom the programs developed under KRS 158.798 shall be named.

➔Section 73. KRS 158.842 is amended to read as follows:

(1) As used in KRS 158.840 to 158.844, unless the context requires otherwise:

- (a) "Concepts" means mathematical ideas that serve as the basis for understanding mathematics;
- (b) "Mathematics" means the curriculum of numbers and computations, geometry and measurements, probability and statistics, and algebraic ideas;
- (c) "Mathematics coach" means a mathematics leader whose primary responsibility is to provide ongoing support for one (1) or more mathematics teachers. The role of the coach is to improve mathematics teaching practices by working with teachers in their classrooms, observing and providing feedback to them, modeling appropriate teaching practices, conducting workshops or institutes, establishing learning communities, and gathering appropriate and useful resources;
- (d) "Mathematics diagnostic assessment" means an assessment that identifies a student at risk of failure in mathematics or a student with major deficits in numeracy and other mathematical concepts and skills;
- (e) "Mathematics intervention program" means an intensive instructional program that is based on valid research and is provided by a highly trained teacher to specifically meet individual students' needs;
- (f) "Mathematics leader" means any educator with a specialization in mathematics who:
 1. Serves in a supervisory capacity, such as mathematics department chair, school-based mathematics specialist, or district mathematics supervisor or coordinator; or
 2. Regularly conducts or facilitates teacher professional development, such as higher education faculty or other mathematics teachers;
- (g) "Mathematics mentor" means an experienced mathematics coach who typically works with beginning or novice teachers only. The responsibilities and roles of the mentor are the same as those of the coach;
- (h) "Numeracy" means the development of the basic concepts which include counting, place value, addition and subtraction strategies, multiplication and division strategies, and the concepts of time, money, and length. To be numerate is to have and be able to use appropriate mathematical knowledge, concepts, skills, intuition, and experience in relationship to every day life;
- (i) "Relationships" means connections of mathematical concepts and skills within mathematics; and
- (j) "Skills" means actions of mathematics.

(2) The Committee for Mathematics Achievement is hereby created for the purposes of developing a multifaceted strategic plan to improve student achievement in mathematics at all levels of schooling, prekindergarten through postsecondary and adult. At a minimum the plan shall address:

- (a) Challenging curriculum that is aligned prekindergarten through postsecondary, including consensus among high school teachers and postsecondary education faculty about expectations, curriculum, and assessment;
- (b) Attitudes and beliefs of teachers about mathematics;
- (c) Teachers' knowledge of mathematics;
- (d) Diagnostic assessment, intervention services, and instructional strategies;
- (e) Shortages of teachers of mathematics, including incentives to attract strong candidates to mathematics teaching;
- (f) Statewide institutes that prepare cadres of mathematics leaders in local school districts, which may include highly skilled retired mathematics teachers, to serve as coaches and mentors in districts and schools;
- (g) Cohesive continuing education options for experienced mathematics classroom teachers;
- (h) Closing the student achievement gap among various student subpopulations;
- (i) Curriculum expectations and assessments of students among the various school levels, prekindergarten, primary, elementary, middle, and high school;
- (j) Content standards for adult education centers providing mathematics curricula;
- (k) Introductory postsecondary education mathematics courses that are appropriate to the wide array of academic programs and majors;
- (l) Research to analyze further the issues of transition from high school or High School Equivalency Diploma programs to postsecondary education mathematics; and
- (m) The early mathematics testing program under KRS 158.803.

Other factors may be included in the strategic plan as deemed appropriate by the committee to improve mathematics achievement of Kentucky students.

- (3) In carrying out its responsibility under subsection (2)(f) of this section, the committee shall:
- (a) Design a statewide professional development program that includes summer mathematics institutes at colleges and universities, follow-up, and school-based support services, beginning no later than June 1, 2006, to prepare teams of teachers as coaches and mentors of mathematics at all school levels to improve student achievement. Teachers shall receive training in diagnostic assessment and intervention. The statewide initiative shall be funded, based on available funds, from the Teachers' Professional Growth Fund described in KRS 156.553. The design shall:
 - 1. Define the curricula focus;
 - 2. Build on the expertise of specific colleges and universities;
 - 3. Place emphasis on mathematics concepts, skills and relationships, diagnostic assessment, intervention services, and instructional strategies;
 - 4. Identify quality control measures for the delivery of each institute;
 - 5. Establish evaluation procedures for the summer institutes and the other professional development components;
 - 6. Provide updates and networking opportunities for coaches and mentors throughout the school year; and
 - 7. Define other components within the initiative that are necessary to meet the goal of increasing student achievement in mathematics;
 - (b) Require schools and districts approved to have participants in the mathematics leader institutes to provide assurances that:
 - 1. The district and schools have, or will develop, local mathematics curricula and assessments that align with state standards for mathematics;
 - 2. There is a local commitment to build a cadre of mathematics leaders within the district;

3. The district and participating schools will provide in-school support for coaching and mentoring activities;
 4. The mathematics teachers are willing to develop classroom assessments that align with state assessments; and
 5. Students who need modified instructional and intervention services will have opportunity for continuing education services beyond the regular school day, week, or year; and
- (c) In addition to the conditions specified in paragraph (b) of this subsection, the committee shall make recommendations to the Kentucky Department of Education and the Kentucky Board of Education for criteria to be included in administrative regulations promulgated by the board which define:
1. Eligible grant recipients, taking into consideration how this program relates to other funded mathematics initiatives;
 2. The application process and review;
 3. The responsibilities of schools and districts, including but not limited to matching funds requirements, released or extended time for coaches and mentors during the school year, continuing education requirements for teachers and administrators in participating schools, data to be collected, and local evaluation requirements; and
 4. Other recommendations requested by the Kentucky Department of Education.
- (4) The committee shall initially be composed of twenty-five (25) members as follows:
- (a) The commissioner of education or his or her designee;
 - (b) The president of the Council on Postsecondary Education or his or her designee;
 - (c) The president of the Association of Independent Kentucky Colleges and Universities or his or her designee;
 - (d) The executive director of the Education Professional Standards Board or his or her designee;
 - (e) The secretary of the Education and ~~Labor~~~~Workforce Development~~ Cabinet or his or her designee;
 - (f) A representative with a specialty in mathematics or mathematics education who has expertise and experience in professional development, especially with coaching and mentoring of teachers, from each of the nine (9) public postsecondary education institutions defined in KRS 164.001. The representatives shall be selected by mutual agreement of the president of the Council on Postsecondary Education and the commissioner of education;
 - (g) Two (2) adult education instructors selected by the secretary of the Education and ~~Labor~~~~Workforce Development~~ Cabinet;
 - (h) Two (2) elementary, two (2) middle, and two (2) high school mathematics teachers, appointed by the board of the statewide professional education association having the largest paid membership with approval from their respective local principals and superintendents of schools; and
 - (i) Three (3) school administrators, with one (1) each representing elementary, middle, and high school, appointed by the board of the statewide administrators' association having the largest paid membership with approval from their respective local superintendents of schools.

When the Center for Mathematics created under KRS 164.525 becomes operational, the executive director of the center shall be added to the committee, which shall then be composed of twenty-six (26) members. Appointments to the committee shall be made no later than thirty (30) days following March 18, 2005, and the first meeting of the committee shall occur no later than thirty (30) days following appointment of the members.

- (5) A majority of the full membership shall constitute a quorum.
- (6) Each member of the committee, other than members who serve by virtue of their positions, shall serve for a term of three (3) years or until a successor is appointed and qualified, except that the initial appointments shall be made in the following manner: six (6) members shall serve a one (1) year term, six (6) members shall serve a two (2) year term, and eight (8) members shall serve a three (3) year term.
- (7) A temporary chair of the committee shall be appointed prior to the first meeting of the committee through consensus of the president of the Council on Postsecondary Education and the commissioner of education, to

serve ninety (90) days after his or her appointment. Prior to the end of the ninety (90) days, the committee shall elect a chair by majority vote. The temporary chair may be a nominee for the chair by majority vote. Thereafter, a chair shall be elected each calendar year. An individual may not serve as chair for more than three (3) consecutive years. The chair shall be the presiding officer of the committee, and coordinate the functions and activities of the committee.

- (8) The committee shall be attached to the Kentucky Department of Education for administrative purposes. The commissioner of education may contract with a mathematics-trained professional to provide part-time staff support to the committee. The commissioner of education and the president of the council shall reach consensus in the selection of a person to fill the position. The person selected shall have a graduate degree, a mathematics major, and teaching or administrative experience in elementary and secondary education. The person shall not be a current employee of any entity represented on the committee. The department shall provide office space and other resources necessary to support the staff position and the work of the committee.
- (9) The committee, under the leadership of the chair, may organize itself into appropriate subcommittees and work structures to accomplish the purposes of the committee.
- (10) Members of the committee shall serve without compensation but shall be reimbursed for necessary travel and expenses while attending meetings at the same per diem rate promulgated in administrative regulation for state employees under provisions of KRS Chapter 45. Funds shall be provided school districts to cover the cost of substitute teachers for those teachers on the committee at each district's established rate for substitute teachers.
- (11) If a vacancy occurs within the committee during its duration, the board of the statewide professional education association having the largest paid membership or the board of the statewide administrators association having the largest paid membership or the president of the Council on Postsecondary Education, as appropriate, shall appoint a person to fill the vacancy.
- (12) The committee shall:
 - (a) Present a draft strategic plan addressing the requirements in subsection (1) of this section and other issues that arose during the work of the committee to the Education Assessment and Accountability Review Subcommittee no later than August 2005;
 - (b) Present the strategic plan for improving mathematics achievement to the Interim Joint Committee on Education by July 15, 2006, which shall include any recommendations that require legislative action; and
 - (c) Provide a final written report of committee activities to the Interim Joint Committee on Education and the Legislative Research Commission by December 1, 2006.
- (13) The committee shall have ongoing responsibility for providing advice and guidance to policymakers in the development of statewide policies and in the identification and allocation of resources to improve mathematics achievement. In carrying out this responsibility, the committee shall periodically review the strategic plan and make modifications as deemed appropriate and report those to the Interim Joint Committee on Education.
- (14) The committee shall collaborate with the Center for Mathematics to ensure that there is ongoing identification of research-based intervention programs for K-12 students who have fallen behind in mathematics, rigorous mathematics curricula that prepare students for the next level of schooling, research-based professional development models that prepare teachers in mathematics and pedagogy, and strategies for closing the gap between high school or a High School Equivalency Diploma program and postsecondary mathematics preparation.

➔Section 74. KRS 158.844 is amended to read as follows:

- (1) The mathematics achievement fund is hereby created to provide developmentally appropriate diagnostic assessment and intervention services to students, primary through grade 12, to help them reach proficiency in mathematics on the state assessments under KRS 158.6453 and in compliance with the "No Child Left Behind Act of 2001," 20 U.S.C. secs. 6301 et seq., as required under KRS 158.840.
- (2) The grant funds may be used to support the implementation of diagnostic and intervention services in mathematics. The use of funds may include: pay for extended time for teachers, released time for teachers to serve as coaches and mentors or to carry out other responsibilities needed in the implementation of intervention services, payment of substitute teachers needed for the support of mathematics teachers, purchase of materials needed for modification of instruction, and other costs associated with diagnostic and intervention services or to cover other costs deemed appropriate by the Kentucky Board of Education.

- (3) The fund shall:
- (a) Provide funding for the Center for Mathematics created in KRS 164.525 and the costs of training selected teachers in the diagnostic assessment and intervention skills that are needed to assist struggling students in the primary program and other grade levels;
 - (b) Provide renewable, two (2) year local grants to school districts and for purposes described in subsection (2) of this section; and
 - (c) Provide operational funding for the Committee for Mathematics Achievement created in KRS 158.842.
- (4) Any funds appropriated to the mathematics achievement fund that are specifically designated by the General Assembly to support the Center for Mathematics shall be appropriated to the Council on Postsecondary Education and distributed to the university administering the center, as determined by the council under KRS 164.525.
- (5) Any moneys in the fund at the close of a fiscal year shall not lapse but shall be carried forward to be used for the purposes specified in this section.
- (6) Any interest earnings of the fund shall become a part of the fund and shall not lapse.
- (7) (a) Any funds appropriated to the mathematics achievement fund and specifically designated by the General Assembly as funding for grants to local school districts or to support the Committee for Mathematics Achievement shall be administered by the Kentucky Department of Education.
- (b) The Kentucky Board of Education shall promulgate administrative regulations relating to the grants for local school districts based on recommendations from the Committee for Mathematics Achievement, the secretary of the Education and ~~Labor/Workforce Development~~ Cabinet, the commissioner of education, and the Center for Mathematics established in KRS 164.525. The administrative regulations shall:
1. Identify eligibility criteria for grant applicants;
 2. Specify the criteria for acceptable diagnostic assessments and intervention programs and coaching and mentoring programs;
 3. Establish the minimum annual evaluation process for each grant recipient;
 4. Identify the annual data that must be provided from each grant recipient;
 5. Define the application and approval process;
 6. Establish matching fund requirements if deemed necessary by the board;
 7. Define the obligations for professional development and continuing education for teachers, administrators, and staff of each grant recipient;
 8. Establish the conditions for renewal of a two (2) year grant; and
 9. Specify other conditions necessary to implement the purposes of this section.
- (c) As part of the application process, the board shall require that a grant applicant provide assurances that the following principles will be met if the applicant's request for funding is approved:
1. Mathematics instruction will be standards-based and utilize research-based practices;
 2. Intervention and support services will supplement, not replace, regular classroom instruction; and
 3. Intervention services will be provided to primary program students and other students who are at risk of mathematics failure within the school based upon ongoing assessments of their needs.
- (d) If matching funds are required, the school council or, if none exists, the principal or the superintendent of schools, shall allocate matching funds. Funding for professional development allocated to the school council under KRS 160.345 and for continuing education under KRS 158.070 may be used to provide a portion or all of a school's required match.
- (e) The Department of Education shall make available to schools:
1. Information from the Center for Mathematics regarding diagnostic assessment and intervention programs and coaching and mentoring programs of proven-practice in meeting the needs of primary students and other students who are at risk of failure;

2. Technical assistance to potential applicants and grant recipients;
 3. A list of professional development providers offering teacher training in diagnostic assessment and intervention strategies and coaching and mentoring; and
 4. Information from the Center for Mathematics on how to communicate to parents effective ways of interacting with their children to improve their mathematics concepts, skills, and understanding.
- (f) The Department of Education shall submit a report to the Interim Joint Committee on Education no later than September 1 of each year outlining the use of grant funds. By November 1, 2007, the Department of Education with input from the Committee for Mathematics Achievement and the Center for Mathematics shall conduct a statewide needs assessment of the resources needed in each school to help each child achieve proficiency in mathematics by the year 2014 and report to the Interim Joint Committee on Education an estimate of the cost and a specific timeline for meeting the goal established by the Commonwealth.

➔Section 75. KRS 160.1595 is amended to read as follows:

- (1) The state board, upon receipt of a notice of appeal or upon its own motion, shall review decisions of any authorizer concerning the approval or denial of a public charter school application, the nonrenewal or revocation of a public charter school's contract, the denial of a public charter school's request to consider a charter amendment, or the unilateral imposition of conditions, in accordance with the provisions of this section.
- (2) A charter applicant or approved public charter school who wishes to appeal a decision of an authorizer concerning a charter application, a charter amendment, or the nonrenewal or revocation of a charter, or the unilateral imposition of conditions, shall provide the state board and the authorizer with a notice of appeal within thirty (30) days after the authorizer's decision. The person bringing the appeal shall limit the grounds of the appeal to the grounds for the denial of or the nonrenewal or revocation of a charter, or the unilateral imposition of conditions, whichever is being appealed, specified by the authorizer. The notice shall include a brief statement of the reasons the public charter school applicant or public charter school contends the authorizer's denial of or nonrenewal or revocation of a charter, or imposition of conditions was in error.
- (3) If the notice of appeal, or the motion to review by the state board, relates to an authorizer's decision to deny, refuse to renew, or revoke a charter or to an authorizer's unilateral imposition of conditions that are unacceptable to the charter applicant or public charter school, the appeal and review process shall be as follows:
 - (a) Within forty-five (45) days after receipt of the notice of appeal or the making of a motion to review by the state board and after reasonable public notice, the state board, at a public hearing which may be held in the school district in which the proposed public charter school has applied for a charter, shall review the decision of the authorizer and make its findings. If the state board finds that the authorizer's decision was contrary to the best interest of the students or community, the state board shall remand such decision to the authorizer with written instructions for reconsideration thereof. The instructions shall include specific recommendations concerning the matters requiring reconsideration;
 - (b) Within thirty (30) days following the remand of a decision to the authorizer and after reasonable public notice, the authorizer, at a public hearing, shall reconsider its decision and make a final decision;
 - (c) If the authorizer's final decision is still to deny, refuse to renew, or revoke a charter or to unilaterally impose conditions unacceptable to the charter applicant, a second notice of appeal may be filed with the State Board of Education within thirty (30) days following such final decision;
 - (d) Within thirty (30) days following receipt of the second notice of appeal or the making of a motion for a second review by the State Board of Education and after reasonable public notice, the state board, at a public hearing shall determine if the final decision of the authorizer was contrary to the best interest of the students or community. If such a finding is made, the state board shall remand such final decision to the authorizer with instructions to approve the charter application or amendment, or to renew or reinstate the charter, or to approve or disapprove conditions imposed. The decision of the state board shall be a final action subject to judicial review in the Circuit Court encompassing the school district in which the public charter school is located; and
 - (e) Charters granted to applicants by authorizers after a successful appeal to the state board, as outlined in paragraph (d) of this subsection, shall be provided joint oversight by the authorizer and the state board

for, at a minimum, the first five (5) years of the school's operation, and until the authorizer, state board, and public charter school agree that charter oversight may be provided solely by the authorizer. The state board shall be a formal participant in all authorizing decision making concerning the public charter school during that period, and shall be included in all communication between the public charter school and the authorizer.

- (4) (a) Within ten (10) days of taking action to approve or deny a charter application that has been remanded back to the authorizer for reconsideration, the authorizer shall notify the state board of the action taken.
- (b) The authorizer shall provide a report to the charter applicant, the state board, and the Education and ~~Labor~~~~Workforce Development~~ Cabinet simultaneously and shall include a copy of the resolution adopted by the authorizer's board of directors identifying any action taken, the reason for the decision, and an assurance as to compliance with all of the procedural requirements and application elements found in this section and KRS 160.1591 and 160.1593.

➔Section 76. KRS 160.1596 is amended to read as follows:

- (1) (a) For purposes of this section, a member of the board of directors of a public charter school shall be considered an officer under KRS 61.040 and shall, within sixty (60) days of final approval of an application, take an oath of office as required under KRS 62.010.
- (b) Within seventy-five (75) days of the final approval of an application, the board of directors and the authorizer shall enter into a binding charter contract that establishes the academic and operational performance expectations and measures by which the public charter school will be evaluated.
- (c) The executed charter contract shall become the final authorization for the public charter school. The charter contract shall include:
 1. The term of the contract;
 2. The agreements relating to each item required under KRS 160.1592(3) and 160.1593(3), as modified or supplemented during the approval process;
 3. The rights and duties of each party;
 4. The administrative relationship between the authorizer and the public charter school;
 5. The allocation of state, local, and federal funds, and the schedule to disburse funds to the public charter school by the authorizer;
 6. The process the authorizer will use to provide ongoing oversight, including a process to conduct annual site visits;
 7. The specific commitments of the public charter school authorizer relating to its obligations to oversee, monitor the progress of, and supervise the public charter school;
 8. The process and criteria the authorizer will use to annually monitor and evaluate the overall academic, operating, and fiscal conditions of the public charter school, including the process the authorizer will use to oversee the correction of any deficiencies found in the annual review;
 9. The process for revision or amendment to the terms of the charter contract agreed to by the authorizer and the board of directors of the public charter school;
 10. The process agreed to by the authorizer and the board of directors of the public charter school that identifies how disputes between the authorizer and the board will be handled; and
 11. Any other terms and conditions agreed to by the authorizer and the board of directors, including pre-opening conditions. Reasonable conditions shall not include enrollment caps or operational requirements that place undue constraints on a public charter school or are contradictory to the provisions of KRS 160.1590 to 160.1599 and 161.141. Such conditions, even when incorporated in a charter contract, shall be considered unilaterally imposed conditions.
- (d) 1. The performance provisions within a charter contract shall be based on a performance framework that sets forth the academic and operational performance indicators, measures, and metrics to be used by the authorizer to evaluate each public charter school. The performance framework shall include at a minimum indicators, measures, and metrics for:
 - a. Student academic proficiency;

- b. Student academic growth;
 - c. Achievement gaps in both student proficiency and student growth for student subgroups, including race, sex, socioeconomic status, and areas of exceptionality;
 - d. Student attendance;
 - e. Student suspensions;
 - f. Student withdrawals;
 - g. Student exits;
 - h. Recurrent enrollment from year to year;
 - i. College or career readiness at the end of grade twelve (12);
 - j. Financial performance and sustainability; and
 - k. Board of directors' performance and stewardship, including compliance with all applicable statutes, administrative regulations, and terms of the charter contract.
2. The performance framework shall allow the inclusion of additional rigorous, valid, and reliable indicators proposed by a public charter school to augment external evaluations of its performance. The proposed indicators shall be consistent with the purposes of KRS 160.1590 to 160.1599 and 161.141 and shall be negotiated with the authorizer.
 3. The performance framework shall require the disaggregation of student performance data by subgroups, including race, sex, socioeconomic status, and areas of exceptionality.
 4. The authorizer shall be responsible for collecting, analyzing, and reporting to the state board all state-required assessment and achievement data for each public charter school it oversees.
- (e) Annual student achievement performance targets shall be set, in accordance with the state accountability system, by each public charter school in conjunction with its authorizer, and those measures shall be designed to help each school meet applicable federal, state, and authorizer goals.
 - (f) The charter contract shall be signed by the chair of the governing board of the authorizer and the chair of the board of directors of the public charter school. An approved charter application shall not serve as a charter contract for the public charter school.
 - (g) No public charter school may commence operations without a charter contract executed according to this section and approved in an open meeting of the governing board of the authorizer.
- (2) Within five (5) days after entering into a charter contract, a copy of the executed contract shall be submitted by the authorizer to the commissioner of education.
 - (3) The state board shall promulgate administrative regulations to establish the process to be used to evaluate the performance of a charter school authorizer, based upon the requirements of KRS 160.1590 to 160.1599 and 161.141, and the actions to be taken in response to failures in performance.
 - (4) The commissioner of education shall apply for financial assistance through the federal government for the planning, program design, and initial implementation of public charter schools in the state within sixty (60) days after June 29, 2017, or at the first available grant application period. Federal grants include but are not limited to the Charter Schools Program administered by the United States Department of Education.
 - (5) By August 31, 2019, and annually thereafter, each public charter school authorizer shall submit to the commissioner of education, the secretary of the Education and ~~Labor~~~~Workforce Development~~ Cabinet, and the Interim Joint Committee on Education a report to include:
 - (a) The names of each public charter school operating under contract with the authorizer during the previous academic year that:
 1. Closed during or after the academic year; or
 2. Had the contract nonrenewed or revoked;
 - (b) The names of each public charter school operating under contract with the authorizer during the previous academic year that have not yet begun to operate;
 - (c) The number of applications received, the number reviewed, and the number approved;

- (d) A summary of the academic and financial performance of each public charter school operated under contract with the authorizer during the previous academic year; and
- (e) The authorizing duties and functions performed by the authorizer during the previous academic year.

➔Section 77. KRS 161.011 is amended to read as follows:

- (1) (a) "Classified employee" means an employee of a local district who is not required to have certification for his position as provided in KRS 161.020; and
 - (b) "Seniority" means total continuous months of service in the local school district, including all approved paid and unpaid leave.
- (2) The commissioner of education shall establish by January, 1992, job classifications and minimum qualifications for local district classified employment positions which shall be effective July 1, 1992. After June 30, 1992, no person shall be eligible to be a classified employee or receive salary for services rendered in that position unless he holds the qualifications for the position as established by the commissioner of education.
- (3) No person who is initially hired after July 13, 1990, shall be eligible to hold the position of a classified employee or receive salary for services rendered in such position, unless he holds at least a high school diploma or high school certificate of completion or High School Equivalency Diploma, or he shows progress toward obtaining a High School Equivalency Diploma. To show progress toward obtaining a High School Equivalency Diploma, a person shall be enrolled in a High School Equivalency Diploma program and be progressing satisfactorily through the program, as defined by administrative regulations promulgated by the Education and ~~Labor~~~~Workforce Development~~ Cabinet.
- (4) Local school districts shall encourage classified employees who were initially hired before July 13, 1990, and who do not have a high school diploma or a High School Equivalency Diploma to enroll in a program to obtain a High School Equivalency Diploma.
- (5) Local districts shall enter into written contracts with classified employees. Contracts with classified employees shall be renewed annually except contracts with the following employees:
 - (a) An employee who has not completed four (4) years of continuous active service, upon written notice which is provided or mailed to the employee by the superintendent, no later than May 15, that the contract will not be renewed for the subsequent school year. Upon written request by the employee, within ten (10) days of the receipt of the notice of nonrenewal, the superintendent shall provide, in a timely manner, written reasons for the nonrenewal.
 - (b) An employee who has completed four (4) years of continuous active service, upon written notice which is provided or mailed to the employee by the superintendent, no later than May 15, that the contract is not being renewed due to one (1) or more of the reasons described in subsection (7) of this section. Upon written request within ten (10) days of the receipt of the notice of nonrenewal, the employee shall be provided with a specific and complete written statement of the grounds upon which the nonrenewal is based. The employee shall have ten (10) days to respond in writing to the grounds for nonrenewal.
- (6) Local districts shall provide in contracts with classified employees of family resource and youth services centers the same rate of salary adjustment as provided for other local board of education employees in the same classification.
- (7) Nothing in this section shall prevent a superintendent from terminating a classified employee for incompetency, neglect of duty, insubordination, inefficiency, misconduct, immorality, or other reasonable grounds which are specifically contained in board policy.
- (8) The superintendent shall have full authority to make a reduction in force due to reductions in funding, enrollment, or changes in the district or school boundaries, or other compelling reasons as determined by the superintendent.
 - (a) When a reduction of force is necessary, the superintendent shall, within each job classification affected, reduce classified employees on the basis of seniority and qualifications with those employees who have less than four (4) years of continuous active service being reduced first.
 - (b) If it becomes necessary to reduce employees who have more than four (4) years of continuous active service, the superintendent shall make reductions based upon seniority and qualifications within each job classification affected.

- (c) Employees with more than four (4) years of continuous active service shall have the right of recall positions if positions become available for which they are qualified. Recall shall be done according to seniority with restoration of primary benefits, including all accumulated sick leave and appropriate rank and step on the current salary schedule based on the total number of years of service in the district.
- (9) Local school boards shall develop and provide to all classified employees written policies which shall include but not be limited to:
 - (a) Terms and conditions of employment;
 - (b) Identification and documentation of fringe benefits, employee rights, and procedures for the reduction or laying off of employees; and
 - (c) Discipline guidelines and procedures that satisfy due process requirements.
- (10) Local school boards shall maintain a registry of all vacant classified employee positions that is available for public inspection in a location determined by the superintendent and make copies available at cost to interested parties. If financially feasible, local school boards may provide training opportunities for classified employees focusing on topics to include but not be limited to suicide prevention, abuse recognition, and cardiopulmonary resuscitation (CPR). If suicide prevention training is offered it may be accomplished through self-study review of suicide prevention materials.
- (11) The evaluation of the local board policies required for classified personnel as set out in this section shall be subject to review by the Department of Education while it is conducting district management audits pursuant to KRS 158.785.

➔Section 78. KRS 161.028 is amended to read as follows:

- (1) The Education Professional Standards Board is recognized to be a public body corporate and politic and an agency and instrumentality of the Commonwealth, in the performance of essential governmental functions. The Education Professional Standards Board has the authority and responsibility to:
 - (a) Establish standards and requirements for obtaining and maintaining a teaching certificate;
 - (b) Set standards for, approve, and evaluate college, university, and school district programs for the preparation of teachers and other professional school personnel. College or university programs may be approved by the board for a college or university with regional institutional level accreditation or national institutional level accreditation that is recognized by the United States Department of Education and is eligible to receive federal funding under 20 U.S.C. secs. 1061 to 1063. Program standards shall reflect national standards and shall address, at a minimum, the following:
 1. The alignment of programs with the state's core content for assessment as defined in KRS 158.6457;
 2. Research-based classroom practices, including effective classroom management techniques;
 3. Emphasis on subject matter competency of teacher education students;
 4. Methodologies to meet diverse educational needs of all students;
 5. The consistency and quality of classroom and field experiences, including early practicums and student teaching experiences;
 6. The amount of college-wide or university-wide involvement and support during the preparation as well as the induction of new teachers;
 7. The diversity of faculty;
 8. The effectiveness of partnerships with local school districts; and
 9. The performance of graduates on various measures as determined by the board;
 - (c) Conduct an annual review of diversity in teacher preparation programs;
 - (d) Provide assistance to universities and colleges in addressing diversity, which may include researching successful strategies and disseminating the information, encouraging the development of nontraditional avenues of recruitment and providing incentives, waiving administrative regulations when needed, and other assistance as deemed necessary;

- (e) Discontinue approval of programs that do not meet standards or whose graduates do not perform according to criteria set by the board;
- (f) Issue, renew, revoke, suspend, or refuse to issue or renew; impose probationary or supervisory conditions upon; issue a written reprimand or admonishment; or any combination of actions regarding any certificate;
- (g) Develop specific guidelines to follow upon receipt of an allegation of sexual misconduct by an employee certified by the Education Professional Standards Board. The guidelines shall include investigation, inquiry, and hearing procedures which ensure the process does not revictimize the alleged victim or cause harm if an employee is falsely accused;
- (h) Receive, along with investigators hired by the Education Professional Standards Board, training on the dynamics of sexual misconduct of professionals, including the nature of this abuse of authority, characteristics of the offender, the impact on the victim, the possibility and the impact of false accusations, investigative procedures in sex offense cases, and effective intervention with victims and offenders;
- (i) Recommend to the Kentucky Board of Education the essential data elements relating to teacher preparation and certification, teacher supply and demand, teacher attrition, teacher diversity, and employment trends to be included in a state comprehensive data and information system and periodically report data to the Interim Joint Committee on Education;
- (j) Submit reports to the Governor and the Legislative Research Commission and inform the public on the status of teaching in Kentucky;
- (k) Devise a credentialing system that provides alternative routes to gaining certification and greater flexibility in staffing local schools while maintaining standards for teacher competence;
- (l) Develop a professional code of ethics;
- (m) Charge reasonable fees for the issuance, reissuance, and renewal of certificates that are established by administrative regulation. The proceeds shall be used to meet a portion of the costs of the issuance, reissuance, and renewal of certificates, and the costs associated with disciplinary action against a certificate holder under KRS 161.120;
- (n) Waive a requirement that may be established in an administrative regulation promulgated by the board. A request for a waiver shall be submitted to the board, in writing, by an applicant for certification, a postsecondary institution, or a superintendent of a local school district, with appropriate justification for the waiver. The board may approve the request if the person or institution seeking the waiver has demonstrated extraordinary circumstances justifying the waiver. Any waiver granted under this subsection shall be subject to revocation if the person or institution falsifies information or subsequently fails to meet the intent of the waiver;
- (o) Promote the development of one (1) or more innovative, nontraditional or alternative administrator or teacher preparation programs through public or private colleges or universities, private contractors, the Department of Education, or the Kentucky Commonwealth Virtual University and waive administrative regulations if needed in order to implement the program;
- (p) Grant approval, if appropriate, of a university's request for an alternative program that enrolls an administrator candidate in a postbaccalaureate administrator preparation program concurrently with employment as an assistant principal, principal, assistant superintendent, or superintendent in a local school district. An administrator candidate in the alternative program shall be granted a temporary provisional certificate and shall be a candidate in the Kentucky Principal Internship Program, notwithstanding provisions of KRS 161.030, or the Superintendent's Assessment process, notwithstanding provisions of KRS 156.111, as appropriate. The temporary certificate shall be valid for a maximum of two (2) years, and shall be contingent upon the candidate's continued enrollment in the preparation program and compliance with all requirements established by the board. A professional certificate shall be issued upon the candidate's successful completion of the program, internship requirements, and assessments as required by the board;
- (q) Employ consultants as needed;

- (r) Enter into contracts. Disbursements to professional educators who receive less than one thousand dollars (\$1,000) in compensation per fiscal year from the board for serving on an assessment validation panel or as a test scorer or proctor shall not be subject to KRS 45A.690 to 45A.725;
 - (s) Sponsor studies, conduct research, conduct conferences, and publish information as appropriate; and
 - (t) Issue orders as necessary in any administrative action before the board.
- (2) (a) The board shall be composed of seventeen (17) members. The secretary of the Education and ~~Labor/Workforce Development~~ Cabinet and the president of the Council on Postsecondary Education, or their designees, shall serve as ex officio voting members. The Governor shall make the following fifteen (15) appointments:
- 1. Nine (9) members who shall be teachers representative of elementary, middle or junior high, secondary, special education, and secondary vocational classrooms;
 - 2. Two (2) members who shall be school administrators, one (1) of whom shall be a school principal;
 - 3. One (1) member representative of local boards of education; and
 - 4. Three (3) members representative of postsecondary institutions, two (2) of whom shall be deans of colleges of education at public universities and one (1) of whom shall be the chief academic officer of an independent not-for-profit college or university.
- (b) The members appointed by the Governor shall be confirmed by the Senate under KRS 11.160. If the General Assembly is not in session at the time of the appointment, persons appointed shall serve prior to confirmation, but the Governor shall seek the consent of the Senate at the next regular session or at an intervening extraordinary session if the matter is included in the call of the General Assembly.
- (c) Each appointed member shall serve a three (3) year term. A vacancy on the board shall be filled in the same manner as the original appointment within sixty (60) days after it occurs. A member shall continue to serve until his or her successor is named. Any member who, through change of employment status or residence, or for other reasons, no longer meets the criteria for the position to which he or she was appointed shall no longer be eligible to serve in that position.
- (d) Members of the board shall serve without compensation but shall be permitted to attend board meetings and perform other board business without loss of income or other benefits.
- (e) A state agency or any political subdivision of the state, including a school district, required to hire a substitute for a member of the board who is absent from the member's place of employment while performing board business shall be reimbursed by the board for the actual amount of any costs incurred.
- (f) A chairman shall be elected by and from the membership. A member shall be eligible to serve no more than three (3) one (1) year terms in succession as chairman. Regular meetings shall be held at least semiannually on call of the chairman.
- (g) The commissioner of education shall serve as executive secretary to the board and may designate staff to facilitate his or her duties.
- (h) To carry out the functions relating to its duties and responsibilities, the board is empowered to receive donations and grants of funds; to appoint consultants as needed; and to sponsor studies, conduct conferences, and publish information.

➔Section 79. KRS 161.220 is amended to read as follows:

As used in KRS 161.220 to 161.716 and 161.990:

- (1) "Retirement system" means the arrangement provided for in KRS 161.220 to 161.716 and 161.990 for payment of allowances to members;
- (2) "Retirement allowance" means the amount annually payable during the course of his or her natural life to a member who has been retired by reason of service;
- (3) "Disability allowance" means the amount annually payable to a member retired by reason of disability;
- (4) "Member" means the commissioner of education, deputy commissioners, associate commissioners, and all division directors in the State Department of Education, employees participating in the system pursuant to KRS 196.167(3)(b)1., and any full-time teacher or professional occupying a position requiring certification or

graduation from a four (4) year college or university, as a condition of employment, and who is employed by public boards, institutions, or agencies as follows:

- (a) Local boards of education;
- (b) Eastern Kentucky University, Kentucky State University, Morehead State University, Murray State University, Western Kentucky University, and any community colleges established under the control of these universities;
- (c) State-operated secondary area vocational education or area technology centers, Kentucky School for the Blind, and Kentucky School for the Deaf;
- (d) Other public education agencies as created by the General Assembly and those members of the administrative staff of the Teachers' Retirement System of the State of Kentucky whom the board of trustees may designate by administrative regulation;
- (e) Regional cooperative organizations formed by local boards of education or other public educational institutions listed in this subsection, for the purpose of providing educational services to the participating organizations;
- (f) All full-time members of the staffs of the Kentucky Association of School Administrators, Kentucky Education Association, Kentucky Vocational Association, Kentucky High School Athletic Association, Kentucky Academic Association, and the Kentucky School Boards Association who were members of the Kentucky Teachers' Retirement System or were qualified for a position covered by the system at the time of employment by the association in the event that the board of directors of the respective association petitions to be included. The board of trustees of the Kentucky Teachers' Retirement System may designate by resolution whether part-time employees of the petitioning association are to be included. The state shall make no contributions on account of these employees, either full-time or part-time. The association shall make the employer's contributions, including any contribution that is specified under KRS 161.550. The provisions of this paragraph shall be applicable to persons in the employ of the associations on or subsequent to July 1, 1972;
- (g) Employees of the Council on Postsecondary Education who were employees of the Department for Adult Education and Literacy and who were members of the Kentucky Teachers' Retirement System at the time the department was transferred to the council pursuant to Executive Order 2003-600;
- (h) The Office of Career and Technical Education;
- (i) The Office of Vocational Rehabilitation;
- (j) The Kentucky Educational Collaborative for State Agency Children;
- (k) The Governor's Scholars Program;
- (l) Any person who is retired for service from the retirement system and is reemployed by an employer identified in this subsection in a position that the board of trustees deems to be a member, except that any person who becomes a member on or after January 1, 2022, and subsequently draws a monthly lifetime retirement allowance, shall upon reemployment after retirement not earn a second retirement account;
- (m) Employees of the former Cabinet for Workforce Development who are transferred to the Kentucky Community and Technical College System and who occupy positions covered by the Kentucky Teachers' Retirement System shall remain in the Teachers' Retirement System. New employees occupying these positions, as well as newly created positions qualifying for Teachers' Retirement System coverage that would have previously been included in the former Cabinet for Workforce Development, shall be members of the Teachers' Retirement System;
- (n) Effective January 1, 1998, employees of state community colleges who are transferred to the Kentucky Community and Technical College System shall continue to participate in federal old age, survivors, disability, and hospital insurance, and a retirement plan other than the Kentucky Teachers' Retirement System offered by Kentucky Community and Technical College System. New employees occupying positions in the Kentucky Community and Technical College System as referenced in KRS 164.5807(5) that would not have previously been included in the former Cabinet for Workforce Development, shall participate in federal old age, survivors, disability, and hospital insurance and have a choice at the time of employment of participating in a retirement plan provided by the Kentucky Community and

Technical College System, including participation in the Kentucky Teachers' Retirement System, on the same basis as faculty of the state universities as provided in KRS 161.540 and 161.620;

- (o) Employees of the Office of General Counsel, the Office of Budget and Administrative Services, and the Office of Quality and Human Resources within the Office of the Secretary of the former Cabinet for Workforce Development and the commissioners of the former Department for Adult Education and Literacy and the former Department for Technical Education who were contributing to the Kentucky Teachers' Retirement System as of July 15, 2000;
 - (p) Employees of the Kentucky Department of Education only who are graduates of a four (4) year college or university, notwithstanding a substitution clause within a job classification, and who are serving in a professional job classification as defined by the department;
 - (q) The Governor's School for Entrepreneurs Program;
 - (r) Employees of the Office of Adult Education within the Department of Workforce ~~Investment~~ **Development** in the Education and ~~Labor~~ **Workforce Development** Cabinet who were employees of the Council on Postsecondary Education, Kentucky Adult Education Program and who were members of the Kentucky Teachers' Retirement System at the time the Program was transferred to the cabinet pursuant to Executive Orders 2019-0026 and 2019-0027; and
 - (s) Employees of the Education Professional Standards Board who were members of the Kentucky Teachers' Retirement System at the time the employees were transferred to the Kentucky Department of Education pursuant to Executive Order 2020-590;
- (5) "Present teacher" means any teacher who was a teacher on or before July 1, 1940, and became a member of the retirement system created by 1938 (1st Extra. Sess.) Ky. Acts ch. 1, on the date of the inauguration of the system or within one (1) year after that date, and any teacher who was a member of a local teacher retirement system in the public elementary or secondary schools of the state on or before July 1, 1940, and continued to be a member of the system until he or she, with the membership of the local retirement system, became a member of the state Teachers' Retirement System or who becomes a member under the provisions of KRS 161.470(4);
- (6) "New teacher" means any member not a present teacher;
- (7) "Prior service" means the number of years during which the member was a teacher in Kentucky prior to July 1, 1941, except that not more than thirty (30) years' prior service shall be allowed or credited to any teacher;
- (8) "Subsequent service" means the number of years during which the teacher is a member of the Teachers' Retirement System after July 1, 1941;
- (9) "Final average salary" means the average of the five (5) highest annual salaries which the member has received for service in a covered position and on which the member has made contributions, or on which the public board, institution, or agency has picked-up member contributions pursuant to KRS 161.540(2), or the average of the five (5) years of highest salaries as defined in KRS 61.680(2)(a), which shall include picked-up member contributions. Additionally, the board of trustees may approve a final average salary based upon the average of the three (3) highest salaries for individuals who become members prior to January 1, 2022, who are at least fifty-five (55) years of age and have a minimum of twenty-seven (27) years of Kentucky service credit. However, if any of the five (5) or three (3) highest annual salaries used to calculate the final average salary was paid within the three (3) years immediately prior to the date of the member's retirement for individuals who become members prior to January 1, 2022, or within the five (5) years immediately prior to the date of the member's retirement for individuals who become members on or after January 1, 2022, the amount of salary to be included for each of those three (3) years or five (5) years, as applicable, for the purpose of calculating the final average salary shall be limited to the lesser of:
- (a) The member's actual salary; or
 - (b) The member's annual salary that was used for retirement purposes during each of the prior three (3) years or five (5) years, as applicable, plus a percentage increase equal to the percentage increase received by all other members employed by the public board, institution, or agency, or for members of school districts, the highest percentage increase received by members on any one (1) rank and step of the salary schedule of the school district. The increase shall be computed on the salary that was used for retirement purposes. The board of trustees may promulgate an administrative regulation in accordance with KRS Chapter 13A to establish a methodology for measuring the limitation so that the combined increases in salary for each of the last three (3) full years of salary prior to retirement shall not exceed

the total permissible percentage increase received by other members of the employer for the same three (3) year period.

For individuals who became members of the retirement system prior to July 1, 2021, this limitation shall not apply if the member receives an increase in salary in a percentage exceeding that received by the other members, and this increase was accompanied by a corresponding change in position or in length of employment. The board of trustees may promulgate an administrative regulation in accordance with KRS Chapter 13A to provide definitions for a corresponding change in position or in length of employment. This limitation shall also not apply to the payment to a member for accrued annual leave if the individual becomes a member before July 1, 2008, or accrued sick leave which is authorized by statute and which shall, for individuals subject to KRS 161.155(10) who became nonuniversity members of the system prior to January 1, 2022, be included as part of a retiring member's annual compensation for the member's last year of active service;

- (10) "Annual compensation" means the total salary received by a member as compensation for all services performed in employment covered by the retirement system during a fiscal year. Annual compensation shall not include payment for any benefit or salary adjustments made by the public board, institution, or agency to the member or on behalf of the member which is not available as a benefit or salary adjustment to other members employed by that public board, institution, or agency. Annual compensation shall not include the salary supplement received by a member under KRS 157.197(2)(c), 158.6455, or 158.782 on or after July 1, 1996. Under no circumstances shall annual compensation include compensation that is earned by a member while on assignment to an organization or agency that is not a public board, institution, or agency listed in subsection (4) of this section. In the event that federal law requires that a member continue membership in the retirement system even though the member is on assignment to an organization or agency that is not a public board, institution, or agency listed in subsection (4) of this section, the member's annual compensation for retirement purposes shall be deemed to be the annual compensation, as limited by subsection (9) of this section, last earned by the member while still employed solely by and providing services directly to a public board, institution, or agency listed in subsection (4) of this section. The board of trustees shall determine if any benefit or salary adjustment qualifies as annual compensation. For an individual who becomes a member on or after July 1, 2008, annual compensation shall not include lump-sum payments upon termination of employment for accumulated annual or compensatory leave;
- (11) "Age of member" means the age attained on the first day of the month immediately following the birthdate of the member. This definition is limited to retirement eligibility and does not apply to tenure of members;
- (12) "Employ," and derivatives thereof, means relationships under which an individual provides services to an employer as an employee, as an independent contractor, as an employee of a third party, or under any other arrangement as long as the services provided to the employer are provided in a position that would otherwise be covered by the Kentucky Teachers' Retirement System and as long as the services are being provided to a public board, institution, or agency listed in subsection (4) of this section;
- (13) "Regular interest" means:
- (a) For an individual who becomes a member prior to July 1, 2008, interest at three percent (3%) per annum;
 - (b) For an individual who becomes a member on or after July 1, 2008, but prior to January 1, 2022, interest at two and one-half percent (2.5%) per annum for purposes of crediting interest to the teacher savings account or any other contributions made by the employee that are refundable to the employee upon termination of employment; and
 - (c) For an individual who becomes a member on or after January 1, 2022, the rolling five (5) year yield on a thirty (30) year United States Treasury bond as of the end of May prior to the most recently completed fiscal year, except that:
 1. Once the member has at least sixty (60) months of service in the system it shall mean interest at two and one-half percent (2.5%) per annum for purposes of crediting interest to employee contributions in the foundational benefit component or any other contributions made by the employee to the foundational benefit component that are refundable to the employee upon termination of employment; and
 2. The board shall have the authority to adjust the regular interest rate for individuals who become members on or after January 1, 2022, in accordance with KRS 161.633 and 161.634;

- (14) "Accumulated contributions" means the contributions of a member to the teachers' savings fund, including picked-up member contributions as described in KRS 161.540(2), plus accrued regular interest;
- (15) "Annuitant" means a person who receives a retirement allowance or a disability allowance;
- (16) "Local retirement system" means any teacher retirement or annuity system created in any public school district in Kentucky in accordance with the laws of Kentucky;
- (17) "Fiscal year" means the twelve (12) month period from July 1 to June 30. The retirement plan year is concurrent with this fiscal year. A contract for a member employed by a local board of education may not exceed two hundred sixty-one (261) days in the fiscal year;
- (18) "Public schools" means the schools and other institutions mentioned in subsection (4) of this section;
- (19) "Dependent" as used in KRS 161.520 and 161.525 means a person who was receiving, at the time of death of the member, at least one-half (1/2) of the support from the member for maintenance, including board, lodging, medical care, and related costs;
- (20) "Active contributing member" means a member currently making contributions to the Teachers' Retirement System, who made contributions in the next preceding fiscal year, for whom picked-up member contributions are currently being made, or for whom these contributions were made in the next preceding fiscal year;
- (21) "Full-time" means employment in a position that requires services on a continuing basis equal to at least seven-tenths (7/10) of normal full-time service on a fiscal year basis;
- (22) "Full actuarial cost," when used to determine the payment that a member must pay for service credit means the actuarial value of all costs associated with the enhancement of a member's benefits or eligibility for benefit enhancements, including health insurance supplement payments made by the retirement system. The actuary for the retirement system shall determine the full actuarial value costs and actuarial cost factor tables as provided in KRS 161.400;
- (23) "Last annual compensation" means the annual compensation, as defined by subsection (10) of this section and as limited by subsection (9) of this section, earned by the member during the most recent period of contributing service, either consecutive or nonconsecutive, that is sufficient to provide the member with one (1) full year of service credit in the Kentucky Teachers' Retirement System, and which compensation is used in calculating the member's initial retirement allowance, excluding bonuses, retirement incentives, payments for accumulated sick leave, annual, personal, and compensatory leave, and any other lump-sum payment. For an individual who becomes a member on or after July 1, 2008, payments for annual or compensatory leave shall not be included in determining the member's last annual compensation;
- (24) "Participant" means a member, as defined by subsection (4) of this section, or an annuitant, as defined by subsection (15) of this section;
- (25) "Qualified domestic relations order" means any judgment, decree, or order, including approval of a property settlement agreement, that:
 - (a) Is issued by a court or administrative agency; and
 - (b) Relates to the provision of child support, alimony payments, or marital property rights to an alternate payee;
- (26) "Alternate payee" means a spouse, former spouse, child, or other dependent of a participant, who is designated to be paid retirement benefits in a qualified domestic relations order;
- (27) "University member" means an individual who becomes a member through employment with an employer specified in subsection (4)(b) and (n) of this section;
- (28) "Nonuniversity member" means an individual who becomes a member through employment with an employer specified under subsection (4) of this section, except for those members employed by an employer specified in subsection (4)(b) and (n) of this section;
- (29) "Accumulated employer contribution" means the employer contribution deposited to a member's account through the supplemental benefit component and regular interest credited on such amounts as provided by KRS 161.635 for nonuniversity members and KRS 161.636 for university members;
- (30) "Accumulated account balance" means:

- (a) For members who began participating in the system prior to January 1, 2022, the member's accumulated contributions; or
 - (b) For members who began participating in the system on or after January 1, 2022, the combined sum of the member's accumulated contributions and the member's accumulated employer contributions;
- (31) "Foundational benefit component" means the benefits provided by KRS 161.220 to 161.716 to individuals who become members on or after January 1, 2022, except for the supplemental benefit component and retiree health benefits set forth in KRS 161.675; and
- (32) "Supplemental benefit component" means:
- (a) The benefit established pursuant to KRS 161.635 for individuals who become nonuniversity members on or after January 1, 2022; or
 - (b) The benefit established pursuant to KRS 161.636 for individuals who become university members on or after January 1, 2022.

➔Section 80. KRS 163.470 is amended to read as follows:

- (1) The executive director shall be appointed by the secretary of the Education and ~~Labor[Workforce Development]~~ Cabinet pursuant to KRS 12.050.
- (2) The office shall be the state agency responsible for all rehabilitation services for the blind and the visually impaired and other services as deemed necessary. The office shall be the agency authorized to expend all state and federal funds designated for rehabilitation services for the blind and visually impaired. The Office of the Secretary of the Education and ~~Labor[Workforce Development]~~ Cabinet is authorized as the state agency to receive all state and federal funds and gifts and bequests for the benefit of rehabilitation services for the blind and visually impaired. The State Treasurer is designated as the custodian of all funds and shall make disbursements for rehabilitation purposes upon certification by the executive director.
- (3) The office shall establish and implement policies and procedures for the carrying out of the program of services for the blind.
- (4) At the close of each biennium, the office shall prepare a financial report and present it to the secretary of the Education and ~~Labor[Workforce Development]~~ Cabinet and to the Governor. The biennial report shall be published. The biennial report shall also contain a precise review of the work of the office and contain necessary suggestions for improvement.
- (5) The office shall coordinate its functions with other appropriate public and private agencies.
- (6) The office shall perform all other duties as required of it by law.
- (7) The executive director shall hire personnel as necessary to carry out the work of the office and the provisions of KRS 163.450 to 163.470. Preference shall be given to hiring qualified blind persons.
- (8) The Office of Vocational Rehabilitation shall provide intake and rehabilitation counseling services; distribute or sell technical educational and other aids to the blind; provide educational materials such as recorded texts, braille or large-type texts, or such other materials as may be deemed necessary for the education of the blind; research into the development of new technical aids for the blind, mobility training, work evaluation, personal adjustment, independent living, and other services as needed for blind adults, and services for the blind who have other disabilities; and promote employment of the blind in public and private sectors.
- (9) There shall be established under the authority of the office, to be directed by a director appointed by the secretary pursuant to KRS 12.050, the Division of Kentucky Business Enterprise. This division shall manage and supervise the Vending Facilities Program and license qualified blind persons as vendors. In connection therewith, the office shall be authorized to own or lease vending equipment for the operation of vending facilities in federal, state, private, and other buildings. The set-aside charges levied shall comply with the existing federal regulations as specified in 34 CFR 395.9. One (1) or more facility placement agents shall be employed to locate and establish additional vending facilities. The office shall make such surveys as may be deemed necessary to determine the vending facility opportunities for blind vendors in state buildings or on other property owned, leased, or otherwise occupied by the state government and shall install vending facilities in suitable locations on such property for the use of the blind. All of the net income from vending machines which are on the same property as a vending facility shall be paid to the blind vendor of the vending facility. Whenever there exists a conflict of interest between state agencies seeking to vend merchandise on the same state property, the agencies shall negotiate a fair agreement which shall protect the interest of both from

unreasonable competition. The agreement shall be submitted to the custodial authority having jurisdiction over the property for approval. Provided, however, that in all situations the blind vendor shall be permitted to vend all items of merchandise customarily sold at similar vending facilities.

- (10) The office, at all times, shall be authorized to provide industrial evaluation, training, and employment. The office shall provide staff services which shall include staff development and training, program development and evaluation, and other staff services as may be deemed necessary.
- (11) The provisions of any other statute notwithstanding, the executive director is authorized to use receipt of funds from the Social Security reimbursement program for a direct service delivery staff incentive program. Incentives may be awarded if case service costs are reimbursed for job placement of Social Security or Supplemental Security Income recipients at the Substantial Gainful Activity (SGA) level for nine (9) months pursuant to 42 U.S.C. sec. 422 and under those conditions and criteria as are established by the federal reimbursement program.

➔Section 81. KRS 163.506 is amended to read as follows:

- (1) The Commission on the Deaf and Hard of Hearing shall consist of:
 - (a) Seven (7) members appointed by the Governor as follows:
 - 1. One (1) audiologist chosen from a list of three (3) names submitted by the Kentucky Speech and Hearing Association;
 - 2. Three (3) hard of hearing or deaf persons chosen from a list of six (6) names submitted by the Kentucky Association of the Deaf;
 - 3. One (1) deaf or hard of hearing person chosen from a list of three (3) names submitted by the Kentucky Chapter of the Alexander Graham Bell Association for the Deaf, the initial appointment to be for a one (1) year term;
 - 4. One (1) hard of hearing or deaf person chosen from a list of three (3) names submitted by the Kentucky members of Self Help for Hard of Hearing People, the initial appointment to be for a two (2) year term; and
 - 5. One (1) deaf, late-deafened, or hard of hearing person chosen from a list of three (3) names submitted by the American Association of Retired Persons, the initial appointment to be for a two (2) year term;
 - (b) One (1) representative of the Cabinet for Health and Family Services appointed by the secretary;
 - (c) The secretary of the Education and ~~Labor~~~~Workforce Development~~ Cabinet or his designee;
 - (d) The president of the Kentucky Association for the Deaf or his designee;
 - (e) The president of the Kentucky Registry of Interpreters for the Deaf or his designee; and
 - (f) Three (3) persons appointed by the Commission on the Deaf and Hard of Hearing as constituted in subsections (1)(a) through (1)(e) of this section, appointed as follows:
 - 1. One (1) parent of a hard of hearing or deaf child;
 - 2. One (1) representative of a public or private organization providing consistent services to the deaf and hard of hearing; and
 - 3. One (1) member at large.
- (2) All members shall serve three (3) year terms except state officials or their designees who shall serve during their terms of office. Of the members appointed pursuant to subsection (1)(a)2. through (1)(a)5. and subsection (1)(f) of this section, no more than three (3) of those members shall have terms beginning in the same year. Any person who is a member of the commission on July 13, 1990, shall serve until he resigns or until his term expires.
- (3) Each member of the commission shall be reimbursed for his necessary travel and other expenses actually incurred in the discharge of his duties.

➔Section 82. KRS 164.0284 is amended to read as follows:

- (1) In order to help prospective students make more informed decisions about their futures and ensure that they are adequately aware of the cost of college and other career paths, the Council on Postsecondary Education shall compile on an annual basis the following information:
- (a) The most in-demand jobs in the state along with the starting salary, the median salary, and the typical education level for those jobs;
 - (b) For the University of Kentucky, the University of Louisville, each comprehensive university, and each college within the Kentucky Community and Technical College System:
 1. The average cost;
 2. The average three (3) year student loan default rate;
 3. The average student loan debt for students who have attended the institution;
 4. The percentage of students taking out student loans;
 5. The average graduation rate and average time to completion;
 6. The number of students completing high school credential programs and career and technical education programs, and, as available, the number of students completing apprenticeship programs; and
 7. The median and range of starting salaries for graduates; and
 - (c) For each college within the Kentucky Community and Technical College System, the percentage of students employed by program area and, as data becomes available, the rate of students gainfully employed in the recognized occupation for which the student was trained or in a related comparable recognized occupation.
- (2) The Council on Postsecondary Education shall maintain and ensure access to the information by prospective students in the state. The council shall work with the Kentucky Center for Statistics, the Kentucky Department of Education, the Education and ~~Labor~~ [Workforce Development] Cabinet, and the Kentucky Higher Education Assistance Authority and other stakeholders the council determines necessary to develop a delivery method to carry out the objectives of this section.
- (3) The council may promulgate administrative regulations necessary to carry out this section and may require and compile information for specific programs within the postsecondary institutions identified in subsection (1)(b) of this section.

➔Section 83. KRS 164.092 is amended to read as follows:

- (1) For purposes of this section:
- (a) "Category I and Category II square feet" means square footage that falls under space categories as defined by the Postsecondary Education Facilities Inventory and Classification Manual published by the United States Department of Education;
 - (b) "Comprehensive university" has the same meaning as in KRS 164.001;
 - (c) "Council" means the Council on Postsecondary Education;
 - (d) "Equilibrium" means a condition in which every institution has an appropriately proportionate level of resources as determined by the performance funding model established in this section given each institution's level of productivity in achieving student success outcomes, course completion outcomes, and other components included in the model;
 - (e) "Formula base amount" means an institution's enacted general fund appropriation amount minus debt service on bonds and appropriations for mandated programs;
 - (f) "Hold-harmless provision" means a provision included in the funding formulas as described in subsection (9) of this section that prevents a reduction of a designated portion of funding for an institution through operation of the funding formula;
 - (g) "Institution" means a college in the Kentucky Community and Technical College System or a public university;
 - (h) "KCTCS" means the Kentucky Community and Technical College System;

- (i) "KCTCS institution allocable resources" means the formula base amount net of any equity adjustment as described in subsection (7)(b) of this section, any amount protected by a hold-harmless provision, and any applicable increase or decrease in general fund appropriations;
 - (j) "Mandated program" means a research or public service activity that is not integral to the instructional mission of the institution and is identified by the General Assembly in the biennial budget;
 - (k) "Performance fund" means the postsecondary education performance fund established in subsection (13) of this section.
 - (l) "Research universities" means the University of Kentucky and the University of Louisville;
 - (m) "Stop-loss provision" means a provision included in the funding formulas as described in subsection (9) of this section to limit reduction of an institution's funding amount to a predetermined percentage, notwithstanding the amounts calculated by operation of the formula; and
 - (n) "University allocable resources" means the formula base amount net of any small school adjustment as described in subsection (5)(c) of this section, any amount protected by a hold-harmless provision, and any applicable increase or decrease in general fund appropriations.
- (2) The General Assembly hereby finds that improving opportunity for the Commonwealth's citizens and building a stronger economy can be achieved by its public college and university system focusing its efforts and resources on the goals of:
- (a) Increasing the retention and progression of students toward timely credential or degree completion;
 - (b) Increasing the number and types of credentials and degrees earned by all types of students;
 - (c) Increasing the number of credentials and degrees that garner higher salaries upon graduation, such as science, technology, engineering, math, and health, and in areas of industry demand;
 - (d) Closing achievement gaps by increasing the number of credentials and degrees earned by low-income students, underprepared students, and underrepresented minority students; and
 - (e) Facilitating credit hour accumulation and transfer of students from KCTCS to four (4) year postsecondary institutions.
- (3)
- (a) The General Assembly hereby declares these goals can best be accomplished by implementing a comprehensive funding model for the allocation of state general fund appropriations for postsecondary institution operations that aligns the Commonwealth's investments in postsecondary education with the Commonwealth's postsecondary education policy goals and objectives.
 - (b) The General Assembly further recognizes that priority for state general fund appropriations for postsecondary institutions should be given to each institution's funding floor over appropriations to the performance fund. For purposes of this section, "funding floor" means an institution's fiscal year 2020-2021 general fund appropriation included in 2020 Ky. Acts ch. 92, plus any fiscal year 2020-2021 distribution from the performance fund, and minus fiscal year 2020-2021 debt service on bonds and appropriations for mandated programs.
- (4) This section establishes a comprehensive funding model for the public postsecondary education system to be implemented by the Council on Postsecondary Education. The funding model shall include a public university sector formula and a KCTCS sector formula.
- (5) The funding formula for the public university sector shall:
- (a) Recognize differences in missions and cost structures between research universities and comprehensive universities to ensure that neither are advantaged or disadvantaged during the first full year of implementation;
 - (b) Distribute one hundred percent (100%) of the university allocable resources for all universities in the sector, based on rational criteria, including student success, course completion, and operational support components, regardless of whether state funding for postsecondary institution operations increases, decreases, or remains stable;
 - (c) Include an adjustment to minimize impact on smaller campuses as determined by the council; and
 - (d) Be constructed to achieve equilibrium, at which point the funding formula rewards rates of improvement above the sector average rate.

- (6) Funding for the public university sector shall be distributed as follows:
- (a) Thirty-five percent (35%) of total university allocable resources shall be distributed based on each university's share of total student success outcomes produced, including but not limited to:
 1. Bachelor's degree production;
 2. Bachelor's degrees awarded per one hundred (100) undergraduate full-time equivalent students;
 3. Numbers of students progressing beyond thirty (30), sixty (60), and ninety (90) credit hour thresholds;
 4. Science, technology, engineering, math, and health bachelor's degree production; and
 5. Bachelor's degrees earned by low-income students and underrepresented minority students;
 - (b) Thirty-five percent (35%) of total university allocable resources shall be distributed based on each university's share of sector total student credit hours earned, excluding dual credit enrollment, weighted to account for cost differences by academic discipline and course level, such as lower and upper division baccalaureate, master's, doctoral research, and doctoral professional; and
 - (c) Thirty percent (30%) of total university allocable resources shall be distributed in support of vital campus operations as follows:
 1. Ten percent (10%) shall be distributed based on each university's share of Category I and Category II square feet, net of research, nonclass laboratory, and open laboratory space, to support maintenance and operation of campus facilities and may include a space utilization factor as determined by the council in collaboration with the working group established in subsection (11) of this section;
 2. Ten percent (10%) shall be distributed based on each university's share of total instruction and student services spending, net of maintenance and operation, to support campus administrative functions; and
 3. Ten percent (10%) shall be distributed based on each university's share of total full-time equivalent student enrollment to support academic support services such as libraries and academic computing.
- (7) The funding formula for the KCTCS sector:
- (a) Shall distribute one hundred percent (100%) of KCTCS institution allocable resources for all KCTCS colleges based on rational criteria, including student success, course completion, and operational support components, regardless of whether state funding for postsecondary institution operations increases, decreases, or remains stable;
 - (b) May include an adjustment to account for declining enrollment in some regions of the Commonwealth as determined by the council; and
 - (c) Shall be constructed to achieve equilibrium, at which point the funding formula rewards rates of improvement above the sector average rate.
- (8) Funding for the KCTCS sector shall be distributed as follows:
- (a) Thirty-five percent (35%) of total KCTCS institution allocable resources shall be distributed based on each college's share of total student success outcomes produced, including but not limited to:
 1. Certificate, diploma, and associate degree production;
 2. Numbers of students progressing beyond fifteen (15), thirty (30), and forty-five (45) credit hour thresholds;
 3. Science, technology, engineering, math, and health credentials production;
 4. Production of high-wage, high-demand, industry credentials as determined using occupational outlook data and employment statistics wage data provided by the Department of Workforce *Development*~~[Investment]~~ in the Education and *Labor*~~[Workforce Development]~~ Cabinet;
 5. Production of industry credentials designated as targeted industries by the Education and *Labor*~~[Workforce Development]~~ Cabinet;

6. Credentials earned by low-income students, underprepared students, and underrepresented minority students; and
 7. Transfers to four (4) year institutions;
- (b) Thirty-five percent (35%) of total KCTCS institution allocable resources shall be distributed based on each college's share of total student credit hours earned, weighted to account for cost differences by academic discipline; and
- (c) Thirty percent (30%) of total KCTCS institution allocable resources shall be distributed in support of vital campus operations as follows:
1. Ten percent (10%) shall be distributed based on each college's share of Category I and Category II square feet, net of research, nonclass laboratory, and open laboratory space, to support maintenance and operation of campus facilities and may include a space utilization factor as determined by the council in collaboration with the postsecondary education working group established in subsection (11) of this section;
 2. Ten percent (10%) shall be distributed based on each college's share of total instruction and student services spending, net of maintenance and operation, to support campus administrative functions; and
 3. Ten percent (10%) shall be distributed based on each college's share of total full-time equivalent student enrollment to support academic support services such as libraries and academic computing.
- (9) (a) The funding formula for both sectors shall include:
1. A hold-harmless provision for fiscal year 2018-2019 preventing a reduction in an institution's funding amount based solely on the formula calculation, and allowing a hold-harmless amount determined by the formula in fiscal year 2018-2019 to be deducted from an institution's formula base amount in whole or in part in fiscal years 2019-2020 and 2020-2021, as determined by the council;
 2. A hold-harmless provision for fiscal year 2021-2022, and every fiscal year thereafter, preventing a reduction in an institution's funding amount based solely on the formula calculation;
 3. A stop-loss provision for fiscal year 2019-2020 limiting the reduction in funding to any institution to one percent (1%) of that institution's formula base amount;
 4. A stop-loss provision for fiscal year 2020-2021 limiting the reduction in funding to any institution to two percent (2%) of that institution's formula base amount; and
 5. A stop-loss provision for fiscal year 2021-2022, and every fiscal year thereafter, limiting the reduction in funding to any institution to zero percent (0%) of that institution's formula base amount.
- (b) Paragraph (a) of this subsection shall not be construed to limit the level of a budget reduction that may be enacted by the General Assembly or implemented by the Governor.
- (10) (a) By May 1 each year, the council shall certify to the Office of the State Budget Director the amount to be distributed to each of the public universities and KCTCS as determined by the comprehensive funding model created in this section, not to exceed the available balance in the performance fund.
- (b) The Office of the State Budget Director shall distribute the appropriations in the performance fund for that fiscal year to the institutions in the amounts the council has certified. The adjusted appropriations to each institution shall be allotted as provided in KRS 48.600, 48.605, 48.610, 48.620, and 48.630.
- (c) 1. The certified amounts distributed from the performance fund to the institutions are nonrecurring funds that shall not be included in the institutions' base budget amounts submitted in their biennial budget requests.
2. The certified amounts distributed from the performance fund in the previous fiscal year shall be included in the performance fund's base budget amount submitted by the council in the biennial budget request.
- (d) For fiscal year 2017-2018, the Office of the State Budget Director shall distribute to the public postsecondary education institutions, except for Kentucky State University, those funds appropriated to

the performance fund by the General Assembly in 2016 Ky. Acts ch. 149, Part I, K., 12., in accordance with the comprehensive funding model created in this section.

- (11) (a) The Council on Postsecondary Education is hereby directed to establish a postsecondary education working group composed of the following:
1. The president of the council;
 2. The president or designee of each public postsecondary institution, including the president of KCTCS;
 3. The Governor or designee;
 4. The Speaker of the House or designee; and
 5. The President of the Senate or designee.
- (b) Beginning in fiscal year 2020-2021 and every three (3) fiscal years thereafter, the postsecondary education working group shall convene to determine if the comprehensive funding model is functioning as expected, identify any unintended consequences of the model, and recommend any adjustments to the model. The council may call the working group to convene prior to the start of the required fiscal year to allow sufficient time for the group to complete its work.
- (c) The results of the review and recommendations of the working group shall be reported by the council to the Governor, the Interim Joint Committee on Appropriations and Revenue, and the Interim Joint Committee on Education by December 1 of each fiscal year the working group convenes.
- (12) The council shall promulgate administrative regulations under KRS Chapter 13A to implement the provisions of this section.
- (13) (a) The postsecondary education performance fund is hereby established as an appropriation unit to support improvement in the operations of the public postsecondary institutions and achievement of the Commonwealth's education policy goals and workforce development priorities. General fund moneys may be appropriated by the General Assembly to this fund for distribution to the public postsecondary institutions in amounts determined through the comprehensive funding model created in this section.
- (b) Any balance in the performance fund at the close of any fiscal year shall not lapse but shall be carried forward to the next fiscal year and be continuously appropriated for the purposes specified in this section. A general statement that all continuing appropriations are repealed, discontinued, or suspended shall not operate to repeal, discontinue, or suspend this fund or to repeal this action.

➔Section 84. KRS 164.477 is amended to read as follows:

- (1) As used in this section, unless the context requires otherwise:
- (a) "Alternative format" means any medium or format for the presentation of instructional materials other than standard print needed by a student with a disability for a reading accommodation, including but not limited to braille, large print texts, audio recordings, digital texts, and digital talking books;
 - (b) "Instructional material" means a textbook or other material published primarily for use by students in a course of study in which a student with a disability is enrolled that is required or essential to a student's success, as determined by the course instructor. "Instructional material" includes nontextual mathematics and science material to the extent that software is commercially available to permit the conversion of the electronic file of the material into a format that is compatible with assistive technologies such as speech synthesis software or braille translation software commonly used by students with disabilities;
 - (c) "Nonprinted instructional material" means instructional material in a format other than print, including instructional material that requires the availability of electronic equipment in order to be used as a learning resource, including but not limited to software programs, videodiscs, videotapes, and audio tapes;
 - (d) "Printed instructional material" means instructional material in book or other printed form;
 - (e) "Publisher" means an individual, firm, partnership, corporation, or other entity that publishes or manufactures instructional material used by students attending a public or independent postsecondary education institution in Kentucky;

- (f) "State Repository for Alternative Format Instructional Materials" or "repository" means a consortium established or otherwise designated by the Council on Postsecondary Education under subsection (8) of this section to serve as a state repository for electronic files or alternative format instructional materials obtained from publishers, created by institutions, or received through other means;
 - (g) "Structural integrity" means the inclusion of all of the information provided in printed instructional material, including but not limited to the text of the material sidebars, the table of contents, chapter headings and subheadings, footnotes, indexes, and glossaries, but need not include nontextual elements such as pictures, illustrations, graphs, or charts; and
 - (h) "Working day" means a day that is not Saturday, Sunday, or a national holiday.
- (2) The purpose of this section is to ensure, to the maximum extent possible, that all postsecondary students with a disability in Kentucky requiring reading accommodations, in accordance with Section 504 of the Rehabilitation Act, 29 U.S.C. sec. 794, or the Americans with Disabilities Act, 42 U.S.C. secs. 12101 et seq., including but not limited to students who are blind, are visually impaired, or have a specific learning disability or other disability affecting reading, shall have access to instructional materials in alternative formats that are appropriate to their disability and educational needs.
- (3) A publisher shall, upon fulfillment of the requirements of subsections (6) and (7) of this section, provide to a postsecondary education institution or to the State Repository for Alternative Format Instructional Materials, at no cost:
- (a) Printed instructional material in an electronic format; and
 - (b) Nonprinted instructional material in an electronic format, when the technology is available to maintain the material's structural integrity.
- (4) Instructional material provided by a publisher in electronic format shall:
- (a) Maintain the structural integrity of the original instructional material, except as provided for in paragraph (b) subsection (3) of this section;
 - (b) Be compatible with commonly used braille translation and speech synthesis software;
 - (c) Include corrections and revisions as may be necessary; and
 - (d) Be in a format that is mutually agreed upon by the publisher and the requesting institution or the State Repository for Alternative Format Instructional Materials. If good-faith efforts fail to produce an agreement as to an electronic format that will preserve the structural integrity of the instructional material, the publisher shall provide the instructional material in XML (Extensible Markup Language), utilizing an appropriate document-type definition suitable for the creation of alternative format materials, and shall preserve as much of the structural integrity of the original instructional material as possible.
- (5) The publisher shall transmit or otherwise send an electronic format version of requested instructional material within fifteen (15) working days of receipt of an appropriately completed request. Should this timetable present an undue burden for a publisher, the publisher shall submit within the fifteen (15) working day period a statement to the requesting entity certifying the expected date for transmission or delivery of the file.
- (6) (a) To receive an electronic format version of instructional material, a written request shall be submitted to the publisher that certifies:
- 1. The instructional material has been purchased for use by a student with a disability by the student or the institution the student attends or is registered to attend;
 - 2. The student has a disability that prevents the student from using the standard instructional material; and
 - 3. The instructional material is for use by the student in connection with a course in which he or she is registered or enrolled.
- (b) A publisher may also require a statement signed by the student or, if the student is a minor, the student's parent or legal guardian, agreeing that the student will:
- 1. Use the electronic copy of the instructional material solely for his or her own educational purposes; and

2. Not copy or distribute the instructional material for use by others.
- (7) The request for an electronic format version of instructional material shall be prepared and signed by:
 - (a) The coordinator of services for students with a disability at the institution;
 - (b) A representative of the Division of Blind Services within the Office of Vocational Rehabilitation in the Education and ~~Labor/Workforce Development~~ Cabinet;
 - (c) A representative of the Office of Vocational Rehabilitation; or
 - (d) A representative of the State Repository for Alternative Format Instructional Materials.
- (8) The Council on Postsecondary Education may, to the extent funds are available, establish or otherwise designate a consortium to be called the State Repository for Alternative Format Instructional Materials to serve as a state repository for electronic files and alternative format materials for the purpose of facilitating the timely access of appropriate alternative instructional materials by postsecondary students with a disability.
- (9) The Council on Postsecondary Education may promulgate administrative regulations governing the implementation and administration of this section.
- (10) The council shall work with representatives of each postsecondary institution to develop policies and procedures designed to ensure to the maximum extent possible that students with disabilities have access to instructional materials in appropriate alternative formats within the first week of class.
- (11) The council, in consultation with appropriate entities, including but not limited to the Office of Vocational Rehabilitation, the Kentucky Assistive Technology Service Network, Recording for the Blind and Dyslexic, and the Kentucky Association on Higher Education and Disability, shall include within its annual status report on postsecondary education in Kentucky a continuing assessment of the need for statewide technical assistance, training, and other supports designed to increase the availability and effective use of alternative format instructional materials.
- (12) The State Repository for Alternative Format Instructional Materials or the council may receive electronic files and alternative format materials from:
 - (a) Publishers;
 - (b) Postsecondary education institutions that have created alternative materials for use by a student with a disability;
 - (c) The Kentucky Department of Education, receiving electronic files from publishers under the requirements of KRS 156.027; or
 - (d) Other sources.
- (13) The repository or the council shall, upon receipt of documents as set forth in subsection (6) of this section, provide at no cost copies of electronic files and alternative format materials to:
 - (a) Postsecondary education institutions in Kentucky; and
 - (b) The Kentucky Department of Education, to assist in the implementation of the requirements of KRS 156.027.
- (14) The repository shall provide to a publisher, upon request:
 - (a) A summary of all electronic or alternative format versions of instructional material from that publisher provided to students, postsecondary education institutions, and the Kentucky Department of Education from its holdings; and
 - (b) Copies of requests and related certification documents received for instructional materials from that publisher.
- (15) The repository or the council may submit requests for electronic files to publishers on behalf of institutions.
- (16) (a) A postsecondary education institution or an educational instructor, assistant, or tutor may assist a student with a disability by using the electronic format version of instructional material as provided by this section solely to transcribe or arrange for the conversion of the instructional material into an alternative format, or to otherwise assist the student.

- (b) If an alternative format version of instructional material is created, an institution may, for the purpose of providing the version to other students with disabilities, share that version with:
 - 1. The repository;
 - 2. A Kentucky postsecondary education institution serving a student with a disability; and
 - 3. An authorized entity as defined under 17 U.S.C. sec. 121 that commonly provides alternative format materials for use by students in Kentucky institutions.
- (17) The disk or file of an electronic format version of instructional material used directly by a student shall be copy-protected, or reasonable precautions shall be taken by the institution to ensure that the student does not copy or distribute the electronic format version in violation of the Copyright Revisions Act of 1976, as amended, 17 U.S.C. secs. 101 et seq.
- (18) Nothing in this section shall be deemed to authorize any use of instructional materials that would constitute an infringement of copyright under the Copyright Revision Act of 1976, as amended, 17 U.S.C. secs. 101 et seq.
- (19) Nothing in this section shall absolve covered entities from the obligation to provide equivalent access to information technology and software as set forth in KRS 61.982.
- (20) A publisher shall be considered a place of public accommodation for the purposes of KRS 344.130. Failure to comply with the requirements of this section shall be an unlawful practice of discrimination on the basis of disability for the purposes of KRS 344.120.

➔Section 85. KRS 164.786 is amended to read as follows:

- (1) For purposes of this section:
 - (a) "Academic term" means the fall or spring academic semester;
 - (b) "Academic year" means July 1 through June 30 of each year;
 - (c) "Approved dual credit course" means a dual credit course developed in accordance with KRS 164.098 and shall include general education courses and career and technical education courses within a career pathway approved by the Kentucky Department of Education that leads to an industry-recognized credential;
 - (d) "Authority" means the Kentucky Higher Education Assistance Authority;
 - (e) "Dual credit" has the same meaning as in KRS 158.007;
 - (f) "Dual credit tuition rate ceiling" means one-third (1/3) of the per credit hour tuition amount charged by the Kentucky Community and Technical College System for in-state students;
 - (g) "Eligible high school student" means a student who:
 - 1. Is a Kentucky resident;
 - 2. Is enrolled in a Kentucky high school as a senior or junior;
 - 3. Has completed a thirty (30) minute college success counseling session; and
 - 4. Is enrolled, or accepted for enrollment, in an approved dual credit course at a participating institution;
 - (h) "Participating institution" means a postsecondary institution that:
 - 1. Has an agreement with the authority for the administration of the Dual Credit Scholarship Program;
 - 2. Charges no more than the dual credit tuition rate ceiling per credit hour, including any additional fees, for any dual credit course it offers to any Kentucky public or nonpublic high school student;
 - 3. Does not charge any tuition or fees to an eligible high school student for an approved dual credit course beyond what is paid by the Dual Credit Scholarship Program when the course is not successfully completed; and
 - 4. Is a:
 - a. Kentucky Community and Technical College System institution;

- b. Four (4) year Kentucky public college or university; or
 - c. Four (4) year private college or university that is accredited by the Southern Association of Colleges and Schools and whose main campus is located in Kentucky; and
- (i) "Successfully completed" means a student receiving both secondary and postsecondary credit upon completion of an approved dual credit course.
- (2) To promote dual credit coursework opportunities at no cost to eligible Kentucky high school students, the General Assembly hereby establishes the Dual Credit Scholarship Program.
 - (3) In consultation with the Education and ~~Labor/Workforce Development~~ Cabinet, the authority shall administer the Dual Credit Scholarship Program and shall promulgate administrative regulations in accordance with KRS Chapter 13A as may be needed for the administration of the program.
 - (4)
 - (a) Each high school shall apply to the authority for dual credit scholarship funds for each eligible high school student.
 - (b) The authority may award a dual credit scholarship to an eligible high school student for an academic term to the extent funds are available for that purpose, except that a scholarship shall be awarded to an eligible high school senior prior to awarding an eligible high school junior.
 - (c) An eligible high school student may receive a dual credit scholarship for a maximum of two (2) successfully completed dual credit courses.
 - (d) The dual credit scholarship award amount shall be equal to the amount charged by a participating institution, not to exceed the dual credit tuition rate ceiling for each dual credit hour, except the scholarship amount shall be reduced by fifty percent (50%) if the dual credit course is not successfully completed by the student.
 - (e) Dual credit scholarship funds shall not be used for remedial or developmental coursework.
 - (5) Each participating institution shall submit information each academic term to the authority required for the administration of the scholarship as determined by the authority.
 - (6) Beginning August 1, 2017, and each year thereafter, the authority shall provide a report to the secretary of the Education and ~~Labor/Workforce Development~~ Cabinet, the president of the Council on Postsecondary Education, and the commissioner of the Kentucky Department of Education to include:
 - (a) The number of students, by local school district and in total, served by the Dual Credit Scholarship Program; and
 - (b) The number of dual credits earned by students by high school and in total.
 - (7) By May 31, 2019, and each year thereafter, the Kentucky Center for Education and Workforce Statistics, in collaboration with the authority, shall publish data on the Dual Credit Scholarship Program's academic and workforce outcomes. The center shall annually provide a report on the data to the Interim Joint Committee on Education.
 - (8)
 - (a) The Dual Credit Scholarship Program trust fund is hereby created as a trust fund in the State Treasury to be administered by the Kentucky Higher Education Assistance Authority for the purpose of providing scholarships described in this section.
 - (b) The trust fund shall consist of state general fund appropriations, gifts and grants from public and private sources, and federal funds. All moneys included in the fund shall be appropriated for the purposes set forth in this section.
 - (c) Any unallotted or unencumbered balances in the trust fund shall be invested as provided in KRS 42.500(9). Income earned from the investments shall be credited to the trust fund.
 - (d) Notwithstanding KRS 45.229, any fund balance at the close of the fiscal year shall not lapse but shall be carried forward to the next fiscal year and continuously appropriated only for the purposes specified in this section.

➔Section 86. KRS 164.787 is amended to read as follows:

- (1) The General Assembly hereby establishes the Work Ready Kentucky Scholarship Program to ensure that all Kentuckians who have not yet earned a postsecondary degree have affordable access to an industry-recognized certificate, diploma, or associate of applied science degree.

- (2) For purposes of this section:
- (a) "Academic term" means a fall, spring, or summer academic term or other time period specified in an administrative regulation promulgated by the authority;
 - (b) "Academic year" means July 1 through June 30 of each year;
 - (c) "Approved dual credit course" means a dual credit course developed in accordance with KRS 164.098 that is a career and technical education course within a career pathway approved by the Kentucky Department of Education that leads to an industry-recognized credential;
 - (d) "Dual credit tuition rate ceiling" means the same as defined in 164.786;
 - (e) "Eligible institution" means an institution defined in KRS 164.001 that:
 - 1. Actively participates in the federal Pell Grant program;
 - 2. Executes a contract with the authority on terms the authority deems necessary or appropriate for the administration of its programs;
 - 3. Charges no more than the dual credit tuition rate ceiling per credit hour, including any additional fees, for any dual credit course it offers to any Kentucky public or nonpublic high school student; and
 - 4. Is a:
 - a. Kentucky Community and Technical College System institution;
 - b. Kentucky public university; or
 - c. College, university, or vocational-technical school that is accredited by a recognized regional or national accrediting body and licensed to operate at a site in Kentucky;
 - (f) "Eligible program of study" means a program approved by the authority that leads to an industry-recognized certificate, diploma, or associate of applied science degree in one (1) of Kentucky's top five (5) high-demand workforce sectors identified by the Kentucky Workforce Innovation Board and the Education and ~~Labor~~~~Workforce Development~~ Cabinet;
 - (g) "Fees" means mandatory fees charged by an eligible institution for enrollment in a course, including but not limited to online course fees, lab fees, and administrative fees. "Fees" does not include tools, books, or other instructional materials that may be required for a course; and
 - (h) "Tuition" means the in-state tuition charged to all students as a condition of enrollment in an eligible institution.
- (3) In consultation with the Education and ~~Labor~~~~Workforce Development~~ Cabinet, the Kentucky Department of Education, and the Council on Postsecondary Education, the Kentucky Higher Education Assistance Authority shall administer the Work Ready Kentucky Scholarship Program and promulgate administrative regulations in accordance with KRS Chapter 13A as may be needed for the administration of the scholarship.
- (4) An eligible high school student shall:
- (a) Be a Kentucky resident;
 - (b) Be enrolled in a Kentucky high school;
 - (c) Be enrolled, or accepted for enrollment, in an approved dual credit course at an eligible institution; and
 - (d) Complete and submit a Work Ready Kentucky Scholarship dual credit application to the authority.
- (5) An eligible workforce student shall:
- (a) Be a citizen or permanent resident of the United States;
 - (b) Be a Kentucky resident as determined by the eligible institution in accordance with criteria established by the Council on Postsecondary Education for the purposes of admission and tuition assessment;
 - (c) Have earned a high school diploma or a High School Equivalency Diploma or be enrolled in a High School Equivalency Diploma program;
 - (d) Not have earned an associate's degree or higher level postsecondary degree;

- (e) Complete the Free Application for Federal Student Aid for the academic year in which the scholarship is awarded;
 - (f) Complete and submit a Work Ready Kentucky Scholarship application to the authority;
 - (g) Enroll in an eligible program of study at an eligible institution;
 - (h) Not be enrolled in an ineligible degree program, such as a bachelor or unapproved associate program, at any postsecondary institution;
 - (i) Following the first academic term scholarship funds are received, achieve and maintain satisfactory academic progress as determined by the eligible institution; and
 - (j) Not be in default on any program under Title IV of the federal act or any obligation to the authority under any program administered by the authority under KRS 164.740 to 164.7891 or 164.7894, except that ineligibility for this reason may be waived by the authority for cause.
- (6) (a) Beginning with the 2019-2020 academic year, the authority shall award a Work Ready Kentucky Scholarship each academic term to any person who meets the requirements of this section to the extent funds are available for that purpose.
- (b) The scholarship amount awarded to an eligible workforce student for an academic term shall be the amount remaining after subtracting the student's federal and state grants and scholarships from the maximum scholarship amount. The maximum scholarship amount shall be the per credit hour in-state tuition rate at the Kentucky Community and Technical College System multiplied by the number of credit hours in which the student is enrolled and the fees charged to the student. The authority shall promulgate an administrative regulation in accordance with KRS Chapter 13A to specify the maximum amount to be awarded for fees, except that for the 2019-2020 academic year the amount awarded for fees shall not exceed four hundred dollars (\$400).
- (c) The scholarship award for an eligible high school student shall be limited to two (2) approved dual credit courses per academic year. The scholarship amount awarded shall be equal to the amount charged by an eligible institution for an approved dual credit course, in accordance with subsection (2)(e)3. of this section.
- (7) An eligible workforce student's eligibility for the scholarship shall terminate upon the earlier of:
- (a) Receiving the scholarship for four (4) academic terms;
 - (b) Receiving the scholarship for a total of sixty (60) credit hours; or
 - (c) Obtaining an associate's degree.
- (8) The authority shall annually provide a report on the Work Ready Kentucky Scholarship Program, prepared in collaboration with the Office for Education and Workforce Statistics, to the secretary of the Education and ~~Labor~~~~Workforce Development~~ Cabinet that includes, by academic term, academic year, institution, and workforce sector, the number of:
- (a) Students served by the scholarship and the total amount disbursed; and
 - (b) Credits, certificates, diplomas, and associate of applied science degrees earned by students receiving the scholarship.
- (9) The authority shall report Work Ready Kentucky Scholarship program data to the Office for Education and Workforce Statistics for analysis of the program's success in meeting the goal of increasing skilled workforce participation rates.
- (10) (a) The Work Ready Kentucky Scholarship fund is hereby created as a trust fund in the State Treasury to be administered by the authority for the purpose of providing scholarships as described in this section.
- (b) The trust fund shall consist of state general fund appropriations, gifts and grants from public and private sources, and federal funds. All moneys included in the fund shall be appropriated for the purposes set forth in this section.
- (c) Any unallotted or unencumbered balances in the trust fund shall be invested as provided in KRS 42.500(9). Income earned from the investments shall be credited to the trust fund.

- (d) Notwithstanding KRS 45.229, any fund balance at the close of the fiscal year shall not lapse but shall be carried forward to the next fiscal year and continuously appropriated only for the purposes specified in this section.

➔Section 87. KRS 164.7884 is amended to read as follows:

- (1) As used in this section:
- (a) "Academic year" means July 1 through June 30 of each year;
 - (b) "Apprentice" has the same meaning as in KRS 343.010;
 - (c) "Eligible student" means an eligible high school student who has graduated from high school or a student eligible under KRS 164.7879(3)(e);
 - (d) "Qualified workforce training program" means a program that is in one (1) of Kentucky's top five (5) high-demand work sectors as determined by the Kentucky Workforce **Innovation**~~[Investment]~~ Board;
 - (e) "Registered apprenticeship program" means an apprenticeship program that:
 1. Is established in accordance with the requirements of KRS Chapter 343;
 2. Requires a minimum of two thousand (2,000) hours of on-the-job work experience;
 3. Requires a minimum of one hundred forty-four (144) hours of related instruction for each year of the apprenticeship; and
 4. Is approved by the Education and **Labor**~~[Workforce Development]~~ Cabinet;
 - (f) "Related instruction" has the same meaning as in KRS 343.010; and
 - (g) "Sponsor" has the same meaning as in KRS 343.010.
- (2) Notwithstanding KRS 164.7881, an eligible student who earned a KEES award shall be eligible for a Kentucky educational excellence scholarship if the student meets the requirements of this section and is:
- (a) An apprentice in a registered apprenticeship program; or
 - (b) Enrolled in a qualified workforce training program that has a current articulation agreement for postsecondary credit hours with a participating institution.
- (3)
- (a) Beginning with the 2018-2019 academic year, an eligible student enrolled in a registered apprenticeship program or, for the academic year beginning July 1, 2020, an eligible student enrolled in a qualified workforce training program may receive reimbursement of tuition, books, required tools, and other approved expenses required for participation in the program, upon certification by the sponsor and approval by the authority.
 - (b) The reimbursement amount an eligible student may receive in an academic year shall not exceed the student's KEES award maximum.
 - (c) The total reimbursement amount an eligible student may receive under this section shall not exceed the student's KEES award maximum multiplied by four (4).
- (4) Eligibility for a KEES scholarship under this section shall terminate upon the earlier of:
- (a) The expiration of five (5) years following the eligible student's graduation from high school or receiving a High School Equivalency Diploma, except as provided in KRS 164.7881(5); or
 - (b) The eligible student's successful completion of the registered apprenticeship program or qualified workforce training program.
- (5) The authority shall promulgate administrative regulations establishing the procedures for making awards under this section in consultation with the Kentucky Education and **Labor**~~[Workforce Development]~~ Cabinet and the Kentucky Economic Development Cabinet.

➔Section 88. KRS 165A.340 is amended to read as follows:

- (1) The Kentucky Commission on Proprietary Education is hereby created as an independent agency of the Commonwealth and shall be attached to the Education and **Labor**~~[Workforce Development]~~ Cabinet for administrative purposes. The commission shall be composed of the following members:

- (a) Two (2) members who are representative of privately owned postsecondary educational institutions licensed by the commission and appointed by the Governor from a list of seven (7) names submitted by the Kentucky Association of Career Colleges and Schools;
 - (b) Two (2) members who are representative of privately owned postsecondary technical schools licensed by the commission and appointed by the Governor from a list of seven (7) names submitted by the Kentucky Association of Career Colleges and Schools;
 - (c) Four (4) members who are representative of the public at large with a background in education, business, or industry in Kentucky and appointed by the Governor;
 - (d) The secretary of the Education and ~~Labor~~~~Workforce Development~~ Cabinet, or the secretary's designee;
 - (e) The president of the Council on Postsecondary Education, or the president's designee; and
 - (f) The commissioner of education, or the commissioner's designee.
- (2) Terms of appointed members shall be four (4) years or until successors are duly appointed and qualified. A vacancy on the commission shall be filled for the remainder of the unexpired term in the same manner as the original appointment. An appointed member shall not serve more than two (2) consecutive full terms, except that a member may be reappointed after a break in service of one (1) full term.
- (3) The commission shall employ and fix the compensation of an executive director, who shall be its secretary and principal executive officer. The executive director shall have a background in the regulation of commerce, business, or education, and shall be responsible for:
- (a) Organizing and staffing meetings of the commission;
 - (b) Establishing policies to ensure retention of original licensing documentation;
 - (c) Ensuring that minutes and other financial, procedural, complaint, and operational records are securely maintained and archived;
 - (d) Internal and external correspondence and communication;
 - (e) Submitting reports and strategic agenda items for review and approval;
 - (f) Assisting the commission in the promulgation of administrative regulations;
 - (g) Carrying out policy and program directives of the commission;
 - (h) Preparing budget submissions;
 - (i) Ensuring that formal complaints are provided to the complaint committee and arranging for independent investigations as needed;
 - (j) Ensuring that an independent audit of the commission's finances is conducted biennially;
 - (k) Ensuring that formal written agreements are executed for the procurement of administrative and legal services;
 - (l) Formalizing office policies and procedures relating to licensing and financial operations;
 - (m) Developing and implementing a process for monitoring expenditures and reconciling on a monthly basis commission and student protection fund receipts reported in the Enhanced Management Administrative Reporting System (EMARS); and
 - (n) Other activities necessary to ensure that the commission meets its designated duties and responsibilities.
- (4) The commission shall have full authority to employ and fix the compensation for any personnel, including counsel, as it may deem necessary to effectively administer and enforce the provisions of this chapter. The commission shall obtain office space, furniture, stationery, and any other proper supplies and conveniences reasonably necessary to carry out the provisions of this chapter.
- (5) The commission shall annually elect a chairperson. The chairperson shall not be a school representative appointed pursuant to subsection (1)(a) or (b) of this section.
- (6) (a) The commission shall promulgate administrative regulations in accordance with KRS Chapter 13A to establish:

1. Commission operating and accountability procedures;
 2. Requirements for each licensed institution to publicly disclose according to standardized protocols, both in print and Web-based materials, information about:
 - a. Any information that the schools are required to report by the federal Higher Education Opportunity Act, Pub. L. No. 110-315, using the Integrated Postsecondary Education Data System (IPEDS) of the National Center for Educational Statistics as a condition of participating in Title IV federal financial aid programs;
 - b. The job placement rate of program graduates in the field of study and the types of jobs for which graduates are eligible;
 - c. Articulation agreements with other postsecondary educational institutions and the rights and responsibilities of students regarding transfer of credits;
 - d. The complaint procedures available to students; and
 - e. The existence of the student protection fund created in KRS 165A.450, and procedures for students to file a claim, including but not limited to the documentation required for submission of a claim;
 3. Quality standards and compliance monitoring schedules of traditional programs, correspondence courses, and Web-based, distance learning courses offered over the Internet;
 4. Advertising requirements for schools issued a license, including no distribution of materials containing untrue, deceptive, or misleading statements and no representation that the commission is an accrediting agency for the school or its programs;
 5. A schedule for reviewing advertisements and recruitment materials and practices of member institutions to ensure compliance with this chapter;
 6. An equitable structure of licensure and renewal fees, to be paid by licensed schools, necessary to carry out the provisions and purposes of this chapter and to support adequate staffing of commission responsibilities. The fee structure shall be based on the gross revenue of licensed schools, number of students enrolled, and whether the school is located within the state or outside the state; and
 7. The method for calculating placement rates that are to be disclosed pursuant to this subsection.
- (b) The commission shall have the authority to promulgate other administrative regulations, in cooperation with the Kentucky Department of Education and the Council on Postsecondary Education, as it deems necessary for the proper administration of this chapter.
- (7) The commission shall hold meetings at least four (4) times a year and as frequently as it deems necessary at the times and places within this state as the commission may designate. The majority of the members shall constitute a quorum, and all meetings shall be conducted in accordance with the Open Meetings Act, KRS 61.805 to 61.850.
 - (8) The commission may sue and be sued in its own name.
 - (9) Commission members shall receive a per diem of one hundred dollars (\$100) for attendance at each commission meeting and may be reimbursed for ordinary travel and other expenses while engaged in the business of the commission.
 - (10) The commission shall administer and enforce the provisions of this chapter pertaining to the conduct, operation, maintenance, and establishment of proprietary education institutions, and the activities of agents thereof when acting as such.
 - (11) The commission shall have the power to subpoena witnesses and school records as it deems necessary.
 - (12) The commission chairperson shall appoint a complaint committee and designate its chairperson. The chairperson of the complaint committee shall not be employed by, have ownership interest in, or be otherwise affiliated with a licensed institution. School representatives appointed pursuant to subsection (1)(a) or (b) of this section shall not constitute a majority of the committee's membership. A committee member shall not vote on a matter in which a conflict of interest exists. The committee shall review each formal complaint and, if evidence supports an alleged violation of this chapter or any administrative regulation promulgated thereunder, the committee shall:

- (a) Authorize an investigative report;
 - (b) Participate in informal procedures to resolve complaints;
 - (c) Ensure timely correspondence to parties involved in complaints; and
 - (d) After review of all evidence and investigative reports, make recommendations for the disposition of complaints to the full commission.
- (13) No later than November 30, 2013, and annually thereafter, the commission shall provide a status report on the requirements of this section to the Interim Joint Committee on Licensing and Occupations and the Interim Joint Committee on Education. The report shall include a summary of the data, including school performance information, relating to the requirements of subsection (6)(a) of this section.

➔Section 89. KRS 171.347 is amended to read as follows:

There is created the Commonwealth of Kentucky Abraham Lincoln Bicentennial Commission, which shall be attached to the Kentucky Historical Society for administrative purposes. The commission shall be composed of twenty (20) members, as follows:

- (1) Two (2) members of the House of Representatives, appointed by the Speaker of the House;
- (2) Two (2) members of the Senate, appointed by the President of the Senate;
- (3) The secretary of the Education and ~~Labor~~~~Workforce Development~~ Cabinet, or his or her designee;
- (4) One (1) member from the Tourism, Arts and Heritage Cabinet, appointed by the secretary of that cabinet;
- (5) One (1) member from the Kentucky Historical Society, appointed by the executive director of that agency;
- (6) One (1) member from the Kentucky Heritage Council, appointed by the executive director of that agency;
- (7) One (1) member from the Kentucky African-American Heritage Commission, appointed by the head of that agency;
- (8) One (1) member from the Kentucky Humanities Council, appointed by the executive director of that agency;
- (9) One (1) member from the Abraham Lincoln Bicentennial Commission established by the United States Congress, appointed by the concurrence of the chairs of that agency;
- (10) The Larue County judge/executive, or his or her designee;
- (11) One (1) member from the Abraham Lincoln Birthplace, appointed by the superintendent of that national historic site;
- (12) One (1) member from the Lincoln Museum in Hodgenville, appointed by the president of that agency;
- (13) One (1) member from the Mary Todd Lincoln House in Lexington, appointed by the head of that agency;
- (14) One (1) member from the Farmington Historic Home museum in Louisville, appointed by the head of that agency; and
- (15) Four (4) citizen members from the state at large with a demonstrated interest in history and substantial knowledge and appreciation of Abraham Lincoln, appointed by the Governor.

The chair of the commission shall be elected from among the membership by the commission members.

➔Section 90. KRS 171.420 is amended to read as follows:

- (1) The State Libraries, Archives, and Records Commission is hereby created and shall be a seventeen (17) member body constituted as follows:
 - (a) The state librarian or his or her designee, who shall be the chairperson of the commission;
 - (b) The secretary of the Education and ~~Labor~~~~Workforce Development~~ Cabinet or his or her designee, who shall serve as vice chairperson;
 - (c) The Auditor of Public Accounts or his or her designee;
 - (d) The state law librarian or his or her designee;
 - (e) The director of the Legislative Research Commission or his or her designee;
 - (f) The Attorney General or his or her designee;

- (g) The executive director of the Kentucky Military Heritage Commission or a designee of the commission;
 - (h) The executive director of the Commonwealth Office of Technology or his or her designee;
 - (i) The president of the Kentucky Association of School Librarians or his or her designee;
 - (j) The executive director of the Kentucky Historical Society or his or her designee;
 - (k) The executive director of the Kentucky Library Association or his or her designee;
 - (l) The president of the Council on Postsecondary Education or his or her designee;
 - (m) Four (4) citizens at large appointed by the Governor, including one (1) member representing library users with disabilities, one (1) member representing disadvantaged persons, and two (2) members representing library users; and
 - (n) One (1) member, who shall not be an elected official, appointed by the Governor from a list of three (3) persons, with one (1) name submitted by each of the presidents of the Kentucky League of Cities, the Kentucky Association of Counties, and the Kentucky Association of School Administrators.
- (2) Vacancies for appointed members shall be filled by the Governor in the same manner as initial appointments are made. All appointed members shall serve for a term of three (3) years, except when making the appointments under subsection (3) of this section, two (2) shall be for a term of three (3) years, two (2) for two (2) years, and one (1) for one (1) year.
 - (3) On July 14, 2018, all terms of gubernatorial appointees made prior to July 14, 2018, shall expire, and the Governor shall appoint five (5) members to the commission in accordance with paragraphs (m) and (n) of subsection (1) of this section.
 - (4) The commission shall be the state advisory council on libraries and shall advise the Department for Libraries and Archives on matters relating to federal and state library development issues, archives and records management, federal and state funding, public library standards, and other federal and state library service issues. The commission shall have the authority to review and approve schedules for retention and destruction of records submitted by state and local agencies. In all cases, the commission shall determine questions which relate to destruction of public records, and their decision shall be binding on the parties concerned and final, except that the commission may reconsider or modify its actions upon the agreement of a simple majority of the membership present and voting.

➔Section 91. KRS 177.109 is amended to read as follows:

The Transportation and Tourism Interagency Committee shall have but not be limited to the following duties and responsibilities:

- (1) Review Kentucky's signage laws, administrative regulations, and policies implementing the federal "Manual on Uniform Traffic Control Devices" and submit any proposed revisions to the secretary of the Transportation Cabinet;
- (2) Seek public comment on Kentucky's signage laws, administrative regulations, and policies;
- (3) Advise the Transportation Cabinet on the scenic byways and highways program;
- (4) Review and make recommendations on requests for highway signage from tourism-related entities;
- (5) Coordinate development of the tourism information potential of welcome centers and rest areas through such means as interactive videos, information kiosks, and highway advisory radio transmitters, as well as other innovative methods which may be identified by the committee;
- (6) Monitor developments across the United States relating to billboards and official signs;
- (7) Report to the secretary of the Transportation Cabinet and to the secretary of the Tourism, Arts and Heritage Cabinet on issues of mutual interest to the cabinets;
- (8) Serve as an advisory committee on issues identified by the secretary of the Transportation Cabinet and secretary of the Tourism, Arts and Heritage Cabinet; and
- (9) Report committee recommendations to the secretary of the Transportation Cabinet, the secretary of the Tourism, Arts and Heritage Cabinet, the secretary of the Education and ~~Labor~~~~Workforce Development~~ Cabinet, and the secretary of the Executive Cabinet.

➔Section 92. KRS 186.578 is amended to read as follows:

- (1) Applicants accepted to participate in a certified driver training program shall meet the following minimum vision requirements:
 - (a) A distance visual acuity of 20/200 or better, with corrective lenses, in the applicant's better eye;
 - (b) A visual field of at least one hundred twenty (120) degrees horizontally and eighty (80) degrees vertically in the same eye as used in paragraph (a) of this subsection;
 - (c) A distance visual acuity of 20/60 or better using a bioptic telescopic device; and
 - (d) No ocular diagnosis or prognosis that indicates a likelihood that significant deterioration of visual acuity or visual field to levels below the minimum standards outlined in this subsection will occur.
- (2) Upon acceptance into a certified driver training program, an applicant shall be given an examination to test his or her knowledge of the motor vehicle laws of the Commonwealth. This examination may be taken orally. Upon successful completion of this examination, the applicant shall be issued a temporary instruction permit, that shall be valid only when the applicant is accompanied by an employee of a certified driver training program. Temporary instruction permits issued under this section shall be valid for one (1) year from the date of issue.
- (3) An applicant who successfully completes a certified driver training program shall be reexamined by a vision specialist upon completion of the program. The examination shall certify that the applicant continues to meet the visual acuity and visual field standards set forth in subsection (1) of this section.
- (4) An applicant who successfully completes a certified driving training program and passes the visual reexamination required by subsection (3) of this section shall be eligible to take a comprehensive operator's license examination administered by the Department of Kentucky State Police. The operator's license examination shall include testing of the applicant's driving skills over a route specifically designed to test the applicant's competency using a bioptic telescopic device.
- (5) An applicant who is a restricted out-of-state driver establishing residence in Kentucky shall be required to take and pass a temporary instruction permit examination before being eligible to take the operator's license examination. An applicant who is a restricted out-of-state driver establishing residence in Kentucky shall not be required to complete a certified driver training program but shall be required to take and pass the visual examination outlined in subsection (3) of this section before taking the operator's license examination.
- (6) If an applicant or restricted out-of-state driver fails the operator's license examination three (3) times, he or she shall not be eligible to retake the examination until successfully completing additional training from a certified driver training program and obtaining an affidavit from the program director or bioptic driving instructor recommending that the applicant or restricted out-of-state driver be allowed to retake the examination.
- (7) The Office of Vocational Rehabilitation in the Education and ~~Labor~~~~Workforce Development~~ Cabinet shall promulgate administrative regulations in accordance with KRS Chapter 13A to set standards for a certified driver training program and to otherwise carry out the provisions of this section.

➔Section 93. KRS 189.635 is amended to read as follows:

- (1) The Justice and Public Safety Cabinet, Department of Kentucky State Police, shall be responsible for maintaining a reporting system for all vehicle accidents which occur within the Commonwealth. Such accident reports shall be utilized for such purposes as will improve the traffic safety program in the Commonwealth involving the collection, processing, storing, and dissemination of such data and the establishment of procedures by administrative regulations to ensure that uniform definitions, classifications, and other federal requirements are in compliance.
- (2) Any person operating a vehicle on the highways of this state who is involved in an accident resulting in fatal or nonfatal personal injury to any person or damage to the vehicle rendering the vehicle inoperable shall be required to immediately notify a law enforcement officer having jurisdiction. In the event the operator fails to notify or is incapable of notifying a law enforcement officer having jurisdiction, such responsibility shall rest with the owner of the vehicle or any occupant of the vehicle at the time of the accident. A law enforcement officer having jurisdiction shall investigate the accident and file a written report of the accident with his or her law enforcement agency.
- (3) Every law enforcement agency whose officers investigate a vehicle accident of which a report must be made as required in this chapter shall file a report of the accident with the Department of Kentucky State Police within ten (10) days after investigation of the accident upon forms supplied by the department.

- (4) Any person operating a vehicle on the highways of this state who is involved in an accident resulting in any property damage exceeding five hundred dollars (\$500) in which an investigation is not conducted by a law enforcement officer shall file a written report of the accident with the Department of Kentucky State Police within ten (10) days of occurrence of the accident upon forms provided by the department.
- (5) (a) All accident reports filed with the Department of Kentucky State Police in compliance with subsection (4) of this section shall not be considered open records under KRS 61.870 to 61.884 and shall remain confidential, except that the department may:
 1. Disclose the identity of a person involved in an accident when his or her identity is not otherwise known or when he or she denies his or her presence at an accident; and
 2. Make the reports available:
 - a. To the persons named in paragraph (c) of this subsection; and
 - b. In accordance with subsection (8) of this section.
- (b) All other accident reports required by this section, and the information contained in the reports, shall be confidential and exempt from public disclosure under KRS 61.870 to 61.884, except when:
 1. Produced pursuant to a properly executed subpoena or court order; or
 2. Disclosed as provided in this section.
- (c) Accident reports shall be made available to:
 1. The parties to the accident;
 2. The parents or guardians of a minor who is party to the accident;
 3. Insurers or their written designee for insurance business purposes of any party who is the subject of the report;
 4. The attorneys of the parties to the accident;
 5. Any party to litigation who files with the department a request for the report and includes a copy of the first page of a District or Circuit Court clerk-stamped complaint naming all parties; and
 6. The Department of Workplace Standards in the *Education and* Labor Cabinet if the accident report is pertinent to an occupational safety and health investigation.
- (6) (a) Except as provided for in paragraph (b) of this subsection, the department shall not release accident reports for a commercial purpose.
- (b) Notwithstanding any other provision of this section, the department may, as a matter of public safety, contract with an outside entity and release unredacted vehicle damage data extracted from accident reports to the entity if the data is used solely for the purpose of providing the public a means of determining a vehicle's accident history. The department may further contract with a third party to provide electronic access to reports for persons and entities who are entitled to the reports under subsection (5) of this section.
- (7) The department shall promulgate administrative regulations in accordance with KRS Chapter 13A to set out a fee schedule for accident reports made available pursuant to subsections (5) and (8) of this section. These fees shall be in addition to those charged to the public for records produced under KRS Chapter 61.
- (8) (a) The report shall be made available to a news-gathering organization, solely for the purpose of publishing or broadcasting the news. The news-gathering organization shall not use or distribute the report, or knowingly allow its use or distribution, for a commercial purpose other than the news-gathering organization's publication or broadcasting of the information in the report.
- (b) For the purposes of this subsection:
 1. "News-gathering organization" includes:
 - a. A newspaper or periodical if it:
 - i. Is published at least fifty (50) of fifty-two (52) weeks during a calendar year;
 - ii. Contains at least twenty-five percent (25%) news content in each issue or no more than seventy-five percent (75%) advertising content in any issue in the calendar

- year; and
- iii. Contains news of general interest to its readers that can include news stories, editorials, sports, weddings, births, and death notices;
 - b. A television or radio station with a valid broadcast license issued by the Federal Communications Commission;
 - c. A news organization that broadcasts over a multichannel video programming service as defined in KRS 136.602;
 - d. A Web site published by or affiliated with any entity described in subdivision a., b., or c. of this subparagraph;
 - e. An online-only newspaper or magazine that publishes news or opinion of interest to a general audience and is not affiliated with any entity described in subparagraph 2. of this paragraph; and
 - f. Any other entity that publishes news content by any means to the general public or to members of a particular profession or occupational group; and
2. "News-gathering organization" does not include any product or publication with the primary purpose of distributing advertising or of publishing names and other personal identifying information concerning parties to motor vehicle accidents which may be used to solicit for services covered under Subtitle 39 of KRS Chapter 304.
- (c) A news-gathering organization shall not be held to have used or knowingly allowed the use of the report for a commercial purpose merely because of its publication or broadcast.
 - (d) A request under this subsection shall be completed using a form promulgated by the department through administrative regulations in accordance with KRS Chapter 13A. The form under this paragraph shall include:
 1. The name and address of the requestor and the news-gathering organization the requestor represents;
 2. A statement that the requestor is a news-gathering organization under this subsection and identifying the specific subdivision of paragraph (b)1. of this subsection under which the requestor qualifies;
 3. A statement that the request is in compliance with the criteria contained in this section; and
 4. A declaration of the requestor as to the accuracy and truthfulness of the information provided in the request.
 - (e)
 1. The department shall redact all personal information from a report prior to making it available to a news-gathering organization as defined under paragraph (b)1.f. of this subsection.
 2. Reports may be provided to news-gathering organizations as defined under paragraph (b)1.a. to e. of this subsection without redaction.
 3. For the purposes of this paragraph, "personal information" means:
 - a. The address, driver's license number, phone number, date of birth, and any other contact information contained in the report for each person listed on the report; and
 - b. The vehicle identification numbers (VINs) for each vehicle listed on the report.
- (9) The motor vehicle insurers of any train engineer or other train crew member involved in an accident on a railroad while functioning in their professional capacity shall be prohibited from obtaining a copy of any accident report filed on the accident under this section without written consent from the individual the company insures. Insurance companies issuing motor vehicle policies in the Commonwealth shall be prohibited from raising a policyholder's rates solely because the policyholder, in his or her professional capacity, is a train engineer or other train crew member involved in an accident on a railroad.
- (10) For reporting and statistical purposes, motor scooters and autocycles as defined in KRS 186.010 shall be listed as a distinct category and shall not be considered to be a motor vehicle or a motorcycle for reports issued under this section.

➔Section 94. KRS 194A.150 is amended to read as follows:

When federal programs require a particular citizens' council within or attached to the cabinet to include state officials as voting members, the secretary shall, for the specific purposes of those federal programs, be authorized to vote in those council meetings and shall further be authorized to call upon either the secretary of the Cabinet for Health and Family Services, the secretary of the Finance and Administration Cabinet, the chief state school officer, the secretary of the Justice and Public Safety Cabinet, the secretary of the Public Protection Cabinet, the secretary of the Energy and Environment Cabinet, the secretary of the *Education and* Labor Cabinet, the secretary of the Cabinet for Economic Development, the executive director of the Council on Higher Education, or any combination of the above as may be appropriate, to be voting members of expanded citizens' councils for the purposes of these federal programs. The secretary shall exercise this prerogative only when the federal programs specifically require that state officials be voting members of the citizens' councils.

➔Section 95. KRS 194A.735 is amended to read as follows:

- (1) Subject to sufficient funding, the Cabinet for Health and Family Services and the Justice and Public Safety Cabinet, in consultation with any other state agency as appropriate, shall develop and implement the Homelessness Prevention Project, which offers institutional discharge planning on a voluntary basis to:
 - (a) Persons with serious mental illness, persons between the ages of eighteen (18) and twenty-five (25) who may be at risk of developing serious mental illness who are being released from a mental health facility operated or contracted by the cabinet, or persons with a history of multiple utilizations of health care, mental health care, or judicial systems;
 - (b) Persons who are being released after serving out a sentence from any state-operated prison or persons who are being paroled from any state-operated prison; or
 - (c) Persons who will be aging out of foster care or who have aged out of foster care.
- (2) The primary goal of the project shall be to prepare a limited number of persons in a foster home under supervision by the Cabinet for Health and Family Services, state-operated prisons under supervision by the Justice and Public Safety Cabinet, and mental health facilities operated or contracted by the Cabinet for Health and Family Services for return or reentry into the community, and to offer information about any necessary linkage of the person to needed community services and supports.
 - (a) The project shall be jointly supported by each of the cabinets and managed under the direction of the Cabinet for Health and Family Services, Department for Behavioral Health, Developmental and Intellectual Disabilities, Division of Behavioral Health.
 - (b) Subject to sufficient funding as provided by an executive branch budget bill, the Division of Behavioral Health shall select the Homelessness Prevention Project sites. These sites shall be in addition to and integrated with the site located in and serving Jefferson County and the site located in a community mental health center serving Clinton, Cumberland, McCreary, and Wayne Counties.
 - (c) Within thirty (30) days of July 15, 2016, the cabinets shall supply the project director at each site with the collection of information on available employment, social, housing, educational, medical, mental health, and other community services in the county. The information shall include but not be limited to the service area of each public and private provider of services, the capacity of each provider to render services to persons served by the project, the fees of each provider, contact names and telephone numbers for each provider, and an emergency contact for each provider.
 - (d) Within thirty (30) days of July 15, 2016, the cabinets and directors shall begin a program of education for each of the cabinet and foster home and mental health and appropriate state-operated prison facility staff who will participate in the development of a discharge plan for volunteer participants under this section.
- (3) The project shall operate on a voluntary basis. Persons eligible for discharge or completing their sentence or who are being paroled from any state-operated prison shall be offered the opportunity to participate in the project. This offer shall be made at least six (6) months prior to discharge. There shall be a cap on the number of persons served in each Homelessness Prevention Project office, to be determined by available funding and staffing requirements.
 - (a) The staff member designated as the homelessness prevention coordinator for each foster home or mental health facility shall maintain a file for each volunteer participant in the foster home or mental health facility, relating to the participant's employment, social, housing, educational, medical, and

mental health needs. This file shall be updated from time to time as appropriate and pursuant to an administrative regulation promulgated by the cabinet in accordance with KRS Chapter 13A that establishes standards for the discharge summary. The staff member designated as the homelessness prevention coordinator for the appropriate state-operated prison participating in the project shall maintain a file containing appropriate forms completed and updated by each person voluntarily participating in the project, relating to the information provided under subsection (6) of this section. All applicable privacy and confidentiality laws shall be followed in assembling and maintaining this file.

- (b) Six (6) months prior to the expected date of discharge, the discharge coordinator for each foster home and mental health and state-operated prison facility shall contact the homelessness prevention director for the appropriate site where the volunteer participant chooses to locate following discharge about the pending release of the volunteer participant who is eligible for discharge from a foster home or mental health facility, who will have served out his or her sentence in a state-operated prison facility, or who is being paroled from any state-operated prison that is participating in the project. The director shall visit the home or facility, as appropriate, to assist with the preparation of the final comprehensive discharge plan.
- (c) The homelessness prevention director from the site where the participant chooses to locate and the discharge coordinator for each participating foster home and mental health and state-operated prison facility shall work together to develop a final comprehensive discharge plan that addresses the employment, health care, educational, housing, and other needs of the person to be released, subject to the consent of the person and the funding and staffing capabilities of the director. Information provided by the coordinator may include and be limited to, subject to the staffing and funding capabilities of the coordinator, information provided by the person to be released on a form or forms made available by the foster home or mental health or state-operated prison facility. The discharge plan shall contain but not be limited to the following:
 1. Estimated discharge date from the foster home, state-operated prison facility, or mental health facility, or identification by a social service provider of a person who meets the criteria listed in subsection (1) of this section;
 2. Educational background of the person to be released, including any classes completed or skills obtained by the person while in the foster home, state-operated prison facility, or mental health facility;
 3. The person's medical and mental health needs;
 4. Other relevant social or family background information;
 5. A listing of previous attempts to arrange for post-release residence, employment, medical and mental health services, housing, education, and other community-based services for the person; and
 6. Other available funding and public programs that may reimburse any services obtained from a provider listed in the discharge plan. Every effort shall be made in the discharge plan to refer the person to a provider that has agreed to an arranged public or private funding arrangement.

No discharge plan shall be completed unless the written consent, consistent with state and federal privacy laws, to compile the information and prepare the plan has been given by the person eligible for release who has volunteered to participate in the project.

- (4) The homelessness prevention director from the site where the participant chooses to locate shall assist with the completion of a final comprehensive discharge plan that may include but need not be limited to the following:
 - (a) Availability of appropriate housing, including but not limited to a twenty-four (24) month transitional program, supportive housing, or halfway house. Planning discharge to an emergency shelter is not appropriate to meet the housing needs of the person being discharged from foster care, a state-operated prison facility, or a mental health facility;
 - (b) Access to appropriate treatment services for participants who require follow-up treatment;
 - (c) Availability of appropriate employment opportunities, including assessment of vocational skills and job training; and
 - (d) Identification of appropriate opportunities to further education.

- (5) Discharge planning shall be individualized, comprehensive, and coordinated with community-based services.
 - (a) Each discharge plan shall create a continuous, coordinated, and seamless system that is designed to meet the needs of the person.
 - (b) Staff of the foster home or facility and staff of community-based services providers shall be involved in the planning.
 - (c) Each facility shall utilize, wherever possible, community-based services within the facility to establish familiarity of the person residing in the facility with the community services.
- (6) The Department of Corrections shall, through an administrative regulation promulgated in accordance with KRS Chapter 13A, develop a discharge plan that addresses the education; employment, technical, and vocational skills; and housing, medical, and mental health needs of a person who is to be released after serving out his or her sentence in a state-operated prison facility participating in the project.
- (7) Appropriate data about discharge placements and follow-up measures shall be collected and analyzed. The analysis shall be included in the interim and final reports of the project specified in subsection (8) of this section.
- (8) Each homelessness prevention director shall have regular meetings with appropriate state cabinet and agency staff to review the project and make recommendations for the benefit of the project. Each director shall be assisted by a local advisory council composed of local providers of services and consumer advocates who are familiar with homelessness prevention issues. Priority for membership on the advisory council shall be given to existing resources and regional mental health and substance abuse advisory councils at the discretion of the director.
- (9) Each cabinet shall collect data about the discharge plans, referrals, costs of services, and rate of recidivism related to the homelessness prevention project, and shall submit an annual report to the Governor and the Legislative Research Commission no later than October 1 that summarizes the data and contains recommendations for the improvement of the project. The annual report also shall be forwarded to the Kentucky Interagency Council on Homelessness.
- (10)
 - (a) The Kentucky Interagency Council on Homelessness is hereby established to plan, develop, coordinate, and implement programs for the purpose of improving the well-being of homeless Kentuckians. The council shall be attached to the Homeless and Housing Coalition of Kentucky for administrative purposes.
 - (b) The council shall include but not be limited to the following members:
 1. The secretary of the Cabinet for Health and Family Services;
 2. The executive director of the Homeless and Housing Coalition of Kentucky;
 3. The chief executive officer of the Kentucky Housing Corporation;
 4. The commissioner of the Kentucky Department of Veterans' Affairs;
 5. The secretary of the Justice and Public Safety Cabinet;
 6. The secretary of the Education and ~~Labor~~~~[Workforce Development]~~ Cabinet;
 7. The secretary of the Transportation Cabinet;
 8. The executive director of the Administrative Office of the Courts;
 9. The state budget director;
 10. A representative from the Kentucky Housing Association, representing public housing authorities, appointed by the Governor for a two (2) year term; and
 11. An individual who has previously experienced homelessness and addiction, appointed by the Governor for a two (2) year term.
 - (c) The chair of the council shall be appointed by the Governor for a two (2) year term and the vice chair shall be elected by the members of the council for a two (2) year term.
 - (d) Members of the council who are not state employees shall be reimbursed for actual expenses incurred in the performance of their duties in accordance with KRS 45.101 and administrative regulations promulgated thereunder.

- (e) The council shall have the following functions and duties:
1. To serve as the single statewide homeless planning and policy development resource for the Commonwealth of Kentucky;
 2. To review, update, and recommend changes to Kentucky's Ten-Year Plan to End Homelessness and monitor its implementation;
 3. To serve as a state clearinghouse for information on services and housing options for the homeless population;
 4. To conduct other activities as appropriate and necessary; and
 5. To report to the Governor and General Assembly as requested.

➔Section 96. KRS 197.105 is amended to read as follows:

- (1) The department may administer a Prison Industry Enhancement Certification Program (PIECP) and may lease the labor of state prisoners within the boundaries of the state's Department of Corrections facilities for the production of nonagricultural goods for sale to both public and private buyers, if the department meets the conditions set out in this section. This section shall apply only to the leasing of labor in accordance with a PIECP and not to programs otherwise operated by Kentucky Correctional Industries.
- (2) The department shall not lease the labor of a prisoner who does not consent in writing to the leasing of that prisoner's labor.
- (3) The department shall retain full responsibility for the care, custody, and control of the prisoner and shall supply appropriate security and custody services without cost to the person leasing the labor.
- (4) The department shall ensure that the prisoner is paid wages at a rate not less than that paid for work of a similar nature in the locality in which the work takes place, as determined by the *Education and Labor* Cabinet, and never less than the federal minimum wage. The final decision on the appropriate wage, in keeping with federal and state labor and wage laws, shall be made by the *Education and Labor* Cabinet.
- (5) The department shall not allow a prisoner whose labor has been leased under this section to:
 - (a) Engage in work that would result in the displacement of employed workers in the specific Department of Corrections locale. As used in this paragraph, a displaced employed worker is:
 1. A civilian worker employed in the same task by the employer leasing or applying to lease prisoner labor, who would lose his or her job if the prisoner labor were leased; or
 2. A civilian worker who is employed full-time and, as a result of the prisoner labor lease, is forced to work part-time, regardless of wage increase.

A civilian worker is not considered displaced for the purposes of this paragraph if the civilian worker remains employed in a job acceptable to that worker and at equal or higher wages than that worker previously received. The employer shall provide whatever retraining is required of the civilian worker at no cost to the civilian worker;
 - (b) Labor in a skill, craft, or trade in which there is a surplus of labor for that skill, craft, or trade in that specific Department of Corrections locale;
 - (c) Perform any work that would impair existing contracts for goods or services;
 - (d) Perform leased work outside of Department of Corrections facilities; or
 - (e) Perform leased construction work inside or outside Department of Corrections facilities.
- (6) Before the commencement of any leased labor project at a Department of Corrections facility under this section, the department shall:
 - (a) Receive a written projection from the *Education and Labor* Cabinet that the leased labor project shall not result in acts prohibited by subsection (5)(a) to (c) of this section;
 - (b) Receive written documentation from the employer leasing or applying to lease prisoner labor agreeing to not displace any of its nonprisoner employees with leased prisoner labor;
 - (c) Have written documentation of consultation with local unions representing labor in the specific Department of Corrections facility's locale in any skill, craft, or trade in which a prisoner may labor at

that facility. If a local union is not available, the department shall consult with a similar statewide union. The department shall present this information to the Kentucky State Corrections Commission;

- (d) Have written documentation of consultation with local private businesses that may be economically impacted by the leased labor project. The department shall present this information to the Kentucky State Corrections Commission; and
 - (e) Have written documentation of compliance with the National Environmental Policy Act (NEPA).
- (7) The leasing of prisoner labor shall not be deemed to create an employer-employee relationship between the person leasing the labor of the prisoner and the prisoner. However, the person leasing the labor of the prisoner shall provide for workers' compensation coverage for the prisoner and, if applicable, Social Security coverage for the prisoner.
- (8) A prisoner, as a condition of participation in a program operating under the provisions of this section, shall agree to the deductions from the prisoner's earnings set out in this subsection. The department or the person leasing the labor of the prisoner shall deduct, in the following order, from a prisoner's gross wages:
- (a) If the prisoner is the subject of a court or administrative order for the support of a dependent, no less than twenty-five percent (25%) for the payment of the court or administratively ordered support. These deducted wages shall be paid to the Cabinet for Health and Family Services' Child Support Enforcement Program for disbursement in accordance with federal and state law;
 - (b) Twenty percent (20%) to be paid to the crime victim's compensation fund established in KRS 49.480;
 - (c) Applicable federal, state, and local taxes, including Social Security if applicable; and
 - (d) Reasonable room and board fees established by the department by administrative regulation.

Total deductions from a prisoner's gross wages shall not exceed eighty percent (80%).

- (9) The department shall require any person leasing the labor of a prisoner to post bond, with good surety, in an amount determined by the department, against any judgment that may be entered against the department arising from the leasing of prisoner labor to that person.
- (10) In leasing prisoner labor under this section, the department shall seek to have the labor leased to the highest responsible bidder.
- (11) The department shall provide for reasonable access to the grounds of the Department of Corrections facilities for the person leasing the inmate labor and for the location of the work and the transporting and siting of equipment and supplies, with the security of the public being paramount.
- (12) The department may promulgate administrative regulations to implement the provisions of this section.

➔Section 97. KRS 198B.658 is amended to read as follows:

- (1) An applicant for a master heating, ventilation, and air conditioning contractor's license shall:
 - (a) Be at least eighteen (18) years of age;
 - (b) Be a citizen of the United States or be a resident alien who is authorized to do work in the United States;
 - (c)
 1. Have been regularly and principally employed or engaged in heating, ventilation, and air conditioning trades as a journeyman heating, ventilation, and air conditioning mechanic for not less than two (2) years under the direction and supervision of a master heating, ventilation, and air conditioning contractor;
 2. Have been regularly and principally employed or engaged in the practice of heating, ventilation, and air conditioning contracting as a master heating, ventilation, and air conditioning contractor, or equivalent thereof, for not less than two (2) years in Kentucky or in a jurisdiction other than Kentucky, as demonstrated by verifiable documentation; or
 3. Have been regularly and principally licensed and employed as a mechanical engineer in the Commonwealth of Kentucky, or a jurisdiction other than Kentucky, for not less than two (2) years, as demonstrated by verifiable documentation;
 - (d) Have passed an examination prescribed by the department to determine the applicant's competency to practice heating, ventilation, and air conditioning contracting; and

- (e) Have paid a fee as established in administrative regulations promulgated by the department.
- (2) An applicant for a journeyman heating, ventilation, and air conditioning mechanic's license shall:
 - (a) Be at least eighteen (18) years of age;
 - (b) Be a citizen of the United States or be a resident alien who is authorized to do work in the United States;
 - (c)
 1. Have been regularly and principally employed or engaged in heating, ventilation, and air conditioning trades for not less than two (2) years under the direction and supervision of a master heating, ventilation, and air conditioning contractor; or
 2. Have been regularly and principally employed or engaged in the performance of heating, ventilation, and air conditioning work for not less than two (2) years in Kentucky or in a jurisdiction other than Kentucky, as demonstrated by verifiable documentation;
 - (d) Have passed an examination prescribed by the department to determine the applicant's competency to install, maintain, and repair heating and cooling systems, heating and cooling service, burner service, and hydronic systems; and
 - (e) Have paid a fee as established in administrative regulations promulgated by the department.
- (3) If an applicant has obtained, while exempt from licensure under 198B.674(2), (7), (8), (10), (13), or (14), work experience that the department determines to be equivalent to the requirements of subsection (1)(c) or (2)(c) of this section, that experience may be considered as equivalent to one (1) year of employment toward the licensure requirements for a master heating, ventilation, and air conditioning contractor or journeyman heating, ventilation, and air conditioning mechanic, as applicable, not to exceed one (1) year.
- (4)
 - (a) The department shall issue an apprentice heating, ventilation, and air conditioning mechanic's certificate to any person who registers as an apprentice with the department.
 - (b) The department shall establish by administrative regulation the minimum number of hours of experience required by apprentices and shall maintain an apprentice register to credit an apprentice for hours worked under the supervision of a master heating, ventilation, and air conditioning contractor and journeyman heating, ventilation, and air conditioning mechanic. Experience gained under the supervision of a Kentucky licensed master heating, ventilation, and air conditioning contractor while registered as an apprentice with the Education and ~~Labor~~~~Workforce Development~~ Cabinet, Department of Workforce **Development**~~Investment~~, in cooperation with the United States Department of Labor, Bureau of Apprenticeship and Training shall be accepted toward the two (2) year experience requirement for a journeyman heating, ventilation, and air conditioning mechanic license.
 - (c) The apprentice register shall include the name, address, Social Security number, employer, and dates of employment of the apprentice.
 - (d) The apprentice shall notify the department in writing of any change in address or employer.
 - (e) Apprentices and pre-apprentices shall not be required to pay a fee to obtain a certificate of registration or to renew a registration.
- (5) The satisfactory completion of one (1) academic year of a department-approved curriculum or one (1) year of professional training in heating, ventilation, and air conditioning work may be considered as equivalent to one (1) year of employment toward the licensure requirements for a journeyman heating, ventilation, and air conditioning mechanic, not to exceed one (1) year.
- (6) The satisfactory completion of one (1) academic year of teaching experience in a department-approved or state-approved technical education program in heating, ventilation, and air conditioning shall be considered as equivalent to one (1) year of employment, as required by subsection (1)(c) or (2)(c) of this section. No more than one (1) year of approved teaching experience may be used in meeting the requirements of subsection (1)(c) or (2)(c) of this section.

➔Section 98. KRS 199.8983 is amended to read as follows:

- (1) There is hereby created the Kentucky Child Care Advisory Council to be composed of eighteen (18) members. The members appointed by the Governor shall serve a term of three (3) years. The appointed members of the council shall be geographically and culturally representative of the population of the Commonwealth. For administrative purposes, the council shall be attached to the department. The members shall be as follows:

- (a) The commissioner of the department, or designee;
 - (b) Four (4) members appointed by the Governor representing child-care center providers licensed pursuant to this chapter;
 - (c) Two (2) members appointed by the Governor representing family child-care home providers licensed pursuant to this chapter;
 - (d) Three (3) members appointed by the Governor who are parents, de facto custodians, guardians, or legal custodians of children receiving services from child-care centers or family child-care homes licensed pursuant to this chapter;
 - (e) Three (3) members appointed by the Governor from the private sector who are knowledgeable about education, health, and development of children;
 - (f) The director of the Division of Child Care within the department, or designee, as a nonvoting ex officio member;
 - (g) The commissioner of education, Education and ~~Labor[Workforce Development]~~ Cabinet, or designee, as a nonvoting ex officio member;
 - (h) The executive director of the Governor's Office of Early Childhood, or designee, as a nonvoting ex officio member;
 - (i) The commissioner of the Department for Public Health within the cabinet, or designee, as a nonvoting ex officio member; and
 - (j) The state fire marshal, Public Protection Cabinet, or designee, as a nonvoting ex officio member;
- (2) The council shall have two (2) co-chairpersons. One (1) co-chairperson shall be the commissioner of the department, or designee, and one (1) co-chairperson shall be elected by the voting members of the council.
 - (3) Members shall serve until a successor has been appointed. If a vacancy on the council occurs, the Governor shall appoint a replacement for the remainder of the unexpired term.
 - (4) Members shall serve without compensation but shall be reimbursed for reasonable and necessary expenses in accordance with state travel expenses and reimbursement administrative regulations.
 - (5) The council shall meet at least quarterly and at other times upon call of the co-chairpersons.
 - (6) The council shall advise the cabinet on matters affecting the operations, funding, and licensing of child-care centers and family child-care homes. The council shall provide input and recommendations for ways to improve quality, access, and outcomes.
 - (7) The council shall make an annual report by December 1 that provides summaries and recommendations to address the availability, affordability, accessibility, and quality of child care in the Commonwealth. A copy of the annual report shall be provided to the secretary, the Governor, the Legislative Research Commission, and the Child Welfare Oversight and Advisory Committee established in KRS 6.943.

➔Section 99. KRS 200.700 is amended to read as follows:

- (1) The Early Childhood Advisory Council is established as a public agency and political subdivision of the Commonwealth with all powers, duties, and responsibilities conferred upon it by statute and essential to perform its functions including but not limited to employing other persons, consultants, attorneys, and agents. The council shall be attached to the Education and ~~Labor[Workforce Development]~~ Cabinet for administrative purposes and shall establish necessary advisory councils. The secretary of the Education and ~~Labor[Workforce Development]~~ Cabinet or the secretary's designee shall be the appointing authority for the council pursuant to KRS Chapter 18A. The council shall have the ability to make expenditures from the early childhood development fund and shall ensure that expenditures made from the early childhood development fund are in conformance with its duties as established by the General Assembly.
- (2) The council shall be headed by an executive director appointed by the Governor pursuant to KRS 12.040. The executive director shall report to the secretary of the Education and ~~Labor[Workforce Development]~~ Cabinet or the secretary's designee.
- (3) The council shall consist of the following twenty-six (26) members:
 - (a) The state director of Head Start Collaboration;

- (b) The secretary of the Education and ~~Labor/Workforce Development~~ Cabinet or designee;
 - (c) The secretary of the Cabinet for Health and Family Services or designee;
 - (d) One (1) nonvoting ex officio member from the House of Representatives who shall be appointed by and serve at the pleasure of the Speaker of the House;
 - (e) One (1) nonvoting ex officio member from the Senate who shall be appointed by and serve at the pleasure of the President of the Senate;
 - (f) Six (6) private sector members knowledgeable about the health, mental health, education, and development of prenatal to school entry children who shall be appointed by the Governor. One (1) private sector member shall be appointed from each congressional district;
 - (g) Seven (7) citizens at large of the Commonwealth who shall be appointed by the Governor;
 - (h) One (1) early childhood development advocate who shall be appointed by the Governor;
 - (i) One (1) member representing higher education with expertise in early childhood who shall be appointed by the Governor; and
 - (j) Six (6) members appointed by the Governor, including one (1) member from a Head Start program located in the state, one (1) member from a local education agency, one (1) member from the state agency responsible for education, one (1) member from the state agency responsible for child care, one (1) member from the state agency responsible for Part C of the Individuals with Disabilities Education Act (IDEA), and one (1) member from the state agency for health and mental health.
- (4) (a) The initial terms of the private sector and citizen-at-large members of the council shall be for:
- 1. One (1) year for five (5) of the initial terms;
 - 2. Two (2) years for five (5) of the initial terms;
 - 3. Three (3) years for six (6) of the initial terms; and
 - 4. Four (4) years for five (5) of the initial appointments.
- (b) All succeeding appointments shall be for four (4) years from the expiration date of the preceding appointment. The private and citizen-at-large members shall serve no more than two (2) full successive terms. A term shall expire on June 30 in the appropriate year.
 - (c) Members shall serve until a successor has been appointed. If a vacancy on the council occurs, the Governor shall appoint a replacement for the remainder of the unexpired term except for the members appointed by the Speaker of the House and President of the Senate.
 - (d) The members and nonmember appointees of the council shall comply with the gift and conflict of interest statutes in KRS Chapter 11A. Any conflict of interest issue shall be submitted to the Executive Branch Ethics Commission for resolution.
 - (e) The Governor shall appoint the chair of the council from the private sector or citizen-at-large membership.
 - (f) The chair may appoint nonmembers of the council to committees or workgroups.
- (5) Private sector and citizen-at-large members and nonmembers appointed to a committee or workgroup shall serve without compensation but shall be reimbursed for reasonable and necessary expenses in accordance with state travel expenses and reimbursement administrative regulations.
- (6) In making appointments to the council, the Governor shall assure broad geographical, ethnic, and gender diversity representation from the major sectors of Kentucky's early childhood development community. In filling vacancies, the Governor shall attempt to assure the continuing representation on the council of broad constituencies of Kentucky's early childhood development community.
- (7) The council shall meet at least quarterly and at other times upon call of the chair or a majority of the council.
- (8) Members of the council shall serve on a voluntary basis and be reimbursed for their expenses in accordance with state travel expense and reimbursement administrative regulations.
- ➔Section 100. KRS 200.703 is amended to read as follows:
- (1) The Early Childhood Advisory Council is responsible for the following:

- (a) Promoting the vision for Kentucky's early childhood system;
- (b) Advocating for improved quality of early childhood services;
- (c) Promoting the definition of school readiness and the expanded and appropriate use of the early childhood standards;
- (d) Strengthening state, regional, and local level coordination and collaboration among the various sectors and settings of early childhood programs in the state;
- (e) Identifying opportunities and strategies to reduce barriers to coordination and collaboration among existing private, federal, and state-funded early childhood programs;
- (f) Developing and implementing recommendations for:
 - 1. Increasing overall participation of children in existing federal, state, and local child care and early education programs, including outreach to underrepresented and special populations;
 - 2. Establishing or improving core elements of the state early childhood system;
 - 3. Enhancing the professional development system and career ladder for early childhood educators and caregivers; and
 - 4. Promoting high-quality state early learning standards and undertaking efforts to ensure the development and use of high-quality comprehensive early learning standards, as appropriate;
- (g) Assessing the capacity and effectiveness of institutes of higher education in the state toward supporting the development of early childhood educators;
- (h) Facilitating the development or enhancement of high-quality systems of early childhood care and education designed to improve school readiness through one (1) or more of the following activities:
 - 1. Promoting school preparedness of children from birth through school entry;
 - 2. Supporting professional development, recruitment, and retention initiatives for early childhood educators and caregivers;
 - 3. Enhancing existing early childhood education and development programs and services;
 - 4. Carrying out other activities consistent with the state's plan and application; and
 - 5. Establishing priorities for programs and the expenditure of funds that include but are not limited to the following:
 - a. Implementation of public health initiatives identified by the General Assembly, including those listed in KRS 211.690 and 199.8945;
 - b. Provision of preconception and prenatal vitamins, with priority for folic acid for the prevention of neural tube defects;
 - c. Voluntary immunization for children not covered by public or private health insurance;
 - d. Expanding availability of high-quality, affordable early child-care and education options; and
 - e. Increasing public awareness of the importance of the early childhood years for the well-being of all of Kentucky's citizens;
- (i) Requesting reports and issuing progress updates on state and federally funded services that impact the quality of Kentucky's early childhood system;
- (j) Receiving, requesting, and utilizing, consistent with this section, federal, state, and private funds, including from philanthropic sources;
- (k) Involving the corporate community, county judge/executives, and mayors in supporting issues of importance to working families with young children in the Commonwealth;
- (l) Collecting and disseminating information about the various ways business and local government can become involved in supporting early childhood; and
- (m) Other duties and responsibilities as designated by the Governor.

- (2) The council shall develop a state plan on a biennial basis that identifies early childhood development funding priorities. Every two (2) years the council shall review its priorities and make necessary adjustments to its state plan. The state plan shall incorporate priorities included in the final report and recommendations of the Governor's Task Force on Early Childhood Development and Education, November 2010, and recommendations identified by the community early childhood councils. The council shall file a report on the state plan with the Governor and the Legislative Research Commission by July 15 of odd-numbered years.
- (3) Programs funded by the council shall be implemented by the appropriate agencies within the Cabinet for Health and Family Services, the Education and ~~Labor~~~~Workforce Development~~ Cabinet, the Finance and Administration Cabinet, or other appropriate administrative agency.
- (4) The council shall assure that a public hearing is held on the expenditure of funds. Advertisement of the public hearing shall be published at least once but may be published two (2) more times, if one (1) publication occurs not less than seven (7) days nor more than twenty-one (21) days before the scheduled date of the public hearing.
- (5) The council shall promulgate administrative regulations in accordance with KRS Chapter 13A to:
 - (a) Coordinate and improve early childhood development services, outcomes, and policies;
 - (b) Establish procedures that relate to its governance;
 - (c) Designate service areas of the Commonwealth where the community early childhood councils may be established to identify and address the early childhood development needs of young children and their families for the communities that they serve;
 - (d) Establish procedures that relate to the monitoring of grants, services, and activities of the community early childhood councils and their governance;
 - (e) Establish procedures for accountability and measurement of the success of programs that receive funds from the council; and
 - (f) Establish standards for the payment of funds to a designated service provider and grantee of a community early childhood council. These standards shall include requirements relating to:
 1. The financial management of funds paid to grantees;
 2. The maintenance of records; and
 3. An independent audit of the use of grant funds.
- (6) The council may disband or suspend a community early childhood council, and may remove one (1) or more members for nonperformance or malfeasance. The council may also recover funds that have been determined by the council to have been misappropriated or misspent in relation to a grant award.
- (7) An appeal to the council may be made by a community early childhood council as to a decision made by the council on the disbanding or suspension of a community early childhood council, service provider, or grantee on a determination that funds have been misappropriated or misspent and are subject to recovery. The appeal shall be conducted in accordance with KRS Chapter 13B.
- (8) The council, community early childhood councils established by the council, and initiatives funded by the council with expenditures from the early childhood development fund shall expire when:
 - (a) Funds are no longer designated to the Commonwealth from the master settlement agreement signed on November 22, 1998, between the participating tobacco manufacturers and the forty (40) settling states or related federal legislation; or
 - (b) Funds are no longer designated to the early childhood development fund from gifts, grants, or federal funds to fund the council, the community early childhood councils established by the council, or any programs that had been funded by the council with expenditures from the early childhood development fund.
- (9) The council shall develop a request for proposal process by which local early childhood councils may request any funding appropriated to the council for use by the councils.

➔Section 101. KRS 207.130 is amended to read as follows:

As used in KRS 207.140 to 207.240 unless the context otherwise requires:

- (1) "Persons" means one (1) or more individuals, partnerships, municipalities, the state, or other political subdivisions within the state, associations, labor organizations, or corporations.
- (2) "Physical disability" means the physical condition of a person whether congenital or acquired, which constitutes a substantial disability to that person and is demonstrable by medically accepted clinical or laboratory diagnostic techniques.
- (3) "Employer" means a person or governmental unit or officer in this state having in his or its employ eight (8) or more individuals; and any person acting in the interest of an employer, directly or indirectly.
- (4) "Labor organization" means a labor organization and an agent of such an organization, and includes an organization of any kind, an agency or employee representation committee, group, association, or plan so engaged in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment, and a conference, general committee, joint system or board, or joint council so engaged which is subordinate to a national or international labor organization.
- (5) "Unfair employment practice" means an act that is prohibited under KRS 207.150, 207.160 or 207.170.
- (6) "Commissioner" means the commissioner of the Department of Workplace Standards, under the direction and supervision of the secretary of the *Education and Labor Cabinet*.
- (7) "Department" means the Department of Workplace Standards in the *Education and Labor Cabinet*.

➔Section 102. KRS 207.230 is amended to read as follows:

Notwithstanding the provisions of KRS 207.200 and 207.210, citizen suits may be commenced under the following terms and conditions:

- (1) Any person deeming himself injured by any act in violation of the provisions of this chapter shall have a civil cause of action in Circuit Court to enjoin further violations, and to recover the actual damages sustained by him, and upon judicial finding of any violation of KRS 207.150 to 207.190, shall recover the costs of the law suit, including a reasonable fee for his attorney of record, all of which shall be in addition to any other remedies contained in KRS 207.130 to 207.240.
- (2) Notice. No action may be commenced:
 - (a) Prior to thirty (30) days after the plaintiff has given notice of the violation to the commissioner of workplace standards.
 - (b) If the commissioner of workplace standards has commenced and is diligently prosecuting a civil action to require compliance with KRS 207.130 to 207.240; however, the aforementioned conditions do not prohibit citizen-initiated civil enforcement action contemporaneously with criminal enforcement efforts by the state.
 - (c) In any civil action under this section, the commissioner of workplace standards, under the direction of the secretary of the *Education and Labor Cabinet*, if not a party, may intervene only with consent of the person bringing the action. If the administrator is allowed to intervene, he may not alter the cause of action, delay the proceedings, or make any decisions, settlement agreements, or agree to any consent orders or enforcement proceeding without the informed consent of the person initiating the citizens enforcement action.

➔Section 103. KRS 210.031 is amended to read as follows:

- (1) The cabinet shall establish an advisory committee of sixteen (16) members to advise the Department for Behavioral Health, Developmental and Intellectual Disabilities of the need for particular services for persons who are deaf or hard-of-hearing.
 - (a) At least eight (8) members shall be deaf or hard-of-hearing and shall be appointed by the secretary. Four (4) deaf or hard-of-hearing members, representing one (1) of each of the following organizations, shall be appointed from a list of at least two (2) nominees submitted from each of the following organizations:
 1. The Kentucky Association of the Deaf;
 2. The A.G. Bell Association;
 3. The Kentucky School for the Deaf Alumni Association; and

4. Self Help for the Hard of Hearing.

The remaining four (4) deaf or hard-of-hearing members shall be appointed by the secretary from a list of at least eight (8) nominees submitted by the Kentucky Commission on the Deaf and Hard of Hearing.

- (b) One (1) member shall be a family member of a deaf or hard-of-hearing consumer of mental health services and shall be appointed by the secretary from a list of nominees accepted from any source.
 - (c) The head of each of the following entities shall appoint one (1) member to the advisory committee:
 - 1. The Cabinet for Health and Family Services, Department for Behavioral Health, Developmental and Intellectual Disabilities;
 - 2. The Education and ~~Labor~~~~Workforce Development~~ Cabinet, Office of Vocational Rehabilitation;
 - 3. The Cabinet for Health and Family Services, Department for Aging and Independent Living;
 - 4. The Education and ~~Labor~~~~Workforce Development~~ Cabinet, Commission on the Deaf and Hard of Hearing;
 - 5. The Kentucky Registry of Interpreters for the Deaf; and
 - 6. A Kentucky School for the Deaf staff person involved in education.
 - (d) The remaining member shall be a representative of a regional board for mental health or individuals with an intellectual disability, appointed by the commissioner of the Department for Behavioral Health, Developmental and Intellectual Disabilities from a list composed of two (2) names submitted by each regional board for mental health or individuals with an intellectual disability.
- (2) Of the members defined in subsection (1)(a) and (b) of this section, three (3) shall be appointed for a one (1) year term, three (3) shall be appointed for a two (2) year term, and three (3) shall be appointed for a three (3) year term; thereafter, they shall be appointed for three (3) year terms. The members defined under subsection (1)(c) and (d) of this section shall serve with no fixed term of office.
 - (3) The members defined under subsection (1)(a) and (b) of this section shall serve without compensation but shall be reimbursed for actual and necessary expenses; the members defined under subsection (1)(c) and (d) of this section shall serve without compensation or reimbursement of any kind.
 - (4) The Department for Behavioral Health, Developmental and Intellectual Disabilities shall make available personnel to serve as staff to the advisory committee.
 - (5) The advisory committee shall meet quarterly at a location determined by the committee chair.
 - (6) (a) The advisory committee shall prepare a biennial report which:
 - 1. Describes the accommodations and the mental health, intellectual disability, development disability, and substance abuse services made accessible to deaf and hard-of-hearing persons;
 - 2. Reports the number of deaf or hard-of-hearing persons served;
 - 3. Identifies additional service needs for the deaf and hard-of-hearing; and
 - 4. Identifies a plan to address unmet service needs.
 - (b) The report shall be submitted to the secretary, the commissioner of the Department for Behavioral Health, Developmental and Intellectual Disabilities, and the Interim Joint Committee on Health and Welfare by July 1 of every odd-numbered year.

➔Section 104. KRS 218A.278 is amended to read as follows:

- (1) For the purposes of this section:
 - (a) "Analyze" means to apply scientific and mathematical measures to determine meaningful patterns and associations in data. "Analyze" includes descriptive analysis to examine historical data, predictive analysis to examine future probabilities and trends, and prescriptive analysis to examine how future decisions may impact the population and trends; and
 - (b) "Pilot program" means a program in a county or set of counties, or a subset or subsets of the population, as designated by the Cabinet for Health and Family Services and the Office of Drug Control Policy for analyzing the effectiveness of substance abuse treatment services in Kentucky.

- (2) The general purpose of this section is to assist in the development of a pilot program to analyze the outcomes and effectiveness of substance abuse treatment programs in order to ensure that the Commonwealth is:
 - (a) Addressing appropriate risk and protective factors for substance abuse in a defined population;
 - (b) Using approaches that have been shown to be effective;
 - (c) Intervening early at important stages and transitions;
 - (d) Intervening in appropriate settings and domains; and
 - (e) Managing programs effectively.
- (3) Sources of data for the pilot program shall include, at a minimum, claims under the Kentucky Department for Medicaid Services, the electronic monitoring system for controlled substances established under KRS 218A.202, and the Department of Workers' Claims within the *Education and* Labor Cabinet.
- (4) As funds are available, the Cabinet for Health and Family Services and the Office of Drug Control Policy shall initiate a pilot program to determine, collect, and analyze performance measurement data for substance abuse treatment services to determine practices that reduce frequency of relapse, provide better outcomes for patients, hold patients accountable, and control health costs related to substance abuse.
- (5) By December 31, 2016, the Cabinet for Health and Family Services and the Office of Drug Control Policy shall issue a joint report to the Legislative Research Commission and the Office of the Governor that:
 - (a) Details the findings of the pilot program;
 - (b) Includes recommendations based on the pilot program's results for optimizing substance abuse treatment services; and
 - (c) Includes recommendations for the continued application of analytics to further augment Kentucky's approach to fighting substance abuse in the future.

➔Section 105. KRS 222.480 is amended to read as follows:

- (1) The Advisory Council for Recovery Ready Communities is hereby created and shall be attached to the Office of Drug Control Policy within the Justice and Public Safety Cabinet for administrative purposes.
- (2) The Advisory Council for Recovery Ready Communities shall consist of the following members:
 - (a) One (1) representative from the Kentucky League of Cities, appointed by the Governor;
 - (b) One (1) representative from the Kentucky Association of Counties, appointed by the Governor;
 - (c) One (1) representative from the Kentucky Chamber of Commerce, appointed by the Governor;
 - (d) One (1) representative from the Recovery Consortium of Kentucky, appointed by the Governor;
 - (e) One (1) representative from the Kentucky School Boards Association, appointed by the Governor;
 - (f) One (1) representative that represents the leadership of active law enforcement officers in Kentucky, appointed by the Governor;
 - (g) One (1) representative that is a practicing physician with an active license in Kentucky representing the medical profession, appointed by the Governor;
 - (h) One (1) representative from the Kentucky Pharmacists Association, appointed by the governor;
 - (i) One (1) representative from a family advocate organization who shall have experience in substance use recovery disorders, appointed by the Governor;
 - (j) One (1) representative from a faith community organization who shall have experience in substance use recovery disorders, appointed by the Governor
 - (k) Two (2) individuals in recovery from a substance use disorder, one (1) of whom has served time in jail or prison due to a substance use disorder, appointed by the Governor;
 - (l) The Chief Justice of the Supreme Court, or his or her designee;
 - (m) The Attorney General, or his or her designee;
 - (n) The commissioner of the Department for Public Health, or his or her designee;

- (o) The commissioner of the Department for Behavioral Health, Developmental and Intellectual Disabilities, or his or her designee;
- (p) The commissioner of the Department of Corrections, or his or her designee;
- (q) The commissioner of the Department of Workforce ~~Development~~ *Investment*, or his or her designee;
- (r) The public advocate, or his or her designee;
- (s) The President of the Senate, or his or her designee;
- (t) The Speaker of the House, or his or her designee; and
- (u) One (1) representative from the Kentucky Association of Regional Programs, appointed by the Governor.

The Governor shall designate a chairperson.

- (3) Appointed members of the Advisory Council for Recovery Ready Communities shall serve without compensation, but shall be reimbursed for actual expenses incurred in the performance of duties in accordance with KRS 45.101 and administrative regulations promulgated thereunder.
- (4) The Governor shall appoint advisory council members who reflect, inasmuch as possible, the political, geographic, gender, age, and racial diversity of the population of the Commonwealth.
- (5) The Advisory Council for Recovery Ready Communities shall:
 - (a) Establish a Kentucky Recovery Ready Community Certification Program for cities and counties. The purpose of the certification program is to provide a quality measure of a city's or county's substance use disorder recovery programs and to assure citizens and businesses that a city or county is committed to ensuring the availability of high quality recovery programs in its community that can help lead to a highly skilled community workforce;
 - (b) Establish guidelines, protocols, standards, and an application and approval process for cities and counties related to the Kentucky Recovery Ready Community Certification Program;
 - (c) Ensure that the certification process evaluates a city's or county's availability of high quality substance use treatment programs in their communities for persons in active, post, and recovered addiction status;
 - (d) Request and utilize federal, state, and private funds, including funds from philanthropic sources;
 - (e) Improve procedures for ensuring accountability and measuring success of recovery programs that receive state, federal, and philanthropic funds; and
 - (f) Other duties and responsibilities as designated by the Governor.
- (6) The Justice and Public Safety Cabinet may contract with any public or private agency or any individual for research, the gathering of information, the printing and publication of reports, consulting, or for any other purpose necessary to discharge the duties of the advisory council.
- (7) The Justice and Public Safety Cabinet, in collaboration with the Advisory Council for Recovery Ready Communities created under subsection (1) of this section, may promulgate administrative regulations pursuant to KRS Chapter 13A to carry out this section.

➔Section 106. KRS 247.804 is amended to read as follows:

An Agritourism Advisory Council shall be established within the Department of Agriculture to advise and assist the Office of Agritourism. The Agritourism Advisory Council shall be composed of:

- (1) One (1) representative from each of the following entities:
 - (a) Department of Agriculture, appointed by the Commissioner of Agriculture;
 - (b) Tourism, Arts and Heritage Cabinet, appointed by the secretary of the cabinet;
 - (c) Education and ~~Labor~~ *Workforce Development* Cabinet, appointed by the secretary of the cabinet;
 - (d) Department of Fish and Wildlife Resources Commission, appointed by the commissioner of the department;
 - (e) University of Kentucky Cooperative Extension Service;

- (f) Kentucky Tourism Council;
 - (g) Kentucky Farm Bureau;
 - (h) Kentucky Association of Fairs and Horse Shows;
 - (i) Southern and Eastern Kentucky Tourism Development Association;
 - (j) Licking River Valley Resource Conservation and Development Council;
 - (k) Buffalo Trace Covered Bridge Authority;
 - (l) Kentucky Chamber of Commerce;
 - (m) Kentucky Council of Area Development Districts; and
 - (n) Jackson Purchase Resource Conservation and Development Foundation, Inc.;
- (2) The Governor, or a designee;
 - (3) Two (2) members of the General Assembly who hold an interest in agriculture, one (1) appointed by the President of the Senate and one (1) appointed by the Speaker of the House of Representatives; and
 - (4) Nine (9) representatives of agriculture or the agritourism industry, appointed by the Commissioner of Agriculture from a list of candidates compiled by the tourism regions as set forth in KRS 247.802(4). Each tourism region shall submit three (3) candidates with a business interest in agritourism who reside within that region, and the Commissioner shall appoint one (1) candidate from each region from those names submitted.

➔Section 107. KRS 281.870 is amended to read as follows:

- (1) There is hereby created a Coordinated Transportation Advisory Committee, also known as the "CTAC", that is to be composed of designated members of the cabinet, the Cabinet for Health and Family Services, and the Education and ~~Labor~~~~Workforce Development~~ Cabinet.
- (2) Members of the CTAC shall serve terms as determined by each respective cabinet. The CTAC shall meet at least once a month, but may meet more frequently if desired, and shall maintain a written record of all meetings and actions taken. In all proceedings of the CTAC and in all actions taken by the CTAC, the cabinet and the Cabinet for Health and Family Services shall each have two (2) votes, and the Education *and Labor* Cabinet shall have one (1) vote. A quorum of the CTAC shall be required to conduct any official business.
- (3) The staff of the cabinet's Office of Transportation Delivery shall provide administrative support to the CTAC. The executive director of the Office of Transportation Delivery shall set the agenda for meetings of the CTAC. The Office of Transportation Delivery may promulgate administrative regulations under KRS Chapter 13A governing the human service transportation delivery program on behalf of the CTAC. The cabinet shall promulgate administrative regulations under KRS Chapter 13A to specify the duties and responsibilities of the CTAC.

➔Section 108. KRS 281.872 is amended to read as follows:

- (1) The cabinet shall employ a pool of program coordinators. Each program coordinator shall be a state employee and reside in the cabinet.
- (2) The program coordinator shall initially investigate all complaints regarding recipients, subcontractors, and the broker for the area and attempt to immediately resolve the problem. All complaints relating to Medicaid fraud or abuse shall be forwarded by the cabinet to the Cabinet for Health and Family Services. The program coordinator shall further be responsible for assisting a person with a complaint as required in subsection (4) of this section.
- (3) The program coordinator shall investigate issues of eligibility that result in a person being denied transportation, determine the status of the person's case, and attempt to immediately resolve the matter in order for the person to continue to receive transportation services. A broker shall not deny any person transportation services until the program coordinator resolves the question of the person's eligibility and verifies to the broker that the person is actually ineligible to receive transportation services. A broker who violates the provisions of this subsection shall be fined one thousand dollars (\$1,000) and shall be subject to his or her contract being revoked by the cabinet. The program coordinator shall coordinate information about eligibility to participate in the human service transportation delivery program between the cabinet, the Cabinet for Health and Family Services, and the Education and ~~Labor~~~~Workforce Development~~ Cabinet. The cabinet shall ensure each program coordinator has direct computer access to all relevant databases used by all state agencies to

administer the human service transportation delivery program. The Department for Medicaid Services shall provide each program coordinator with a monthly eligibility list for the area.

- (4) If a program coordinator is unable to resolve a complaint against a broker or subcontractor to the satisfaction of the person lodging the complaint on the same business day the complaint is made, the program coordinator shall immediately act to assist the person in contacting the appropriate state agency to resolve the complaint. The program coordinator shall ensure that the cabinet, the Cabinet for Health and Family Services, and the Education and ~~Labor~~~~Workforce~~~~Development~~ Cabinet strictly adhere to the provisions of 42 C.F.R. governing a person's right to appeal the denial of service or failure for a complaint to be acted upon promptly. The cabinet shall be required to inform in writing, every person who has either been denied transportation or who has failed to have a complaint resolved in a prompt manner under the human service transportation delivery program, of their right to a hearing to be held in the county where the person lives, and the process to follow to obtain a hearing.
- (5) All brokers and subcontractors shall be prohibited from retaliating or attempting retribution in any way against any person using the human service transportation delivery program who files a complaint. A broker or subcontractor who is determined by the cabinet to have violated the provisions of this subsection, after an investigation and hearing conducted by the cabinet, shall have his or her contract revoked by the cabinet within ninety (90) days of the hearing and shall be prohibited from participating in the human service transportation delivery program for five (5) years from the date of the cabinet's determination.

➔Section 109. KRS 304.13-167 is amended to read as follows:

- (1) Every workers' compensation insurer shall adhere to a uniform classification system and uniform experience rating system filed with the commissioner by an advisory organization designated by the commissioner.
- (2) Every workers' compensation insurer shall report its experience in accordance with the statistical plans and other reporting requirements in use by an advisory organization designated by the commissioner.
- (3) A workers' compensation insurer may develop subclassifications of the uniform classification system upon which rates may be made. These subclassifications and their filing shall be subject to the provisions of this chapter applicable to filings generally.
- (4) A workers' compensation insurer may develop rating plans which identify loss experience as a factor to be used. These rating plans and their filing shall be subject to the provisions of this chapter applicable to filings generally.
- (5) The commissioner shall disapprove subclassifications, rating plans, or other variations from manual rules filed by a workers' compensation insurer if the insurer fails to demonstrate that the data thereby produced can be reported consistent with the uniform classification system and experience rating system and in such a fashion so as to allow for the application of experience rating filed by the advisory organization.
- (6) The commissioner shall approve rating plans for workers' compensation insurance that give specific identifiable consideration in the setting of rates to employers who implement a drug-free workplace program pursuant to administrative regulations adopted by the Department of Workers' Claims in the *Education and Labor* Cabinet. The plans shall take effect January 1, 2008, shall be actuarially sound, and shall state the savings anticipated to result from such drug-free workplace programs. The credit shall be at least five percent (5%) unless the commissioner determines that five percent (5%) is actuarially unsound. The commissioner is also authorized to develop a schedule of premium credits for workers' compensation insurance for employers who have safety programs that contain certain criteria for safety programs. The commissioner shall consult with the commissioner of the Department of Workers' Claims in the *Education and Labor* Cabinet in setting such criteria. A drug-free workplace credit under this subsection shall not be available to employers who receive a credit under KRS 304.13-412 or KRS Chapter 351.

➔Section 110. KRS 304.20-090 is amended to read as follows:

Any insurer providing workers' compensation insurance coverage for a Kentucky location shall provide proof of coverage to the commissioner of the Department of Workers' Claims in the *Education and Labor* Cabinet in accordance with the requirements of the chapter.

➔Section 111. KRS 336.010 is amended to read as follows:

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

- (1) "Secretary" means secretary of the *Education and Labor* Cabinet; and

- (2) "Cabinet" means *Education and Labor Cabinet*.

➔Section 112. KRS 336.045 is amended to read as follows:

- (1) The *Education and Labor Cabinet* shall administer and supervise state employment offices and perform any other duties within the Act of Congress entitled "An Act to provide for the establishment of a National Employment Service and for Cooperation with the State in the Promotion of Such System and for Other Purposes," approved June 6, 1933 (48 Stat. 113, U.S.C., Title 29, sec. 49(c)), as amended, and known as the Wagner-Peyser Act. All duties and powers relating to the establishment, maintenance, and operation of free public employment offices are vested in the *Education and Labor Cabinet*, except that on or before April 15, 2021, there shall be twelve (12) regional full-time free public employment offices open, fully operational, and staffed by properly trained unemployment insurance specialists in each of the regions where the secretary has determined there is an average unemployment rate above five percent (5%) for the preceding six (6) month period ending either on June 30 or December 31. The *Education and Labor Cabinet* may, at its discretion, open and operate additional free public employment satellite offices on a full or partial schedule.
- (2) The provisions of the Wagner-Peyser Act, as amended, are accepted by this state in conformity with Section 4 of that Act, and this state will observe and comply with the requirements of that Act. The *Education and Labor Cabinet* is designated and constituted the agency of this state for the purposes of the Wagner-Peyser Act.

➔Section 113. KRS 336.130 is amended to read as follows:

- (1) Employees may, free from restraint or coercion by the employers or their agents, associate collectively for self-organization and designate collectively representatives of their own choosing to negotiate the terms and conditions of their employment to effectively promote their own rights and general welfare. Employees, collectively and individually, may strike, engage in peaceful picketing, and assemble collectively for peaceful purposes, except that no public employee, collectively or individually, may engage in a strike or a work stoppage. Nothing in this statute and KRS 65.015, 67A.6904, 67C.406, 70.262, 78.470, 78.480, 336.132, 336.134, 336.180, 336.990, and 345.050 shall be construed as altering, amending, granting, or removing the rights of public employees to associate collectively for self-organization and designate collectively representatives of their own choosing to negotiate the terms and conditions of their employment to effectively promote their own rights and general welfare.
- (2) Neither employers or their agents nor employees or associations, organizations or groups of employees shall engage or be permitted to engage in unfair or illegal acts or practices or resort to violence, intimidation, threats or coercion.
- (3) (a) Notwithstanding subsection (1) of this section or any provision of the Kentucky Revised Statutes to the contrary, no employee shall be required, as a condition of employment or continuation of employment, to:
1. Become or remain a member of a labor organization;
 2. Pay any dues, fees, assessments, or other similar charges of any kind or amount to a labor organization; or
 3. Pay to any charity or other third party, in lieu of these payments, any amount equivalent to or pro rata portion of dues, fees, assessments, or other charges required of a labor organization.
- (b) As used in this subsection, the term "employee" means any person employed by or suffered or permitted to work for a public or private employer.
- (4) The secretary of the *Education and Labor Cabinet* or his or her representative shall investigate complaints of violations or threatened violations of subsection (3) of this section and may initiate enforcement of a criminal penalty by causing a complaint to be filed with the appropriate local prosecutor and ensure effective enforcement.
- (5) Except in instances where violence, personal injury, or damage to property have occurred and such occurrence is supported by an affidavit setting forth the facts and circumstances surrounding such incidents, the employees and their agents shall not be restrained or enjoined from exercising the rights granted them in subsection (1) of this section without a hearing first being held, unless the employees or their agents are engaged in a strike in violation of a "no strike" clause in their labor contract.
- (6) Submission of a false affidavit concerning violence, personal injury, or damage to property shall constitute a violation of KRS 523.030. In the absence of any such affidavit alleging violence, personal injury, or damage

injunctions shall be issued only by a Circuit Judge or other justice or judge acting as a Circuit Judge pursuant to law.

➔Section 114. KRS 336.990 is amended to read as follows:

- (1) Upon proof that any person employed by the *Education and* Labor Cabinet as a labor inspector has taken any part in any strike, lockout or similar labor dispute, the person shall forfeit his or her office.
- (2) The following civil penalties shall be imposed, in accordance with the provisions in KRS 336.985, for violations of the provisions of this chapter:
 - (a) Any person who violates KRS 336.110 or 336.130 shall for each offense be assessed a civil penalty of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000);
 - (b) Any corporation, association, organization, or person that violates KRS 336.190 and 336.200 shall be assessed a civil penalty of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) for each offense. Each act of violation, and each day during which such an agreement remains in effect, shall constitute a separate offense;
 - (c) Any employer who violates the provisions of KRS 336.220 shall be assessed a civil penalty of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) for each violation; and
 - (d) Any labor organization who violates KRS 336.135 shall be assessed a civil penalty of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) for each offense.
- (3) Any labor organization, employer, or other person who directly or indirectly violates KRS 336.130(3) shall be guilty of a Class A misdemeanor.
- (4) Any person aggrieved as a result of any violation or threatened violation of KRS 336.130(3) may seek abatement of the violation or threatened violation by petitioning a court of competent jurisdiction for injunctive relief and shall be entitled to costs and reasonable attorney fees if he or she prevails in the action.
- (5) Any person injured as a result of any violation or threatened violation of KRS 336.130(3) may recover all damages resulting from the violation or threatened violation and shall be entitled to costs and reasonable attorney fees if he or she prevails in the action.

➔Section 115. KRS 337.010 is amended to read as follows:

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

1. Notwithstanding any voluntary agreement entered into between the United States Department of Labor and a franchisee, neither a franchisee nor a franchisee's employee shall be deemed to be an employee of the franchisor for any purpose under this chapter; and
2. Notwithstanding any voluntary agreement entered into between the United States Department of Labor and a franchisor, neither a franchisor nor a franchisor's employee shall be deemed to be an employee of the franchisee for any purpose under this chapter.

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

- (2) As used in KRS 337.275 to 337.325, 337.345, and 337.385 to 337.405, unless the context requires otherwise:
 - (a) "Employee" is any person employed by or suffered or permitted to work for an employer, but shall not include:
 1. Any individual employed in agriculture;
 2. Any individual employed in a bona fide executive, administrative, supervisory, or professional capacity, or in the capacity of outside salesman, or as an outside collector as the terms are defined by administrative regulations of the commissioner;
 3. Any individual employed by the United States;
 4. Any individual employed in domestic service in or about a private home. The provisions of this section shall include individuals employed in domestic service in or about the home of an employer where there is more than one (1) domestic servant regularly employed;
 5. Any individual classified and given a certificate by the commissioner showing a status of learner, apprentice, worker with a disability, sheltered workshop employee, and student under administrative procedures and administrative regulations prescribed and promulgated by the commissioner. This certificate shall authorize employment at the wages, less than the established fixed minimum fair wage rates, and for the period of time fixed by the commissioner and stated in the certificate issued to the person;
 6. Employees of retail stores, service industries, hotels, motels, and restaurant operations whose average annual gross volume of sales made for business done is less than ninety-five thousand dollars (\$95,000) for the five (5) preceding years exclusive of excise taxes at the retail level or if the employee is the parent, spouse, child, or other member of his or her employer's immediate family;
 7. Any individual employed as a baby-sitter in an employer's home, or an individual employed as a companion by a sick, convalescing, or elderly person or by the person's immediate family, to care for that sick, convalescing, or elderly person and whose principal duties do not include housekeeping;
 8. Any individual engaged in the delivery of newspapers to the consumer;
 9. Any individual subject to the provisions of KRS Chapters 7, 16, 27A, 30A, and 18A provided that the secretary of the Personnel Cabinet shall have the authority to prescribe by administrative regulation those emergency employees, or others, who shall receive overtime pay rates necessary for the efficient operation of government and the protection of affected employees;
 10. Any employee employed by an establishment which is an organized nonprofit camp, religious, or nonprofit educational conference center, if it does not operate for more than two hundred ten (210) days in any calendar year;
 11. Any employee whose function is to provide twenty-four (24) hour residential care on the employer's premises in a parental role to children who are primarily dependent, neglected, and abused and who are in the care of private, nonprofit childcaring facilities licensed by the Cabinet for Health and Family Services under KRS 199.640 to 199.670;
 12. Any individual whose function is to provide twenty-four (24) hour residential care in his or her own home as a family caregiver, family home provider, or adult foster care provider and who is approved to provide family caregiver services to an adult with a disability through a contractual relationship with a community board for mental health or individuals with an intellectual disability established under KRS 210.370 to 210.460 or through a contractual relationship with a

certified waiver provider as defined in 907 KAR 7:005 sec. 1(5), or is certified or licensed by the Cabinet for Health and Family Services to provide adult foster care;

13. A direct seller as defined in Section 3508(b)(2) of the Internal Revenue Code of 1986; or
14. Any individual whose function is to provide behavior support services, behavior programming services, case management services, community living support services, positive behavior support services, or respite services through a contractual relationship with a certified waiver provider, as defined in 907 KAR 7:005 sec. 1(5), pursuant to a 1915(c) home and community based services waiver program, as defined in 907 KAR 7:005 sec. 1(2);
 - (b) "Agriculture" means farming in all its branches, including cultivation and tillage of the soil; dairying; production, cultivation, growing, and harvesting of any agricultural or horticultural commodity; raising of livestock, bees, furbearing animals, or poultry; and any practice, including any forestry or lumbering operations, performed on a farm in conjunction with farming operations, including preparation and delivery of produce to storage, to market, or to carriers for transportation to market;
 - (c) "Gratuity" means voluntary monetary contribution received by an employee from a guest, patron, or customer for services rendered;
 - (d) "Tipped employee" means any employee engaged in an occupation in which he or she customarily and regularly receives more than thirty dollars (\$30) per month in tips; and
 - (e) "U.S.C." means the United States Code.

➔Section 116. KRS 337.075 is amended to read as follows:

- (1) A lien may be placed on all property, both real and personal, of an employer who has been assessed civil penalties by the commissioner for violations of the wages and hours provisions of this chapter, but not before all administrative and judicial appeals have been exhausted. The lien shall be in favor of the **Education and Labor Cabinet** and shall be an amount totaling the unpaid wages and penalties due, together with interest at a rate of twelve percent (12%) per annum from the date the notice of the violation is final, but not before all administrative and judicial appeals have been exhausted. The lien shall be attached to all property and rights to property owned or subsequently acquired by the employer. The commissioner or the commissioner's designee shall record the lien as provided in subsection (2) of this section. The lien shall show the date on which the notice of violation was issued, the date of the violation, the name and last known address of the employer against whom the assessment was made, and the amount of unpaid wages, penalties, and interest. The lien shall be superior to the lien of any mortgage or encumbrance thereafter created and shall continue for ten (10) years from the time of the recording, unless sooner released or otherwise discharged.
- (2) The lien shall be filed in any of the following offices in which the employer owns property or rights to property and any filing fees associated with filing the lien shall be pursuant to KRS 64.012:
 - (a) The office of the county clerk of the county in which the defendant employer resides.
 - (b) The office of the county clerk of the county in which the defendant employer has its principal place of business.
 - (c) The office of the county clerk of any county in which the defendant employer has property or an interest in property.

➔Section 117. KRS 337.420 is amended to read as follows:

- (1) "Employee" means any individual employed by any employer, including but not limited to individuals employed by the state or any of its political subdivisions, instrumentalities, or instrumentalities of political subdivisions.
- (2) "Employer" means a person who has two (2) or more employees within the state in each of twenty (20) or more calendar weeks in the current or preceding calendar year and an agent of such a person.
- (3) "Wage rate" means all compensation for employment, including payment in kind and amounts paid by employers for employee benefits, as defined by the commissioner in regulations issued under KRS 337.420 to 337.433 and 337.990(11).
- (4) "Employ" includes to suffer or permit to work.
- (5) "Occupation" includes any industry, trade, business, or branch thereof, or any employment or class of employment.

- (6) "Commissioner" means the commissioner of the Department of Workplace Standards under the direction and supervision of the secretary of the *Education and Labor Cabinet*.
- (7) "Person" includes one (1) or more individuals, partnerships, corporations, legal representatives, trustees, trustees in bankruptcy, or voluntary associations.

➔Section 118. KRS 337.990 is amended to read as follows:

The following civil penalties shall be imposed *by the Education and Labor Cabinet*, in accordance with the provisions in KRS 336.985, for violations of the provisions of this chapter:

- (1) Any firm, individual, partnership, or corporation that violates KRS 337.020 shall be assessed a civil penalty of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) for each offense. Each failure to pay an employee the wages when due him under KRS 337.020 shall constitute a separate offense.
- (2) Any employer who violates KRS 337.050 shall be assessed a civil penalty of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000).
- (3) Any employer who violates KRS 337.055 shall be assessed a civil penalty of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) for each offense and shall make full payment to the employee by reason of the violation. Each failure to pay an employee the wages as required by KRS 337.055 shall constitute a separate offense.
- (4) Any employer who violates KRS 337.060 shall be assessed a civil penalty of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) and shall also be liable to the affected employee for the amount withheld, plus interest at the rate of ten percent (10%) per annum.
- (5) Any employer who violates the provisions of KRS 337.065 shall be assessed a civil penalty of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) for each offense and shall make full payment to the employee by reason of the violation.
- (6) Any person who fails to comply with KRS 337.070 shall be assessed a civil penalty of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) for each offense and each day that the failure continues shall be deemed a separate offense.
- (7) Any employer who violates any provision of KRS 337.275 to 337.325, KRS 337.345, and KRS 337.385 to 337.405, or willfully hinders or delays the commissioner or the commissioner's authorized representative in the performance of his or her duties under KRS 337.295, or fails to keep and preserve any records as required under KRS 337.320 and 337.325, or falsifies any record, or refuses to make any record or transcription thereof accessible to the commissioner or the commissioner's authorized representative shall be assessed a civil penalty of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000). A civil penalty of not less than one thousand dollars (\$1,000) shall be assessed for any subsequent violation of KRS 337.285(4) to (9) and each day the employer violates KRS 337.285(4) to (9) shall constitute a separate offense and penalty.
- (8) Any employer who pays or agrees to pay wages at a rate less than the rate applicable under KRS 337.275 and 337.285, or any wage order issued pursuant thereto shall be assessed a civil penalty of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000).
- (9) Any employer who discharges or in any other manner discriminates against any employee because the employee has made any complaint to his or her employer, to the commissioner, or to the commissioner's authorized representative that he or she has not been paid wages in accordance with KRS 337.275 and 337.285 or regulations issued thereunder, or because the employee has caused to be instituted or is about to cause to be instituted any proceeding under or related to KRS 337.385, or because the employee has testified or is about to testify in any such proceeding, shall be deemed in violation of KRS 337.275 to 337.325, KRS 337.345, and KRS 337.385 to 337.405 and shall be assessed a civil penalty of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000).
- (10) Any employer who violates KRS 337.365 shall be assessed a civil penalty of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000).
- (11) A person shall be assessed a civil penalty of not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) when that person discharges or in any other manner discriminates against an employee because the employee has:
 - (a) Made any complaint to his or her employer, the commissioner, or any other person; or

- (b) Instituted, or caused to be instituted, any proceeding under or related to KRS 337.420 to 337.433; or
- (c) Testified, or is about to testify, in any such proceedings.

➔Section 119. KRS 337.994 is amended to read as follows:

Any employer who violates KRS 337.200 shall be fined *by the Education and Labor Cabinet* not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500). Each day that the employer violates KRS 337.200 shall constitute a separate offense and penalty. If the employer is a corporation, the officers of the corporation shall be personally liable for the penalty imposed herein.

➔Section 120. KRS 338.015 is amended to read as follows:

As used in this chapter:

- (1) "Employer" shall mean any entity for whom a person is employed except those employers excluded in KRS 338.021;
- (2) "Employee" shall mean any person employed except those employees excluded in KRS 338.021;
- (3) The term "occupational safety and health standard" means a standard which requires conditions, or the adoption or use of one (1) or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe or healthful employment and places of employment. "Standard" has the same meaning as and includes the words "regulation" and "rule";
- (4) "Occupational safety and health hazard" means any practice or condition in a place of employment which may be deemed detrimental to the safety and health of employees;
- (5) "Occupational injury or illness" means any abnormal condition or disorder of an employee caused by exposure to factors associated with his or her employment;
- (6) "Board" means the Kentucky Occupational Safety and Health Standards Board established under this chapter;
- (7) "Commissioner" means the commissioner of the Department of Workplace Standards under the direction and supervision of the secretary of the *Education and Labor Cabinet*;
- (8) "Review commission" means the Kentucky Occupational Safety and Health Review Commission established under this chapter;
- (9) The term "national consensus standard" means any occupational safety and health standard or modification thereof which has been adopted and promulgated by a nationally recognized standards-producing organization;
- (10) The term "established federal standard" means any operative occupational safety and health standard established by any agency of the United States government;
- (11) "Department" means the Department of Workplace Standards; and
- (12) "Secretary" means the secretary of the *Education and Labor Cabinet*.

➔Section 121. KRS 338.041 is amended to read as follows:

- (1) The Department of Workplace Standards in the *Education and Labor Cabinet* shall administer all matters pertaining to occupational safety and occupational health.
- (2) The department may require the assistance of other state agencies and may enter into agreements with other state agencies and political subdivisions of the Commonwealth for the administration of this chapter.
- (3) The department may enter into an agreement with the Cabinet for Health and Family Services and other appropriate departments or agencies to conduct research, experiments, and demonstrations relating to occupational safety and health, including studies of psychological factors involved, and relating to innovative methods, techniques, and approaches for dealing with occupational safety and health problems in the administration of this chapter.

➔Section 122. KRS 338.051 is amended to read as follows:

- (1) There is hereby established the Kentucky Occupational Safety and Health Standards Board consisting of the secretary and twelve (12) members equally representing industry, labor, agriculture, and the safety and health profession. The members shall be appointed by the Governor for terms of three (3) years and until their successors are appointed and qualified, from lists of nominees submitted by bona fide associations representative of industry, labor, agriculture, and the safety and health profession. Members shall receive

twenty-five dollars (\$25) per day for attending each meeting and shall be reimbursed for actual expenses incurred in carrying out their duties. The secretary shall act as chairman of the board. No member of the board may have a concurrent term on the review commission.

- (2) The board shall hold annual meetings and additional meetings as needed. A majority of the board constitutes a quorum for the transaction of business.
- (3) The board shall adopt and promulgate occupational safety and health rules, regulations, and standards, except that the chairman of the board may adopt established federal standards without board approval if necessary to meet federal time requirements. The board shall secure all expertise, testimony, and evidence necessary to accomplish the purposes of this chapter.
- (4) The board shall be attached to the *Education and* Labor Cabinet for administrative purposes.

➔Section 123. KRS 338.071 is amended to read as follows:

- (1) There is hereby established the Kentucky Occupational Safety and Health Review Commission consisting of three (3) members appointed by the Governor on the basis of their experience and competence in the fields of occupational safety and health. The members selected shall be qualified to represent the interest of employers, employees, and the occupational safety and health profession with a minimum of five (5) years experience in their respective fields.
- (2) Members of the review commission shall serve terms of four (4) years and until their successors are appointed.
- (3) The review commission shall hold monthly meetings and additional meetings as deemed necessary. A majority of the review commission constitutes a quorum for the transaction of business. Special meetings of the review commission may be called upon reasonable notice by the commissioner or by any two (2) members of the commission.
- (4) The review commission shall hear and rule on appeals from citations, notifications, and variances issued under the provisions of this chapter and adopt and promulgate rules and regulations with respect to the procedural aspect of its hearings.
- (5) The review commission shall have the authority to employ a secretary, hearing officers, and other employees as may become necessary.
- (6) The chairman of the commission and each of the other two (2) members shall be paid a salary fixed under KRS 64.640.
- (7) The secretary of the commission shall be paid a salary to be fixed by the commission, with the approval of the Governor. The commission shall fix the compensation of all its other employees.
- (8) The commissioners and the secretary and employees of the commission are entitled to all necessary expenses incurred in traveling on business of the commission.
- (9) The commission shall be attached to the *Education and* Labor Cabinet for administrative purposes only.

➔Section 124. KRS 338.121 is amended to read as follows:

- (1) Any employee, or representative of employees, who believes that a violation of an occupational safety and health standard exists that threatens physical harm, or that an imminent danger exists, may request an inspection by giving notice to the commissioner of such violation or danger. Any such notice shall be reduced to writing, shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the employees or representative of employees, and a copy shall be provided the employer or the employer's agent no later than at the time of inspection, except that, upon the request of the person giving such notice, his or her name and the names of individual employees referred to therein shall not appear in such copy.
- (2) If upon receipt of notification, reasonable grounds are believed to exist for such violation or danger, then a special inspection shall be made in accordance with the provisions of KRS 338.101 and 338.111. If no reasonable grounds are believed to exist for such violation of danger, then the commissioner shall notify the employee or the representative of the employees in writing of such determination.
- (3) (a) No person shall discharge or in any manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this chapter or has testified or is about to testify in any such proceeding or because of the exercise by such employee on behalf of himself or herself or others of any right afforded by this chapter; and

- (b) Any employee who believes that he or she has been discharged or otherwise discriminated against by any person in violation of this subsection may, within a reasonable time after such violation occurs, file a complaint with the commissioner alleging such discrimination. Upon receipt of such complaint, the commissioner shall cause such investigation to be made as deemed appropriate. If upon such investigation, the commissioner determines that the provisions of this subsection have been violated, he or she shall issue a citation to the employer which may be challenged or contested in accordance with the provisions of this chapter and the review commission may order all appropriate relief including rehiring and reinstatement of the employee to his or her former position with back pay. Upon an initial determination by the commissioner that an employee has been discharged by an employer in violation of subsection (3)(a) of this section, the secretary of the *Education and Labor Cabinet* may order reinstatement of the employee pending a final determination and order of the review commission.

➔Section 125. KRS 338.191 is amended to read as follows:

It shall be the duty of the Attorney General, upon request of the commissioner, to bring all necessary civil or criminal actions for violations of the provisions of this chapter and to obtain injunctions against any person violating or threatening to violate any provisions of this chapter. The Attorney General may appoint special counsel to prosecute these claims. In the event special counsel is secured, all costs will be borne by the *Education and Labor Cabinet*.

➔Section 126. KRS 338.201 is amended to read as follows:

- (1) A lien may be placed on all property, both real and personal, of an employer who has violated any requirement of this chapter, if the citation issued by the commissioner has been upheld by a final order of the review commission, but not before all administrative and judicial appeals have been exhausted. The lien shall be in favor of the *Education and Labor Cabinet* and shall be an amount totaling the penalties due, together with interest at a rate of twelve percent (12%) per annum from the date the order of the review commission is final, but not before all administrative and judicial appeals have been exhausted. The lien shall be attached to all property and rights to property owned or subsequently acquired by the employer. The commissioner or the commissioner's designee shall record the lien as provided in subsection (2) of this section. The lien shall show the date on which the citation was issued, the date of the violation, the name and last known address of the employer against whom the assessment was made, and the amount of penalties and interest. The lien shall be superior to the lien of any mortgage or encumbrance thereafter created and shall continue for ten (10) years from the time of the recording, unless sooner released or otherwise discharged.
- (2) The lien shall be filed in any of the following offices in which the employer owns property or rights to property and any filing fees associated with filing the lien shall be pursuant to KRS 64.012:
- The office of the county clerk of the county in which the defendant employer resides.
 - The office of the county clerk of the county in which the defendant employer has its principal place of business.
 - The office of the county clerk of any county in which the defendant employer has property or an interest in property.

➔Section 127. KRS 339.205 is amended to read as follows:

As used in this chapter, "commissioner" shall mean the commissioner of the Department of Workplace Standards, under the direction and supervision of the secretary of the *Education and Labor Cabinet*.

➔Section 128. KRS 339.400 is amended to read as follows:

Every person employing minors under eighteen (18) years of age shall keep a separate register containing the names, ages, and addresses of such employees, and the time of commencing and stopping of work for each day, and the time of the beginning and ending of the daily meal period, and shall post and keep conspicuously posted in the establishment wherein any such minor is employed, permitted, or suffered to work, a printed abstract of KRS 339.210 to 339.450, and a list of the occupations prohibited to such minors, together with a notice stating the working hours per day for each day in the week required of them. These records and files shall be open at all times to the inspection of the school directors of pupil personnel and probation officers, and representatives of the *Education and Labor Cabinet* ~~and Department of Education~~.

➔Section 129. KRS 341.005 is amended to read as follows:

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

- (1) "Cabinet" means the Education and ~~Labor~~ ~~Workforce Development~~ Cabinet;

- (2) "Secretary" means the secretary of the Education and ~~Labor~~~~Workforce Development~~ Cabinet or his or her duly authorized representative; and
- (3) "Commission" means the unemployment insurance commission.

➔Section 130. KRS 341.080 is amended to read as follows:

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

- (1) Except in so far as the Education and ~~Labor~~~~Workforce Development~~ Cabinet by *administrative* regulation prescribes the equivalent thereof to meet particular conditions:
 - (a) "Calendar year" means a year beginning on January 1; and
 - (b) "Calendar quarter" means three (3) consecutive months beginning on January 1, April 1, July 1, or October 1;
- (2) "Week" means such period of seven (7) consecutive calendar days as the ~~Education and Workforce Development~~ cabinet~~regulation~~ prescribes *in administrative regulation*; and
- (3) "Week of unemployment" means any period of seven (7) consecutive days, as prescribed by the ~~Education and Workforce Development~~ cabinet in administrative regulations, during which a worker performed less than full-time work and earned less than an amount equal to one and one-fourth (1-1/4) times the benefit rate determined for him in accordance with the provisions of subsection (2) of KRS 341.380.

➔Section 131. KRS 341.110 is amended to read as follows:

- (1) In the Education and ~~Labor~~~~Workforce Development~~ Cabinet, there shall be an Unemployment Insurance Commission composed of the secretary or his or her duly authorized representative, as ex officio chairman and two (2) members appointed by the Governor.
- (2) The secretary shall represent the state and the public. One (1) member shall be appointed as a representative of labor and one (1) as a representative of employers. The chairman and one (1) other member of the commission shall constitute a quorum.
- (3) The members representing labor and employers shall be appointed on the basis of their merit and fitness to perform their duties and exercise the responsibilities of their offices. They shall be citizens of this state and not less than thirty (30) years of age.
- (4) The terms of each member appointed to represent labor and employers shall be for four (4) years from the date of appointment and until a successor is appointed and qualified, except that appointments to vacancies shall be for the unexpired term.
- (5) The compensation of the members representing labor and employers shall be \$12,000 each per annum.

➔Section 132. KRS 341.125 is amended to read as follows:

- (1) It shall be the duty of the secretary of the Education and ~~Labor~~~~Workforce Development~~ Cabinet to administer this chapter; and he shall have power and authority to make such expenditures, require such reports, make such investigations, and take such other action not specifically assigned to the cabinet, as he or she deems necessary for the proper administration of this chapter.
- (2) The secretary is authorized, subject to the provisions of KRS Chapters 12, 42, 45, and 45A, to appoint, fix the compensation, and prescribe duties and powers of such officers and employees as may be necessary in the performance of his or her duties under this chapter. All positions shall be filled by persons selected and appointed on a nonpartisan merit basis. The secretary shall not employ or pay any person who is an officer or committee member of any political party organization. The secretary may delegate to any such person so appointed such power and authority as he or she deems reasonable and proper for the effective administration of this chapter.
- (3) The salary and expenses of the secretary and his or her staff shall be considered a proper cost of the administration of this chapter, to be charged to the unemployment compensation administration fund in that proportion which the cost of such services rendered in the administration of this chapter bears to the overall cost of the services rendered in the administration of the cabinet.
- (4) The secretary shall submit to the Governor an annual report covering the administration and operation of this chapter and make such recommendations for amendments to this chapter as he or she deems proper.

- (5) In the administration of this chapter the secretary shall cooperate to the fullest extent possible with any agency of this state or any other state or of the United States and shall take such action, through the adoption of appropriate rules, regulations, administrative methods, and standards, as may be necessary to secure for this state and its citizens all the advantages available under the provisions of the Social Security Act, as amended, that relate to unemployment compensation, the Federal Unemployment Tax Act, as amended, the Wagner-Peyser Act, as amended, and the Federal-State Extended Unemployment Compensation Act of 1970.

➔Section 133. KRS 341.145 is amended to read as follows:

- (1) The secretary of the Education and ~~Labor~~~~Workforce Development~~ Cabinet may enter into arrangements with the appropriate agencies of other states or of the federal government, or both, for the purpose of assisting the secretary and such agencies in the payment of benefits and the furnishing of services to unemployed or underemployed workers. Such arrangements may provide that the respective agencies shall, for and on behalf of each other, act as agents in effecting registrations for work, notices of unemployment, and any other certifications or statements relating to a worker's claim for benefits; in making investigations, taking depositions, holding hearings, or otherwise securing information relating to benefit eligibility and payments; and in such other matters as the secretary considers suitable in effectuating the purpose of these administrative arrangements.
- (2) The secretary may enter into arrangements with the appropriate agencies of other states or the federal government whereby workers performing services in this and other states for a single employing unit under circumstances not specifically provided in KRS 341.050, or under similar provisions in the unemployment compensation laws of such other states, shall be deemed to be engaged in employment performed entirely within this state or within one of such other states.
- (3) (a) The secretary shall participate in any arrangements for the payment of benefits on the basis of combining an individual's wages and employment covered under this chapter with his wages and employment covered under the unemployment compensation laws of other states or the federal government which are approved by the United States Secretary of Labor in consultation with the state unemployment compensation agencies as reasonably calculated to assure the prompt and full payment of benefits in such situations and which include provisions for applying the base period of a single state law to a claim involving the combining of an individual's wages and employment covered under two (2) or more state unemployment compensation laws, and avoiding the duplicate use of wages and employment by reason of such combining. Reimbursements to another state or the federal government, paid from the fund pursuant to this subsection, shall be deemed to be benefits for the purposes of this chapter and charged to contributory employers' reserve accounts and reimbursing employers' accounts in accordance with the provisions of KRS 341.530(2) and (3) to the extent of calculations made on wages paid during the base period established by KRS 341.090 and wages paid after such base period; provided, however, benefits based on a period previous to the base-wage period established by KRS 341.090 shall be charged to the pooled account for contributing employers only. Provided, that if the Secretary of Labor determines that the charging of reimbursements provided above is inconsistent with the requirements of the Federal Unemployment Tax Act, charges of such reimbursements shall then be made in accordance with regulations prescribed by the secretary.
- (b) In order that such reciprocal arrangements, when entered into, may be effectuated, wages for insured work under an employment security law of another state or of the federal government shall be deemed to be wages earned in covered employment from a subject employer for the purpose of determining his benefits under this chapter.
- (4) Notwithstanding any other provision of this chapter, benefits shall not be denied or reduced to an individual solely because he files a claim in another state (or a contiguous country with which the United States has an agreement with respect to unemployment compensation) or because he resides in another state (or such a contiguous country) at the time he files a claim for benefits.
- (5) To the extent permissible under the laws and Constitution of the United States, the secretary is authorized to enter into or cooperate in arrangements or reciprocal agreements with appropriate and duly authorized agencies of other states or the United States Secretary of Labor or both, whereby:
- (a) Overpayments of unemployment benefits, as determined under this chapter, shall be recoverable (after due notice and opportunity for appeal has been provided to the claimant) by offset from unemployment benefits otherwise payable under the unemployment compensation law of another state, in either the current or any subsequent benefit year, in an amount equivalent to the amount of overpayment determined under this chapter, provided the Department of Workforce ~~Development~~~~Investment~~

certifies to the other state the facts involved and that the claimant is liable to repay the benefits and the office requests the other state to recover the benefits; and

- (b) Overpayments of unemployment benefits, as determined under the unemployment compensation law of another state, shall be recoverable (after such state has provided due notice and opportunity for appeal to the claimant) by offset from unemployment benefits otherwise payable under this chapter, in either the current or subsequent benefit year, in an amount equivalent to the amount of overpayment determined by such other state, provided such state certifies to the office the facts involved and that the individual is liable to repay the benefits and the state requests the office to recover the benefits; and
- (c) Provided there is in effect a reciprocal agreement between this state and the United States Secretary of Labor, as authorized by Section 303(g)(2) of the Social Security Act, the overpayment of unemployment benefits or allowances for unemployment provided under a federal program administered by this state shall be recoverable by offset from benefits otherwise payable under this chapter or any such federal program. Such agreement shall also suffice to permit the offset from unemployment benefits, otherwise payable under a federal program administered by this state, the overpayment of unemployment benefits paid under this chapter.

If another state also has in effect a like agreement with the United States Secretary of Labor, then these provisions for cross-offset of state and federal unemployment benefits shall apply to benefits otherwise payable under this chapter, the laws of the other state or any federal unemployment program administered by either state.

➔Section 134. KRS 341.190 is amended to read as follows:

- (1) As used in this section:
 - (a) "Agent" means one who acts for or in the place of an individual, an employing unit, or a public official by the authority of that individual, employing unit, or public official; and
 - (b) "Public official" means an official, agency, or public entity within the executive branch of federal, state, or local government who or which has responsibility for administering or enforcing a law, or an elected official in federal, state, or local government.
- (2) Each employing unit shall keep true and accurate work records of all workers employed by it, of the wages paid by it to each worker, and such other information as the secretary of the Education and ~~Labor~~~~Workforce~~ ~~Development~~ Cabinet considers necessary for the proper administration of this chapter. The records shall be open for inspection and subject to being copied by the secretary or his or her authorized representatives at any reasonable time and as often as necessary.
- (3) The secretary may require any employing unit to furnish to the cabinet at its central office from time to time information concerning the total amounts of wages paid, total number of persons employed, an individual record of each worker employed, an individual record of each worker whose employment has been terminated or who has been laid-off, an individual wage and hour record of each worker employed part time entitled to benefits, and other related matters, including hours worked, which the secretary considers necessary to the effective administration of this chapter.
- (4) Information obtained from an employing unit or individual and other records made by the cabinet in the administration of this chapter are confidential and shall not be published or be open for public inspection, except as provided below and in subsections (5) and (6) of this section:
 - (a) 1. Public officials and the agents and contractors of public officials, in the performance of their official duties, may be provided information and records, but the public officials receiving the information and records shall assure the confidentiality, as required in this section, of all information and records so released. Official duties do not include solicitation of contributions or expenditures to or on behalf of a candidate for public office or a political party;
 - 2. A contractor shall include a temporary staffing engaged by the cabinet for any purpose in connection with the administration of this chapter; and
 - 3. Disclosures shall be made under this subsection only if the recipient has entered into a written, enforceable, and terminable agreement with the cabinet and has satisfied the safeguards set forth in federal statutes and regulations;

- (b)
 1. An individual or employing unit shall be provided, upon request, information and records maintained by the cabinet in the administration of wage records, claim, reserve account, reimbursing employer account, or any proceeding under this chapter to which it is a party.
 2. An agent of an individual or employing unit shall be provided the individual's or employing unit's information and records upon the presentation of a written release or other legally enforceable evidence of the informed consent of the individual or employing unit.
 3. An attorney retained by an individual or employing unit in any proceeding under this chapter shall be provided the individual's or employing unit's information and records if the attorney asserts in writing that he or she is representing that individual or employing unit.
 4. An elected official performing constituent services shall be provided the individual's or employing unit's information and records if the official presents reasonable written evidence that the individual or employing unit has authorized the disclosure;
 - (c) A third party other than an agent, or third party on an ongoing basis, shall be provided the individual or employing unit's information and records if the individual or employing unit to whom the information pertains provides a signed written release which shall specify:
 1. The information and records to be disclosed;
 2. The purpose for which the information and records are sought, specifying the expected service or benefit to the individual signing the release, or specifying their use in the administration or evaluation of the public program to which the release pertains;
 3. Assurance that the information and records shall be used solely for that purpose;
 4. All parties who may receive the information and records disclosed; and
 5. That state government files shall be accessed to obtain information and records.

Disclosures shall be made under this subsection only if the recipient has entered into a written, enforceable, and terminable agreement with the cabinet and has satisfied the safeguards set forth in federal statutes and regulations;
 - (d) Precedential orders issued by the Unemployment Insurance Commission shall be released provided that Social Security numbers and employer identification numbers have been removed and the disclosure is otherwise consistent with federal and state law;
 - (e) A public official with authority under state or federal law to obtain the information and records by subpoena, other than a clerk of court on behalf of a litigant, shall be provided information and records upon service of a duly issued subpoena;
 - (f) A federal official, when required for the purposes of oversight and auditing of the unemployment insurance program, shall be provided information and records;
 - (g) Statistical information derived from information and records obtained or made by the cabinet may be released to the Bureau of Labor Statistics under a cooperative agreement or may be published, if it in no way reveals the identity of any individual or employing unit; and
 - (h) Nothing in this section shall preclude the secretary or any employee of the cabinet from testifying in any proceeding under this chapter or in any court, or from introducing as evidence information and records obtained or made by the cabinet in an action for violation of state or federal law to which the cabinet is a party or upon order of the court.
- (5) Disclosures shall be made under subsection (4) of this section only if:
- (a) The disclosure is necessary for the proper administration of the unemployment insurance program;
 - (b) No more than an incidental amount of staff time or a nominal processing cost is required to make the disclosure; or
 - (c) The cost of providing the information and records is paid by the recipient prior to the disclosure, consistent with federal laws and regulations, except this requirement shall not apply to disclosures made under subsection (4)(f) of this section nor to disclosures made under subsection (4)(e) and (h) of this section if the cabinet attempts without success to recover the cost of disclosure. For disclosures made to other public officials under subsection (4)(a) of this section, this requirement shall be met if the

recipient provides a reciprocal benefit to the cabinet in the administration of the unemployment insurance program, or if a reasonable reimbursement for the disclosure shall be determined under federal law.

- (6) Recipients of information and records disclosed under subsection (4)(a) and (c) of this section may redisclose the information and records only as follows:
- (a) To the individual or employing unit who is the subject of the information and records;
 - (b) To an attorney or duly authorized agent representing the individual or employing unit;
 - (c) In any civil or criminal proceedings for or on behalf of the recipient;
 - (d) In response to a subpoena but only as provided in subsection (4)(e) and (h) of this section;
 - (e) A public official may redisclose to an agent or contractor, but only if the public official retains responsibility for the uses of the confidential information and records by the agent or contractor and subject to the safeguards set forth in the agreement required under subsection (4) of this section;
 - (f) A public official may redisclose to another public official;
 - (g) A state or local child support enforcement agency may redisclose to its agent under contract for the purpose of carrying out child support enforcement; or
 - (h) When specifically authorized by a written release for redisclosure that meets the requirements of subsection (4)(c) of this section.
- (7) Any disclosure or use of information and records that is inconsistent with the provisions of this section shall be subject to the penalty prescribed in KRS 341.990(11).
- (8) No information and records held confidential under subsection (4) of this section shall be the subject matter or basis for any suit for slander or libel in any court, but no employer or employee, or his representative, testifying before the commission, the secretary, or any duly authorized representative thereof, shall be exempt from punishment for perjury.

➔Section 135. KRS 341.230 is amended to read as follows:

The secretary may authorize the destruction of such original reports and records as have been properly recorded and summarized in the permanent records of the Education and ~~Labor~~~~Workforce Development~~ Cabinet or are no longer considered necessary for the proper administration of this chapter. Wage records of the individual worker or transcripts thereof may be destroyed or disposed of two (2) years after the expiration of the period covered by them or upon proof of death of the worker. Such destruction or disposition shall be made only by order of the secretary. Any money received from the disposition of such records shall be deposited to the credit of the unemployment compensation administration fund.

➔Section 136. KRS 341.245 is amended to read as follows:

Subject to the provisions of KRS 56.440 to 56.550, inclusive, the secretary of the Education and ~~Labor~~~~Workforce Development~~ Cabinet is authorized and empowered to use all or any part of the funds accumulated under the provisions of KRS 341.295 for the purpose of acquiring suitable space for either central or district offices of the cabinet by way of purchase, lease, contract, or in any other manner including the right to use said funds or any part thereof to assist in financing the construction of any building erected by the Commonwealth or any of its agencies wherein available space will be provided for the cabinet under lease or contract between the cabinet and the Commonwealth or such other agency whereby said cabinet will continue to occupy such space, rent free, after the cost of financing such building has been liquidated.

➔Section 137. KRS 341.250 is amended to read as follows:

- (1) Any employing unit that becomes subject to this chapter within any calendar year shall be considered a subject employer during the whole of that calendar year, except as specifically provided elsewhere in this section or this chapter.
- (2) Except as provided in subsections (3) and (5) of this section, a subject employer shall cease to be a subject employer only as of the first day of January of any calendar year if he files with the Office of Unemployment Insurance~~, Department of Workforce Investment,~~ on or before the fifteenth day of April of that year, a written application for termination of coverage, and the covered employment performed for such subject employer within the preceding calendar year was not sufficient to render an employing unit a subject employer under KRS 341.070. The secretary may, however, after notifying such employer in writing at his last known

address, terminate the coverage of any subject employer as of the first day of January of any calendar year if such subject employer has had no individuals in covered employment in this state at any time during the three (3) preceding calendar years, and the balance of such employer's reserve account may be immediately transferred to the pooled account.

- (3) (a) Any employing unit not otherwise subject to this chapter that files with the office its written election to become a subject employer for not less than two (2) calendar years shall, with the written approval of such election by the secretary, become subject hereto to the same extent as all other subject employers, as of the date stated in such approval, but not with respect to the period previous to such date. Such subject employer shall cease to be subject hereto as of January 1 of any calendar year subsequent to such two (2) calendar years, only if on or before April 15 of such year, it has filed with the office a written notice to that effect.
- (b) Any employing unit for which services that do not constitute covered employment are performed may file with the office a written election that all such services performed by individuals in its employ in one (1) or more distinct establishments or places of business shall be considered to constitute covered employment by a subject employer for all the purposes of this chapter for not less than two (2) calendar years. Upon written approval of such election by the secretary, such services shall be considered to constitute covered employment from and after the date stated in such approval, but not with respect to the period previous to such date. Such services shall cease to be considered covered employment subject hereto as of January 1 of a calendar year subsequent to such two (2) calendar years, only if on or before April 15 of such year such employing unit has filed with the office a written notice to that effect.
- (c) Any employing unit having service performed in covered employment solely by reason of KRS 341.050(1)(h) may terminate such service as "covered employment" as of the first day of January of any calendar year if such service does not meet the provisions of paragraph (e), (f) or (g), but only if on or before April 15 of such year, the employing unit has filed with the office a written request to terminate service as "covered employment."
- (4) An employing unit that becomes a subject employer under KRS 341.070(7), shall become subject as of the date of acquisition.
- (5) Notwithstanding the provisions of subsections (1), (2), and (3) of this section, any subject employer whose entire reserve account has been transferred to a successor in interest as provided for in KRS 341.540 shall immediately cease to be a subject employer and shall thereafter become a subject employer only upon his future employment experience.

➔Section 138. KRS 341.260 is amended to read as follows:

- (1) Contributions shall accrue and become payable by each subject employer for each calendar year in which he is subject to this chapter. Such contributions shall be based upon wages paid during such calendar year for covered employment. Such contributions shall become due and be paid at the offices of the Office of Unemployment Insurance, ~~Department of Workforce Investment,~~ in Frankfort by each subject employer to the office for the fund in accordance with such regulations as the secretary prescribes, and shall not be deducted in whole or in part from the wages of workers in his employ. In the payment of any contributions, a fractional part of a cent shall be disregarded, unless it amounts to one-half cent (\$.005) or more, in which case it shall be increased to one cent (\$.01).
- (2) Any contractor, who is or becomes a subject employer under the provisions of this chapter, who contracts with any subcontractor, who also is or becomes a subject employer under the provisions of this chapter, shall withhold sufficient moneys on said contract to guarantee that all contributions, penalties, and interest are paid upon completion of said contract, or shall require of said subcontractor a good and sufficient bond guaranteeing payment of all contributions, penalties, and interest due, or to become due with respect to wages paid for employment on said contract. Failure to comply with the provisions of this section shall render said contractor directly liable for such contributions, penalties, and interest due from said subcontractor and the wages paid by said subcontractor shall be deemed wages paid by the said contractor with respect to the same periods for all purposes under this chapter, and liens of the same nature are attachable and enforceable in the same manner as liens under KRS 341.310 and 341.315. A person, employing unit, or entity that enters into a verbal or written agreement with another, or between which there exists an implied contract based upon the circumstances, conduct, or acts or relations of the parties:
 - (a) To have work performed consisting of the removal, excavation or drilling of soil, rock, or mineral, or the cutting or removal of timber from land; or

- (b) To have work performed of a kind which is a customary or a recurrent part of the work of the trade, business, occupation, or profession of such person or entity, shall for the purposes of this subsection be deemed a contractor, and such other person or entity a subcontractor. This subsection shall not apply to the owner or lessee of land principally used for agriculture.

➔Section 139. KRS 341.270 is amended to read as follows:

- (1) Except as otherwise provided in this section, each employer's contribution rate shall be three percent (3%). Effective for employers who become subject to this chapter on or after January 1, 1999, except as otherwise provided in this section, each employer's contribution rate shall be two and seven-tenths percent (2.7%).
- (2) Except as otherwise provided in this section, no subject employer's contribution rate shall be less than two and seven-tenths percent (2.7%), unless he has been an employer subject to the provisions of this chapter for twelve (12) consecutive calendar quarters ended as of the computation date. In any calendar year in which the rate schedule prescribed in paragraph (3)(a) of this section is in effect, no subject employer who was assigned an entry rate of three percent (3.0%) under the provisions of subsection (1) of this section prior to January 1, 1999, shall have a contribution rate less than two and eight hundred fifty-seven thousandths percent (2.857%), unless subject to this chapter for the minimum time period specified above.
- (3) For the calendar year 2001 and each calendar year thereafter, employer contribution rates shall be determined in accordance with "Table A" set out in subsection (4) of this section. For each calendar year, the secretary shall determine the rate schedule to be in effect based upon the "trust fund balance" as of September 30 of the preceding year. If the "trust fund balance":
 - (a) Equals or exceeds one and eighteen hundredths percent (1.18%) of the total wages paid in covered employment in the state during the state fiscal year ended as of June 30 of that year, the rates listed in the "Trust Fund Adequacy Rates" schedule of "Table A" shall be in effect;
 - (b) Equals or exceeds five hundred million dollars (\$500,000,000) but is less than the amount required to effectuate the "Trust Fund Adequacy Rates" schedule as provided in paragraph (a) of this subsection, the rates listed in "Schedule A" of "Table A" shall be in effect;
 - (c) Equals or exceeds three hundred fifty million dollars (\$350,000,000) but is less than five hundred million dollars (\$500,000,000), the rates listed in "Schedule B" of "Table A" shall be in effect;
 - (d) Equals or exceeds two hundred fifty million dollars (\$250,000,000) but is less than three hundred fifty million dollars (\$350,000,000), the rates listed in "Schedule C" of "Table A" shall be in effect;
 - (e) Equals or exceeds one hundred fifty million dollars (\$150,000,000) but is less than two hundred fifty million dollars (\$250,000,000), the rates listed in "Schedule D" of "Table A" shall be in effect; and
 - (f) Is less than one hundred fifty million dollars (\$150,000,000), the rates listed in "Schedule E" of "Table A" shall be in effect.
- (4) For the calendar year 1982 and each calendar year thereafter, contribution rates shall be determined upon the basis of an individual employer's reserve ratio as of the computation date and the schedule of rates established under subsection (3) of this section. Except as otherwise provided in this section, the contribution rate for each subject employer for the calendar year immediately following the computation date shall be the rate in that "Schedule" of "Table A," as set out below, effective with respect to the calendar year, which appears on the same line as his reserve ratio as shown in the "Employer Reserve Ratio" column of the same table.

TABLE A
Rate Schedule

Employer Reserve Ratio	Trust Fund Adequacy Rates	A	B	C	D	E
8.0% and over	0.000%	0.30%	0.40%	0.50%	0.60%	1.00%
7.0% but						

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under 8.0%	0.000%	0.40%	0.50%	0.60%	0.80%	1.05%
6.0% but						
under 7.0%	0.008%	0.50%	0.60%	0.70%	0.90%	1.10%
5.0% but						
under 6.0%	0.208%	0.70%	0.80%	1.00%	1.20%	1.40%
4.6% but						
under 5.0%	0.508%	1.00%	1.20%	1.40%	1.60%	1.80%
4.2% but						
under 4.6%	0.808%	1.30%	1.50%	1.80%	2.10%	2.30%
3.9% but						
under 4.2%	1.008%	1.50%	1.70%	2.20%	2.40%	2.70%
3.6% but						
under 3.9%	1.308%	1.80%	1.80%	2.40%	2.60%	3.00%
3.2% but						
under 3.6%	1.508%	2.00%	2.10%	2.50%	2.70%	3.10%
2.7% but						
under 3.2%	1.608%	2.10%	2.30%	2.60%	2.80%	3.20%
2.0% but						
under 2.7%	1.708%	2.20%	2.50%	2.70%	2.90%	3.30%
1.3% but						
under 2.0%	1.808%	2.30%	2.60%	2.80%	3.00%	3.40%
0.0% but						
under 1.3%	1.908%	2.40%	2.70%	2.90%	3.10%	3.50%
-0.5% but						
under -0.0%	6.500%	6.50%	6.75%	7.00%	7.25%	7.50%
-1.0% but						
under -0.5%	6.750%	6.75%	7.00%	7.25%	7.50%	7.75%
-1.5% but						
under -1.0%	7.000%	7.00%	7.25%	7.50%	7.75%	8.00%
-2.0% but						
under -1.5%	7.250%	7.25%	7.50%	7.75%	8.00%	8.25%
-3.0% but						
under -2.0%	7.500%	7.50%	7.75%	8.00%	8.25%	8.50%
-4.0% but						
under -3.0%	7.750%	7.75%	8.00%	8.25%	8.50%	8.75%
-6.0% but						
under -4.0%	8.250%	8.25%	8.50%	8.75%	9.00%	9.25%
-8.0% but						
under -6.0%	8.500%	8.50%	8.75%	9.00%	9.25%	9.50%

Less

than -8.0% . 9.000% 9.00% 9.25% 9.50% 9.75% 10.00%

- (5) As used in this section and elsewhere in this chapter, unless the context clearly requires otherwise:
- (a) "Trust fund balance" means the amount of money in the unemployment insurance fund, less any unpaid advances made to the state under Section 1201 of the Social Security Act. In determining the amount in the fund as of a given date all money received by the Office of Unemployment Insurance~~, Department of Workforce Investment,~~ on that date shall be considered as being in the fund on that date;
 - (b) "Total wages" means all remuneration for services, as defined in KRS 341.030(1) to (7), paid by subject employers;
 - (c) An employer's "reserve ratio" means the percentage ratio of his reserve account balance as of the computation date to his taxable payrolls for the twelve (12) consecutive calendar quarters ended as of June 30 immediately preceding the computation date;
 - (d) For the purposes of this section, an employer's "reserve account balance" means the amount of contributions credited to his reserve account as of the computation date, less the benefit charges through June 30 immediately preceding the computation date. If benefits charged to an account exceed contributions credited to the account, the account shall be considered as having a debit balance and a reserve ratio of "less than zero"; and
 - (e) "Computation date" is July 31 of each calendar year prior to the effective date of new rates of contributions.
- (6) Notwithstanding any other provisions of this chapter, for the calendar year 2021, the employer contribution rates shall be determined using the rates listed in Schedule A of Table A.

➔Section 140. KRS 341.275 is amended to read as follows:

- (1) For the purpose of this section, a nonprofit organization is an organization (or group of organizations) described in Section 501(c)(3) of the United States Internal Revenue Code which is exempt from income tax under Section 501(a) of such code. For the purpose of this section, "cabinet" shall mean the Education and ~~Labor~~~~Workforce Development~~ Cabinet and "secretary" shall mean the secretary of the Education and ~~Labor~~~~Workforce Development~~ Cabinet.
- (2) Any nonprofit organization which, pursuant to KRS 341.070(4), is, or becomes, a subject employer shall pay contributions under the provisions of KRS 341.270, unless it elects, in accordance with this section, to pay to the cabinet for the fund an amount equal to the amount of regular benefits and of one-half (1/2) of the extended benefits paid to workers for weeks of unemployment that is attributable to service in the employ of the nonprofit organization, performed during the effective period of the election but only if the employer is the worker's most recent employer. No employer shall be deemed to be the most recent employer unless the eligible worker to whom benefits are payable shall have worked for that employer in each of ten (10) weeks whether or not consecutive.
 - (a) Any nonprofit organization which is, or becomes, a subject employer on July 1, 1972, may elect to become liable for payments in lieu of contributions for a period of not less than the remainder of 1972 and the calendar year of 1973, provided it files with the cabinet a written notice of its election within the thirty (30) day period immediately following such date.
 - (b) Any nonprofit organization which becomes a subject employer after July 1, 1972, may elect to become liable for payments in lieu of contributions for a period of not less than the period of subjectivity during the year in which such subjectivity begins and the following calendar year by filing a written notice of its election with the cabinet not later than thirty (30) days immediately following the date of the determination of such subjectivity.
 - (c) Any nonprofit organization which makes an election in accordance with paragraph (a) or (b) of this subsection will continue to be liable for payments in lieu of contributions until it files with the secretary a written notice terminating its election not later than thirty (30) days prior to the beginning of the calendar year for which such termination shall first be effective, except that liability for payments in lieu of contributions shall continue thereafter with respect to wages paid prior to the effective date of such termination.

- (d) Any nonprofit organization which has been paying contributions under this chapter for a period subsequent to July 1, 1972, may change to a reimbursable basis by filing with the cabinet not later than thirty (30) days prior to the beginning of any calendar year a written notice of election to become liable for payments in lieu of contributions. Such election shall not be terminable by such organization for that and the following year.
 - (e) The secretary may for good cause extend the period within which a notice of election, or a notice of termination, must be filed and may permit an election to be retroactive but not any earlier than with respect to benefits paid after December 31, 1969.
 - (f) The secretary shall notify each nonprofit organization of any determination which may be made of its status as an employer and of the effective date of any election which it makes and of any termination of such election. Such determinations shall be subject to appeal and review in accordance with the provisions of KRS 341.430(2).
- (3) Payments in lieu of contributions shall be made in accordance with the provisions of this subsection.
- (a) At the end of each calendar quarter or at the end of any other period as determined by the secretary, the cabinet shall bill each nonprofit organization (or group of such organizations) which has elected to make payments in lieu of contributions for an amount equal to the full amount of regular benefits plus one-half (1/2) of the amount of extended benefits paid during such quarter plus any prior period adjustments, which are attributable to service performed in covered employment in the employ of such organization plus interest on the total amount billed at the average rate of earnings in the unemployment insurance fund for the prior calendar year. All interest collected under this subsection shall be credited to the unemployment insurance fund.
 - (b) Payment of any bill rendered under paragraph (a) shall be made not later than thirty (30) days after such bill was mailed to the last known address of the nonprofit organization or was otherwise delivered to it, unless there has been an application for review in accordance with paragraph (d) of this subsection.
 - (c) Payments made by any nonprofit organization under the provisions of this subsection shall not be deducted or deductible, in whole or in part, from the remuneration of workers in the employ of the organization.
 - (d) The amount due specified in any bill from the secretary shall be conclusive on the organization unless, not later than fifteen (15) days after the bill was mailed to its last known address or otherwise delivered to it, the organization files an appeal to the commission setting forth the grounds for such appeal. Proceedings on appeal to the commission from the amount of a bill rendered under this subsection shall be in accordance with the provisions of KRS 341.430, and the decision of the commission shall be subject to review under the provisions of KRS 341.460(1).
 - (e) Past-due payments of amounts in lieu of contributions shall be subject to the same interest, penalties, collection service, and lien provisions that, pursuant to KRS 341.300 to 341.310, apply to past-due contributions.
- (4) (a) The secretary may, in accordance with regulations prescribed by the cabinet, require any nonprofit organization that elects to become liable for payments in lieu of contributions to deposit with the cabinet, within thirty (30) days after the effective date of its election as a condition thereof, money equal to two percent (2%) of the organization's total wages paid for employment as defined in KRS 341.050(1)(e) for the four (4) calendar quarters immediately preceding the effective date of such election. If the nonprofit organization did not pay wages in each of such four (4) calendar quarters, the amount of the deposit shall be as determined by the secretary.
- (b) Money deposited in accordance with this subsection shall be retained by the cabinet in an escrow account until all possible liability to the fund under the election is terminated, at which time it shall be returned to the organization, less any deductions as hereinafter provided. The cabinet may deduct from the money deposited under this subsection by a nonprofit organization to the extent necessary to satisfy any due and unpaid payments in lieu of contributions and any applicable interest and penalties provided for in subsection (3)(e) of this section. The secretary shall require the organization within thirty (30) days following any deduction from a money deposit under the provisions of this subsection to deposit sufficient additional money to make whole the organization's deposit at the prior level. The secretary may, at any time, review the adequacy of the deposit made by any organization. If, as a result of such review, he determines that an adjustment is necessary, he shall require the organization to make

additional deposit within thirty (30) days of written notice of his determination or shall return to it such portion of the deposit as he no longer considers necessary, whichever action is appropriate.

- (c) If any nonprofit organization fails to make a deposit, or to increase or make whole the amount of a previously made deposit, as provided under this subsection, the secretary may terminate such organization's election to make payments in lieu of contributions and such termination shall continue for not less than the remainder of that calendar year and the following calendar year beginning with the quarter in which such termination becomes effective; provided, that the secretary may extend for good cause the applicable filing, deposit, or adjustment period by not more than sixty (60) days.
- (5) If any nonprofit organization is delinquent in making payments in lieu of contributions as required under subsection (3) of this section, the secretary may terminate such organization's election to make payments in lieu of contributions as of the beginning of the next calendar year, and such termination shall be effective for that and the next calendar year.
- (6) Notwithstanding any other section of this chapter, no employing unit electing to make payments in lieu of contributions under the provisions of this section shall be entitled to relief of benefit charges.

➔Section 141. KRS 341.300 is amended to read as follows:

- (1) Contributions unpaid on the date on which they are due and payable, as prescribed by the secretary, shall be subject to interest at the rate of one and five-tenths percent (1.5%) per month or fraction thereof, not to exceed ninety percent (90%) of the amount of such contributions, from and after such date until payment is received by the Office of Unemployment Insurance~~], Department of Workforce Investment,~~ irrespective of whether such delinquency has been reduced to a judgment or not as provided in subsection (2) of this section or is the subject of an administrative appeal or court action. The interest charged for a month, in which the unpaid contributions remain unpaid, shall be considered accrued and therefore due and owing on the first day after the last day of the month in which the balance is due. Such interest shall be paid into the unemployment compensation administration fund.
- (2) If, after due notice, any subject employer defaults in any payment of contributions, interest or penalties thereon, the amount due shall be collected by a civil action instituted in the Franklin Circuit Court or the Franklin District Court depending upon the jurisdictional amount in controversy including interest and penalties in the name of the state, and the subject employer adjudged in default shall pay the costs of the action. Civil actions brought under this section shall be heard by the court, without the intervention of a jury, at the earliest possible date, and shall be entitled to preference upon the calendar of the court over all other civil actions except petitions for judicial review under this chapter and cases arising under the workers' compensation law.
- (3) At or after the commencement of an action under subsection (2) of this section, attachment may be had against the property of the liable subject employer for such contributions, interest, and penalties, without the execution of a bond, or after judgment has been entered an execution may be issued against the property of such employer without the execution of a bond.
- (4) An action for the recovery of contributions, interest, or penalties under this section shall be barred and any lien therefor shall be canceled and extinguished unless collected or suit for collection has been filed within ten (10) years from the due date of such contributions, except, in the case of the filing of a false or fraudulent report, the contributions due shall not be barred and may at any time be collected by the methods set out in this chapter, including action in a court of competent jurisdiction.

➔Section 142. KRS 341.360 is amended to read as follows:

- (1) No worker may be paid benefits for any week of unemployment:
 - (a) With respect to which a strike or other bona fide labor dispute which caused him to leave or lose his employment is in active progress in the establishment in which he is or was employed, except that benefits may be paid unless the employer notifies the Office of Unemployment Insurance~~], Department of Workforce Investment,~~ in writing within seven (7) days after the beginning of such alleged strike or labor dispute of the alleged existence of such strike or labor dispute. For the purpose of this subsection, a lockout shall not be deemed to be a strike or a bona fide labor dispute and no worker shall be denied benefits by reason of a lockout;
 - (b) For which he has received or is seeking unemployment compensation under an unemployment compensation law of another state or of the United States, except as otherwise provided by an arrangement between this state and such other state or the United States; but if the appropriate agency

of such state or of the United States finally determines that he is not entitled to such unemployment compensation, this subsection shall not apply;

- (c) 1. Which, when based on service in an instructional, research, or principal administrative capacity in an institution of higher education as defined in KRS 341.067(2) or in an educational institution as defined in KRS 341.067(4), begins during the period between two (2) successive academic years, or during a similar period between two (2) regular terms, whether or not successive, or during a period of paid sabbatical leave provided for in the individual's contract, if the worker performs such services in the first of such academic years or terms and if there is a contract or a reasonable assurance that the worker will perform such services in any such capacity for any institution or institutions of higher education or an educational institution in the second of such academic years or such terms; or
- 2. Which, when based on service other than as defined in subparagraph 1. of this paragraph, in an institution of higher education or an educational institution, as defined in KRS 341.067(2) or (4), begins during the period between two (2) successive academic years or terms, if the worker performs such services in the first of such academic years or terms and there is a reasonable assurance that the worker will perform such services in the second of such academic years or terms; except that if benefits are denied to any worker under this paragraph and such worker was not offered an opportunity to perform such services for such institution of higher education or such educational institution for the second of such academic years or terms, such worker shall be entitled to a retroactive payment of benefits for each week for which the worker filed a timely claim for benefits and for which benefits were denied solely by reason of this paragraph; or
- 3. Which, when based on service in any capacity defined in subparagraphs 1. and 2. of this paragraph, begins during an established and customary vacation period or holiday recess if the worker performs any such services in the period immediately before such vacation period or holiday recess, and there is a reasonable assurance that such worker will perform any such services in the period immediately following such vacation period or holiday recess; or
- 4. Based on service in any capacity defined in subparagraph 1. or 2. of this paragraph when such service is performed by the worker in an institution of higher education or an educational institution, as defined in KRS 341.067(2) or (4), while the worker is in the employ of an educational service agency, and such unemployment begins during the periods and pursuant to the conditions specified in subparagraphs 1., 2., and 3. of this paragraph. For purposes of this paragraph, the term "educational service agency" means a governmental agency or governmental entity which is established and operated exclusively for the purpose of providing such services to one (1) or more institutions of higher education or educational institutions;

Notwithstanding any other provision of this paragraph, any benefits paid to a worker based on service other than as defined in subparagraph 1. of this paragraph performed in an institution of higher education as defined in KRS 341.067(2) shall be deemed to have been paid as a result of Office of Unemployment Insurance [~~Department of Workforce Investment,~~] error and not recoverable by the cabinet or such institution if such payment is improper by virtue of the retroactive application to October 30, 1983, of subparagraph 2. of this paragraph; or

- (d) With respect to which the worker is suspended from work for misconduct, as defined in KRS 341.370(6), connected with the work.
- (2) Benefits shall not be paid to any individual on the basis of any services, substantially all of which consist of participating in sports or athletic events or training or preparing to so participate, for any week which commences during the period between two (2) successive sport seasons or similar periods and there is a reasonable assurance that such individual will perform such services in the later of such seasons or similar periods.
- (3) (a) Benefits shall not be paid on the basis of services performed by an alien unless such alien is an individual who was lawfully admitted for permanent residence at the time such services were performed, was lawfully present for purposes of performing such services, or was residing in the United States under color of law at the time such services were performed, including an alien who was lawfully present in the United States as a result of the application of the provisions of Section 203(a)(7) or Section 212(d)(5) of the Immigration and Nationality Act.

- (b) Any data or information required of individuals applying for benefits to determine whether benefits are not payable to them because of their alien status shall be uniformly required from all applicants for benefits.
- (c) In the case of an individual whose application for benefits would otherwise be approved, no determination that benefits to such individual are not payable because of his alien status shall be made except upon a preponderance of the evidence.

➔Section 143. KRS 341.370 is amended to read as follows:

- (1) A worker shall be disqualified from receiving benefits for the duration of any period of unemployment with respect to which:
 - (a) He has failed without good cause either to apply for available, suitable work when so directed by the employment office or the secretary or to accept suitable work when offered him, or to return to his customary self-employment when so directed by the secretary; or
 - (b) He has been discharged for misconduct or dishonesty connected with his most recent work, or from any work which occurred after the first day of the worker's base period and which last preceded his most recent work, but legitimate activity in connection with labor organizations or failure to join a company union shall not be construed as misconduct; or
 - (c) He has left his most recent suitable work or any other suitable work which occurred after the first day of the worker's base period and which last preceded his most recent work voluntarily without good cause attributable to the employment. No otherwise eligible worker shall be disqualified from receiving benefits for:
 - 1. Leaving his next most recent suitable work which was concurrent with his most recent work;
 - 2. Leaving work which is one hundred (100) road miles or more, as measured on a one (1) way basis, from his home to accept work which is less than one hundred (100) road miles from his home;
 - 3. Accepting work which is a bona fide job offer with a reasonable expectation of continued employment; or
 - 4. Leaving work to accompany the worker's spouse to a different state, military base of assignment, or duty station that is one hundred (100) road miles or more, as measured on a one (1) way basis, from the worker's home when the spouse is reassigned by the military.
- (2) A worker shall be disqualified from receiving benefits for any week with respect to which he knowingly made a false statement to establish his right to or the amount of his benefits, and, within the succeeding twenty-four (24) months, for the additional weeks immediately following the date of discovery, not to exceed a total of fifty-two (52), as may be determined by the secretary.
- (3) No worker shall be disqualified under paragraph (b) or (c) of subsection (1) of this section unless the employer, within a reasonable time as prescribed by regulations promulgated by the secretary, notifies the ~~Education and Workforce Development~~ cabinet and the worker in writing of the alleged voluntary quitting or the discharge for misconduct. Nothing in this subsection shall restrict the right of the secretary to disqualify a worker whose employer has refused or failed to notify the Education and ~~Labor~~**Labor**~~Workforce Development~~ Cabinet of the alleged voluntary quitting or discharge for misconduct, if the alleged voluntary quitting or discharge for misconduct is known to the secretary prior to the time benefits are paid to the worker. The exercise of the right by the secretary, in the absence of timely notice from the employer, shall not relieve the employer's reserve account or reimbursing employer's account of benefit charges under the provisions of subsection (3) of KRS 341.530.
- (4) As used in this section and in subsection (3) of KRS 341.530, "most recent" work shall be construed as that work which occurred after the first day of the worker's base period and which last preceded the week of unemployment with respect to which benefits are claimed; except that, if the work last preceding the week of unemployment was seasonal, intermittent, or temporary in nature, most recent work may be construed as that work last preceding the seasonal, intermittent, or temporary work.
- (5) No worker shall be disqualified or held ineligible under the provisions of this section or KRS 341.350, who is separated from employment pursuant to a labor management contract or agreement, or pursuant to an established employer plan, program, or policy, which permits the employer to close the plant or facility for purposes of vacation or maintenance.

- (6) "Discharge for misconduct" as used in this section shall include but not be limited to, separation initiated by an employer for falsification of an employment application to obtain employment through subterfuge; knowing violation of a reasonable and uniformly enforced rule of an employer; unsatisfactory attendance if the worker cannot show good cause for absences or tardiness; damaging the employer's property through gross negligence; refusing to obey reasonable instructions; reporting to work under the influence of alcohol or drugs or consuming alcohol or drugs on employer's premises during working hours; conduct endangering safety of self or co-workers; and incarceration in jail following conviction of a misdemeanor or felony by a court of competent jurisdiction, which results in missing at least five (5) days work.
- (7) "Duration of any period of unemployment," as that term is used in this section, shall be the period of time beginning with the worker's discharge, voluntary quitting, or failure to apply for or accept suitable work and running until the worker has worked in each of ten (10) weeks, whether or not consecutive, and has earned ten (10) times his weekly benefit rate in employment covered under the provisions of this chapter or a similar law of another state or of the United States.

➔Section 144. KRS 341.412 is amended to read as follows:

For the purposes of KRS 341.412 to 341.414:

- (1) "National Directory of New Hires" means the database that stores personal and financial data on employed individuals across the country and contains information and data on individuals receiving unemployment compensation;
- (2) "New hire records" means the directory of newly hired and rehired employees reported under state and federal law and managed by the federal Office of Child Support Enforcement, Administration for Children and Families, United States Department of Health and Human Services, and the Cabinet for Health and Family Services;
- (3) "Office" means the Kentucky Office of Unemployment Insurance;
- (4) "Secretary" means the secretary of the *Education and*~~[Kentucky]~~ Labor Cabinet;
- (5) "Two-factor authentication" means authentication that requires entry of a username and password followed by entry of another method of identification; and
- (6) "Unemployment insurance rolls" means unemployed workers receiving unemployment insurance in Kentucky.

➔Section 145. KRS 341.415 is amended to read as follows:

- (1) (a) Any person who has received any sum as benefits under this chapter or any other state's unemployment insurance statutes or any United States Department of Labor unemployment insurance benefit program, providing the secretary has signed a reciprocal agreement with such other state or the United States Department of Labor as provided in KRS 341.145, while any condition for the receipt of such benefits was not fulfilled in his case, or while he was disqualified from receiving benefits, or if he has received benefits in weeks for which he later receives a back pay award, shall, in the discretion of the secretary, either have such sum deducted from any future benefits payable to him under this chapter or repay the Office of Unemployment Insurance~~[, Department of Workforce Investment,]~~ for the fund a sum equal to the amount so received by him.
- (b) If after due notice, the recipient of such sum fails to remit or arrange for remittance of the sum, the sum may be collected in the manner provided in KRS 341.300(2) for collection of past-due contributions and any sums so collected shall be credited to the pooled account or the appropriate reimbursing employer account.
- (c) The appropriate reimbursing employer account shall not receive credit for sums collected under this subsection or KRS 341.550(2)(b) if a determination has been made that an improper benefit payment established after October 21, 2013, was due to the reimbursing employer, or an agent of the employer, in accordance with the provisions of KRS 341.530(4)(a) and (b). The sums collected shall be credited to the pooled account.
- (d) If any benefit was paid as a result of office error as defined by administrative regulation, there shall be no recoupment or recovery of an improperly paid benefit, except by deduction from any future benefits payable to him under this chapter. For purposes of this section, overpayments as a result of a reversal of entitlement to benefits in the appeal or review process shall not be construed to be the result of office error.

- (2) At or after the commencement of an action under subsection (1) of this section, attachment may be had against property of the recipient of improperly paid benefits in the manner provided in KRS 341.300(3).
- (3) A lien on a parity with state, county, and municipal ad valorem tax liens, is hereby created in favor of the office upon all property of any recipient of improperly paid benefits. This lien shall be for a sum equal to the amount of the overpayment finally determined and shall continue until the amount of the overpayment plus any subsequent assessment of additional improperly paid benefits, penalty, interest, and fees are fully paid. The lien shall commence from such time as the recipient has exhausted or abandoned the appeal procedure set forth in this chapter and the amount of the overpayment is finally fixed. A notice of lien may be filed in the same manner as that provided for in KRS 341.310.
- (4) Any amount paid to a person as benefits, which he has been found liable to repay or to have deducted from future benefits under subsections (1), (2), and (3) of this section, which has neither been repaid nor so deducted within a period of five (5) years following the last day of the benefit year within which it was paid, may be deemed to be uncollectible and shall be permanently charged to the pooled account, except that if such payment was made by reason of fraudulent representations, no future benefits shall be paid such person within a period of ten (10) years of the last day of the benefit year within which such payments were made at which time these amounts may be declared uncollectible. Nothing in this subsection shall be deemed to affect collection of improperly paid benefits pursuant to a judgment or other legal remedy.
- (5) In the event benefits have been paid as a result of a false statement, misrepresentation, or concealment of material information by a recipient of benefits and have not been repaid by the recipient within one (1) calendar year from the date of the first notice, interest at the rate of one and five-tenths percent (1.5%) per month or any part thereof, shall be imposed on and added to the unpaid balance each successive month, providing due notice has been given to the recipient. Such interest shall be paid into the unemployment compensation administration account.
- (6) A recipient of benefits paid as a result of a false statement, misrepresentation, or concealment of material information by the recipient shall be assessed a fifteen percent (15%) penalty of the amount of improperly paid benefits. The penalty under this subsection shall be collected in the same manner as improperly paid benefits in this section and paid into the unemployment trust fund.
- (7) The deduction from future benefits specified in subsection (1) of this section shall be limited to twenty-five percent (25%) of the benefit amount otherwise payable under this chapter unless the overpayment resulted from a backpay award, false statement, misrepresentation, or concealment of material information by a recipient of benefits. In these instances, the rate of deduction shall be one hundred percent (100%). The rate of deduction from benefits payable by another state or the United States of America shall be determined by the applicable state or federal statute.

➔Section 146. KRS 341.440 is amended to read as follows:

- (1) The manner in which appeals are presented and hearings and appeals conducted shall be in accordance with regulations prescribed by the secretary for determining the rights of the parties, and such hearings to be conducted in a summary manner. A complete record shall be kept of all proceedings in connection with any appeal. All testimony at any hearing upon an appeal shall be recorded either stenographically or mechanically, but need not be transcribed unless further appealed. No examiner, referee, or member of the commission shall participate in any hearing in which he is an interested party.
- (2) Witnesses subpoenaed pursuant to proceedings under KRS 341.420 and 341.430 shall be allowed fees in accordance with rates allowed by law. Such fees and all expenses of proceedings before the Office of Unemployment Insurance, ~~Department of Workforce Investment,~~ or commission involving disputed claims shall be deemed a part of the expense of administering this chapter.
- (3) In the absence of an appeal therefrom, decisions of the commission shall become final thirty-five (35) days after the date they are made.

➔Section 147. KRS 341.470 is amended to read as follows:

- (1) No agreement by a worker to waive, release, or commute his rights to benefits or any other rights under this chapter shall be valid. No agreement by any worker to pay any portion of a subject employer's contributions, required under this chapter from such subject employer, shall be valid. No subject employer shall directly or indirectly make or require or accept any deductions from wages to finance the subject employer's contributions required of him. In cases involving awards to a worker by an arbitrator, court, or other administrative body or mediator, the secretary may require the employer to withhold benefits paid under this chapter from the award

and pay the amount withheld into the unemployment insurance trust fund. All subject employers are required to notify the Office of Unemployment Insurance~~[- Department of Workforce Investment.]~~ prior to paying any back pay award.

- (2) No worker claiming benefits shall be charged fees of any kind in any proceeding under this chapter by the commission, the secretary, or his or her representatives. Any worker claiming benefits in any proceeding before a referee or the commission may represent himself or herself or may be represented by counsel or other agent duly authorized by such worker and shall be afforded the opportunity to participate in the proceeding without restriction; but no counsel or agent shall either charge or receive for such service more than an amount approved by the commission.
- (3) (a) Any employer in any proceeding before a referee or the commission may represent himself or may be represented by counsel or other agent duly authorized by such employer; and
 - (b) Any person appearing in any proceeding before a referee or the commission who is an officer of, or who regularly performs in a managerial capacity for, a corporation or partnership which is a party to the proceeding in which the appearance is made shall be permitted to represent such corporation or partnership and shall be afforded the opportunity to participate in the proceeding without restriction.
- (4) No assignment, pledge, or encumbrance of any right to benefits due or payable under this chapter shall be valid; and such rights to benefits shall be exempt from levy, execution, attachment, or any other remedy for the collection of debt. Benefits received by any worker, as long as they are not mingled with other funds of the recipient, shall be exempt from any remedy for the collection of all debts except debts incurred for necessities furnished to such worker or his spouse or dependents during the time such worker was unemployed. No waiver of any exemption provided for in this subsection shall be valid.
- (5) The provisions of this section shall not be applicable to child support deductions made in accordance with KRS 341.392 and withholding for federal and state income tax in accordance with KRS 341.395.

➔Section 148. KRS 341.530 is amended to read as follows:

- (1) The Office of Unemployment Insurance~~[- Department of Workforce Investment.]~~ shall maintain a reserve account for each subject employer making contributions to the fund and a reimbursing employer account for each subject employer making payment in lieu of contributions, and shall, except as provided in KRS 341.590, credit to such account the total amount of all contributions or benefit reimbursement paid by the employer on his own behalf. Nothing in this section or elsewhere in this chapter shall be construed to grant any employer or individual who is or was in his employ prior claims or rights to the amounts paid by him into the fund.
- (2) Except as provided in subsection (3) of this section, all regular benefits paid to an eligible worker in accordance with KRS 341.380 plus the extended benefits paid in accordance with KRS 341.700 to 341.740, subject to the provisions of paragraphs (a) and (b) of this subsection, shall be charged against the reserve account or reimbursing employer account of his most recent employer. No employer shall be deemed to be the most recent employer unless the eligible worker to whom benefits are payable shall have worked for such employer in each of ten (10) weeks whether or not consecutive back to the beginning of the worker's base period.
 - (a) Subject employers, which are not governmental entities as defined in KRS 341.069, shall be charged one-half (1/2) of the extended benefits paid in accordance with KRS 341.700 to 341.740; and
 - (b) Subject employers which are governmental entities, as defined in KRS 341.069, shall be charged for all extended benefits paid in accordance with KRS 341.700 to 341.740 for compensable weeks occurring on or after January 1, 1979, and for one-half (1/2) of the extended benefits paid for compensable weeks occurring prior to such date.
- (3) Notwithstanding the provisions of subsection (2) of this section, benefits paid to an eligible worker and chargeable to a contributing employer's reserve account under such subsection shall be charged against the pooled account if such worker was discharged by such employer for misconduct connected with his most recent work for such employer, voluntarily left his most recent work with such employer without good cause attributable to the employment, or the employer has continued to provide part-time employment and wages, without interruption, to the same extent that was provided from the date of hire, and the employer within a reasonable time, as prescribed by regulation of the secretary, notifies the office, in writing, of the alleged voluntary quitting, discharge for misconduct or continuing part-time employment; provided, however, that no employer making payments to the fund in lieu of contributions shall be relieved of charges by reason of this subsection.

- (4) Notwithstanding the provisions of subsection (3) of this section, no contributing employer's reserve account shall be relieved of any charges for benefits relating to an improper benefit payment to a worker established after October 21, 2013, if:
 - (a) The improper benefit payment was made because the employer, or an agent of the employer, was at fault for failing to respond timely or adequately to the request of the secretary for information relating to a claim for benefits; and
 - (b) The employer, or an agent of the employer, has a pattern of failing to respond timely or adequately to requests under paragraph (a) of this subsection. For purposes of this paragraph, a "pattern of failing" means at least six (6) failures occur in a calendar year or the failure to respond to two percent (2%) of such requests in a calendar year, whichever is greater.
- (5) Any determination under subsection (4) of this section shall be transmitted to the last known physical or electronic address provided by the employer and may be appealed in accordance with the provisions of KRS 341.420(2).
- (6) Each subject employer's reserve account or reimbursing account shall, unless terminated as of the computation date (as defined in subsection (5) of KRS 341.270), be charged with all benefits paid to eligible workers which are chargeable to such reserve account or reimbursing account under subsection (2) of this section. A subject employer's reserve account or reimbursing account shall be deemed to be terminated if he has ceased to be subject to this chapter, and his account has been closed and any balance remaining therein has been transferred to the fund's pooled account or to a successor's account as provided in KRS 341.540 or has been refunded if the employer is a reimbursing employer.
- (7) Notwithstanding subsection (1) of this section, two (2) or more nonprofit Internal Revenue Code sec. 501(c)(3) organizations may jointly request the secretary to establish a group reserve account or reimbursing account for such nonprofit organizations. Two (2) or more governmental entities may jointly request the secretary to establish a group reserve account or reimbursing account, and once established, such account shall remain in effect at least two (2) calendar years and thereafter until either dissolved at the discretion of the secretary or upon filing application for dissolution by the group members. Each member of a group shall be jointly and severally liable for all payments due under this chapter from each or all of such group members. The secretary shall prescribe such procedures as he deems necessary for the establishment, maintenance, and dissolution of a group reserve account or reimbursing account.
- (8) Any subject contributing employer may at any time on or before December 31, 2011, make voluntary payments to the fund, additional to the contributions required under KRS 341.260 and 341.270. Effective January 1, 2012, any subject contributing employer with a negative reserve account balance may make voluntary payments to the fund every other calendar year, in addition to the contributions required under KRS 341.260 and 341.270. Notwithstanding any other provision of this chapter, contributions paid on or before the computation date and voluntary payments made within twenty (20) days following the mailing of notices of new rates shall be credited to an employer's reserve account as of the computation date, provided no voluntary payments shall be used in computing an employer's rate unless the payment is made prior to the expiration of one hundred and twenty (120) days after the beginning of the year for which the rate is effective. Voluntary payments by any employer shall not exceed any negative balance they may have in their reserve account as of the computation date. Any employer who is delinquent in the payment of contributions, penalties, or interest as of the computation date shall be entitled to make voluntary payments only after the amount of the delinquency is paid in full.
- (9) Notwithstanding any other provisions of this chapter, any benefits paid to an eligible worker for reasons related to a state or federal state of emergency or disaster declaration shall be paid from the pooled account provided in KRS 341.550 and not from the reserve account of the employer of that individual. The reserve account shall not be charged for benefits related to a state of emergency or disaster declaration. Payments shall be accounted for separately to allow the secretary to seek reimbursement from the federal government.

➔Section 149. KRS 341.540 is amended to read as follows:

- (1) As used in this section, unless the context clearly requires otherwise:
 - (a) "Substantially common" or "substantially the same" means that there is identifiable or demonstrative commonality or similarity of ownership, familial relationships, principals or corporate officers, day-to-day operations, assets and liabilities, and stated business;

- (b) "Trade" or "business" includes but is not limited to a commercial enterprise or establishment; any entity engaged in the supplying, production, or manufacturing of goods, commodities, or services; any entity engaged in commerce, sale for profit, or the providing of goods, personnel, or services;
 - (c) "Knowingly" means having actual knowledge of, or acting with deliberate ignorance or disregard for, the prohibition involved;
 - (d) "Violates" or "attempts to violate" includes, but is not limited to, intended evasion, misrepresentation, or willful nondisclosure; and
 - (e) "Person" has the same meaning as in Section 7701(a)(1) of the Internal Revenue Code.
- (2) (a) For the purpose of this chapter, if a subject employer transfers all or part of its trade or business, the acquiring employing unit shall be deemed a successor if the transfer is in accordance with administrative regulations promulgated by the secretary, or if there is substantially common ownership, management, or control of the subject employer and employing unit. If an employing unit is deemed a successor, the transferring employing unit shall be deemed a predecessor.
- (b) For the purpose of this chapter, if a nonsubject employer acquires all or part of the trade or business of a subject employer, the nonsubject employer shall file an application with the Office of Unemployment Insurance~~[, Department of Workforce Investment,]~~ to establish an unemployment reserve account within forty-five (45) days of employing personnel. The application will be considered and processed in accordance with administrative regulations promulgated by the secretary and shall require information necessary to determine whether the nonsubject employer is a successor of the subject employer and to establish an initial unemployment contribution rate for the employer. Factors to be considered in the determination of successorship and the fixing of the initial rate shall include but not be limited to the nonsubject employer's prior unemployment claims history, benefit charges, historical rate charges, and payment penalties assessed in the previous five (5) years, in addition to the factors set forth in subsection (6)(b) of this section. After consideration of these factors, and others that the applicant may submit in justification of an initial rate determination, the secretary shall set an appropriate contribution rate. Any determinations of initial unemployment contribution rates made pursuant to this subsection shall not be effective prior to January 1, 2018.
- (3) (a) Notwithstanding subsection (2)(b) of this section, any successor to the trade or business of a subject employer shall assume the resources and liabilities of the predecessor's reserve account, including interest, and shall continue the payment of all contributions and interest due under this chapter, except that the successor shall not be required to assume the liability of any delinquent contributions and interest of a predecessor or predecessors unless the cabinet notifies the successor of the delinquency within six (6) months after the department has notice of the succession; and
- (b) Any nonsubject employer that is deemed a successor in whole or part shall be allowed to make a one (1) time voluntary payment to pay off or reduce the negative reserve assumed from the predecessor. This payment shall be made within sixty (60) days of receipt of the first notice of a negative predecessor reserve account. This one (1) time voluntary payment cannot exceed the amount of negative reserve assumed by the successor.
- (4) The liability for delinquent contributions and interest imposed upon the successor by subsection (3) of this section shall be secondary to the liability of the predecessor or predecessors, and if the delinquency has been reduced to judgment, the order of execution on the judgment shall be as follows:
- (a) Against the assets, both real and personal, of the predecessor or predecessors;
 - (b) Against the assets, both real and personal, of the business acquired; and
 - (c) Against the assets, both real and personal, of the successor or acquirer.
- (5) (a) Notwithstanding the provisions of subsection (3) of this section, any successor to a portion of the trade or business of a subject employer, who is, or by reason of the transfer becomes, a subject employer, shall assume the resources and liabilities of the predecessor's reserve account in proportion to the percentage of the payroll or employees assignable to the transferred portion. In calculating the transferred portion, the secretary shall utilize the last four (4) calendar quarters preceding the date of transfer for workers employed by the successor subsequent to that date. The taxable payroll, benefit charges and the potential benefit charges shall be assumed by the successors in a like proportion.

- (b) Notwithstanding the provisions of paragraph (a) of this subsection, if any employing unit succeeds to a portion of the trade or business of another employing unit; becomes, by reason of that succession, a subject employer with substantially the same ownership, management, or control as the predecessor employing unit; and lays off or terminates more than one-half (1/2) of the original employees transferred within six (6) months of the date of transfer; then the succession and creation of the new employing unit shall be voided, and the benefits attributable to the lay-offs or terminations shall be charged to the reserve account of the original employing unit.
- (6) (a) The contribution rate of a successor in whole or in part, which was a subject employer prior to succession, shall not be affected by the transfer of the reserve account for the remainder of the rate year in which succession occurred; except that the rate of the successor shall be recalculated and made effective upon the first day of the calendar quarter immediately following the date of the transfer if there is substantially common ownership, management, or control of the predecessor and successor.
- (b) The contribution rate of a successor in whole or in part, which was not a subject employer prior to succession, shall be determined by a review of the application required by subsection (2)(b) of this section, except if the secretary finds, after a thorough investigation based on the use of objective factors, including but not limited to:
1. The cost of acquiring the business;
 2. How long the original business enterprise was continued; and
 3. Whether a substantial number of new employees were hired for performance of duties unrelated to the business activity prior to acquisition;
- that the succession was solely for the purpose of obtaining a rate lower than that prescribed in KRS 341.270(1) and 341.272 for a new employing unit, then the unemployment experience of the predecessor shall not be transferred, the rate for a new employing unit shall be assigned, and the employing unit shall be otherwise deemed a successor for the purpose of KRS 341.070(7) and subsection (3) of this section.
- (c) The contribution rate for a successor which becomes a subject employer through the simultaneous transfer, either in whole or in part, of two (2) or more predecessor reserve accounts shall be the rate determined in accordance with the provisions of KRS 341.270, by combining the reserve accounts succeeded to as of the computation date for determining rates for the calendar year in which succession occurred.
- (d) The contribution rate of a successor which succeeds, either in whole or in part, to a predecessor's reserve account after a computation date, but prior to the beginning of the calendar year immediately following that computation date, shall be the rate determined in accordance with KRS 341.270, by effecting the transfer of the reserve account as of the computation date immediately preceding the date of succession.
- (7) Notwithstanding KRS 341.270, the contribution rate for an employing unit that knowingly violates or attempts to violate the provisions of this section or any other provision of the chapter related to determining the assignment of a contribution rate shall be the highest rate assignable under this chapter for the calendar year during which the violation or attempted violation occurred and the three (3) calendar years immediately following that year. If that employer's rate is already at the highest assignable rate, or if the amount of increase in the employer's rate would be less than an additional two percent (2%) for that year, then a penalty rate of contributions of an additional two percent (2%) of taxable wages shall be imposed for each year.
- (8) In addition to the penalties prescribed in subsection (7) of this section and KRS 341.990(9), any person who knowingly violates this section shall be subject to the penalties stipulated under KRS 341.990.
- (9) (a) The secretary shall establish procedures to identify the transfer of a business for purposes of this section.
- (b) The secretary shall have the authority and discretion to set an initial contribution rate upon the providing of justification by a subject employer and consideration of relevant factors, including but not limited to the factors set forth in subsections (2) and (6)(a) of this section.

➔Section 150. KRS 341.990 is amended to read as follows:

- (1) Except as otherwise provided in subsection (11) of this section, any employee of any state agency who violates any of the provisions of KRS 341.110 to 341.230 shall be guilty of a Class B misdemeanor.

- (2) Any person subpoenaed to appear and testify or produce evidence in an inquiry, investigation, or hearing conducted under this chapter who fails to obey the subpoena shall be guilty of a Class B misdemeanor.
- (3) Any subject employer, or officer or agent of a subject employer, who violates subsection (1) of KRS 341.470 shall be guilty of a Class A misdemeanor.
- (4) Any person who violates subsection (2) of KRS 341.470 shall be guilty of a Class A misdemeanor.
- (5) (a) Any person who knowingly makes a false statement or representation of a material fact or knowingly fails to disclose a material fact to the secretary to obtain or increase any benefit under this chapter or under an employment security law of any other state, or of the federal government, either for himself or herself or for any other person, business entity, or organization shall be guilty of a Class B misdemeanor unless:
 1. The value of the benefits procured or attempted to be procured is five hundred dollars (\$500) or more but less than one thousand dollars (\$1,000), in which case it is a Class A misdemeanor;
 2. The value of the benefits procured or attempted to be procured is one thousand dollars (\$1,000) or more, in which case it is a Class D felony; or
 3. The person has three (3) or more convictions under subparagraph 1. of this paragraph within the last five (5) years, in which case it is a Class D felony. The five (5) year period shall be measured from the dates on which the offenses occurred for which the judgments of conviction were entered.
- (b) If any person commits two (2) or more separate offenses under paragraph (a) of this subsection within ninety (90) days, the offenses may be combined and treated as a single offense, and the value of the property in each offense may be aggregated for the purpose of determining the appropriate charge.
- (6) (a) Any person who knowingly makes a false statement or representation, or who knowingly fails to disclose a material fact to prevent or reduce the payment of benefits to any worker entitled thereto, or to avoid becoming or remaining subject to this chapter, or to avoid or reduce any payment required of an employing unit under this chapter shall be guilty of a Class B misdemeanor unless:
 1. The liability avoided or attempted to be avoided is five hundred dollars (\$500) or more but less than one thousand dollars (\$1,000), in which case it is a Class A misdemeanor;
 2. The liability avoided or attempted to be avoided is one thousand dollars (\$1,000) or more, in which case it is a Class D felony; or
 3. The person has three (3) or more convictions under subparagraph 1. of this paragraph within the last five (5) years, in which case it is a Class D felony. The five (5) year period shall be measured from the dates on which the offenses occurred for which the judgments of conviction were entered.
- (b) If any person commits two (2) or more separate offenses under paragraph (a) of this subsection within ninety (90) days, the offenses may be combined and treated as a single offense, and the value of the property in each offense may be aggregated for the purpose of determining the appropriate charge.
- (c) Any person who willfully fails or refuses to furnish any reports required, or to produce or permit the inspection or copying of records required in this chapter shall be guilty of a Class B misdemeanor. Each such false statement, representation or failure and each day of failure or refusal shall constitute a separate offense.
- (7) In any prosecution for the violation of subsection (5) or (6) of this section, it shall be a defense if the person relied on the advice of an employee or agent of the Office of Unemployment Insurance~~, Department of Workforce Investment~~.
- (8) Any person who willfully violates any provision of this chapter or any rule or regulation under it, the violation of which is made unlawful or the observance of which is required under the terms of this chapter, and for which no specific penalty is prescribed in this chapter or in any other applicable statute, shall be guilty of a violation. Each day the violation continues shall constitute a separate offense.
- (9) In addition to the higher rates imposed under KRS 341.540(7), any person, whether or not an employing unit, who knowingly advises or assists an employing unit in the violation or attempted violation of KRS 341.540 or any other provision of this chapter related to determining the assignment of a contribution rate shall be subject to a civil monetary penalty of not less than five thousand dollars (\$5,000).

- (10) Proceeds from all penalties imposed under subsection (9) of this section and KRS 341.540 shall be deposited in the unemployment compensation administration account and shall be expended solely for the cost of administration of this chapter consistent with KRS 341.240.
- (11) Any person who violates the confidentiality provision in KRS 341.190(4) shall be guilty of a Class A misdemeanor.

➔Section 151. KRS 342.0011 is amended to read as follows:

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

- (1) "Injury" means any work-related traumatic event or series of traumatic events, including cumulative trauma, arising out of and in the course of employment which is the proximate cause producing a harmful change in the human organism evidenced by objective medical findings. "Injury" does not include the effects of the natural aging process, and does not include any communicable disease unless the risk of contracting the disease is increased by the nature of the employment. "Injury" when used generally, unless the context indicates otherwise, shall include an occupational disease and damage to a prosthetic appliance, but shall not include a psychological, psychiatric, or stress-related change in the human organism, unless it is a direct result of a physical injury;
- (2) "Occupational disease" means a disease arising out of and in the course of the employment;
- (3) An occupational disease as defined in this chapter shall be deemed to arise out of the employment if there is apparent to the rational mind, upon consideration of all the circumstances, a causal connection between the conditions under which the work is performed and the occupational disease, and which can be seen to have followed as a natural incident to the work as a result of the exposure occasioned by the nature of the employment and which can be fairly traced to the employment as the proximate cause. The occupational disease shall be incidental to the character of the business and not independent of the relationship of employer and employee. An occupational disease need not have been foreseen or expected but, after its contraction, it must appear to be related to a risk connected with the employment and to have flowed from that source as a rational consequence;
- (4) "Injurious exposure" shall mean that exposure to occupational hazard which would, independently of any other cause whatsoever, produce or cause the disease for which the claim is made;
- (5) "Death" means death resulting from an injury or occupational disease;
- (6) "Carrier" means any insurer, or legal representative thereof, authorized to insure the liability of employers under this chapter and includes a self-insurer;
- (7) "Self-insurer" is an employer who has been authorized under the provisions of this chapter to carry his own liability on his employees covered by this chapter;
- (8) "Department" means the Department of Workers' Claims in the *Education and Labor* Cabinet;
- (9) "Commissioner" means the commissioner of the Department of Workers' Claims under the direction and supervision of the secretary of the *Education and Labor* Cabinet;
- (10) "Board" means the Workers' Compensation Board;
- (11) (a) "Temporary total disability" means the condition of an employee who has not reached maximum medical improvement from an injury and has not reached a level of improvement that would permit a return to employment;
- (b) "Permanent partial disability" means the condition of an employee who, due to an injury, has a permanent disability rating but retains the ability to work; and
- (c) "Permanent total disability" means the condition of an employee who, due to an injury, has a permanent disability rating and has a complete and permanent inability to perform any type of work as a result of an injury, except that total disability shall be irrebuttably presumed to exist for an injury that results in:
1. Total and permanent loss of sight in both eyes;
 2. Loss of both feet at or above the ankle;
 3. Loss of both hands at or above the wrist;
 4. Loss of one (1) foot at or above the ankle and the loss of one (1) hand at or above the wrist;

5. Permanent and complete paralysis of both arms, both legs, or one (1) arm and one (1) leg;
 6. Incurable insanity or imbecility; or
 7. Total loss of hearing;
- (12) "Income benefits" means payments made under the provisions of this chapter to the disabled worker or his dependents in case of death, excluding medical and related benefits;
 - (13) "Medical and related benefits" means payments made for medical, hospital, burial, and other services as provided in this chapter, other than income benefits;
 - (14) "Compensation" means all payments made under the provisions of this chapter representing the sum of income benefits and medical and related benefits;
 - (15) "Medical services" means medical, surgical, dental, hospital, nursing, and medical rehabilitation services, medicines, and fittings for artificial or prosthetic devices;
 - (16) "Person" means any individual, partnership, limited partnership, limited liability company, firm, association, trust, joint venture, corporation, or legal representative thereof;
 - (17) "Wages" means, in addition to money payments for services rendered, the reasonable value of board, rent, housing, lodging, fuel, or similar advantages received from the employer, and gratuities received in the course of employment from persons other than the employer as evidenced by the employee's federal and state tax returns;
 - (18) "Agriculture" means the operation of farm premises, including the planting, cultivation, producing, growing, harvesting, and preparation for market of agricultural or horticultural commodities thereon, the raising of livestock for food products and for racing purposes, and poultry thereon, and any work performed as an incident to or in conjunction with the farm operations, including the sale of produce at on-site markets and the processing of produce for sale at on-site markets. It shall not include the commercial processing, packing, drying, storing, or canning of such commodities for market, or making cheese or butter or other dairy products for market;
 - (19) "Beneficiary" means any person who is entitled to income benefits or medical and related benefits under this chapter;
 - (20) "United States," when used in a geographic sense, means the several states, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, and the territories of the United States;
 - (21) "Alien" means a person who is not a citizen, a national, or a resident of the United States or Canada. Any person not a citizen or national of the United States who relinquishes or is about to relinquish his residence in the United States shall be regarded as an alien;
 - (22) "Insurance carrier" means every insurance carrier or insurance company authorized to do business in the Commonwealth writing workers' compensation insurance coverage and includes the Kentucky Employers Mutual Insurance Authority and every self-insured group operating under the provisions of this chapter;
 - (23) (a) "Severance or processing of coal" means all activities performed in the Commonwealth at underground, auger, and surface mining sites; all activities performed at tipple or processing plants that clean, break, size, or treat coal; and all activities performed at coal loading facilities for trucks, railroads, and barges. Severance or processing of coal shall not include acts performed by a final consumer if the acts are performed at the site of final consumption.

(b) "Engaged in severance or processing of coal" shall include all individuals, partnerships, limited partnerships, limited liability companies, corporations, joint ventures, associations, or any other business entity in the Commonwealth which has employees on its payroll who perform any of the acts stated in paragraph (a) of this subsection, regardless of whether the acts are performed as owner of the coal or on a contract or fee basis for the actual owner of the coal. A business entity engaged in the severance or processing of coal, including but not limited to administrative or selling functions, shall be considered wholly engaged in the severance or processing of coal for the purpose of this chapter. However, a business entity which is engaged in a separate business activity not related to coal, for which a separate premium charge is not made, shall be deemed to be engaged in the severance or processing of coal only to the extent that the number of employees engaged in the severance or processing of coal bears to the total number of employees. Any employee who is involved in the

business of severing or processing of coal and business activities not related to coal shall be prorated based on the time involved in severance or processing of coal bears to his total time;

- (24) "Premium" for every self-insured group means any and all assessments levied on its members by such group or contributed to it by the members thereof. For special fund assessment purposes, "premium" also includes any and all membership dues, fees, or other payments by members of the group to associations or other entities used for underwriting, claims handling, loss control, premium audit, actuarial, or other services associated with the maintenance or operation of the self-insurance group;
- (25) (a) "Premiums received" for policies effective on or after January 1, 1994, for insurance companies means direct written premiums as reported in the annual statement to the Department of Insurance by insurance companies, except that "premiums received" includes premiums charged off or deferred, and, on insurance policies or other evidence of coverage with provisions for deductibles, the calculated cost for coverage, including experience modification and premium surcharge or discount, prior to any reduction for deductibles. The rates, factors, and methods used to calculate the cost for coverage under this paragraph for insurance policies or other evidence of coverage with provisions for deductibles shall be the same rates, factors, and methods normally used by the insurance company in Kentucky to calculate the cost for coverage for insurance policies or other evidence of coverage without provisions for deductibles, except that, for insurance policies or other evidence of coverage with provisions for deductibles effective on or after January 1, 1995, the calculated cost for coverage shall not include any schedule rating modification, debits, or credits. For policies with provisions for deductibles with effective dates on or after January 1, 1995, assessments shall be imposed on premiums received as calculated by the deductible program adjustment. The cost for coverage calculated under this paragraph by insurance companies that issue only deductible insurance policies in Kentucky shall be actuarially adequate to cover the entire liability of the employer for compensation under this chapter, including all expenses and allowances normally used to calculate the cost for coverage. For policies with provisions for deductibles with effective dates of May 6, 1993, through December 31, 1993, for which the insurance company did not report premiums and remit special fund assessments based on the calculated cost for coverage prior to the reduction for deductibles, "premiums received" includes the initial premium plus any reimbursements invoiced for losses, expenses, and fees charged under the deductibles. The special fund assessment rates in effect for reimbursements invoiced for losses, expenses, or fees charged under the deductibles shall be those percentages in effect on the effective date of the insurance policy. For policies covering leased employees as defined in KRS 342.615, "premiums received" means premiums calculated using the experience modification factor of each lessee as defined in KRS 342.615 for each leased employee for that portion of the payroll pertaining to the leased employee.
- (b) "Direct written premium" for insurance companies means the gross premium written less return premiums and premiums on policies not taken but including policy and membership fees.
- (c) "Premium," for policies effective on or after January 1, 1994, for insurance companies means all consideration, whether designated as premium or otherwise, for workers' compensation insurance paid to an insurance company or its representative, including, on insurance policies with provisions for deductibles, the calculated cost for coverage, including experience modification and premium surcharge or discount, prior to any reduction for deductibles. The rates, factors, and methods used to calculate the cost for coverage under this paragraph for insurance policies or other evidence of coverage with provisions for deductibles shall be the same rates, factors, and methods normally used by the insurance company in Kentucky to calculate the cost for coverage for insurance policies or other evidence of coverage without provisions for deductibles, except that, for insurance policies or other evidence of coverage with provisions for deductibles effective on or after January 1, 1995, the calculated cost for coverage shall not include any schedule rating modifications, debits, or credits. For policies with provisions for deductibles with effective dates on or after January 1, 1995, assessments shall be imposed as calculated by the deductible program adjustment. The cost for coverage calculated under this paragraph by insurance companies that issue only deductible insurance policies in Kentucky shall be actuarially adequate to cover the entire liability of the employer for compensation under this chapter, including all expenses and allowances normally used to calculate the cost for coverage. For policies with provisions for deductibles with effective dates of May 6, 1993, through December 31, 1993, for which the insurance company did not report premiums and remit special fund assessments based on the calculated cost for coverage prior to the reduction for deductibles, "premium" includes the initial consideration plus any reimbursements invoiced for losses, expenses, or fees charged under the deductibles.

- (d) "Return premiums" for insurance companies means amounts returned to insureds due to endorsements, retrospective adjustments, cancellations, dividends, or errors.
 - (e) "Deductible program adjustment" means calculating premium and premiums received on a gross basis without regard to the following:
 1. Schedule rating modifications, debits, or credits;
 2. Deductible credits; or
 3. Modifications to the cost of coverage from inception through and including any audit that are based on negotiated retrospective rating arrangements, including but not limited to large risk alternative rating options;
- (26) "Insurance policy" for an insurance company or self-insured group means the term of insurance coverage commencing from the date coverage is extended, whether a new policy or a renewal, through its expiration, not to exceed the anniversary date of the renewal for the following year;
- (27) "Self-insurance year" for a self-insured group means the annual period of certification of the group created pursuant to KRS 342.350(4) and 304.50-010;
- (28) "Premium" for each employer carrying his own risk pursuant to KRS 342.340(1) shall be the projected value of the employer's workers' compensation claims for the next calendar year as calculated by the commissioner using generally-accepted actuarial methods as follows:
- (a) The base period shall be the earliest three (3) calendar years of the five (5) calendar years immediately preceding the calendar year for which the calculation is made. The commissioner shall identify each claim of the employer which has an injury date or date of last injurious exposure to the cause of an occupational disease during each one (1) of the three (3) calendar years to be used as the base, and shall assign a value to each claim. The value shall be the total of the indemnity benefits paid to date and projected to be paid, adjusted to current benefit levels, plus the medical benefits paid to date and projected to be paid for the life of the claim, plus the cost of medical and vocational rehabilitation paid to date and projected to be paid. Adjustment to current benefit levels shall be done by multiplying the weekly indemnity benefit for each claim by the number obtained by dividing the statewide average weekly wage which will be in effect for the year for which the premium is being calculated by the statewide average weekly wage in effect during the year in which the injury or date of the last exposure occurred. The total value of the claims using the adjusted weekly benefit shall then be calculated by the commissioner. Values for claims in which awards have been made or settlements reached because of findings of permanent partial or permanent total disability shall be calculated using the mortality and interest discount assumptions used in the latest available statistical plan of the advisory rating organization defined in Subtitle 13 of KRS Chapter 304. The sum of all calculated values shall be computed for all claims in the base period;
 - (b) The commissioner shall obtain the annual payroll for each of the three (3) years in the base period for each employer carrying his own risk from records of the department and from the records of the Department of Workforce ~~Development~~~~Investment~~, Education and ~~Labor~~~~Workforce-Development~~ Cabinet. The commissioner shall multiply each of the three (3) years of payroll by the number obtained by dividing the statewide average weekly wage which will be in effect for the year in which the premium is being calculated by the statewide average weekly wage in effect in each of the years of the base period;
 - (c) The commissioner shall divide the total of the adjusted claim values for the three (3) year base period by the total adjusted payroll for the same three (3) year period. The value so calculated shall be multiplied by 1.25 and shall then be multiplied by the employer's most recent annualized payroll, calculated using records of the department and the Department of Workforce ~~Development~~~~Investment~~ data which shall be made available for this purpose on a quarterly basis as reported, to obtain the premium for the next calendar year for assessment purposes under KRS 342.122;
 - (d) For November 1, 1987, through December 31, 1988, premium for each employer carrying its own risk shall be an amount calculated by the board pursuant to the provisions contained in this subsection and such premium shall be provided to each employer carrying its own risk and to the funding commission on or before January 1, 1988. Thereafter, the calculations set forth in this subsection shall be performed annually, at the time each employer applies or renews its application for certification to carry its own risk for the next twelve (12) month period and submits payroll and other data in support of the

application. The employer and the funding commission shall be notified at the time of the certification or recertification of the premium calculated by the commissioner, which shall form the employer's basis for assessments pursuant to KRS 342.122 for the calendar year beginning on January 1 following the date of certification or recertification;

- (e) If an employer having fewer than five (5) years of doing business in this state applies to carry its own risk and is so certified, its premium for the purposes of KRS 342.122 shall be based on the lesser number of years of experience as may be available including the two (2) most recent years if necessary to create a three (3) year base period. If the employer has less than two (2) years of operation in this state available for the premium calculation, then its premium shall be the greater of the value obtained by the calculation called for in this subsection or the amount of security required by the commissioner pursuant to KRS 342.340(1);
 - (f) If an employer is certified to carry its own risk after having previously insured the risk, its premium shall be calculated using values obtained from claims incurred while insured for as many of the years of the base period as may be necessary to create a full three (3) year base. After the employer is certified to carry its own risk and has paid all amounts due for assessments upon premiums paid while insured, the employer shall be assessed only upon the premium calculated under this subsection;
 - (g) "Premium" for each employer defined in KRS 342.630(2) shall be calculated as set forth in this subsection; and
 - (h) Notwithstanding any other provision of this subsection, the premium of any employer authorized to carry its own risk for purposes of assessments due under this chapter shall be no less than thirty cents (\$0.30) per one hundred dollars (\$100) of the employer's most recent annualized payroll for employees covered by this chapter;
- (29) "SIC code" as used in this chapter means the Standard Industrial Classification Code contained in the latest edition of the Standard Industrial Classification Manual published by the Federal Office of Management and Budget;
- (30) "Investment interest" means any pecuniary or beneficial interest in a provider of medical services or treatment under this chapter, other than a provider in which that pecuniary or investment interest is obtained on terms equally available to the public through trading on a registered national securities exchange, such as the New York Stock Exchange or the American Stock Exchange, or on the National Association of Securities Dealers Automated Quotation System;
- (31) "Managed health care system" means a health care system that employs gatekeeper providers, performs utilization review, and does medical bill audits;
- (32) "Physician" means physicians and surgeons, psychologists, optometrists, dentists, podiatrists, and osteopathic and chiropractic practitioners acting within the scope of their license issued by the Commonwealth;
- (33) "Objective medical findings" means information gained through direct observation and testing of the patient applying objective or standardized methods;
- (34) "Work" means providing services to another in return for remuneration on a regular and sustained basis in a competitive economy;
- (35) "Permanent impairment rating" means percentage of whole body impairment caused by the injury or occupational disease as determined by the "Guides to the Evaluation of Permanent Impairment";
- (36) "Permanent disability rating" means the permanent impairment rating selected by an administrative law judge times the factor set forth in the table that appears at KRS 342.730(1)(b); and
- (37) "Guides to the Evaluation of Permanent Impairment" means, except as provided in KRS 342.262:
- (a) The fifth edition published by the American Medical Association; and
 - (b) For psychological impairments, Chapter 12 of the second edition published by the American Medical Association.

➔Section 152. KRS 342.120 is amended to read as follows:

- (1) There is created the Division of Workers' Compensation Funds in the Department of Workers' Claims which shall be responsible for the administration of the special fund and the coal workers' pneumoconiosis fund and the maintenance of records regarding the payment of claims by these funds. The Division of Workers'

Compensation Funds shall have no responsibility for the coal workers' pneumoconiosis fund once the assets and liabilities have been transferred to the Kentucky Employers' Mutual Insurance Authority, which will administer the fund pursuant to KRS 342.1243. The Division of Workers' Compensation Funds shall be headed by a director appointed by the secretary of the *Education and Labor* Cabinet, with the prior written approval of the Governor pursuant to KRS 12.050. The director shall be responsible for overseeing the administration of the funds and the maintenance of records regarding the payment of claims by the funds.

- (2) The special fund shall have no liability upon any claim in which the injury occurred, or for cumulative trauma, the disability became manifest, or, for occupational disease, if the date of injury or last exposure occurred, after December 12, 1996.
- (3) Where the employer has settled its liability for income benefits and thereafter a determination has been made of the special fund's liability, the special fund portion of the benefit rate shall be paid over the maximum period provided for by statute for that disability, with the period of payment beginning on the date settlement was approved by an administrative law judge. This provision is remedial and shall apply to all pending and future claims.

➔Section 153. KRS 342.122 is amended to read as follows:

- (1) (a) For calendar year 1997 and for each calendar year thereafter, for the purpose of funding and prefunding the liabilities of the special fund, financing the administration and operation of the Kentucky Workers' Compensation Funding Commission, and financing the expenditures for all programs in the *Department of Workers' Claims, Occupational Safety and Health Review Commission, Workers' Compensation Nominating Committee, Department of Workplace Standards, except expenditures for the Division of Wages and Hours contained in the Department of Workplace Standards and the proportional support for general administration and support based on an approved indirect cost allocation plan within the Education and Labor* Cabinet, ~~except the Division of Wages and Hours in the Department of Workplace Standards,~~ as reflected in the enacted budget of the Commonwealth and enacted by the General Assembly, the funding commission shall impose a special fund assessment rate of nine percent (9%) upon the amount of workers' compensation premiums received on and after January 1, 1997, through December 31, 1997, by every insurance carrier writing workers' compensation insurance in the Commonwealth, by every self-insured group operating under the provisions of KRS 342.350(4) and Chapter 304, and against the premium, as defined in KRS 342.0011, of every employer carrying his or her own risk.
- (b) The funding commission shall, for calendar year 1998 and thereafter, establish for the special fund an assessment rate to be assessed against all premium received during that calendar year which shall produce enough revenue to amortize on a level basis the unfunded liability of the special fund as of June 30 preceding January 1 of each year, for the period remaining until December 31, 2029. The interest rate to be used in this calculation shall reflect the funding commission's investment experience to date and the current investment policies of the commission. This assessment shall be imposed upon the amount of workers' compensation premiums received by every insurance carrier writing workers' compensation insurance in the Commonwealth, by every self-insured group operating under the provisions of KRS 342.350(4) and Chapter 304, and against the premium, as defined in KRS 342.0011, of every employer carrying its own risk. On or before October 1 of each year, the commission shall notify each insurance carrier writing workers' compensation insurance in the Commonwealth, every group of self-insured employers, and each employer carrying its own risk, of the rates which shall become effective on January 1 of each year, unless modified by the General Assembly.
- (c) All assessments imposed by this section shall be paid to the Kentucky Workers' Compensation Funding Commission and shall be credited to the benefit reserve fund within the Kentucky Workers' Compensation Funding Commission.
- (d) The assessments imposed in this chapter shall be in lieu of all other assessments or taxes on workers' compensation premiums.
- (2) (a) These assessments shall be paid quarterly not later than the thirtieth day of the month following the end of the quarter in which the premium is received. Receipt shall be considered timely through actual physical receipt or by postmark of the United States Postal Service. Employers carrying their own risk and employers defined in KRS 342.630(2) shall pay the annual assessments in four (4) equal quarterly installments.

- (b) Beginning on January 1, 2020, all assessments shall be electronically remitted to the funding commission quarterly not later than the thirtieth day of the month following the end of the quarter in which the premium is received. Receipt shall be considered timely when filed and remitted using the appropriate electronic pay system as prescribed by the funding commission. Employers carrying their own risk and employers defined in KRS 342.630(2) shall pay the annual assessments in four (4) equal quarterly installments.
- (3) The assessments imposed by this section may be collected by the insurance carrier from the insured. However, the insurance carrier shall not collect from the employer any amount exceeding the assessments imposed pursuant to this section. If the insurance carrier collects the assessment from an insured, the assessment shall be collected at the same time and in the same proportion as the premium is collected. The assessment for an insurance policy or other evidence of coverage providing a deductible may be collected in accordance with this chapter on a premium amount that equates to the premium that would have applied without the deductible. Each statement from an insurance carrier presented to an insured reflecting premium and assessment amounts shall clearly identify and distinguish the amount to be paid for premium and the amount to be paid for assessments. No insurance carrier shall collect from an insured an amount in excess of the assessment percentages imposed by this chapter. The assessment for an insurance policy or other evidence of coverage providing a deductible may be collected in accordance with this chapter on a premium amount that equates to the premium that would have applied without the deductible. The percentages imposed by this chapter for an insurance policy issued by an insurance company shall be those percentages in effect on the annual effective date of the policy, regardless of the date that the premium is actually received by the insurance company.
- (4) A self-insured group may elect to report its premiums and to have its assessments computed in the same manner as insurance companies. This election may not be rescinded for at least ten (10) years, nor may this election be made a second time for at least another ten (10) years, except that the board of directors of the funding commission may, at its discretion, waive the ten (10) year ban on a case-by-case basis after formal petition has been made to the funding commission by a self-insured group.
- (5) The funding commission, as part of the collection and auditing of the special fund assessments required by this section, shall annually require each insurance carrier and each self-insured group to provide a list of employers which it has insured or which are members and the amount collected from each employer. Additionally, the funding commission shall require each entity paying a special fund assessment to report the SIC code for each employer and the amount of premium collected from each SIC code. An insurance carrier or self-insured group may require its insureds or members to furnish the SIC code for each of their employees. However, the failure of any employer to furnish said codes shall not relieve the insurance carrier or self-insured group from the obligation to furnish same to the funding commission. The Department of Workforce ~~Investment~~, Education and ~~Labor~~~~Workforce Development~~ Cabinet, is hereby directed to make available the SIC codes assigned in its records to specific employers to aid in the reporting and recording of the special fund assessment data.
- (6) Each self-insured employer, self-insured group, or insurance carrier shall provide any information and submit any reports the Department of Revenue or the funding commission may require to effectuate the provisions of this section. In addition, the funding commission may enter reciprocal agreements with other governmental agencies for the exchange of information necessary to effectuate the provisions of this section.
- (7) The special fund shall be required to maintain a central claim registry of all claims to which it is named a party, giving each such claim a unique claim number and thereafter recording the status of each claim on a current basis. The registry shall be established by January 26, 1988, for all claims on which payments were made since July 1, 1986, or which were pending adjudication since July 1, 1986, by audit of all claim files in the possession of the special fund.
- (8) The fund heretofore designated as the subsequent claim fund is abolished, and there is substituted therefor the special fund as set out by this section, and all moneys and properties owned by the subsequent claim fund are transferred to the special fund.
- (9) Notwithstanding any other provisions of this section or this chapter to the contrary, the total amount of funds collected pursuant to the assessment rates adopted by the funding commission shall not be limited to the provisions of this section.
- (10) All assessment rates imposed for periods prior to January 1, 1997, under KRS 342.122 shall forever remain applicable to premiums received on policies with effective dates prior to January 1, 1997, by every insurance carrier writing workers' compensation insurance in the Commonwealth, by every self-insured group operating

under the provision of KRS 342.350(4) and Chapter 304, and against the premium, as defined in KRS 342.0011, of every employer carrying its own risk.

➔Section 154. KRS 342.1223 is amended to read as follows:

- (1) The Kentucky Workers' Compensation Funding Commission is created as an agency of the Commonwealth for the public purpose of controlling, investing, and managing the funds collected pursuant to KRS 342.122.
- (2) The commission shall:
 - (a) Hold, administer, invest, and reinvest the funds collected pursuant to KRS 342.122 and its other funds separate and apart from all "state funds" or "public funds," as defined in KRS Chapter 446;
 - (b) Act as a fiduciary, as defined in KRS Chapter 386, in exercising its power over the funds collected pursuant to KRS 342.122, and may invest association funds through one (1) or more banks, trust companies, or other financial institutions with offices in Kentucky in good standing with the Department of Financial Institutions, in investments described in KRS Chapter 386, except that the funding commission may, at its discretion, invest in equity securities;
 - (c) Report to the General Assembly at each even-numbered-year regular session the actuarial soundness and adequacy of the funding mechanism for the special fund and other programs supported by the mechanism, including detailed information on the investment of funds and yields thereon;
 - (d) Recommend to the General Assembly, not later than October 31 of the year prior to each even-numbered-year regular legislative session, changes deemed necessary in the level of the assessments imposed in this chapter;
 - (e) In conjunction with the *Education and* Labor Cabinet, submit to the General Assembly, not later than October 31 of the year prior to each even-numbered-year regular legislative session, a proposed budget for the biennium beginning July 1 following the even-numbered-year regular session of the General Assembly;
 - (f) In conjunction with the *Education and* Labor Cabinet, provide to the Interim Joint Committee on Appropriations and Revenue an annual budget and detailed quarterly financial reports;
 - (g) Conduct periodic audits, independently or in cooperation with the *Education and* Labor Cabinet or the Department of Revenue, of all entities subject to the assessments imposed in this chapter; and
 - (h) Report monthly to the Committees on Appropriations and Revenue and on Economic Development and Workforce Investment its monthly expenditures of restricted agency funds and the nature of the expenditures.
- (3) The commission shall have all of the powers necessary or convenient to carry out and effectuate the purposes for which it was established, including, but not limited to, the power:
 - (a) To sue and be sued, complain, or defend, in its name;
 - (b) To elect, appoint, or hire officers, agents, and employees, and define their duties and fix their compensation within the limits of its budget approved by the General Assembly. Notwithstanding any provision of KRS Chapter 18A to the contrary, officers and employees of the funding commission may be exempted from the classified service;
 - (c) To contract for investment counseling, legal, actuarial, auditing, and other professional services in accordance with the provisions relating to personal service contracts contained in KRS Chapter 45A;
 - (d) To appoint, hire, and contract with banks, trust companies, and other entities to serve as depositories and custodians of its investment receipts and other funds;
 - (e) To take any and all other actions consistent with the purposes of the commission and the provisions of this chapter; and
 - (f) To make and promulgate administrative regulations.
- (4) The Kentucky Workers' Compensation Funding Commission may utilize the investment expertise and advice of the Office of Financial Management within the Finance and Administration Cabinet. The Kentucky Workers' Compensation Funding Commission may procure one (1) or more consulting firms and enter into a personal service contract with such consulting firms to provide investment advisory, investment counseling, or investment management services. The Office of Financial Management shall participate in the selection of any

firms for investment services provided, however, the Kentucky Workers' Compensation Funding Commission shall have the right to make the final decision on the selection of any firms. Notwithstanding any provisions of this section to the contrary, all contracts for investment advisory, investment counseling, or investment management services or for the management of assets shall be subject to KRS Chapter 45A. The fees charged by financial institutions for managing the investments of the funds of the funding commission shall be paid from the investment earnings of the funds.

- (5) The commission shall be attached to the *Education and* Labor Cabinet for administrative purposes only.

➔Section 155. KRS 342.1224 is amended to read as follows:

- (1) The commission shall be governed by a board of directors consisting of seven (7) members. The seven (7) members shall include the secretary of the *Education and* Labor Cabinet or a designee, the secretary of the Cabinet for Economic Development or a designee, the secretary of the Finance and Administration Cabinet or a designee, and four (4) members who shall be appointed by the Governor.
- (2) The four (4) appointed members shall include:
- (a) One (1) member, selected from a list of three (3) submitted by the secretary of the *Education and* Labor Cabinet, who shall represent labor;
 - (b) One (1) member, selected from a list of three (3) submitted by the secretary for economic development, who shall represent employers; provided, however, that these three (3) members shall represent employers who purchase workers' compensation coverage for their employees from insurance companies writing workers' compensation insurance in the Commonwealth;
 - (c) One (1) member, selected from a list of three (3) submitted by the insurance advisory organization having jurisdiction over Kentucky, who shall represent insurance companies writing workers' compensation insurance in the Commonwealth; and
 - (d) One (1) member, selected from a list of three (3) submitted by the associations representing self-insured employers in the Commonwealth.
- (3) The members of the board of directors shall serve a term of four (4) years, except that the initial terms of the members shall be staggered as follows:
- (a) The initial member appointed by the Governor to represent labor shall serve a term of one (1) year. Thereafter, such member shall serve a term of four (4) years;
 - (b) The initial member appointed by the Governor to represent employers shall serve a term of two (2) years. Thereafter, such member shall serve a term of four (4) years;
 - (c) The initial member appointed by the Governor to represent insurance companies shall serve a term of four (4) years. Thereafter, such member shall serve a term of four (4) years; and
 - (d) The initial member appointed by the Governor to represent self-insured employers shall serve a term of three (3) years. Thereafter, such member shall serve a term of four (4) years.
- (4) The board of directors shall annually elect from among its members a chairman, a vice chairman, and a secretary-treasurer. The board of directors may also elect or appoint, and prescribe the duties of, other officers as the board of directors deems necessary or advisable.
- (5) The board of directors shall appoint an executive director to administer, manage, and direct the affairs and business of the commission, and other staff persons to carry out the affairs and business of the commission, subject in each instance to the policies, control, and directions of the board of directors. The board of directors shall fix the compensation of all such persons and shall pay such compensation out of the funds of the commission.
- (6) Notwithstanding any other law, the Governor, pursuant to an executive order, may cause the employees of the commission to be eligible to participate in the Kentucky Retirement System and the Kentucky Public Employees Deferred Compensation System.
- (7) A majority of the board of directors of the commission shall constitute a quorum for the purposes of conducting its business and exercising its powers and for all other purposes. The majority shall be determined by excluding any existing vacancies from the total number of directors.

- (8) The board of directors of the Kentucky Workers' Compensation Funding Commission are hereby determined to be officers and agents of the Commonwealth of Kentucky and, as such, shall enjoy the same immunities from suit for the performance of their official acts as do other officers of the Commonwealth of Kentucky.

➔Section 156. KRS 342.1228 is amended to read as follows:

The Kentucky Workers' Compensation Funding Commission shall not be subject to the Governor's power of reorganization under KRS Chapter 12, including attachment or transfer to another organizational unit or administrative body other than the *Education and Labor* Cabinet. The Governor may, however, recommend changes in the organization of the commission to the General Assembly at any regular or special session of the General Assembly.

➔Section 157. KRS 342.143 is amended to read as follows:

For the purposes of this chapter, the average weekly wage of the state shall be determined by the commissioner as follows: On or before September 1 of each year, the total wages reported by subject employers under the Kentucky Unemployment Insurance Law for the preceding calendar year shall be divided by the average monthly number of insured workers (determined by dividing the total number of insured workers reported for the preceding year by twelve (12)). The average annual wage thus obtained shall be divided by fifty-two (52) and the average weekly wage thus determined rounded to the nearest cent. The average weekly wage shall be certified to the commissioner by the Education and ~~Labor~~~~Workforce Development~~ Cabinet in a manner prescribed by the commissioner by administrative regulation. The average weekly wage as so determined shall be applicable for the full period during which income or death benefits are payable, when the date of occurrence of injury or of disability in the case of disease, or of death, falls within the calendar year commencing January 1 following the September 1 determination. Whenever a change in the average weekly wage of the state is of such amount that the minimum weekly income benefits for total disability or for death are increased or decreased by one dollar (\$1) or more, or the maximum weekly income benefits for total disability or for death are increased or decreased by two dollars (\$2) or more, computed in each case and rounded to the nearest dollar, an adjustment in those minimums or maximums which are affected in the requisite amount by the change in the average weekly wage of the state shall be made which will reflect this increase or decrease, but no change in such limitations shall otherwise be made. Notwithstanding the provisions of this section, KRS 342.140 and 342.740, or any other provisions of this chapter to the contrary, the average weekly wage for calendar years 1995 and 1996 shall be determined to be no higher than the average weekly wage determined by the commissioner to be in effect in the calendar year of 1994. If the average weekly wage calculated by the commissioner is determined to be lower than the 1994 calendar year wage, the average weekly wage may be lowered as provided by this section. Beginning in calendar year 1997 and annually thereafter, the average weekly wage shall be calculated based upon the state average weekly wage in effect two (2) years prior to that calculation.

➔Section 158. KRS 342.215 is amended to read as follows:

- (1) The Workers' Compensation Board is hereby created and established. The board shall rule on appeals of decisions rendered by administrative law judges under this chapter. The board shall rule on an appeal of a decision of an administrative law judge no later than sixty (60) days following the date on which the last appeal brief was filed.
- (2) The Workers' Compensation Board shall consist of three (3) members appointed by the Governor. Each member shall hold no other public office and shall devote his or her full time to the duties of his or her office. Each member shall be exempt from the classified service, and his or her support staff may be exempt from the classified service.
- (3) Of the members of the board appointed under this section, one (1) shall serve a term that shall expire on January 4, 2002; one (1) shall serve a term that shall expire on January 4, 2003; and one (1) shall serve a term that shall expire on January 4, 2004, as designated by the Governor at the time of appointment. Thereafter, each term of a board member shall run for four (4) years from the date of expiration of the term for which the member's predecessor was appointed, except that a person appointed to fill a vacancy prior to the expiration of a term shall be appointed for the remainder of the term. The Governor shall not appoint a member of the board to fill the unexpired term of another board member, nor shall the Governor reappoint a member of the board who has been removed from his or her position prior to the expiration of his or her term. The members of the board shall have the qualifications required of appeals court judges, except for residence in a district, and shall receive the same salary and shall be subject to the same standards of conduct. The Governor shall designate a member of the board to serve as chairman. Any vacancy in the chairmanship shall be filled by the Governor. The Governor may at any time remove any member for cause after furnishing the member with a written copy of the charges against him or her and giving the member a public hearing if he or she requests it.

- (4) A decision concurred in by any two (2) of the three (3) members shall constitute a decision of the board.
- (5) Members of the Workers' Compensation Board and the administrative law judges shall be members of the Kentucky Employees Retirement System.
- (6) The Workers' Compensation Board shall be attached to the Department of Workers' Claims in the *Education and Labor Cabinet*.

➔Section 159. KRS 342.231 is amended to read as follows:

The *Education and Labor Cabinet* shall report monthly to the Committee on Appropriations and Revenue its monthly expenditures of restricted agency funds and the nature of such expenditures. Separate reporting shall be done by each office within the *Education and Labor Cabinet* and for general administration and support.

➔Section 160. KRS 342.342 is amended to read as follows:

- (1) Notwithstanding the provisions of KRS 342.340, KRS 342.350, or any administrative regulations promulgated pursuant to those provisions, the commissioner shall annually review the adequacy of the financial or other security requirements contained in administrative regulations, promulgated pursuant to the individual self-insurance provisions in this chapter. The commissioner shall report the results of the review to the Economic Development and Workforce Investment Committee of the General Assembly and any recommendations for proposed changes to insure the financial soundness of the individual self-insurers authorized pursuant to this chapter. In addition, the commissioner shall report not less often than annually a summary report on the financial soundness of the individual self-insurers.
- (2) The Economic Development and Workforce Investment Committee of the General Assembly shall annually review the administrative regulations promulgated pursuant to the individual provisions under this chapter.
- (3) On July 1, 1994, the Division of Security and Compliance of the Department of Workers' Claims in the *Education and Labor Cabinet* shall be expanded by five (5) employees. These additional employees shall be employed for the purpose of conducting financial audits, examinations, and reviews and other activities necessary to ensure and monitor the financial soundness of the individual self-insured employers authorized pursuant to KRS 342.340.

➔Section 161. KRS 342.710 is amended to read as follows:

- (1) One of the primary purposes of this chapter shall be restoration of the injured employee to gainful employment, and preference shall be given to returning the employee to employment with the same employer or to the same or similar employment.
- (2) The commissioner shall continuously study the problems of rehabilitation, both physical and vocational, and shall investigate and maintain a directory of all rehabilitation facilities, both private and public.
- (3) An employee who has suffered an injury covered by this chapter shall be entitled to prompt medical rehabilitation services for whatever period of time is necessary to accomplish physical rehabilitation goals which are feasible, practical, and justifiable. When as a result of the injury he or she is unable to perform work for which he or she has previous training or experience, he or she shall be entitled to such vocational rehabilitation services, including retraining and job placement, as may be reasonably necessary to restore him or her to suitable employment. In all such instances, the administrative law judge shall inquire whether such services have been voluntarily offered and accepted. The administrative law judge on his or her own motion, or upon application of any party or carrier, after affording the parties an opportunity to be heard, may refer the employee to a qualified physician or facility for evaluation of the practicability of, need for, and kind of service, treatment, or training necessary and appropriate to render him or her fit for a remunerative occupation. Upon receipt of such report, the administrative law judge may order that the services and treatment recommended in the report, or such other rehabilitation treatment or service likely to return the employee to suitable, gainful employment, be provided at the expense of the employer or its insurance carrier. Vocational rehabilitation training, treatment, or service shall not extend for a period of more than fifty-two (52) weeks, except in unusual cases when by special order of the administrative law judge, after hearing and upon a finding, determined by sound medical evidence which indicates such further rehabilitation is feasible, practical, and justifiable, the period may be extended for additional periods.
- (4) Where rehabilitation requires residence at or near the facility or institution, away from the employee's customary residence, reasonable cost of his or her board, lodging, or travel shall be paid for by the employer or its insurance carrier.

- (5) Refusal to accept rehabilitation pursuant to an order of an administrative law judge shall result in a fifty percent (50%) loss of compensation for each week of the period of refusal.
- (6) The commissioner shall cooperate on a reciprocal basis with the Office of Vocational Rehabilitation and the Department of Workforce ~~Development~~~~Investment~~ of the Education and ~~Labor~~~~Workforce Development~~ Cabinet. In the event medical treatment, medical rehabilitation services, or vocational rehabilitation services are purchased for an injured employee by the Office of Vocational Rehabilitation or Department of Workforce ~~Development~~~~Investment~~ following the refusal by the employer or its insurance carrier to provide such services, the administrative law judge, after affording the parties an opportunity to be heard, may order reimbursement of the cost of such treatment or services by the employer or its insurance carrier as apportioned in the award. This section shall not be interpreted to require mandatory evaluation of employees based on length of disability. Any administrative regulations promulgated pursuant to this section that require mandatory referral to a qualified rehabilitation counselor shall expire on April 4, 1994.
- (7) An employee who is enrolled and participating in a program of rehabilitation training pursuant to this section may elect to receive an acceleration of benefits as awarded under KRS 342.730. Such acceleration shall be available to the employee during the period of retraining, but in no event shall be paid in a weekly amount greater than sixty-six and two-thirds percent (66-2/3%) of the average weekly wage upon which the award is based, not to exceed one hundred percent (100%) of the state average weekly wage. Upon successful completion of the rehabilitation program, the total of all accelerated benefits paid shall be deducted on a dollar-for-dollar basis, without discount, from weekly benefits otherwise due the employee subject to the maximum amount of the award. Such remaining benefits, if any, shall then be divided by the number of weeks remaining payable under the award, and that amount shall be the weekly benefit due the employee. If a program of rehabilitation training is terminated by the employee prior to completion, all sums paid on an accelerated basis shall be discounted at the rate set forth in KRS 342.265 and then deducted on a dollar-for-dollar basis from weekly benefits otherwise due the employee subject to the maximum amount of the award. Such remaining benefits, after the discount, shall be divided by the number of weeks remaining payable under the award, and that amount shall be the weekly benefit due the employee. In no event shall this subsection be construed as requiring payment of benefits in excess of the total of those benefits which would otherwise be payable under the award.

➔Section 162. KRS 342.732 is amended to read as follows:

- (1) Notwithstanding any other provision of this chapter, income benefits and retraining incentive benefits for occupational pneumoconiosis resulting from exposure to coal dust in the severance or processing of coal shall be paid as follows:
- (a) 1. If an employee has a radiographic classification of category 1/0, 1/1 or 1/2, coal workers' pneumoconiosis and spirometric test values of eighty percent (80%) or more, the employee shall be awarded a one (1) time only retraining incentive benefit which shall be an amount equal to sixty-six and two-thirds percent (66-2/3%) of the employee's average weekly wage as determined by KRS 342.740, but not more than seventy-five percent (75%) of the state average weekly wage, payable semimonthly for a period not to exceed one hundred four (104) weeks, except as provided in subparagraph 3. of this paragraph.
 2. Except as provided in subparagraph 3. of this paragraph, these benefits shall be paid only while the employee is enrolled and actively and successfully participating as a full-time student taking the equivalent of twelve (12) or more credit hours per week in a bona fide training or education program that if successfully completed will qualify the person completing the course for a trade, occupation, or profession and which program can be completed within the period benefits are payable under this subsection. The program must be approved under administrative regulations to be promulgated by the commissioner. These benefits shall also be paid to an employee who is a part-time student taking not less than the equivalent of six (6) nor more than eleven (11) credit hours per week, except that benefits shall be an amount equal to thirty-three and one-third percent (33-1/3%) of the employee's average weekly wage as determined by KRS 342.740, but not more than thirty-seven and one-half percent (37-1/2%) of the state average weekly wage, payable biweekly for a period not to exceed two hundred eight (208) weeks.
 3. These benefits shall also be paid biweekly while an employee is actively and successfully pursuing a High School Equivalency Diploma in accordance with administrative regulations promulgated by the commissioner. These benefits shall be paid in the amount of sixty-six and two-thirds percent (66-2/3%) of the employee's average weekly wage not to exceed seventy-five percent (75%) of the state average weekly wage for a maximum period not to exceed seventeen

- (17) weeks. These income benefits shall be in addition to the maximum amount of retraining incentive benefits payable under this paragraph.
4. The employer shall also pay, directly to the institution conducting the training or education program, instruction, tuition, and material costs not to exceed five thousand dollars (\$5,000).
 5. The employee shall notify the parties of his or her intention to retrain within thirty (30) days after the administrative law judge's order becomes final. The employee must initiate retraining within three hundred sixty-five (365) days of the administrative law judge's final order. Income benefits payable under subparagraphs 1. and 2. of this paragraph shall begin no later than thirty (30) days following conclusion of income benefits paid under subparagraph 3. if such benefits were paid.
 6. If an employee who is awarded retraining incentive benefits under this paragraph successfully completes a bona fide training or education program approved by the commissioner, upon completion of the training or education program, the employer shall pay to that employee the sum of five thousand dollars (\$5,000) for successful completion of a program that requires a course of study of not less than twelve (12) months nor more than eighteen (18) months, or the sum of ten thousand dollars (\$10,000) for successful completion of a program that requires a course of study of more than eighteen (18) months. This amount shall be in addition to retraining incentive benefits awarded under this paragraph, and tuition expenses paid by the employer.
 7. An employee who is age fifty-seven (57) years or older on the date of last exposure and who is awarded retraining incentive benefits under subparagraphs 1. to 4. of this paragraph, may elect to receive in lieu of retraining incentive benefits, an amount equal to sixty-six and two-thirds percent (66-2/3%) of the employee's average weekly wage, not to exceed seventy-five percent (75%) of the state average weekly wage as determined by KRS 342.740 multiplied by the disability rating of twenty-five percent (25%) for a period not to exceed four hundred twenty-five (425) weeks, or until the employee reaches sixty-five (65) years of age, whichever occurs first, KRS 342.730(4) notwithstanding.
 8. A claim for retraining incentive benefits provided under this section may be filed, but benefits shall not be payable, while an employee is employed in the severance or processing of coal as defined in KRS 342.0011(23).
 9. If an employer appeals an award of retraining incentive benefits, upon an employee's motion, an administrative law judge may grant retraining incentive benefits pending appeal as interlocutory relief.
 10. If an employee elects to defer payment of retraining incentive benefits for a period of retraining longer than three hundred sixty-five (365) days, benefits otherwise payable shall be reduced week-for-week for each week retraining benefits are further deferred;
- (b)
1. If an employee has a radiographic classification of category 1/0, 1/1, or 1/2 coal workers' pneumoconiosis and respiratory impairment evidenced by spirometric test values of fifty-five percent (55%) or more but less than eighty percent (80%) of the predicted normal values, or category 2/1, 2/2, or 2/3 coal workers' pneumoconiosis and spirometric test values of eighty percent (80%) or more of the predicted normal values, there shall be an irrebuttable presumption that the employee has a disability rating of twenty-five percent (25%) resulting from exposure to coal dust, and the employee shall be awarded an income benefit which shall be an amount equal to sixty-six and two-thirds percent (66-2/3%) of the employee's average weekly wage, but not to exceed seventy-five percent (75%) of the state average weekly wage as determined by KRS 342.740 multiplied by the disability rating of twenty-five percent (25%). The award shall be payable for a period not to exceed four hundred twenty-five (425) weeks.
 2. An employee who is awarded benefits under this paragraph may, at the time of the award or before benefit payments begin, elect to receive retraining incentive benefits provided under paragraph (a)1. to 6. of this subsection, in lieu of income benefits awarded under this paragraph, provided that such option is available one (1) time only and is not revocable, and provided that in no event shall income benefits payable under this paragraph be stacked or added to retraining incentive income benefits paid or payable under subparagraphs 1. to 6. of paragraph (a)1. to 6. of this subsection to extend the period of disability;
- (c) If it is determined that an employee has a radiographic classification of category 1/0, 1/1, or 1/2, and respiratory impairment resulting from exposure to coal dust as evidenced by spirometric test values of

less than fifty-five percent (55%) of the predicted normal values, or category 2/1, 2/2, or 2/3 coal workers' pneumoconiosis and respiratory impairment evidenced by spirometric test values of fifty-five percent (55%) or more but less than eighty percent (80%) of the predicted normal values, or category 3/2 or 3/3 coal workers' pneumoconiosis and spirometric test values of eighty percent (80%) or more, there shall be an irrebuttable presumption that the employee has a disability rating of fifty percent (50%) resulting from exposure to coal dust, and the employee shall be awarded an income benefit which shall be an amount equal to sixty-six and two-thirds percent (66-2/3%) of the employee's average weekly wage but not to exceed seventy-five percent (75%) of the state average weekly wage as determined by KRS 342.740 multiplied by the disability rating of fifty percent (50%). The award shall be payable for a period not to exceed four hundred twenty-five (425) weeks;

- (d) If it is determined that an employee has a radiographic classification of category 2/1, 2/2, or 2/3 coal workers' pneumoconiosis, based on the latest ILO International Classification of Radiographics, and respiratory impairment as evidenced by spirometric test values of less than fifty-five percent (55%) of the predicted normal values or category 3/2 or 3/3 pneumoconiosis and respiratory impairment evidenced by spirometric test values of fifty-five percent (55%) or more but less than eighty percent (80%) of the predicted normal values, there shall be an irrebuttable presumption that the employee has a seventy-five percent (75%) disability rating resulting from exposure to coal dust and the employee shall be awarded income benefits which shall be equal to sixty-six and two-thirds percent (66-2/3%) of the employee's average weekly wage but not to exceed seventy-five percent (75%) of the state average weekly wage as determined by KRS 342.740 multiplied by the disability rating of seventy-five percent (75%). The award shall be payable for a period not to exceed five hundred twenty (520) weeks. Income benefits awarded under this paragraph shall be payable to the employee during the disability; and
 - (e) If it is determined that an employee has radiographic classification of 3/2 or 3/3 occupational pneumoconiosis and respiratory impairment evidenced by spirometric test values of less than fifty-five percent (55%) of the predicted normal values, or complicated pneumoconiosis (large opacities category A, B, or C progressive massive fibrosis), there shall be an irrebuttable presumption that the employee is totally disabled resulting from exposure to coal dust, and the employee shall be awarded income benefits equal to sixty-six and two-thirds percent (66-2/3%) of the employee's average weekly wage but not more than one hundred percent (100%) of the state average weekly wage and not less than twenty percent (20%) of the average weekly wage of the state as determined by KRS 342.740. Income benefits awarded under this paragraph shall be payable to the employee during such disability.
- (2) The presence of respiratory impairment resulting from exposure to coal dust shall be established by using the largest forced vital capacity (FVC) value or the largest forced expiratory volume in one second (FEV1) value determined from the totality of all such spirometric testing performed in compliance with accepted medical standards.
 - (3) When valid spirometric tests are not provided and a physician certifies to the administrative law judge that spirometric testing is not medically indicated because of the permanent physical condition of the employee, the administrative law judge shall make his or her decision on the basis of evidence admitted which establishes the existence of a diagnosis of occupational pneumoconiosis and respiratory impairment due to the occupational pneumoconiosis. The evidence submitted by the employee shall include one (1) or more arterial blood gas studies performed in accordance with accepted medical standards. Income benefits shall not be awarded in the absence of valid spirometric tests if the claimant's PO₂ arterial blood gas value is equal to or higher than one (1) standard deviation from the normal value obtained by the formula $(103.5 - 0.42X)$, where X equals the claimant's age at the time of the arterial blood gas study.
 - (4) Upon request, the commissioner shall refer an employee who has been awarded retraining incentive benefits under subsection (1)(a) of this section to the Office of Vocational Rehabilitation for evaluation and assessment of the training, education, or other services necessary to prepare the employee for a trade, occupation, or profession that will return the employee to remunerative employment, or services necessary and appropriate to prepare and enable the employee to successfully complete a bona fide training or education program approved by the commissioner. The commissioner shall contract with the Office of Vocational Rehabilitation to provide vocational rehabilitation or education services commensurate with the skill levels and abilities of the employee. Services provided under this subsection shall be funded by the coal workers' pneumoconiosis fund, KRS 342.1242 notwithstanding, for claims filed on or before June 30, 2017, and by the employer for claims filed after June 30, 2017.

- (5) The commissioner shall promulgate administrative regulations sufficient to effectuate the provisions relating to retraining incentive benefits provided under subsection (1)(a) of this section. The administrative regulations shall:
- (a) Create an online portal through which employees shall select a facility or institution to provide their retraining. This portal shall list bona fide training or education programs. These programs shall include postsecondary programs registered with the Higher Education Assistance Authority, and will qualify the employee for a trade, occupation, or profession. The programs listed shall be capable of completion within the period benefits are payable under subsection (1)(a) of this section;
 - (b) Establish requirements for approval and certification of a bona fide training or education program;
 - (c) Provide that funds paid to the training or education program by the employer as required under subsection (1)(a)4. of this section shall be applied only to instruction, tuition, material costs, and any fees necessary for the completion of the program;
 - (d) Establish requirements for successful participation in and completion of an approved and certified bona fide training or education program, and eligibility standards that must be satisfied to receive sums to be paid by the employer pursuant to subsection (1)(a)6. of this section; and
 - (e) Establish attendance, performance and progress standards, and reporting requirements in consultation with the Office of Adult Education within the Department of Workforce ~~Development~~**Investment** in the Education and ~~Labor~~**Workforce Development** Cabinet as conditions that must be satisfied to receive retraining incentive income benefits pursuant to subsection (1)(a)3. of this section.
- (6) In no event shall income benefits awarded under this section be stacked or added to income benefits awarded under KRS 342.730 to extend the period of disability and in no event shall income or retraining incentive benefits be paid to the employee while the employee is working in the mining industry in the severance or processing of coal as defined in KRS 342.0011(23)(a).

➔Section 163. KRS 342.740 is amended to read as follows:

- (1) For the purposes of this chapter, the average weekly wage of the state shall be determined by the commissioner as follows: On or before September 1 of each year, the total wages reported by subject employers under the Kentucky Unemployment Insurance Law for the preceding calendar year shall be divided by the average monthly number of insured workers (determined by dividing the total number of insured workers reported for the preceding year by twelve (12)). The average annual wage thus obtained shall be divided by 52 and the average weekly wage thus determined rounded to the nearest cent. This average weekly wage shall be certified to the commissioner by the Education and ~~Labor~~**Workforce Development** Cabinet in a manner prescribed by the commissioner by administrative regulation. The average weekly wage as so determined shall be applicable for the full period during which income or death benefits are payable, when the date of occurrence of injury or of disablement in the case of disease, or of death, falls within the calendar year commencing January 1 following the September 1 determination.
- (2) Whenever a change in the average weekly wage of the state is of an amount that increases or decreases the minimum weekly income benefits for total disability or death by \$1 or more, or the maximum weekly income benefits for total disability or for death by \$2 or more, computed in each case and rounded to the nearest dollar, an adjustment in those minimums or maximums which are affected in the requisite amount by the change in the average weekly wage of the state shall be made which will reflect the increase or decrease, but no change in these limitations shall otherwise be made.

➔Section 164. KRS 342.760 is amended to read as follows:

- (1) There is hereby authorized in the **Education and Labor** Cabinet an uninsured employers' fund for the purpose of making payments in accordance with the provisions of subsection (4) of this section. The secretary of the **Education and Labor** Cabinet shall be the custodian of the fund, and all moneys and securities in the fund shall be held in trust by the secretary of the **Education and Labor** Cabinet and shall not be considered a part of the general funds of the state.
- (2) The secretary of the **Education and Labor** Cabinet is authorized to disburse moneys from the fund only upon written order of the administrative law judge or the board.
- (3) All amounts collected as fines and penalties under this chapter shall be paid into the uninsured employers' fund.

- (4) The uninsured employers' fund shall be responsible for the payment of compensation when there has been default in the payment of compensation due to the failure of an employer to secure payment of compensation as provided by this chapter. Such employer shall be liable for payment into the fund of all the amounts authorized to be paid therefrom under the authority of this subsection including reimbursement of the special fund of all liability apportioned to it and for the purposes of enforcing this liability the *Education and* Labor Cabinet, for the benefit of the fund, shall be subrogated to all the rights of the person receiving such compensation from the fund. This provision shall apply to all pending claims upon which a final order has not been entered.
- (5) In furtherance of this purpose, the Attorney General shall appoint a member or members of his or her staff or special counsel to represent the fund in all proceedings brought to enforce claims against or on behalf of the fund. Necessary expenses for this purpose including salaries of said staff or special counsel shall be borne by the fund. The *Education and* Labor Cabinet shall be responsible for the administration of the uninsured employers' fund and shall be charged with the conservation of the assets of the fund.
- (6) On December 29, 1987, the liabilities of the uninsured employers' fund and its assets remaining in the State Treasury shall be transferred to the uninsured employers' fund created within the *Education and* Labor Cabinet pursuant to this section.

➔Section 165. KRS 342.765 is amended to read as follows:

- (1) Notwithstanding the provisions of KRS Chapter 342 to the contrary, the office of the Attorney General shall be responsible for the administration of the uninsured employers' fund and shall be charged with the conservation of the assets of the fund. Funds to reimburse the Attorney General's office for expenses incurred in litigation and administration in defense of the uninsured employers' fund shall be transferred upon request of the Attorney General's office and approval by the secretary of the *Education and* Labor Cabinet.
- (2) The office of the Attorney General shall report monthly to the Interim Joint Committee on Appropriations and Revenue, the Interim Joint Committee on Economic Development and Workforce Investment, and the commissioner the amount of the agency fund expenditures in each month for the uninsured employers' fund and the nature of these expenditures. In addition, the Office of the Attorney General shall report quarterly to the commissioner on the amount of funds recouped from uninsured employers.

➔Section 166. KRS 342.807 is amended to read as follows:

- (1) The authority shall be governed by a board of directors. The board shall exercise complete jurisdiction over the authority.
- (2) The board shall consist of the:
 - (a) Secretary of the Finance and Administration Cabinet;
 - (b) Secretary of the Personnel Cabinet;
 - (c) Secretary of the *Education and* Labor Cabinet; and
 - (d) Seven (7) at-large members appointed by the Governor, subject to confirmation by the Senate.
- (3) Any vacancy which occurs prior to the expiration of a term shall be filled by the Governor in the same manner as the initial appointment was made, and the new appointee shall serve only the remainder of the unexpired term.
- (4) No person shall serve on the board who:
 - (a) Fails to meet or comply with the conflict of interest policies established by the board and KRS 304.24-270;
 - (b) Is not bondable;
 - (c) Is an employee, attorney, or contractor of a competing insurer providing workers' compensation insurance in the Commonwealth; or
 - (d) Is not a resident of this Commonwealth.
- (5) In making the appointments to the board, subject to Senate confirmation, the Governor shall ensure adequate representation from the major sectors of the economy and workforce in the Commonwealth.

➔Section 167. KRS 343.010 is amended to read as follows:

As used in this chapter unless the context requires otherwise:

- (1) "Apprentice" means a worker at least sixteen (16) years of age, except where a higher minimum age standard is otherwise fixed by law, who is employed to learn an apprenticeable occupation as provided in 29 C.F.R. pt. 29;
- (2) "Apprenticeship agreement" means a written agreement, complying with 29 C.F.R. pt. 29 between an apprentice and either the apprentice's program sponsor, or an apprenticeship committee acting as agent for the program sponsors, which contains the terms and conditions of the employment and training of the apprentice;
- (3) "Commissioner" means commissioner of the Department of Workforce *Development*~~(Investment)~~, under the direction and supervision of the secretary of the Education and *Labor*~~(Workforce Development)~~ Cabinet, or any person authorized to act in his or her behalf;
- (4) "Council" means the Kentucky Apprenticeship Council, which provides advice and guidance to the Kentucky Education and *Labor*~~(Workforce Development)~~ Cabinet regarding the Commonwealth's apprenticeship program;
- (5) "Supervisor" means supervisor of apprenticeship;
- (6) "Trainee" means a person at least sixteen (16) years of age who has entered into an on-the-job training agreement with an employer or an association of employers or an organization of employees in a construction occupation under a program which has been approved by a federal agency as promoting equal employment opportunity in conjunction with federal-aid construction projects;
- (7) "Apprenticeship program" means a plan containing all terms and conditions for the qualification, recruitment, selection, employment, and training of apprentices as required under 29 C.F.R. pts. 29 and 30, including such matters as the requirement for a written apprenticeship agreement;
- (8) "On-the-job training program" means a plan containing all terms and conditions for the qualification, recruitment, selection, employment, and training of a trainee, including such matters as the requirement for a written on-the-job training agreement other than an apprenticeship program; provided, however, that said program has been approved by a federal agency as promoting equal employment opportunity in conjunction with federal-aid construction projects;
- (9) "Sponsor" means any person, association, committee, or organization in whose name or title the program is or is to be registered, irrespective of whether such entity is an employer;
- (10) "Employer" means any person or organization employing an apprentice or trainee whether or not such person or organization is a party to an apprenticeship or on-the-job training agreement with the apprentice or trainee; and
- (11) "Related instruction" means an organized and systematic form of instruction designed to provide the apprentice or trainee with knowledge of the theoretical and technical subjects related to the apprentice's occupation.

➔Section 168. KRS 343.020 is amended to read as follows:

- (1) The Kentucky Apprenticeship Council is hereby created and established as an administrative body charged with providing advice to the commissioner on matters affecting apprenticeship policy.
- (2)
 - (a) The Kentucky Apprenticeship Council shall consist of six (6) members appointed by the Governor as follows: two (2) members who shall represent employees or apprentices, two (2) members who shall represent employers or apprenticeship program sponsors, and two (2) at-large members. These six (6) members shall serve for a term of four (4) years and until their successors are appointed and qualified. The commissioner of the Department for Workforce *Development*~~(Investment)~~ shall serve as the seventh member and be chair of the council.
 - (b) The council shall meet at the call of the commissioner. A majority of the members of the council, except for the commissioner of the Department of Workforce *Development*~~(Investment)~~, shall constitute a quorum for the transaction of business.
 - (c) Any member appointed to fill a vacancy occurring for any reason other than by expiration of a term shall be appointed for the remainder of the unexpired term. Any member whose term has expired, however, shall serve until his or her successor is appointed and qualified.

- (d) Members shall be reimbursed for necessary expenses incurred in fulfillment of their duties on the council in the manner and amounts prescribed for state employees by KRS 45.101 and the administrative regulations promulgated under the authority of that statute. No member of the council, however, shall be paid for his or her attendance at any meeting.
- (3) The council shall be attached to the Department of Workforce ~~Development~~^{Investment} within the Education and ~~Labor~~^{Workforce Development} Cabinet for administrative purposes.

➔Section 169. KRS 345.010 is amended to read as follows:

When used in this chapter:

- (1) "Public employer" means a city of the first class or a consolidated local government, or any city that petitions the secretary of the *Education and Labor* Cabinet to be included by this chapter;
- (2) "Firefighter" means an employee of the public employer engaged in serving the public by providing fire protection, including those covered by KRS Chapter 95;
- (3) "Labor organization" means any chartered labor organization of any kind in which firefighters participate and which exists for the primary purpose of dealing with employers concerning grievances, labor disputes, wages, rate of pay, hours of employment, or conditions of employment;
- (4) "Exclusive representative" means the labor organization which has been designated by the State Labor Relations Board as the representative of the majority of firefighters in appropriate units or has been so recognized by the public employer;
- (5) "Board" means the State Labor Relations Board;
- (6) "Person" includes one (1) or more individuals, labor organizations, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers;
- (7) "Secretary" means the secretary of the *Education and Labor* Cabinet of the Commonwealth of Kentucky.

➔Section 170. KRS 345.120 is amended to read as follows:

- (1) There is hereby created and established a State Labor Relations Board to assist in resolving disputes between public employers and firefighters or their labor organization which shall be composed of three (3) members appointed by the Governor, one (1) for a term of two (2) years, one (1) for a term of three (3) years, and one (1) for a term of four (4) years. The Governor shall designate one (1) member to serve as chairman of the board. Thereafter, upon the expiration of the term of any member, members shall be appointed for four (4) year terms by the Governor.
- (2) Each member of the board shall have been an elector in this state for at least one (1) year next preceding his or her appointment. Any member may be removed by the Governor for cause, shown in an administrative hearing conducted in accordance with KRS Chapter 13B. The Governor shall fill any vacancy by appointment for the unexpired term. No member shall receive a salary but each member shall be paid fifty dollars (\$50) and expenses for each day during which he or she is engaged in the duties of the board. The board is authorized to hold hearings at any place in this state. Any and all expenses incurred by the Labor Relations Board shall be shared by all parties concerned in the dispute.
- (3) The board shall appoint employees necessary to carry out the work of the board. All files, records, and documents accumulated by the board shall be kept in offices provided by the board. All decisions shall be made by a majority of the board.
- (4) To accomplish the objectives and to carry out the duties prescribed by this chapter, the board may subpoena witnesses; issue subpoenas to require the production of books, papers, records, and documents which may be needed as evidence in any matter under inquiry; and administer oaths and affirmations.
- (5) In case of neglect or refusal to obey a subpoena issued to any person, the Circuit Court of the county in which the investigations or the public hearings are taking place, upon application by the board may issue an order requiring the person to appear before the board, any member, or agent, to produce evidence or give testimony about the matter under investigation. A failure to obey a court order may be punished by the court as a contempt.
- (6) Any subpoena, notice of hearing, or other process or notice of the board issued under the provisions of this chapter, with the exception of notice requirements for administrative hearings as provided in KRS Chapter 13B, may be served personally, by certified mail, return receipt requested, or by leaving a copy at the principal

office or place of residence of the respondent required to be served. A return, made and verified by the individual making service and setting forth the manner of service, is proof of service and a returned post-office receipt, when certified mail is used, is proof of service. All process of any court to which application may be made under the provisions of this chapter may be served in the county in which the persons required to be served reside or may be found.

- (7) The board shall, promulgate, amend, or repeal any administrative regulations necessary and administratively feasible to carry out the provisions of this chapter. Public hearings shall be held by the board, pursuant to KRS Chapter 13A, on any proposed administrative regulation of general applicability designed to implement, interpret, or prescribe policy, procedure, or practice requirements under the provisions of this chapter and on any proposed change in an existing administrative regulation.
- (8) The board shall be attached to the **Education and** Labor Cabinet for administrative purposes.

➔Section 171. KRS 347.040 is amended to read as follows:

- (1) The secretaries of the Cabinet for Health and Family Services and the Education and ~~Labor~~**Workforce** ~~Development~~ Cabinet and the chief state school officer shall jointly develop and implement a statewide plan, with adequate opportunity for public comment, to serve all persons with developmental disabilities not otherwise entitled to and receiving the same services under another state or federal act, which will include provisions for:
 - (a) Identification and prompt and adequate interdisciplinary assessment;
 - (b) Case management services; and
 - (c) Services and residential alternatives as defined by this chapter in the least restrictive, individually appropriate environment.
- (2) The first plan and annual updates shall be presented to the Legislative Research Commission which shall refer it to an appropriate committee for review and comment.
- (3) The plan shall include:
 - (a) The number of institution residents on waiting lists for placement in the community;
 - (b) The number of persons outside institutions on waiting lists for placement in the institution;
 - (c) The number of persons for whom no placement is made nor services provided because of a lack of community resources;
 - (d) The number, type, nature, and cost of services necessary for placement to occur;
 - (e) The status of compliance with the plan;
 - (f) The cabinets' specific efforts to increase residential and institutional services and documentation of the success of these efforts; and
 - (g) The specific plans for new efforts to enhance the opportunities for persons with developmental disabilities to move into less restrictive environments.
- (4) The state health plan shall be developed consistently with the plan required under this chapter.

➔Section 172. KRS 347.060 is amended to read as follows:

The Cabinet for Health and Family Services, the Education and ~~Labor~~**Workforce** ~~Development~~ Cabinet, and the Department of Education may assess reasonable charges for services rendered under this chapter, based upon a sliding fee scale which takes into account the extensive services required as a result of, and the extraordinary expenses related to, a developmental disability; provided that no charges for services rendered under this chapter may be assessed for compliance with requirements and responsibilities mandated under any state or federal act as provided under subsection (5) of KRS 347.010.

➔Section 173. KRS 393.082 is amended to read as follows:

- (1) Unclaimed sums delivered to the Kentucky State Treasurer pursuant to KRS 393.080(3) shall be placed in a special expendable trust fund established by the Kentucky Workers' Compensation Funding Commission. The Kentucky Workers' Compensation Funding Commission shall establish a separate trust account with respect to each final determination or order providing for a refund that the Attorney General determines to have a reasonable relationship to the workers' compensation liability of a bankrupt employer.

- (2) The commissioner of the Department of Workers' Claims shall be the administrator of the resulting trust fund established pursuant to this section. The commissioner or his or her designee shall be authorized to determine the value of all workers' compensation claims against the bankrupt employer and to prepare a comprehensive distribution plan. Eligible claimants may elect to participate in a comprehensive distribution plan in exchange for the release of all related claims against the Commonwealth and all of its cabinets, departments, offices, bureaus, agencies, officers, agents, and employees, with the exception of the special fund in the *Education and Labor Cabinet*. A claimant shall agree as part of a release under this section not to file any future motions to reopen the named workers' compensation claim or claims, and not to file new claims with respect to the same injury or occupational disease.
- (3) A comprehensive distribution plan for unclaimed utility refunds placed in a trust account pursuant to this section shall consist of the full payment of workers' compensation income benefits for eligible claimants until the fund is exhausted, subject to the exceptions noted in KRS 393.080 and this section, and may include lump-sum settlements in addition to biweekly payment plans. An initial distribution shall be made to eligible claimants after the commissioner of the Department of Workers' Claims, or the commissioner's designee, has made an initial determination of the number of eligible claimants, the amount of income benefits due, and the amount to be retained as a reserve for pending claims. The initial distribution shall include payment of all past due income benefits, without interest, for eligible claimants.
- (4) Neither the special fund nor the uninsured employers' fund shall be considered to be claimants for the purposes of this section. Medical and related benefits shall not be considered in the valuation of the claims unless the amount available in the trust fund clearly exceeds the estimated value of income benefits for all claims. If a workers' compensation surety bond, letter of credit, or other form of security for the payment of the workers' compensation liabilities of a bankrupt employer has been collected by the commissioner of the Department of Workers' Claims or the Workers' Compensation Board for distribution to claimants in a manner to be determined by court order, it may be assumed in the valuation of the claims in a comprehensive distribution plan that the security will be distributed by the court on a pro rata basis and an appropriate deduction may be taken.
- (5) In preparing the valuation of claims for inclusion in a comprehensive distribution plan, the commissioner or the commissioner's designee shall deduct special fund payments. Settlement of a workers' compensation claim as part of a comprehensive distribution plan under this section shall not accelerate the date on which the special fund's liability becomes due.
- (6) If the bankrupt employer ceased business operations at least three (3) years prior to establishment of a trust account pursuant to this section, only claimants who file workers' compensation claims within sixty (60) days of the establishment of the trust account or before shall be eligible to receive payments from the trust fund.
- (7) All claimants shall cooperate with information requests from the Department of Workers' Claims concerning prior payments of workers' compensation benefits. The commissioner of the Department of Workers' Claims or his or her designee may subpoena witnesses, including present or past managers and officers of the bankrupt employer, and may conduct evidentiary hearings under oath relating to the past and present workers' compensation liabilities of the bankrupt employer or information relevant to unpaid workers' compensation benefits. Administrative subpoenas issued under the authority of the commissioner of the Department of Workers' Claims for this purpose may be enforced in the Franklin Circuit Court.
- (8) The Attorney General shall provide representation of the comprehensive distribution plan as a named defendant in the event the establishment of the trust fund is challenged.
- (9) The provisions of KRS 393.080(3) or this section shall not be construed to constitute an admission of the validity of any workers' compensation claims, nor shall these provisions be interpreted in a manner that would transfer or create liability on behalf of the commissioner of the Department of Workers' Claims, any agency, or employee, beyond that expressly set forth in a comprehensive distribution plan.
- (10) The special fund shall issue trust fund checks in the amounts and to the claimants or claimants' representatives as directed by the commissioner of the Department of Workers' Claims.
- (11) The personnel and other costs of administering a trust fund established pursuant to this section shall be paid out of the investment income of the trust fund.
- (12) Attorney fees shall be subject to the limitations and maximum amounts for the payment of attorney's fees established by KRS 342.320, as well as the approval of the commissioner or his or her designee.

- (13) If a workers' compensation claimant elects not to participate in a comprehensive distribution plan proposed by the commissioner of the Department of Workers' Claims or the commissioner's designee, that claimant shall not be entitled to any portion of the utility refund for the payment of the workers' compensation benefits. A claimant shall have sixty (60) days following issuance of a comprehensive distribution plan in which to make an election to participate or not.

➔Section 174. KRS 439.179 is amended to read as follows:

- (1) Any person sentenced to a jail for a misdemeanor, nonpayment of a fine or forfeiture, or contempt of court, may be granted the privilege of leaving the jail during necessary and reasonable hours for any of the following purposes:
- Seeking employment; or
 - Working at his employment; or
 - Conducting his own business or other self-employment occupation including, in the case of a woman, housekeeping and attending the needs of her family; or
 - Attendance at an educational institution; or
 - Medical treatment.
- (2) Unless the privilege is expressly granted by the court, the prisoner shall be sentenced to ordinary confinement. The prisoner may petition the sentencing court for the privilege at the time of sentence or thereafter, and, in the discretion of the sentencing court, may renew his petition. The sentencing court may withdraw the privilege at any time by order entered with or without notice. The jailer shall advise the court in establishing criteria in determining a prisoner's eligibility for work release.
- (3) The jailer shall notify the Department of Workforce ~~Investment~~ *Development*, which shall endeavor to secure employment for unemployed prisoners under this section. If a prisoner is employed for wages or salary, they shall, by wage assignment, be turned over to the District Court which shall deposit the same in a trust checking account and shall keep a ledger showing the status of the account of each prisoner. The wages or salary shall not be subject to garnishment of either the employer or the District Court during the prisoner's term, and shall be disbursed only as provided in this section. For tax purposes they shall be the income of the prisoner.
- (4) Every prisoner gainfully employed shall be liable for the cost of his board in the jail, for an amount up to twenty-five percent (25%) of the prisoner's gross daily wages, not to exceed forty dollars (\$40) per day, but not less than twelve dollars (\$12) per day, established by the fiscal court of a county or the urban-county council if an urban-county government. If he defaults, his privilege under this section shall be automatically forfeited. All moneys shall be paid directly to the jailer and paid to the county treasury for use on the jail as provided in KRS 441.206. The fiscal court of a county or the urban-county council if an urban-county government may, by ordinance, provide that the county furnish or pay for the transportation of prisoners employed under this section to and from the place of employment and require that the costs be repaid by the prisoner.
- (5) The sentencing court may order the defendant's employer to deduct from the defendant's wages or salary payments for the following purposes:
- The board of the prisoner and transportation costs incurred by the county;
 - Support of the prisoner's dependents, if any;
 - Payment, either in full or ratably, of the prisoner's obligations acknowledged by him in writing or which have been reduced to judgment; and
 - The balance, if any, to the prisoner upon his discharge.
- (6) The sentencing court shall not direct that any payment authorized under this section be paid through the circuit clerk.
- (7) The Department of Corrections shall, at the request of the District Judge, investigate and report on the amount necessary for the support of the prisoner's dependents, and periodically review the prisoner's progress while on leave from the jail and report its findings to the District Judge.
- (8) The jailer may refuse to permit the prisoner to exercise his privilege to leave the jail as provided in subsection (1) for any breach of discipline or other violation of jail regulations for a period not to exceed five (5) days.

- (9) In counties containing an urban-county form of government, the duties, responsibilities, and obligations vested herein in the Department of Corrections shall be performed by the adult misdemeanor probation and work release agency of the urban-county government.

➔Section 175. KRS 533.210 is amended to read as follows:

- (1) The program described in KRS 533.200 shall be administered by the Office of Adult Education within the Department of Workforce ~~Development~~~~Investment~~ in the Education and ~~Labor~~~~Workforce Development~~ Cabinet, which shall promulgate administrative regulations, pursuant to KRS Chapter 13A, relative to the conduct of the program, including but not limited to the costs of participation in the program by persons sentenced to the program.
- (2) The Office of Adult Education shall license qualified persons or organizations to conduct the program described in KRS 533.200 on behalf of the agency. Qualifications, the manner of licensing, and all other matters shall be set by administrative regulation.

➔Section 176. KRS 337.065 is amended to read as follows:

- (1) No employer shall require an employee to remit to the employer any gratuity, or any portion thereof, except for the purpose of withholding amounts required by federal or state law. The amount withheld from such gratuity shall not exceed the amount required by federal or state law.
- (2) As used in this section, "gratuity" means voluntary monetary contribution received by an employee from a guest, patron, or customer for services rendered.
- (3) ~~[No employer shall require an employee to participate in a tip pool whereby the employee is required to remit to the pool any gratuity, or any portion thereof, for distribution among employees of the employer.]~~
- (4) ~~Employees may voluntarily enter into an agreement to divide gratuities among themselves. The employer may inform the employees of the existence of a voluntary pool and the customary tipping arrangements of the employees at the establishment. Upon petition by the participants in the voluntary pool, and at his own option and expense,]An employer may provide custodial services for the safekeeping of funds placed in *a tip pool mandated by the employer or voluntarily entered into amongst the employees*~~[the pool]~~, if the account is properly identified and segregated from his other business records and open to examination by pool participants.~~

➔Section 177. The following KRS sections are repealed:

- 151B.020 Education and Workforce Development Cabinet -- Major organizational units -- Secretary.
- 151B.022 National and state criminal background check required for all cabinet and affiliated employees with access to or use of federal tax information.
- 151B.225 Client Assistance Program.
- 151B.280 Offices within Department of Workforce Investment -- Administrative regulations -- Confidentiality of information.
- 336.015 Labor Cabinet -- Organization and personnel -- Responsibility of secretary -- Agencies attached for administrative purposes.
- 336.020 Departments of Workplace Standards and Workers' Claims -- Offices in Labor Cabinet.
- 336.030 Employees -- Appointment -- Salaries.
- 336.040 Functions and duties of Labor Cabinet.
- 336.050 Duties of secretary.
- 336.060 Authority to issue and serve subpoenas and take depositions -- Enforcement of subpoenas.
- 336.125 Criminal background check for employees of Labor Cabinet with access to federal tax information.

➔Section 178. Whereas it is critical to the proper management and administration of the reorganized Labor and Education Cabinet that consolidation take place as soon as possible, an emergency is declared to exist, and this Act takes effect July 1, 2022.

Signed by Governor April 20, 2022.

CHAPTER 237

(HB 490)

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

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

➔Section 1. KRS 434.415 is amended to read as follows:

(1) *As used in this section:*

(a) *"Airbag" means a motor vehicle inflatable occupant restraint system device that is part of a supplemental restraint system;*

(b) *"Counterfeit supplemental restraint system component" means a replacement supplemental restraint system component, including but not limited to an airbag, that displays a mark identical to, or substantially similar to, the genuine mark of a motor vehicle manufacturer or a supplier of parts to the manufacturer of a motor vehicle without authorization from that manufacturer or supplier, respectively;*

(c) *"Nonfunctional airbag" means a replacement airbag that meets any of the following criteria:*

1. *The airbag was previously deployed or damaged;*

2. *The airbag has an electric fault that is detected by the vehicle's airbag diagnostic system when the installation procedure is completed and the vehicle is returned to the customer who requested the work to be performed or when ownership is intended to be transferred;*

3. *The airbag includes a part or object, including a supplemental restraint system component, that is installed in a motor vehicle to mislead the owner or operator of the motor vehicle into believing that a functional airbag has been installed; or*

4. *The airbag is subject to the provisions of 49 U.S.C. sec. 30120(j); and*

(d) *"Supplemental restraint system" means a passive inflatable motor vehicle occupant crash protection system designed for use in conjunction with a seat belt assembly as defined in 49 C.F.R. sec. 571.209. A supplemental restraint system includes one (1) or more airbags and all components required to ensure that an airbag works as designed by the vehicle manufacturer, including both of the following:*

1. *The airbag operates as designed in the event of a crash; and*

2. *The airbag is designed to meet federal motor vehicle safety standards for the specific make, model, and year of the vehicle in which it is or will be installed.*

(2) *Notwithstanding KRS Chapter 534, a person who does any of the following shall be fined not more than five thousand dollars (\$5,000), or be confined in the county jail for not more than twelve (12) months, or both:*

(a) *Knowingly imports, manufactures, sells, offers for sale, installs, or reinstalls in a motor vehicle, a counterfeit supplemental restraint system component, a nonfunctional airbag, or an object that does not comply with Federal Motor Vehicle Safety Standard No. 208 provided in 49 C.F.R. sec. 571.208 for the make, model, and year of the motor vehicle;*

(b) *Knowingly sells, offers for sale, installs, or reinstalls in any motor vehicle a device that causes a motor vehicle's diagnostic system to inaccurately indicate that the motor vehicle is equipped with a properly functioning airbag; or*

(c) *Knowingly sells, leases, trades, or transfers a motor vehicle if the person knows that a counterfeit supplemental restraint system component, a nonfunctional airbag, or an object that does not comply with Federal Motor Vehicle Safety Standard No. 208 provided in 49 C.F.R. sec. 571.208 for the make, model, and year of the motor vehicle has been installed as part of the motor vehicle's inflatable restraint system.*

- (3) *This section shall not apply to an owner or employee of a motor vehicle dealership or the owner of a vehicle, who, before the sale of the vehicle, does not have knowledge that the vehicle's airbag, or another component of the vehicle's supplemental restraint system, is counterfeit or nonfunctioning*

~~{Any person who knowingly installs or reinstalls in a vehicle any object, in lieu of an air bag that was designed in accordance with federal safety regulations for the make, model, and year of the vehicle, as part of a vehicle inflatable restraint system, shall be fined not more than five thousand dollars (\$5,000), or be confined in the county jail for not more than twelve (12) months, or both}.~~

➔Section 2. There is hereby allocated from the Road Fund appropriation in the Highways budget unit \$421,300 in fiscal year 2023-2024 for GARVEE Bonds debt service payments relating to the Brent Spence Bridge project.

➔Section 3. The provisions of 2022 Regular Session HB 241/EN are amended to read as follows:

On page 4, line 12, delete "996,115,300" and insert in lieu thereof "995,115,300";

On page 7, line 8, delete "\$439,456,200" and insert in lieu thereof "\$438,456,200";

On page 13, line 1, delete "9,500,000" and insert in lieu thereof "10,500,000"; and

Adjust subsequent subtotals and totals accordingly.

➔Section 4. The provisions of 2022 Regular Session HB 242/EN are amended to read as follows:

On page 50, after item number 4309, insert the following information under the column indicated consistent with the existing format:

County: "Clinton";

Item No.: "8600";

Route: "US-127";

Description: "RELOCATION OF US 127 FROM KY 90 INTERSECTION TO AARON RIDGE ROAD (MP 11.7 TO MP 16.315)";

Phase: "PL DN RW UT CN Project Cost:";

Insert "SPP" in the Fund column in each of the DN and RW rows;

Insert "4,800,000" under the FY 2023 column in the DN row; and

On page 55, item number 10004, delete "36,500" and insert "360,000" in lieu thereof under the FY 2024 column in the CN row; and

On page 64, after the item number 80207, insert the following information under the column indicated consistent with the existing format:

County: "Fayette";

Item No.: "80253";

Route: "US-25";

Description: "Improve intersection of Innovation Drive and US-25 Georgetown RD. Contingent on \$200,000 provided to the City of Lexington by Commerce Lexington to go toward construction costs.";

Phase: "PL DN RW UT CN Project Cost:";

Insert "SPP" in the Fund column in the CN row;

Insert "426,648" under the FY 2023 column in the CN row; and

On page 122, item number 80101, delete "SPP" and "7,950,000" in the DN row; and

Delete "SPP" and "7,212,000" in the RW row; and

On page 124, after item number 162.4000, insert the following information under the column indicated consistent with the existing format:

County: "Kenton";

Item No.: "359";

Route: "KY-17";

Description: "Convert Scott Street/Greenup Street (KY 17) one-way couplet to two-way streets and upgrade Madison Pike in Covington.";

Phase: "PL DN RW UT CN Project Cost:";

Insert "STPF" in the Fund column in the CN row;

Insert "2,500,000" under the FY 2023 column in the CN row; and

On page 160, item number 169, delete "5,300,000" and insert "1,000,000" in lieu thereof under the FY 2022 column; and

Insert "NH" in the Fund column in the RW, UT, and CN rows;

Insert "10,420,000" under the FY 2023 column in the RW row;

Insert "4,220,000" under the FY 2023 column in the UT row;

Insert "5,000,000" under the FY 2024 column in the CN row; and

On page 183, after item number 396.1000, insert the following information under the column indicated consistent with the existing format:

County: "Nelson";

Item No.: "8307.2000";

Route: "KY-245";

Description: "WIDEN KY-245 FROM FLAGET HOSPITAL (MP 7.722) THROUGH COUNTY LINE (MP12.261 NELSON/MP0.000 BULLITT) TO HAPPY HOLLOW RD (MP 4.425).";

Phase: "PL DN RW UT CN Project Cost:";

Insert "SPP" in the Fund column in the DN row;

Insert "3,000,000" under the FY 2023 column in the DN row; and

On page 192, after the Total for Owsley county, insert the following information under the column indicated consistent with the existing format:

County: "Pendleton";

Item No.: "80258";

Route: "KY-177";

Description: "RECONSTRUCTION FROM KY 3185 IN BUTLER TO KY 467";

Phase: "PL DN RW UT CN Project Cost:";

Insert "SPP" in the Fund column in the DN row;

Insert "1,996,800" under the FY 2023 column in the DN row; and

On page 200, item number 80250, delete "CONSTRUCT THE HAL ROGERS PARKWAY BRIDGE ON KY 11 (CAMPTON ROAD) MP 3.4 TO 3.85" and insert "Construct a bridge on KY 11 (Campton Rd MP 3.4 to 3.85) across the Bert T. Combs Mountain Parkway" in lieu thereof; and

On page 209, after item number 80102, insert the following information under the column indicated consistent with the existing format:

County: "Scott";

Item No.: "80254";

Route: "CR-1105";

Description: "Address condition of CR 1105 (MP 0.0 to MP 3.085) Project with Scott County Fiscal Court.";

Phase: "PL DN RW UT CN Project Cost:";

Insert "SPP" under the Fund column in the CN row;

Insert "400,000" under the FY 2023 column in the CN row; and

On page 222, item number 396.2000, insert "STPF" under the Fund column in the CN row;

Insert "1,000,000" under the FY 2024 column in the CN row; and

On page 240, item number 911.5000, delete ", AND SCHOOL SAFETY PROJECTS"; and

Adjust subsequent subtotals and totals accordingly.

➔Section 5. The provisions of 2022 Regular Session HJR 82/EN are amended to read as follows:

On page 48, after the Total for Clay county, insert the following information under the column indicated consistent with the existing format:

County: "Clinton";

Item No.: "8600";

Route: "US-127";

Description: "RELOCATION OF US 127 FROM KY 90 INTERSECTION TO AARON RIDGE ROAD (MP 11.7 TO MP 16.315)";

Phase: "PL DN RW UT CN Project Cost:";

Insert "SPP" under the Fund column in the RW row;

Insert "8,000,000" under the FY 2025 column in the RW row; and

On page 109, item number 80101, insert "SPP" under the Fund column in the DN and RW row;

Insert "7,950,000" under the FY 2025 column in the DN row;

Insert "7,212,000" under the FY 2026 column in the RW row; and

On page 111, delete item number 359 in its entirety; and

On page 145, item number 169, delete "NH" under the Fund column in the RW and UT rows;

Delete "10,420,000" under the FY 2025 column in the RW row;

Delete "4,220,000" under the FY 2025 column in the UT row;

Delete "99,770,000" under the FY 2027 column in the CN row;

Insert "15,000,000" under the FY 2025 column in the CN row;

Insert "15,000,000" under the FY 2026 column in the CN row; and

On page 171, after item number 4319, insert the following information under the column indicated consistent with the existing format:

County: "Nelson";

Item No.: "8307.2000";

Route: "KY-245";

Description: "WIDEN KY-245 FROM FLAGET HOSPITAL (MP 7.722) THROUGH COUNTY LINE (MP12.261 NELSON/MP0.000 BULLITT) TO HAPPY HOLLOW RD (MP 4.425).";

Phase: "PL DN RW UT CN Project Cost:";

Insert "SPP" under the Fund column in the RW, UT, and CN rows;

Insert "5,000,000" under the FY 2025 column in the RW row;

Insert "6,000,000" under the FY 2026 column in the UT row;

Insert "30,000,000" under the FY 2027 column in the CN row; and

On page 209, item number 396.2000, delete "10,000,000" and insert "9,000,000" in lieu thereof under the FY 2025 column in the CN row; and

On page 224, item number 911.5000, delete ", AND SCHOOL SAFETY PROJECTS"; and

Adjust subsequent subtotals and totals accordingly.

➔Section 6. Whereas budgetary changes need to take effect at the beginning of the fiscal year, an emergency is declared to exist, and Sections 2 to 5 of this Act take effect upon its passage and approval by the Governor or upon its otherwise becoming law.

Signed by Governor April 22, 2022.

CHAPTER 238

(HB 659)

AN ACT relating to revenue measures.

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

➔Section 1. KRS 138.146 is amended to read as follows:

- (1) The cigarette tax shall be due when any licensed wholesaler or unclassified acquirer takes possession within this state of untax-paid cigarettes.
- (2)
 - (a) The cigarette tax shall be paid by the purchase of stamps by a resident wholesaler within forty-eight (48) hours after the wholesaler receives the cigarettes.
 - (b) A stamp shall be affixed to each package of an aggregate denomination not less than the amount of the cigarette tax on the package.
 - (c) The affixed stamp shall be prima facie evidence of payment of the cigarette tax.
 - (d) Unless stamps have been previously affixed, they shall be affixed by each resident wholesaler prior to the delivery of any cigarettes to a retail location or any person in this state.
 - (e) The evidence of cigarette tax payment shall be affixed to each individual package of cigarettes by a nonresident wholesaler prior to the introduction or importation of the cigarettes into the territorial limits of this state.
 - (f) The evidence of cigarette tax payment shall be affixed by an unclassified acquirer within twenty-four (24) hours after the cigarettes are received by the unclassified acquirer.
- (3)
 - (a) The department shall by regulation prescribe the form of cigarette tax evidence, the method and manner of the sale and distribution of cigarette tax evidence, and the method and manner that tax evidence shall be affixed to the cigarettes.
 - (b) All cigarette tax evidence prescribed by the department shall be designed and furnished in a fashion to permit identification of the person that affixed the cigarette tax evidence to the particular package of cigarettes, by means of numerical rolls or other mark on the cigarette tax evidence.
 - (c) The department shall maintain for at least three (3) years information identifying the person that affixed the cigarette tax evidence to each package of cigarettes. This information shall not be kept confidential or exempt from disclosure to the public through open records.
- (4)
 - (a) Units of cigarette tax evidence shall be sold at their face value, but the department shall allow as compensation to any licensed wholesaler an amount of tax evidence equal to **a proportionate rate of one and one-half (1.5) cents (\$0.015) on each twenty (20) cigarettes** ~~[((\$0.30) face value for each three dollars (\$3) of tax evidence purchased at face value and attributable to the tax assessed in KRS 138.140(1)(a). No compensation shall be allowed for tax evidence purchased at face value attributable to the surtaxes imposed in KRS 138.140(1)(b) or (c)].~~
 - (b) The department shall have the power to withhold compensation as provided in paragraph (a) of this subsection from any licensed wholesaler for failure to abide by any provisions of KRS 138.130 to 138.205 or any administrative regulations promulgated thereunder. Any refund or credit for unused cigarette tax evidence shall be reduced by the amount allowed as compensation at the time of purchase.

- (5) (a) Payment for units of cigarette tax evidence shall be made at the time the units are sold, unless the licensed wholesaler:
1. Has filed with the department a bond, issued by a corporation authorized to do surety business in Kentucky, in an amount:
 - a. Determined by the department; or
 - b.
 - i. Not less than the monthly average of payments by the wholesaler for the units of cigarette tax evidence purchased in the immediately preceding calendar year, which may be delayed under paragraph (b) of this subsection; and
 - ii. No greater than ten million dollars (\$10,000,000); and
 2. Has registered and agrees to make the payment of tax to the department electronically.
- At no time shall the licensed wholesaler be allowed to delay any payment for units of cigarette tax evidence, including tax, penalty, interest, or collection fees, which would exceed the amount of bond filed with the department.
- (b) Except as provided in paragraph (c) of this subsection, if the licensed wholesaler qualifies under paragraph (a) of this subsection, the licensed wholesaler shall have ten (10) days from the date of purchase to remit payment of cigarette tax, without the assessment of civil penalties under KRS 131.180 or interest under KRS 131.183 during the ten (10) day period.
- (c) 1. The ten (10) day payment period under paragraph (b) of this subsection shall not apply to the payment for units of cigarette tax evidence during the last ten (10) days of the month of June during each fiscal year.
2. All payments for units of cigarette tax evidence made under paragraph (b) of this subsection during the month of June shall be made the earlier of:
- a. The ten (10) day period; or
 - b. June 25.
- (d) If the licensed wholesaler does not make the payment of cigarette tax within the ten (10) day period, or within the period of time under paragraph (c) of this subsection, the department shall:
1. Revoke the license required under KRS 138.195;
 2. Issue a demand for payment in an amount equal to the cigarette tax evidence purchased, plus all penalties, interest, and collection fees applicable, up to the amount of the required bond; and
 3. Require immediate payment of the bond.
- (6) (a) The bond required under subsection (5) of this section shall be on a form and with a surety approved by the department.
- (b) The licensed wholesaler shall be named as the principal obligor and the department shall be named as the obligee within the bond.
- (c) The bond shall be conditioned upon the payment by the licensed wholesaler of all cigarette tax imposed by the Commonwealth.
- (d) The provisions of KRS 131.110 shall not apply to the demand for payment required under subsection (5)(c)2. of this section.
- (7) (a) No tax evidence may be affixed, or used in any way, by any person other than the person purchasing the evidence from the department.
- (b) Tax evidence may not be transferred or negotiated, and may not, by any scheme or device, be given, bartered, sold, traded, or loaned to any other person.
- (c) Unaffixed tax evidence may be returned to the department for credit or refund for any reason satisfactory to the department.
- (8) (a) In the event any retailer receives into his possession cigarettes to which evidence of Kentucky tax payment is not properly affixed, the retailer shall, within twenty-four (24) hours, notify the department of the receipt.

- (b) The notification to the department shall be in writing, stating the name of the person from whom the cigarettes were received and the quantity of those cigarettes.
- (c) The written notice may be:
 - 1. Given to any field agent of the department; or
 - 2. Directed to the commissioner of the Department of Revenue, Frankfort, Kentucky.
- (d) If the notice is given by means of the United States mail, it shall be sent by certified mail.
- (e) Any such cigarettes shall be retained by the retailer, and not sold, for a period of fifteen (15) days after giving the notice provided in this subsection.
- (f) The retailer may, at his option, pay the tax due on those cigarettes according to administrative regulations prescribed by the department, and proceed to sell those cigarettes after the payment.
- (9) (a) Cigarettes stamped with the cigarette tax evidence of another state shall at no time be commingled with cigarettes on which the Kentucky cigarette tax evidence has been affixed.
- (b) Any licensed wholesaler, licensed sub-jobber, or licensed vending machine operator may hold cigarettes stamped with the tax evidence of another state for any period of time, subsection (2) of this section notwithstanding.

➔Section 2. Section 1 of this Act applies to cigarette tax evidence sold on or after August 1, 2022.

➔Section 3. 2022 RS HB 8/VO is hereby amended as follows:

On page 2, line 18, after "2020-2021", insert "*and fiscal year 2021-2022*"; and

On page 2, line 19, after "*met*", insert "*for each fiscal year*"; and

On page 94, line 16, delete "2023", and insert in lieu thereof, "2024"; and

On page 94, line 25, delete "2022", and insert in lieu thereof, "2024"; and

On page 95, line 3, delete "2024", and insert in lieu thereof, "2025"; and

On page 136, remove all language on lines 19 to 24, and insert the following in lieu thereof:

"Revenue Code in effect on December 31, ~~2021~~[2018], exclusive of any amendments made subsequent to that date, other than amendments that extend provisions in effect on December 31, ~~2021~~[2018], that would otherwise terminate;"; and

On page 207, line 15, delete "29 to 32,"; and

On page 207, between lines 16 and 17, insert the following:

"Section 68. Sections 29 to 32 of this Act take effect on January 1, 2024."; and

Renumber subsequent sections; and

On page 208, line 2, delete "32 to 38", and insert in lieu thereof, "33 to 39".

Signed by Governor April 25, 2022.

CHAPTER 239

(HB 604)

Provisions of this bill that are to be deleted due to vetoes of the Governor that were not overridden by the General Assembly are displayed as bracketed text with intervening strikethrough and enclosed in double asterisks, e.g.,
 [~~text~~].

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

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

**[➔SECTION 1. ~~A NEW SECTION OF KRS CHAPTER 42 IS CREATED TO READ AS FOLLOWS:~~

~~(1) As used in this section:~~

~~(a) "Agencies" means the Finance and Administration Cabinet, the Commonwealth Office of Technology, and the Department of Revenue;~~

~~(b) "Aggregated format" means the smallest possible combination of data to ensure that no specific taxpayer is identified, generally with no more than three (3) taxpayers combined into a single line of data;~~

~~(c) "Committee" means the:~~

~~1. Interim Joint Committee on Appropriations and Revenue; or~~

~~2. a. Senate Standing Committee on Appropriations and Revenue; and~~

~~b. House Standing Committee on Appropriations and Revenue; and~~

~~(d) "Data" means all tax return data, accounts receivable data, refund data, tax expenditure data, or any other information required to make sound tax policy decisions by the General Assembly as it relates to businesses operating and citizens living in the Commonwealth.~~

~~(2) The agencies shall cooperatively provide to the committee all data in an aggregated format.~~

~~(3) A working group containing employees from the agencies and the committee is hereby created to accomplish an efficient and effective delivery of the data required in subsection (2) of this section in an aggregated format which is easily accessible, adaptable, and useable by staff of the committee and on a timeline which meets the needs of the committee.~~

~~(4) (a) By June 1, 2022, the secretary of the Finance and Administration Cabinet shall submit the names and contact information of staff from the agencies to the committee.~~

~~(b) The first meeting of the working group shall occur no later than June 30, 2022, with monthly meetings to be held thereafter until the delivery timeline, format, and methodology for each type of data has been determined and the first submission of each type of data has been received.]***~~

➔Section 2. KRS 132.590 is amended to read as follows:

(1) The compensation of the property valuation administrator shall be based on the schedule contained in subsection (2) of this section as modified by subsection (3) of this section. The compensation of the property valuation administrator shall be calculated by the department annually. Should a property valuation administrator for any reason vacate the office in any year during his term of office, he shall be paid only for the calendar days actually served during the year.

(2) The salary schedule for property valuation administrators provides for nine (9) levels of salary based upon the population of the county in the prior year as determined by the United States Department of Commerce, Bureau of the Census annual estimates. To implement the salary schedule, the department shall, by November 1 of each year, certify for each county the population group applicable to each county based on the most recent estimates of the United States Department of Commerce, Bureau of the Census. The salary schedule provides four (4) steps for yearly increments within each population group. Property valuation administrators shall be paid according to the first step within their population group for the first year or portion thereof they serve in office. Thereafter, each property valuation administrator, on January 1 of each subsequent year, shall be advanced automatically to the next step in the salary schedule until the maximum salary figure for the population group is reached. If the county population as certified by the department increases to a new group level, the property valuation administrator's salary shall be computed from the new group level at the beginning of the next year. A change in group level shall have no effect on the annual change in step. Prior to assuming office, any person who has previously served as a property valuation administrator must certify to the department the total number of years, not to exceed four (4) years, that the person has previously served in the office. The department shall place the person in the proper step based upon a formula of one (1) incremental step per full calendar year of service:

SALARY SCHEDULE

County Population	Steps and Salary			
by Group	for Property Valuation Administrators			
Group I	Step 1	Step 2	Step 3	Step 4

0-4,999	\$45,387	\$46,762	\$48,137	\$49,513
Group II				
5,000-9,999	49,513	50,888	52,263	53,639
Group III				
10,000-19,999	53,639	55,014	56,389	57,765
Group IV				
20,000-29,999	55,702	57,765	59,828	61,891
Group V				
30,000-44,999	59,828	61,891	63,954	66,017
Group VI				
45,000-59,999	61,891	64,641	67,392	70,143
Group VII				
60,000-89,999	66,017	68,768	71,518	74,269
Group VIII				
90,000-499,999	68,080	71,518	74,957	78,395
Group IX				
500,000 and up	72,206	75,644	79,083	82,521

- (3) (a) For calendar year 2000, the salary schedule in subsection (2) of this section shall be increased by the amount of increase in the annual consumer price index as published by the United States Department of Commerce for the year ended December 31, 1999. This salary adjustment shall take effect on July 14, 2000, and shall not be retroactive to the preceding January 1.
- (b) For each calendar year beginning after December 31, 2000, upon publication of the annual consumer price index by the United States Department of Commerce, the annual rate of salary for the property valuation administrator shall be determined by applying the increase in the consumer price index to the salary in effect for the previous year. This salary determination shall be retroactive to the preceding January 1.
- (c) In addition to the step increases based on service in office, each property valuation administrator shall be paid an annual incentive of six hundred eighty-seven dollars and sixty-seven cents (\$687.67) per calendar year for each forty (40) hour training unit successfully completed based on continuing service in that office and, except as provided in this subsection, completion of at least forty (40) hours of approved training in each subsequent calendar year. If a property valuation administrator fails without good cause, as determined by the commissioner of the department, to obtain the minimum amount of approved training in any year, the officer shall lose all training incentives previously accumulated. No property valuation administrator shall receive more than one (1) training unit per calendar year nor more than four (4) incentive payments per calendar year. Each property valuation administrator shall be allowed to carry forward up to forty (40) hours of training credit into the following calendar year for the purpose of satisfying the minimum amount of training for that year. This amount shall be increased by the consumer price index adjustments prescribed in paragraphs (a) and (b) of this subsection. Each training unit shall be approved and certified by the department. Each unit shall be available to property valuation administrators in each office based on continuing service in that office. The department shall promulgate administrative regulations in accordance with KRS Chapter 13A to establish guidelines for the approval and certification of training units.
- (4) Notwithstanding any provision contained in this section, no property valuation administrator holding office on July 14, 2000, shall receive any reduction in salary or reduction in adjustment to salary otherwise allowable by the statutes in force on July 14, 2000.
- (5) Deputy property valuation administrators and other authorized personnel may be advanced one (1) step in grade upon completion of twelve (12) months' continuous service. The department may make grade classification changes corresponding to any approved for department employees in comparable positions, so

long as the changes do not violate the integrity of the classification system. Subject to availability of funds, the department may extend cost-of-living increases approved for department employees to deputy property valuation administrators and other authorized personnel, by advancement in grade.

- (6) Beginning with the 1990-1992 biennium, the department shall prepare a biennial budget request for the staffing of property valuation administrators' offices. An equitable allocation of employee positions to each property valuation administrator's office in the state shall be made on the basis of comparative assessment work units. Assessment work units shall be determined from the most current objective information available from the United States Bureau of the Census and other similar sources of unbiased information. Beginning with the 1996-1998 biennium, assessment work units shall be based on parcel count per employee. The total sum allowed by the state to any property valuation administrator's office as compensation for deputies, other authorized personnel, and for other authorized expenditures shall not exceed the amount fixed by the department. However, each property valuation administrator's office shall be allowed as a minimum such funds that are required to meet the federal minimum wage requirements for two (2) full-time deputies.
- (7) Beginning with the 1990-1992 biennium each property valuation administrator shall submit by June 1 of each year for the following fiscal year to the department a budget request for his office which shall be based upon the number of employee positions allocated to his office under subsection (6) of this section and upon the county and city funds available to his office and show the amount to be expended for deputy and other authorized personnel including employer's share of FICA and state retirement, and other authorized expenses of the office. The department shall return to each property valuation administrator, no later than July 1, an approved budget for the fiscal year.
- (8) Each property valuation administrator may appoint any persons approved by the department to assist him in the discharge of his duties. Each deputy shall be more than twenty-one (21) years of age and may be removed at the pleasure of the property valuation administrator. The salaries of deputies and other authorized personnel shall be fixed by the property valuation administrator in accordance with the grade classification system established by the department and shall be subject to the approval of the department. The Personnel Cabinet shall provide advice and technical assistance to the department in the revision and updating of the personnel classification system, which shall be equitable in all respects to the personnel classification systems maintained for other state employees. Any deputy property valuation administrator employed or promoted to a higher position may be examined by the department in accordance with standards of the Personnel Cabinet, for the position to which he is being appointed or promoted. No state funds available to any property valuation administrator's office as compensation for deputies and other authorized personnel or for other authorized expenditures shall be paid without authorization of the department prior to the employment by the property valuation administrator of deputies or other authorized personnel or the incurring of other authorized expenditures.
- (9) Each county fiscal court shall annually appropriate and pay each fiscal year to the office of the property valuation administrator as its cost for use of the assessment, as required by KRS 132.280, an amount determined as follows:

Assessment Subject to

County Tax of:

At Least	But Less Than	Amount
----	\$100,000,000	\$0.005 for each \$100 of the first \$50,000,000 and \$0.002 for each \$100 over \$50,000,000.
\$100,000,000	150,000,000	\$0.004 for each \$100 of the first \$100,000,000 and \$0.002 for each \$100 over \$100,000,000.
150,000,000	300,000,000	\$0.004 for each \$100 of the first \$150,000,000 and \$0.003 for each \$100 over \$150,000,000.
300,000,000	----	\$0.004 for each \$100.

- (10) The total sum to be paid by the fiscal court to any property valuation administrator's office under the provisions of subsection (9) of this section shall not exceed the limits set forth in the following table:

Assessed Value of Property Subject to		
County Tax of:		
At Least	But Less Than	Limit
----	\$700,000,000	\$25,000
\$700,000,000	1,000,000,000	35,000
1,000,000,000	2,000,000,000	50,000
2,000,000,000	2,500,000,000	75,000
2,500,000,000	5,000,000,000	100,000
5,000,000,000	7,500,000,000	175,000
7,500,000,000	30,000,000,000	250,000
30,000,000,000	-----	400,000

This allowance shall be based on the assessment as of the previous January 1 and shall be used for deputy and other personnel allowance, supplies, maps and equipment, travel allowance for the property valuation administrator and his deputies and other authorized personnel, and other authorized expenses of the office.

- (11) Annually, after appropriation by the county of funds required of it by subsection (9) of this section, and no later than August 1, the property valuation administrator shall file a claim with the county for that amount of the appropriation specified in his approved budget for compensation of deputies and assistants, including employer's shares of FICA and state retirement, for the fiscal year. The amount so requested shall be paid by the county into the State Treasury by September 1, or paid to the property valuation administrator and be submitted to the State Treasury by September 1. These funds shall be expended by the department only for compensation of approved deputies and assistants and the employer's share of FICA and state retirement in the appropriating county. Any funds paid into the State Treasury in accordance with this provision but unexpended by the close of the fiscal year for which they were appropriated shall be returned to the county from which they were received.
- (12) After submission to the State Treasury or to the property valuation administrator of the county funds budgeted for personnel compensation under subsection (11) of this section, the fiscal court shall pay the remainder of the county appropriation to the office of the property valuation administrator on a quarterly basis. Four (4) equal payments shall be made on or before September 1, December 1, March 1, and June 1 respectively. Any unexpended county funds at the close of each fiscal year shall be retained by the property valuation administrator, except as provided in KRS 132.601(2). During county election years the property valuation administrator shall not expend in excess of forty percent (40%) of the allowances available to his office from county funds during the first five (5) months of the fiscal year in which the general election is held.
- (13) The provisions of this section shall apply to urban-county governments and consolidated local governments. In an urban-county government and a consolidated local government, all the rights and obligations conferred on fiscal courts or consolidated local governments by the provisions of this section shall be exercised by the urban-county government or consolidated local government.
- (14) When an urban-county form of government is established through merger of existing city and county governments as provided in KRS Chapter 67A or when a consolidated local government is established through merger of existing city and county governments as provided by KRS Chapter 67C, the annual county assessment shall be presumed to have been adopted as if the city had exercised the option to adopt as provided in KRS 132.285. For purposes of this subsection, the amount to be considered as the assessment for purposes of KRS 132.285 shall be the amount subject to taxation for full urban services.
- (15) Notwithstanding the provisions of subsection (9) of this section, the amount appropriated and paid by each county fiscal court to the office of the property valuation administrator for 1996 and subsequent years shall be equal to the amount paid to the office of the property valuation administrator for 1995, or the amount required by the provisions of subsections (9) and (10) of this section, whichever is greater.

- (16) *Notwithstanding this section or any other Kentucky Revised Statute to the contrary, the total compensation for the office of the property valuation administrator in an urban-county government shall be \$420,000 per year.*

➔SECTION 3. A NEW SECTION OF KRS CHAPTER 164 IS CREATED TO READ AS FOLLOWS:

- (1) *The Kentucky Center for Cannabis**[Research]**is hereby established at the University of Kentucky to advance the study of the use of cannabis and cannabis derivatives for the treatment of certain medical conditions and diseases as indicated and recommended by the center's advisory board.*
- (2) *The role and mission of the center shall be to:*
- (a) *Conduct and fund research related to cannabis and cannabis derivatives**[—including pharmaceutical development and the efficacies of cannabis and cannabis derivatives for the treatment of certain medical conditions and diseases]**;*
 - (b) *Conduct and fund research related to the health effects, including the potential risks or side effects, of the use of cannabis and cannabis derivatives;*
 - (c) *Conduct and fund research related to the efficacy and potential health effects of various cannabis delivery methods, including but not limited to vaporizing, ingestibles, topical applications, and combustion;*
 - (d) *Review current and future cannabis research literature, clinical studies, and clinical trials;*
 - (e) *Monitor, to the extent that appropriate and sufficient data are available, patient outcomes in states with medicinal cannabis programs; and*
 - (f) *Examine, to the extent that sufficient data are available, the health effects of the use of combustible cannabis.*
- (3) *The university shall:*
- (a) *Develop and maintain the center in accordance with its administrative and governing regulations related to the formation of multidisciplinary research centers and institutes;*
 - (b) *Establish an internal advisory board to oversee the activities, research agenda, and finances of the center. Members of the advisory board shall be appointed by the president of the University of Kentucky**[and may include:*
 - ~~1.—The director of the University of Kentucky Center for Cannabis Research;~~
 - ~~2.—The director of the University of Kentucky Center on Drug and Alcohol Research;~~
 - ~~3.—The dean of the University of Kentucky College of Agriculture, Food and Environment or his or her designee;~~
 - ~~4.—The dean of the University of Kentucky College of Pharmacy or his or her designee;~~
 - ~~5.—The dean of the University of Kentucky College of Medicine or his or her designee;~~
 - ~~6.—Physicians who are licensed by the Kentucky Board of Medical Licensure and who are certified by the appropriate board in the following specialties:~~
 - ~~a.—Oncology;~~
 - ~~b.—Pain and addiction medicine;~~
 - ~~e.—Neurology;~~
 - ~~d.—Psychiatry; and~~
 - ~~e.—Ophthalmology;~~
 - ~~7.—Researchers from a college or university that currently conducts cannabis research or that receives funds from the center pursuant to subsection (5) of this section, if any; and~~
 - ~~8.—Any other individual appointed at the discretion of the president of the University of Kentucky]**;~~

- (c) *Report to the secretary of the Cabinet for Health and Family Services and the Legislative Research Commission by September 1 each year for the preceding fiscal year, outlining the center's activities and expenditures; and*
- (d) *Ensure that the center complies with subsection (4) of this section.*
- (4) *The center shall:*
 - (a) *Employ a director and necessary staff;*
 - (b) *Seek, accept, and expend gifts, grants, or donations from private or public sources to support the role and mission of the center;*
 - (c) *Conduct clinical research, clinical studies, and clinical trials as approved by appropriate federal agencies;*
 - (d) *Establish an application for individuals interested in participating in cannabis-related clinical research, clinical studies, or clinical trials and a screening protocol to place interested applicants in appropriate research participant pools;*
 - (e) *Publicly disseminate the research conducted or funded by the center;*
 - (f) *Host an annual cannabis research symposium; and*
 - (g) *Notwithstanding any provision of law to the contrary, and upon request from the Cabinet for Health and Family Services, enter into a memorandum of understanding with the cabinet for data collected by the center or any researcher associated with or funded by the center.*
- (5) (a) *The center may award research funds to any nonprofit Kentucky-based research entity or any Kentucky institution of higher education and any research entity association with such an institution.*
- (b) *If the center awards research funds to any other entity, the center shall use an open, competitive grant application process using national best practices.*
- (c) *Any entity or institution that receives research funds from the center shall present the results of its research at the center's annual research symposium in the year after the research is concluded and shall, upon request from the center, present an update on any ongoing research at the center's annual research symposium if the research has not concluded.*
- (6) *The application developed pursuant to subsection (4)(d) of this section shall be made publicly available on the center's Web site.*
- (7) *The university, the center, and any researcher or staff employed by, associated with, or funded by the center or the university shall immediately notify the Cabinet for Health and Family Services and the Legislative Research Commission of any imminent or serious public health risk, or potentially imminent or serious public health risk, associated with cannabis identified as part of a research project associated with or approved by the center or the university's internal review board.*
- (8) *If at any time the Commonwealth establishes a medicinal cannabis program, the application to receive a medicinal cannabis card shall include a question asking whether the patient is interested in participating in clinical research conducted by the center. If the patient indicates his or her interest in participating in the center's research, the department or state agency responsible for approving medicinal cannabis cards is authorized to share the patient's name, phone number, and address with the center.*

~~**[(9) The appropriation provided by the General Assembly for the Kentucky Center for Cannabis Research in fiscal year 2022-2023 shall be considered startup funds and shall only be appropriated once.]**~~

➔SECTION 4. A NEW SECTION OF KRS CHAPTER 210 IS CREATED TO READ AS FOLLOWS:

- (1) *As used in this section:*
 - (a) *"Cabinet" means the Cabinet for Health and Family Services;*
 - (b) *"CMHC" means a community mental health center;*
 - (c) *"Fund" means the mobile crisis services fund; and*
 - (d) *"Mobile unit" means any vehicle which a CMHC uses to travel within its region to provide community services for Kentuckians who experience issues with mental health, developmental and intellectual disabilities, and substance use disorder.*

- (2) (a) *The mobile crisis services fund is hereby established within the cabinet to provide loans to CMHCs for:*
1. *Increasing access to mental health services; and*
 2. *Providing services to individuals who lack sufficient access to transportation and who are:*
 - a. *Residing in rural areas;*
 - b. *Residing in homeless shelters; or*
 - c. *Disadvantaged mentally, physically, or economically.*
- (b) *Any loan issued by the cabinet shall not exceed a five (5) year term and the interest rate shall not exceed one percent (1%).*
- (3) *The cabinet shall:*
- (a) *Determine the terms and conditions of each loan, including the repayment to be deposited back in the fund for issuance of future loans to other CMHCs;*
 - (b) *Review and adjudicate applications submitted by CMHCs that apply for a loan;*
 - (c) *Monitor the performance of each CMHC in the program; and*
 - (d) *By December 1, 2022, and by each December 1 thereafter, report to the Interim Joint Committee on Health, Welfare, and Family Services information about each CMHC in the program, including:*
 1. *The name and location of each CMHC that received a loan;*
 2. *The amount of principal originally loaned; and*
 3. *How each CMHC used the funds.*
- (4) *In order to apply for loan, a CMHC shall:*
- (a) *Submit an application to the cabinet;*
 - (b) *Agree to use the funds for the purchase, operation, or establishment of mobile units; and*
 - (c) *Agree to provide services to individuals who lack sufficient access to transportation and who are:*
 1. *Residing in rural areas;*
 2. *Residing in homeless shelters; or*
 3. *Disadvantaged mentally, physically, or economically.*
- (5) (a) *The fund created in subsection (2) of this section shall be a trust and agency account.*
- (b) *The fund shall be administered by the cabinet.*
- (c) *The fund shall include moneys appropriated by the General Assembly, contributions, donations, gifts, or federal funds.*
- (d) *Moneys in the fund shall be used by the cabinet to administer this section.*
- (e) *Notwithstanding KRS 45.229, any moneys remaining in the fund at the close of the fiscal year shall not lapse but shall be carried forward into the succeeding fiscal year.*
- (f) *Interest earned on any moneys in the fund shall accrue to the fund.*
- (g) *Moneys deposited in the fund are hereby appropriated for the sole purpose of providing loans to CMHCs.*
- (6) *The appropriation provided by the General Assembly for fiscal years 2022-2023 and 2023-2024 for mobile crisis services shall be considered startup funds to support the establishment of additional mobile crisis units and shall only be appropriated once.*
- (7) *The Cabinet for Health and Family Services may promulgate administrative regulations in accordance with KRS Chapter 13A to implement this section.*

➔Section 5. KRS 262.330 is amended to read as follows:

- (1) The board may make available *or lease*, on such terms as it prescribes, to landowners and occupiers within the district, agricultural and engineering machinery and equipment, ~~**[including heavy or specialized equipment acquired pursuant to Section 6 of this Act]**~~ fertilizer, seeds, seedlings and such other material or equipment as will assist the landowners and occupiers to carry on operations upon their lands for the conservation of soil resources and for the prevention and control of soil erosion.
- (2) As a condition to the extending of any benefits under this chapter to, or the performance of work upon, any lands not owned or controlled by this state or any of its agencies, the board may require contributions in money, services, materials or otherwise to any operations conferring such benefits, and require landowners and occupiers to enter into and perform such agreements or covenants as to the permanent use of their lands as will tend to prevent or control erosion.

➔Section 6. KRS 262.610 is amended to read as follows:

- (1) (a) The Soil and Water Conservation Commission as referred to in KRS Chapter 146, subject to the supervision of the commissioner *of the Department for Natural Resources*~~[for natural resources]~~, to the restrictions provided in *Section 5 of this Act and KRS 262.610 to 262.660*, and to the requirements of KRS Chapters 42 and 45A, is hereby authorized to acquire and to make available, or to assist in acquiring or making available to soil and water conservation districts, heavy or specialized equipment or infrastructure which an individual district cannot itself economically obtain.

~~**[(b) A district may submit a request to the commission for the acquisition of heavy or specialized equipment jointly with a person residing within the district to whom the district has agreed to lease the equipment in the event that it is acquired or made available. The district and the person shall submit all information with their joint request for heavy or specialized equipment as may be required by the commission in the administrative regulations promulgated under Section 7 of this Act. Any application made by a district, or two (2) or more districts acting jointly pursuant to KRS 262.650, to the commission to acquire or make available infrastructure, or to assist in doing so, shall not be made jointly with any person.]**~~

- (2) When the commission acquires or makes available to any district the equipment or infrastructure above referred to, it shall require said district to fully amortize, in the form of rentals or payments, to the Division of Conservation, as referred to in KRS Chapter 146, any amount so expended by the commission for such assistance. The amount and method of amortization for each piece of heavy equipment or infrastructure shall be determined by the commission, subject to approval of the commissioner *of the Department for Natural Resources*~~[natural resources]~~. The amount and method of amortization for each piece of heavy or specialized equipment shall be determined on the basis of *the lease or a rental fee* to be charged by the district to the *lessee or other* user of equipment sufficient to:
 - (a) Fully amortize to the division the capital outlay for the machinery itself over the period of its reasonably anticipated full usefulness;
 - (b) Cover the cost of operation, maintenance and repairs;
 - (c) Pay the usual cost of providing an operator; and
 - (d) Compensate the district for the usual costs of transportation from one (1) job to another.
- (3) In giving effect to all of the foregoing, the commission shall estimate the amount of time such equipment would ordinarily be idle.

➔Section 7. KRS 262.660 is amended to read as follows:

- (1) The commission, with the approval of the commissioner *of the Department for Natural Resources*~~[for natural resources]~~, is hereby authorized to promulgate such other rules and regulations or methods of accounting as may be necessary or expedient to give effect to the purposes expressed in KRS 262.610 to 262.650.

~~**[(2) On or before January 1, 2023, the commission, with the approval of the commissioner of the Department for Natural Resources, shall promulgate administrative regulations pursuant to KRS Chapter 13A that shall at a minimum set forth:~~

- ~~(a) The form and manner in which a person and a district may jointly request the acquisition of heavy or specialized equipment pursuant to subsection (1)(b) of Section 6 of this Act, including but not limited to any financial or other disclosures the commission may require;~~

- (b) ~~The terms, conditions, and repayment of loans for heavy or specialized equipment that the commission makes available to districts for lease to persons within those districts; and~~
- (c) ~~The terms and conditions for lease agreements between districts and persons for the use of acquired heavy or specialized equipment, including but not limited to permissible uses of the equipment, care and maintenance of the equipment, liability assumptions for property damage or bodily injury caused by the equipment, insurance requirements, availability of the equipment for use by others in the district, and the keeping of public records regarding the use of the equipment. Notwithstanding any provision of this chapter or KRS Chapter 42 or 45A to the contrary, lease agreements shall allow a lessee to use acquired heavy or specialized equipment outside of his or her district with prior approval of the board for the leasing district.]**~~

→Section 8. The Commonwealth West Healthcare Workforce Innovation Center shall be established to provide accessible, healthcare-specific educational pathways in the western region of the state for postsecondary, high school, and nontraditional students to address decreased student enrollment in healthcare-related fields, resulting in expanding the pipeline of qualified healthcare workers and reducing the shortage of qualified medical staff across the Commonwealth.

→Section 9. The center shall be a health education, innovation, and simulation facility located in Owensboro that offers a combination of instruction and hands-on experiential learning opportunities to students pursuing nursing and allied health credentials. The center shall be operated and maintained through a collaborative partnership between public and private organizations, including but not limited to Brescia University, Elizabethtown Community and Technical College, Henderson Community and Technical College, Hopkinsville Community and Technical College, Kentucky Wesleyan College, Madisonville Community and Technical College, Owensboro Community and Technical College, Western Kentucky University, Western Kentucky University-Owensboro, University of Louisville School of Nursing-Owensboro, and Owensboro Health, Inc.

→Section 10. The center shall provide in-person and virtual didactic instruction and hands-on, experiential learning opportunities while offering career paths to address immediate workforce needs, including but not limited to nursing, nursing assistant, medical office assistant, radiology science, long-term care, social work, clinical psychology, behavioral health, laboratory services, paramedic, and community healthcare workers.

→Section 11. The General Assembly shall provide funds for the initial start-up and operating costs of the center, including but not limited to faculty, personnel, facility, equipment, and furnishings in the form of a grant to be administered by the Kentucky Community and Technical College System and distributed to the collaborating partners and organizations in accordance with the agreements established for the center.

→Section 12. By January 1, 2023, and by November 1, 2024, the Kentucky Community and Technical College System shall provide a report to the Legislative Research Commission on the status of the center, including but not limited to operations, enrollment, expenditures, funding, and partnerships.

→Section 13. There is hereby appropriated Federal Funds from the State Fiscal Recovery Fund from the American Rescue Plan Act of 2021 in the amount of \$1,500,000 in fiscal years 2022-2023 and 2023-2024 to the Learning and Results Services budget unit to enrich science curriculums**[using Plasma Games' STEM and Chemistry education tool]**.

→Section 14. There is hereby appropriated General Fund moneys in the amount of \$150,000 in fiscal year 2022-2023 to the Department for Local Government to allocate to the Rough River Business & Tourism Association to provide accessibility to the marina and demolition of the abandoned intake structure.

→Section 15. There is hereby appropriated Federal Funds from the State Fiscal Recovery Fund from the American Rescue Plan Act of 2021 in the amount of \$5,000,000 in fiscal year 2022-2023 to the Kentucky Center for the Arts for emergency repairs, maintenance, and operations.

→Section 16. There is hereby appropriated General Fund moneys in the amount of \$4,000,000 in fiscal year 2022-2023 to the School Facilities Construction Commission as special offers of assistance for Rockcastle County Schools to use in the construction of a Rockcastle County middle school.

→Section 17. There is hereby appropriated General Fund moneys in the amount of \$1,000,000 in fiscal year 2021-2022, \$1,000,000 in fiscal year 2022-2023, and \$1,000,000 in fiscal year 2023-2024 to the Justice Administration budget unit to support Operation UNITE.

→Section 18. There is hereby appropriated General Fund moneys in the amount of \$105,000,000 in each fiscal year of the 2022-2024 biennium to the Kentucky Public Pensions Authority to be applied to the unfunded pension liability of the Kentucky Employees Retirement System Nonhazardous pension fund.

➔Section 19. There is hereby appropriated General Fund moneys from the General Fund Surplus Account (KRS 48.700) or the Budget Reserve Trust Fund account (KRS 48.705) in the amount of \$2,000,000 in fiscal year 2022-2023 to the University of Kentucky for the creation and operation of the Kentucky Center for Cannabis ~~**[Research]**~~, including expenses related to conducting clinical research and participant recruitment. ~~**[The appropriation shall be considered startup funds for the Kentucky Center for Cannabis Research and shall only be appropriated once.]**~~ The appropriation shall be reduced by any gifts, donations, endowments, or other contributions, not including grants or other funds designated for the purpose of conducting research, received by the University of Kentucky for the purpose of creating or operating the center. Appropriations to the Kentucky Center for Cannabis ~~**[Research]**~~ in this Act shall be considered a mandated program and shall be excluded from the public postsecondary comprehensive funding model.

➔Section 20. The University of Kentucky and the Kentucky Center for Cannabis ~~**[Research]**~~ shall ~~**[within 120 days after the effective date of this Act,]**~~ prepare and submit an application to the federal Drug Enforcement Agency, pursuant to 21 C.F.R. pt. 1318, for registration as a marijuana grower.

➔Section 21. 2022 Regular Session HB 1/VO is amended as follows:

On page 13, delete lines 23 and 24 and insert in lieu thereof the following:

"(z) \$4,250,000 in fiscal year 2022-2023 to the Manchester/Clay County Tourism Commission, Elk Hill Regional Industrial Authority, and Volunteers of America for land acquisition, renovations, upgrades, and Elk Hill Spec Building and Housing;"

On page 54, delete lines 14 through 17 and insert in lieu thereof the following:

"(3) **Health Insurance:** Included in the above General Fund appropriation is \$776,548,700 in fiscal year 2022-2023 and \$849,223,600 in fiscal year 2023-2024 for employer contributions for health insurance and the contribution to the health reimbursement account for employees waiving coverage. Notwithstanding KRS 45.229, the unexpended General Fund balance for health insurance and the contribution to the health retirement account for employees waiving coverage for fiscal year 2021-2022 and fiscal year 2022-2023 shall be transferred to the Kentucky Employees Health Plan trust fund.";

~~**[On page 78, delete lines 20 through 25 and insert in lieu thereof the following:~~

~~"(8) **Basic Health Program Information Technology System:** Included in the above appropriation is \$3,500,000 in General Fund and \$3,500,000 in Federal Funds in fiscal year 2022-2023 and \$1,000,000 in General Fund and \$1,000,000 in Federal Funds in fiscal year 2023-2024 to support enhancements to the Medicaid Management Information System (MMIS) for implementation of a Basic Health Program to provide a bridge health insurance plan for eligible recipients. Notwithstanding any provision of law to the contrary, the Cabinet for Health and Family Services shall not exercise the state's option to develop a basic health program as permitted under 42 U.S.C. sec. 18051 without first obtaining specific authorization from the General Assembly to do so.";~~**

On page 102, delete lines 13 through 17 and insert in lieu thereof the following:

"(9) **Volunteers of America - Freedom House:** Included in the above General Fund appropriation is \$4,000,000 in each fiscal year to support the Freedom House administered by Volunteers of America. Included in the above General Fund appropriation is \$250,000 in each fiscal year to support the Lincoln County Family Recovery Court to assist families involved with the child welfare system. Included in the above General Fund appropriation is an additional one-time allocation of \$100,000 in each fiscal year for education, outreach, and services related to restorative practices.";

On page 139, delete lines 8 through 11 and insert in lieu thereof the following:

"(c) A nonprofit that has not already received direct financial assistance, excluding loans, through the federal CARES Act (Pub. L. No. 116-136), the Consolidated Appropriations Act, 2021 (H.R. 133), or any subsequent federal relief package enacted prior to the nonprofit's grant application being considered shall be given preference.";

On page 147, delete lines 24 through 26 and insert in lieu thereof the following:

"(1) **Debt Service:** Included in the above General Fund appropriation is \$721,000 in fiscal year 2022-2023 and \$7,926,500 in fiscal year 2023-2024 for new debt service to support new bonds as set forth in Part II, Capital Projects Budget, of this Act.";

On page 148, delete lines 21 through 23 and insert in lieu thereof the following:

"(3) **Independent Land-Use Survey:** Included in the above General Fund appropriation is \$5,000,000 in fiscal year 2021-2022 to support an independent land-use survey on all State Fair Board properties.";

On page 214, delete lines 21 through 23 and insert in lieu thereof the following:

"4. STATE FAIR BOARD

001. State Fair Board Property Improvements

Bond Funds	-0-	180,000,000
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002. Maintenance Pool 2022-2024

Bond Funds	20,000,000	-0-"; and
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Adjust subtotals and totals accordingly.

➔Section 22. Whereas the operations of governmental agencies are imperative for the betterment of the Commonwealth, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Vetoed in Part and Signed by Secretary of State April 26, 2022.

CHAPTER 240

(HB 92)

Provisions of this bill that are to be deleted due to vetoes of the Governor that were not overridden by the General Assembly are displayed as bracketed text with intervening strikethrough and enclosed in double asterisks, e.g.,
****[text]**.**

AN ACT relating to the opioid abatement trust fund and declaring an emergency.

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

➔Section 1. KRS 15.293 is amended to read as follows:

- (1) As used in this section, "commission" means the Kentucky Opioid Abatement Advisory Commission created in KRS 15.291.
- (2) There is hereby established in the State Treasury a trust and agency account to be known as the opioid abatement trust fund. Moneys in the fund are hereby appropriated for the purposes set forth in KRS 15.291, distributed as described in subsection (3) of this section, and shall not be appropriated or transferred by the General Assembly for any other purposes.
- (3) The fund shall consist of:
 - (a) Fifty percent (50%) of all proceeds received by the Commonwealth, counties, consolidated local governments, urban-county governments, and cities of the Commonwealth in any settlement or judgment *or bankruptcy proceeding* against McKesson Corporation, Cardinal Health 5, LLC, Amerisourcebergen Drug Corporation, ~~and~~ Johnson & Johnson, *and any named defendant in In re National Prescription Opiate Litigation, MDL No. 2804, Case No. 1:17-md-02804, in the United States District Court for the Northern District of Ohio*, and any of their affiliates or subsidiaries related to opioid manufacturing or distribution to the extent included in a settlement agreement; and
 - (b) Any other moneys received from state appropriations, gifts, grants, or federal funds.
- (4)
 - (a) The fund shall not consist of the remaining fifty percent (50%) of all proceeds received by the Commonwealth, counties, consolidated local governments, urban-county governments, and cities of the Commonwealth in any settlement or judgment *or bankruptcy proceeding* against McKesson Corporation, Cardinal Health 5, LLC, Amerisourcebergen Drug Corporation, ~~and~~ Johnson & Johnson, *and any named defendant in In re National Prescription Opiate Litigation, MDL No. 2804, Case No. 1:17-md-02804, in the United States District Court for the Northern District of Ohio*, and any of their affiliates or subsidiaries related to opioid manufacturing or distribution to the extent included in a settlement agreement.
 - (b) The remaining fifty percent (50%) of all proceeds not included in the fund shall be paid to counties, consolidated local governments, urban-county governments, and cities of the Commonwealth in

accordance with *the negotiation class distribution metrics established in In re National Prescription Opiate Litigation, MDL No. 2804, Case No. 1:17-md-02804, in the United States District Court for the Northern District of Ohio. To the extent that the negotiation class distribution metrics would result in a city receiving a sum total of less than thirty thousand dollars (\$30,000) in any individual settlement, judgment, or bankruptcy proceeding, such payments shall be made to the county, consolidated local government, or urban-county government in which that city sits*~~[an agreement reached among them that incorporates the criteria of KRS 15.291(5). If no such agreement is reached, the money shall be paid to a trustee appointed jointly by the Kentucky Association of Counties and the Kentucky League of Cities for distribution of the funds to counties, consolidated local governments, urban-county governments, and cities of the Commonwealth using the criteria listed in KRS 15.291(5)].~~

- (c) 1. Each recipient of moneys from the fund shall submit on an annual basis a certification that the funds were used consistent with the criteria in KRS 15.291(5), a description of the use of such funds, and such other information as the commission requests through administrative regulation.
2. a. Each county, consolidated local government, urban-county government, or city of the Commonwealth that receives any proceeds under paragraph (b) of this subsection shall submit, on an annual basis a certification that the funds were used consistent with the criteria in KRS 15.291(5), a list of fund recipients and amounts, a description of the use of the funds, and any other information as the commission requests through the promulgation of an administrative regulation.
- b. If a trustee is appointed under paragraph (b) of this subsection, the certifications shall be sent to the trustee, and the trustee will compile and submit one (1) report to the commission.
- c. If a trustee is not appointed, the certifications shall be submitted to the commission as provided by administrative regulation.
- d. Funds shall be withheld from any county, consolidated local government, urban-county government, or city of the Commonwealth that does not comply with this paragraph until such time as compliance is achieved.
- (d) To the extent that a settlement has been reached in any litigation against the companies listed in paragraph (a) of this subsection, each county, consolidated local government, urban-county government, ~~and~~ city, political subdivision, and public agency, as that term is defined in KRS 61.805(2), of the Commonwealth shall be deemed to have released its claims against the companies listed in paragraph (a) of this subsection and their affiliates and subsidiaries to the extent referenced in a settlement agreement, consent judgment, order, or other document that reflects the terms of any settlement.
- (5) Amounts deposited in the fund shall be used only for the purposes described in KRS 15.291.
- (6) Notwithstanding KRS 45.229, moneys in the fund not expended at the close of a fiscal year shall not lapse but shall be carried forward into the next fiscal year.
- (7) Any interest earnings of the fund shall become a part of the fund and shall not lapse.
- (8) Moneys in the fund shall be distributed no less than annually.
- (9) (a) The Department of Law may recover its reasonable costs of litigation from the moneys received under subsection (3)(a) of this section.
- (b) The Department of Law may recover any direct costs, including employee time, used to perform or administer the duties required by this section and KRS 15.291 from the moneys received under subsection (3)(a) of this section. The Department of Law shall report all such recovered costs to the commission no less than annually.
- (10) The commission shall continue to make distributions from the fund as long as defendants in the opioid litigation make payments to the Commonwealth or until the time that the moneys in the fund are exhausted.

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

- (1) *There is hereby established a supplemental attorney fees fund to be used to compensate private attorneys to be known as the local government fee fund. These funds shall be maintained and administered by*

Wilmington Trust, N.A., which was appointed the Directed Trustee of the settlement administration of the National Opioid Settlement.

- (2) *The local government fee fund shall consist of moneys received from any national settlement included in Section 1 of this Act or related to opioid manufacturing or distribution. Moneys deposited in the fund shall be a percentage of the collective local government share in Kentucky provided by subsection (4) of Section 1 of this Act, that when added to the percentage awarded to attorneys from the national contingency fee fund established by court order in In re National Prescription Opiate Litigation, MDL No. 2804, Case No. 1:17-md-02804, in the United States District Court for the Northern District of Ohio, shall not exceed fifteen percent (15%) in aggregate. No portion of the state share as provided in subsection (3) of Section 1 of this Act shall be used for the local government fee fund or in any other way to fund any participating local government's attorney's fees and costs.*
- (3)
 - (a) *The amounts deposited into the fund shall be used to compensate counsel for counties, consolidated local governments, urban-county governments, and cities of the Commonwealth that filed an opioid lawsuit on or before June 1, 2021.*
 - (b) *Allocation of payments out of the fund shall be determined by a mathematical model to calculate allocation of payments to counsel from the local government fee fund, which shall be based on the share of each county, consolidated local government, urban-county government, and city of the Commonwealth and shall be determined by the negotiation class metrics and the rate set forth in their contingency contracts, which shall be provided by counsel for a litigating participating local government, in order for counsel to be eligible to receive payments from the local government fee fund.*
 - (c) *Counsel shall not collect more for its work on behalf of a county, consolidated local government, urban-county government, or city of the Commonwealth from the national contingency fee fund or the local government fee fund than 15% of the aggregate of the collective local government fee fund and the national contingency fee fund as established in In re National Prescription Opiate Litigation, MDL No. 2804, Case No. 1:17-md-02804, in the United States District Court for the Northern District of Ohio. In order to collect from the local government fee fund, counsel must also first apply to the national contingency fee fund.*
- (4) *No less than eighty-five percent (85%) of the proceeds received by each county, consolidated local government, urban-county government, or city of the Commonwealth shall go toward abatement of the opioid epidemic in those communities.*
- (5) *The amount and timing for the payments to counsel from the local government fee fund shall be consistent with the percentages and timing set forth in Exhibit R, Section II. A. 1. of the Distributor Settlement Agreement and Exhibit R, Section II. A. 1. of the Janssen (Johnson & Johnson) Settlement Agreement. With respect to any future settlements, payments to the local government fee fund shall be consistent with the attorney's fee and cost schedules set forth in any future settlement agreements.*
- (6) *Any funds remaining in the local government fee fund in excess of the amounts needed to cover private counsels' representation agreements consistent with the terms established in this section shall revert to the participating local governments to be reallocated using the same Negotiation Class Metrics and used for approved purposes as set forth herein and in Section 1 of this Act. Any interest earnings of the fund shall become a part of the fund and shall not lapse.*

➔Section 3. Nothing in this Act shall establish or preclude the establishment of a State Back-Stop agreement as defined in In re National Prescription Opiate Litigation, MDL No. 2804, Case No. 1:17-md-02804, in the United States District Court for the Northern District of Ohio.

➔Section 4. Whereas it is imperative that the attorney fees be paid in accordance with In re National Prescription Opiate Litigation, MDL No. 2804, Case No. 1:17-md-02804, in the United States District Court for the Northern District of Ohio, an emergency is declared to exist, and this Act takes effect upon its passage and approval by the Governor or upon its otherwise becoming a law.

Vetoed in Part and Signed by Secretary of State April 26, 2022.